

**Butler County Board of Elections
Special Board Meeting Minutes
October 15, 2024**

The Butler County Board of Elections met on Tuesday, October 15, 2024, at 9:00 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, and several members of the public.

Member Wunnenberg lead the pledge of allegiance.


Chairman Cloud introduced Document 1 Bills. Member penska moved to approve the bills in the amount of \$31,524.12; seconded by Member Wunnenberg. Roll call:

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

All in favor; motion carried.



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


Chairman


Director

Grand Total \$ 31,524.12

Account / Vendor / Description	Amount
524000 - GAS/FUEL/OIL	
VOYAGER FLEET SYSTEM	
SEPTMBER FUEL SUPPLIES	\$38.89
VOYAGER FLEET SYSTEM Total	\$38.89
524000 - GAS/FUEL/OIL Total	
\$38.89	
529000 - OTHER MATERIALS/SUPPLIES	
AMAZON CAPITAL SERVI	
ELECTION SUPPLIES	\$848.63
AMAZON CAPITAL SERVI Total	\$848.63
JOS BERNING PRINTING	
1700 PEO MANUALS	\$5,840.00
PRINTED SIGNS	\$95.00
JOS BERNING PRINTING Total	\$5,935.00
US BANK	
POLLING LOCATION FLAGS	\$2,695.46
US BANK Total	\$2,695.46
529000 - OTHER MATERIALS/SUPPLIES Total	
\$9,479.09	
530075 - TECHNOLOGY SUPPORT	
DELL MARKETING LP	
MICROSOFT ANNUAL LICENSES	\$5,563.50
DELL MARKETING LP Total	\$5,563.50
ESSVR LLC	
SEPTEMBER VOTER FILE MAINTENANCE	\$7,981.67
ESSVR LLC Total	\$7,981.67
OPEX CORPORATION	
2024-2025 EXTRACTOR MAINTENANCE	\$2,755.00
OPEX CORPORATION Total	\$2,755.00
VERIZON WIRELESS	
AUGUST WIRELESS MAINTENANCE	\$25.08
VERIZON WIRELESS Total	\$25.08
530075 - TECHNOLOGY SUPPORT Total	
\$16,325.25	
530310 - RENTAL - EQUIPMENT	

Bills

Account / Vendor / Description	Amount
PITNEY BOWES GLOBAL	
THIRD QUARTER MAINTENANCE	\$1,973.19
PITNEY BOWES GLOBAL Total	\$1,973.19
530310 - RENTAL - EQUIPMENT Total	
	\$1,973.19
530500 - TRAVEL & TRAIN EXPENSE	
OAEO	
REGISTRATION FEES, WINTER CONFERENCE	\$2,000.00
OAEO Total	\$2,000.00
530500 - TRAVEL & TRAIN EXPENSE Total	
	\$2,000.00
530550 - EMPLOYEE JOB RELATED MILEAGE	
ZACHARY TURNER	
MILEAGE YOUTH AT THE BOOTH HS	\$40.20
ZACHARY TURNER Total	\$40.20
530550 - EMPLOYEE JOB RELATED MILEAGE Total	
	\$40.20
536000 - OTHER CONTRACT SVCS	
FEDEX	
AUGUST SHIPMENT	\$6.97
FEDEX Total	\$6.97
MILLENNIUM BUSINESS	
FLEX COPIES	\$606.13
MILLENNIUM BUSINESS Total	\$606.13
STATE OF OHIO TREASU	
BACKGROUND CHECK	\$22.00
STATE OF OHIO TREASU Total	\$22.00
US BANK	
LMS PEO TRAINING WEBSITE	\$997.40
US BANK Total	\$997.40
WARREN COUNTY	
BACKGROUND CHECK	\$35.00
WARREN COUNTY Total	\$35.00
536000 - OTHER CONTRACT SVCS Total	
	\$1,667.50
Grand Total	\$31,524.12

Chairman Cloud introduced the meeting minutes for approval. Member Wunnenberg moved to approve the minutes of the September 9, 2024, meeting; seconded by Member penska. Roll call:

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

Member penska moved to approve the minutes of the September 11, 2024, meeting; seconded by Member Wunnenberg. Roll call:

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

All in favor; motion carried.

Member Wunnenberg moved to approve the minutes of the September 25, 2024, meeting; seconded by Chairman Cloud. Roll call:

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

Majority in favor; motion carried.

Director Unzicker acknowledged the receipt of the following directives.

<u>Directives</u>	2024-23	Revised Ballots for November 5, 2024, General Election
	2024-24	Administration, Implementation and Enforcement of R.C. 3599.21
	2024-25	Revised Form of the Ballot for the November 5, 2024, General Election
	2024-26	Updated Write-In List for November 5, 2024, General Election

<u>Advisories</u>	2024-03	Employing Bipartisan Elections Officials to Receive Absentee Ballots Outside of the Boards of Elections Offices
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Director Unzicker explained that Directive 2024-23 which is the “Revised Ballots for November 5, 2024, General Election.” This directive includes the senate third party candidate name. Directive 2024-24 “Administration, Implementation and Enforcement of R.C. 3599.21” which is in regard to the ballot box changes. The signage required by the Secretary of State has been posted on the ballot box as well as an additional a-frame sign with more details for voters who are returning ballots for one of the allowed relatives. Directive 2024-25 is another revised form of the ballot which includes the changed language for Issue 1. Directive 2024-26 is the update write-in candidate list for the November Election. Advisory 2024-03 is some additional guidance for counties that do not have ballot boxes that are as easily accessible.

Under New Business Deputy Director Corbin introduced Document 5, Reallocate Voting Units and Polling Places for the November 5, 2024, General Election. He explained the board must allocate machines earlier in the year and must reevaluate within thirty days of the election. He said there were no changes on the document. Member penska moved to approve the Reallocation of Voting Units and Polling Places for the November 5, 2024, General Election; 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 then introduced Document 6, Reallocate Paper Ballots for the November 5, 2024, General Election. He explained the board must allocate paper ballots earlier in the year and must reevaluate within thirty days of the election. He said there were no changes on the document. Member penska moved to approve the Reallocation of Paper Ballots for the November 5, 2024, General Election; 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 introduced Document 7, Ohio Election Commission Referrals – 2024 Semi-Annual Late to File. She said these committees were late to file their reports and the office sent each committee a reminder prior to the filing deadline. Member penska moved to refer the committees listed in Document 7; 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 introduced Document 8, Ohio Election Commission Referrals – 2024 Semi-Annual Failure to File. She confirmed that the office reached out to each committee before and after the filing deadline to inform them of the requirement. Member penska moved to refer the committees listed in Document 8; 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 introduced Document 9, introduced information about selecting a new voter registration system. He explained the board does not need to take any action at this meeting, but the staff is looking into replacing the registration system next year so that it can be phased in during an odd year. He said hopefully at the November or December meeting there will be a bid the Board Members can vote on that has been approved by the prosecutor's office. He added that the cost is not known at this time but was able to get a range from looking at the Secretary of State's 2022 annual report. Member Wunnenberg asked if this is a bid which the board will review and approve. Deputy Director Corbin confirmed that the purchase will be similar to the voting machine and electronic pollbook purchases with the main difference being that this time the state has not issued the request for proposal through the Department of Administrative Services. One thing that will take some difficulty out of the decision is that there are not many vendors in the space, so it will only require comparing a few vendors. Member penska asked if the Commissioners are aware of the purchase. Deputy Director Corbin confirmed that funds were allocated in the budget for this reason. Director Unzicker added that it has been mentioned to County Administrator Boyko and she will be involved through the process. Member Wunnenberg asked why the county is responsible for the request for proposal as opposed to the state. Deputy Director Corbin said in the voting machine and electronic pollbook purchases there was state funding, and many counties were upgrading at the same time, but currently there are no additional state funds available for this update so it is up to the counties.

Under Old Business Director Unzicker followed up regarding a board meeting held on September 11, 2024, which included a form 257 filed for possible deceased voters. There were two voters who were not able to be confirmed as deceased because they were not listed on the death records the office received. Director Unzicker said she reached out to the Ohio Health Department as well as county Health Department to see if they could locate death records for the two voters. Both responded saying they were not able to find a death record for the voters.

Director Unzicker then responded to some public comments from the previous regular board meeting.

In response to Mrs. Niederlehner's public comment, I agree that, under R.C. 3501.13, I am obligated to uphold both the Ohio Constitution and the United States Constitution, and to enforce not only Ohio's election laws but also the broader 'election laws' as defined by federal law as well as the Secretary of State's directives. This responsibility requires that I perform my duties to the best of my ability, as outlined in Title 35. I am adhering to the oath I took despite the conflicts between federal and state election laws.

Regarding the request to implement a process, used in Hamilton County, not directed by the Secretary of State, which would impact a registered voter currently deemed a fully qualified elector under the National Change of Address (NCOA), and the confirmation notice process pursuant to Federal law under the National Voter Registration Act, this action falls beyond my authority as a director or the authority of the board as confirmed by our county prosecutor's office. However, the Secretary of State in a letter to state leaders is proposing new legislation that would possibly expand the provisional process for the scenarios Mrs. Niederlehner has brought forth in her statements. The prosecutor's opinion is clear that currently federal law supersedes state law in this case, and any changes would require a successful court ruling.

We have communicated extensively with Mrs. Niederlehner through email and phone calls trying to answer any question she had to the best of our ability. While I may agree with certain points she has raised in her additional comments on challenges or requests for corrections to the registration list, and even some of the proposed legislative changes suggested by the Secretary of State, I am bound by my oath to follow the law rather than personal preferences. While I appreciate the enthusiasm for procedural changes, we have consistently informed Mrs. Niederlehner that the proper channels for seeking such changes are through legislative action and the Secretary of State's office. Though her opinion is noted during the public comment section, it is not an effective means for implementing the changes she seeks. We have spoke with other counties to see what they are doing but since there are 88 counties and 88 county prosecutors it seems there are 88 opinions. We have reached out to the state extensively requesting guidance to provide uniformity. We have heard they are working on this guidance but so far have only referred us to the county prosecutor.

Director Unzicker explained that while speaking to the prosecutor's office, there is a conflict between the Elections Official Manual and the Revised Code regarding insufficient challenges. There is a board meeting scheduled for tomorrow to resolve that issue.

Chairman Cloud asked for any General Office Updates, Director Unzicker said the parking lot has been very busy but the line for early voting has been moving quickly so people have been getting in and out of the building fast. She said the office has been listening to voters and taking their feedback to see what improvements can be made. Some additional signs have been added to the parking lot to assist voters.

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 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 9:24 a.m.

Frank Cloud, Chairman

Nicole Unzicker, Director

ABSENT

Todd Hall, Member

Chris Wunnenberg III, Member

mariann penska, Member