

**Butler County Board of Elections
Regular Board Meeting Minutes
April 1, 2024**

The Butler County Board of Elections met on Monday, April 1, 2024, at 1:00 p.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 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 \$ 34,347.67

Account / Vendor / Description	Amount
521000 - POSTAGE	
UNITED STATES POSTAL	
PERMIT BRM32001.2024-2025	\$930.00
PERMIT BRM3200.2024-2025	\$320.00
UNITED STATES POSTAL Total	\$1,250.00
521000 - POSTAGE Total	\$1,250.00
528000 - SUBSCRIPTIONS	
ERIC A CORBIN	
COSTCO YEARLY SUBSCRIPTION	\$60.00
ERIC A CORBIN Total	\$60.00
528000 - SUBSCRIPTIONS Total	\$60.00
529000 - OTHER MATERIALS/SUPPLIES	
AMAZON CAPITAL SERVI	
ELECTION SUPPLIES	\$658.34
AMAZON CAPITAL SERVI Total	\$658.34
MENARDS	
ELECTION SUPPLIES	\$10.97
MENARDS Total	\$10.97
ODP BUSINESS Solutio	
ELECTION SUPPLIES	\$237.88
ODP BUSINESS Solutio Total	\$237.88
PHOTODON LLC	
20 E-POLLBOOK SCREEN PROTECTORS	\$741.70
PHOTODON LLC Total	\$741.70
US BANK	
ELECTION SUPPLIES	\$560.76
US BANK Total	\$560.76
529000 - OTHER MATERIALS/SUPPLIES Total	\$2,209.65
530310 - RENTAL - EQUIPMENT	
PITNEY BOWES GLOBAL	
2024 2ND QUARTER LEASE	\$1,735.26
PITNEY BOWES GLOBAL Total	\$1,735.26

Bills

Account / Vendor / Description	Amount
530310 - RENTAL - EQUIPMENT Total	\$1,735.26
536000 - OTHER CONTRACT SVCS	
COX FIRST MEDIA	
AD.DEADLINE TO REGISTER	\$350.00
LEGAL ADS	\$513.00
COX FIRST MEDIA Total	\$863.00
MIAMI UNIVERSITY	
RENTAL FEES	\$897.50
MIAMI UNIVERSITY Total	\$897.50
MIDDLETOWN CITY SCHO	
CUSTODIAL FEES	\$720.00
MIDDLETOWN CITY SCHO Total	\$720.00
MILLENNIUM BUSINESS	
FLEX COPIES	\$605.02
MILLENNIUM BUSINESS Total	\$605.02
ROBERT HALF INTERNAT	
TEMP AGENCY	\$2,443.12
ROBERT HALF INTERNAT Total	\$2,443.12
SECURITY LOCK COMPAN	
REPLACED DEADBOLTS	\$230.12
SECURITY LOCK COMPAN Total	\$230.12
TRACKMAIL SOLUTIONS	
ABSENTEE BALLOT TRACKING SERVICE	\$1,500.00
TRACKMAIL SOLUTIONS Total	\$1,500.00
UNIVERSITY MOVING AN	
PICK-UP AND DELIVERY VOTING UNITS	\$21,825.00
UNIVERSITY MOVING AN Total	\$21,825.00
US BANK	
TRACKING SERVICE	\$9.00
US BANK Total	\$9.00
536000 - OTHER CONTRACT SVCS Total	\$29,092.76
Grand Total	\$34,347.67

Chairman Cloud presented Document 2, the minutes of the March 4, 2024, meeting. Member Hall moved to approve the March 4, 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.

Chairman Cloud presented Document 3, the minutes of the March 18-19, 2024, meeting. Member penska moved to approve the March 18-19, 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.

Director Unzicker acknowledged receipt of the following directives. 2024-04, 2023 Annual Expense Report.

Under New Business, Director Unzicker presented Document 4, Validate and Invalidate Provisional Ballots Cast in the March 19, 2024, Primary Election. Director Unzicker stated there are a total of 338 provisional ballots.

Member Wunnenberg made a motion to invalidate the 117 invalid ballots as listed in 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.

Member penska made a motion to approve the 221 valid provisional ballots; seconded by Member Wunnenberg. Roll Call:

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

All in favor; motion carried.



Provisional Ballots for Board Review
March 19, 2024, Primary Election
 April 1, 2024

Requirements according to Directive 2024-03

Printed name, valid signature, date of birth, voter’s statement that they have shown photo identification to the election official or completed an affidavit of religious objection, current address and cast ballot in correct polling location

Director Certification

The Director and Deputy Director verified on a bipartisan basis that the provisional ballots cast in the March 2024, Primary Election have been reviewed and the eligibility of each ballot is summarized above on this document in accordance with Ohio Secretary of State Directive 2024-03.

Total Provisional Ballots – 338


 Director


 Deputy Director

Board Discretion

Total – 0 (these ballots are not included in the valid or invalid sections below)

Recommended Motion:

No motion required.

Invalid

Reason	Count
Not Registered	29
Identification	79
Wrong Polling Location	3
Signature	3
Second Vote	1
Date of Birth	0
Incomplete	2
No Ballot	0
Total	117
Board Discretion Invalid (Write total invalid number from Board discretion section above)	0
Total Invalid	117

Recommended Motion:

Invalidate **117** Provisional ballots **not to be** included in the official canvass.

Valid

Reason	Count
Valid	221
Total	221
Board Discretion Valid (Write total valid number from Board discretion section above)	0
Total Valid	221

Recommended Motion:

Accept **221** Provisional ballots **to be** included in the official canvass.

Deputy Director Corbin presented Document 5, the Post-Election Audit Criteria. Deputy Director Corbin stated the following races will be audited: Republican: Delegates-at-Large and Alternates-at-Large to the Republican National Convention, Democratic: Justice of the Supreme Court (Unexpired term ending 12/31/2026) and Republican: Judge of the Court of Appeals (12th District) (Full term commencing 2-9-2025).

Deputy Director Corbin asked the Board Members to make a motion to conduct the audit by tabulators as listed in Document 5. Deputy Director Corbin stated the selection of tabulators will take place Tuesday, April 9, 2024, at 9:00 a.m. at the Board office and the audit will be conducted on Monday, April 15, 2024, at 9:00 a.m. at the Board office. If a recount is declared, then the audit will be conducted on Monday, April 22, 2024, at 9:00 a.m. Member Wunnenberg moved to select the Post-Election Audit Criteria as listed in Document 5; seconded by Member Hall. Roll Call:

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

Member Hall moved to go into Executive Session to discuss personnel according to O.R.C. 121.22(G)(1) at 1:09 a.m.; seconded by Member penska. Roll call:

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

All in favor; motion carried.

At 9:23 a.m. Chairman Cloud stated the board is back in session.

Member penska moved to accept the resignation of Melissa Trotta; seconded by Member Hall.

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 present some research to notes taken during the public comment portion of past meetings.

Deputy Director Corbin stated,

Public Comment: Halderman, a professor from Georgia used a BIC pen to access an ICX machine. He was able to access a setup menu and program it to change votes.

Response: The Butler County Board of Elections is aware of the Halderman report regarding vulnerabilities with the Dominion ICX BMD and has reviewed the report with their bipartisan database administrators. Butler County does not use the ICX BMD (Ballot Marking Device) with off the shelf printers referred to in the report, we currently use the ICX DRE.

Mr. Halderman demonstrated an attack on BMD-Printed ballots using off the shelf printers effecting the QR codes. Butler County Ohio Board of Elections does not use Ballot Marking Devices with off the shelf printers that were used during the demonstration in the courtroom. Our printers are not COTS printers and are physically secured with seals. The COTS printers had vulnerabilities with the scanner and printer firmware, which was patched with Dominion 5.17. These proof-of-concept attacks do not reflect the security protocols and processes that Butler County Board of Elections has in place. We do not know any additional details about the machine that Halderman used, how it was programmed or what other changes or alterations have taken place on the machine which allowed him to declare his demonstration was successful. Mr. Halderman did not demonstrate or state if he was successful in uploading the results he had changed. Mr. Halderman had unfettered access to the machine as well as passwords, which do not reflect real world implementations.

Public Comment: 97% of republicans voted in each of the 232 precincts.

Response: We have received different reports of multiple incorrect number of precincts during public comments. We would first like to clarify that Butler County currently has 291 whole precincts, including splits we have 315 precincts. In November of 2020, we had 282 whole precincts and a total of 306 precincts that include splits. It is likely that voters who turnout in primary elections to vote and declare their party affiliation, are very likely to turnout in general elections to vote. However, our official records do not show that 97% of all affiliated republicans voted in every precinct in November of 2020. Some precincts have a turnout of republican affiliated voters as low as 33% and as high as 100%.

Director Unzicker stated,

Public Comment: No early voting. Only election day voting using paper ballots and hand counted at each polling location.

Response: The Butler County Board of Elections does not have the authority to not provide early voting to the voters of Butler County. This authority resides with the Ohio legislature. Every vote cast in Ohio is captured on paper. Recounts and audits are conducted by hand count in Ohio. After each election an audit is conducted by hand counting the ballots and voter verified paper audit trails in bipartisan pairs of staff members.

Public Comment: Voting Units used in Butler County are not certified.

Response: The Dominion Voting Systems currently used in Butler County are certified by the United States Election Assistance Commission and the Board of Voting Machine Examiners. The latest certification date is March 28, 2023. We have received concerns that the testing labs, Pro V&V and SLI Compliance are not accredited through the NAVLAP.

Both laboratories are accredited. An administrative error during 2017-2019 caused some confusion regarding an updated certificate. The EAC issued an explanation stating, "Even though the EAC failed to reissue the certificate, Pro V&V's audit was completed in 2018 and again in early 2021 as the scheduled audit of Pro V&V in 2020 was postponed due to COVID-19 travel restrictions. Despite the challenges outlined above, throughout this period, Pro V&V and SLI Compliance remained in good standing with the requirements of our program and retained their accreditation." The notice also states "The lack of generating a new certificate does not indicate that the labs were out of compliance. All certifications during this period remain valid as does the lab accreditation."

Public Comment: Appears there are bulk registrations entered and canceled, doesn't look good and would like an explanation.

Response: Without specific information as to when the "Bulk" Registrations were entered or canceled, we are unable to give a specific answer to his question. However, we speculate they may be referring to registrations that are received after the registration deadline prior to each election. These registrations are processed in a hold module through our voter registration system and then pushed over to our live system after the election is certified. This helps ensure any voter who is registered for the first time in our county or updating their registration after the deadline is asked to vote a provisional ballot either during early voting or on election day. We then process their provisional ballot to verify validity. That provisional ballot is used as a registration form as well to either register or update that voter's registration.

Regarding the cancellation of "Bulk" Registrations, each county processes cancellations for deceased voters using the STEVE (State and Territorial Exchange of Vital Events) report received from the secretary of state which consists of names reported from the county health department to the Secretary of State's office. Our office also resolves duplicate registrations between our county and the other 87 counties in Ohio which can lead to a voter's cancellation. If it is determined that the voter has registered in another county, the voter's Butler County record is then merged into the other county's records and canceled in our system. We also process self-cancellations, which would be a voter who chooses to cancel their registration, and

cancellations that are processed through the National Change of Address (NCOA), and Supplemental process.

Deputy Director Corbin stated,

Public Comment: Mifi's referenced in the election machine setup manual state to connect to Wifi.

Response: We are assuming the manual that was referenced is our Precinct Election Official Manual provided to our PEO's at training who sign up to work at the polling locations on election day. There is some confusion about the use of MiFi devices at the polling locations. These devices are used to create a local area network between the electronic pollbooks to ensure a voter does not return to the polling location and attempt to check-in on another pollbook. This device allows the electronic pollbooks to share check-in data and make sure each pollbook has the most up to date information. The device also allows the Board of Elections to monitor voter turnout, ballot inventory and communicate with poll workers directly.

This device is in no way connected to the voting machines which are a separate air gapped system which does not have the hardware required to communicate wirelessly. The communication between the voting machine and the voter verified paper audit trail printer is a direct USB connection.

Public Comment: Early Voting ICX units not tested during Logic and Accuracy Testing before use. Public L&A done after early voting begins.

Response: All our ICX units, including the ones used for Early Voting are tested during Logic and Accuracy ("L&A") testing before they are used in any election for early voting or on Election Day. In addition to the ICX units, all elections systems to be used for each election are tested, this includes the accessible devices, absentee ballot devices, ballot on demand systems, the election management system ("EMS") tallying of votes, and electronic pollbooks activating the ballot.

Per Section 5.08 Logic and Accuracy Testing in the Elections Official Manual, "To ensure that all electronic voting systems are accurately, and uniformly tabulating votes cast during an election, all boards of elections must conduct Logic and Accuracy ("L&A") Testing before conducting the required Pre-Election Public Testing."

Per Section 5.09 Public Testing in the Elections Official Manual, "The public test does not replace the L&A testing the board must perform and the L&A testing does not serve as the public test."

Director Unzicker stated,

Public Comment: Member of the public made a complaint regarding an email they received from the director stating they would not be placed as a poll worker in future elections.

Response: Our office has received numerous complaints over multiple elections regarding this individual's behavior and attitude while working as a Precinct Election Official representing the Butler County Board of Elections. The individual's behavior reported by location supervisors and PEO's is in violation of the PEO code of conduct that each PEO is required to adhere to. This individual was reassigned to three different locations due to LS complaints since 2022. A summary of the complaints is bulleted below.

- The individual in question was originally removed from the PEO program in October 2021 due to issues with the prior director and deputy director.
- 2022 May Primary this individual was given a second chance and assigned as a PEO for that election. Deputy Director Corbin received a call from the location supervisor at his location (WC Nazarene) stating this individual was argumentative over the procedure of a 17yr old voter.
- August 2, 2022, Primary Election we received a complaint from the LS at the new location (Lakota East Freshman) that the same individual was assigned. The complaint

states the individual was agitated, argumentative and made a scene. The LS asked for this person to be removed from his location because they are combative and the other PEO's stated the individual in question makes them uncomfortable.

- November 7, 2023, General Election. We received an email from a PEO at the individual's newest location (Vangorden) stating the conversations they had with her, she felt were inappropriate and of a political nature.

Under the General Office Update Director Unzicker informed the Board Members that this past Friday was the last day for our temporary staff members, and they will be returning for the November Election which is a great help to the office as these staff members have gained a lot of experience over the years. Member Hall asked if there would be a PEO appreciation event this year. Director Unzicker said the event would be held again this year.

Deputy Director Corbin spoke about the changes to the parking lot were working although it will require some alterations. He explained the arrows painted on the ground will be changed to clarify the traffic pattern as well as moving the drop box location in the parking lot. Member Hall asked the Directors if they feel the traffic flow was better and if the crosswalks were helping. Director Unzicker said she thinks the flow is better although the voter turnout was low. She also said it is likely voters will need time to adjust to the changes.

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

With no further business, Member Hall 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 01:58 p.m.

Frank Cloud, Chairman

Nicole Unzicker, Director

Todd Hall, Member

Chris Wunnenberg III, Member

mariann penska, Member