

**Butler County Board of Elections
Board Meeting Minutes
July 18, 2016**

The Butler County Board of Elections met on Monday, July 18, 2016, at 9:05 a.m. for a regular meeting. Roll call was taken and present were Chairman Frank Cloud, Member Kathy Wyenandt, Member Todd Hall, Member Chris Wunnenberg, Director Diane Noonan, Deputy Director Jocelyn Bucaro, Executive Assistant Donna DeFazio, Early Voting Administrator Eric Corbin, Secretary of State Regional Liaison Beth Hamad and guest Josh Combs.

Chairman Cloud submitted the minutes of May 16, 2016 and June 7, 2016 for approval. Member Hall moved to approve the minutes; seconded by Member Wyenandt. Roll call:

Chairman Cloud	yea
Member Wyenandt	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

Chairman Cloud submitted the minutes of June 20, 2016 for approval. Member Hall moved to approve the minutes; seconded by Member Wyenandt. Roll call:

Chairman Cloud	abstain
Member Wyenandt	yea
Member Hall	yea
Member Wunnenberg	yea

Majority in favor; motion carried.

Director Noonan acknowledged the Receipt of the following Directives,

Advisories and Memorandum from the Secretary of State:

Directives

06/28/2016	2016-16	Mandatory Training for Precinct Election Officials
06/30/2016	2016-17	2016 General Voter Records Maintenance Program – NCOA Process Only
07/08/2016	2016-18	Preparation for the Statewide Mailing of Absentee Ballot Applications for the November 8, 2016 General Election

Advisory **None**

Memorandum **None**

Under Election Business, Director Noonan reviewed the machine allocation for November 8, 2016 and explained that we allotted 165 voters per machine instead of 175 voters. Deputy Director Bucaro stated we also analyzed expected turnout in each location expecting 80% turnout in November with over 20% early voting turnout and allocated the electronic pollbooks for a larger turnout also. There will be about 30 backup machines. Member Wunnenberg questioned Edgewood Middle Schools location with the potential for 7,800 voters and the ability to handle the large voter turnout there. Deputy Director Bucaro explained that it is a former high school with a large parking lot and a large gym so we will be able to process a large voter turnout at that location. We will also assign extra poll workers to that location as it has nine precincts. Director Noonan stated it is one of our best locations. Member Wunnenberg moved to approve the machine allocation for the November 8, 2016 Presidential Election; seconded by Member Hall. Roll call:

Chairman Cloud	yea
Member Wyenandt	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

Director Noonan reviewed the allocation of the back-up paper ballots for the November 8, 2016 Presidential Election. Early Voting Administrator Eric Corbin compared the 2008 registration and the current registration which is 240,051. According to the directive, we must order a minimum number of back-up paper ballots equal to 15% of the total number of voters in the last presidential election. We increased our allocation to equal 25% of the total votes cast in the 2008 presidential election. In addition, we must order provisional ballots equal to at least five per cent more than those cast in the last presidential. Using those figures we will order 50,645 total paper ballots at a cost of approximately \$17,000. Member Wyenandt move to approve the expense for the back-up

paper ballots for the November 8, 2016 Presidential Election; seconded by

Member Hall. Roll call:

Chairman Cloud	yea
Member Wyenandt	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

Director Noonan submitted the list of candidates and campaign committees to be referred to the Ohio Elections Commission by the Board for failing to file required campaign finance reports. Member Hall questioned how many times they have been contacted by Candidate and Ballot Services. Deputy Director Bucaro stated they have been contacted two times. Member Hall moved to submit the referrals to the Ohio Election Commission; seconded by Member Wyenandt. Roll call:

Chairman Cloud	yea
Member Wyenandt	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

Candidates:

Jessica Cooney

- 2015 Post-General – Report was not filed

DaMonte' Cole

- 2015 Annual Report – Report was not filed

Deana Fackey

- 2015 Post-General – Report was not filed

Earnest Gause

- 2015 Post-General – Report was not filed

Shannon Hartkemeyer

- 2015 Annual – Report was not filed

Angie Hensley

- 2015 Post-General – Report was not filed

Sean Rogers

- 2015 Annual Report – Report was not filed

Committees:

Middletown Firefighters Local 336 PCE

- 2015 Semi-Annual Report – Report was not filed
- 2015 Annual Report – Report was not filed

Middletown Firefighters PAC

- 2015 Semi-Annual Report – Report was not filed
- 2015 Annual Report – Report was not filed

Under Old Business, Deputy Director Bucaro reviewed the proposal from Democracy Live for accessible on-line sample ballots and electronic delivery of UOCAVA ballots which is overseas voters and military voters. She stated last year the Board approved a contract from ES&S for the same services but the company could not get their product to meet our requirements of ballot rotation of candidate names. The ES&S contract was cancelled and there were not any costs involved. The Democracy Live contract is for one year and the cost is \$11,600, which includes set-up fees, with each additional years costing \$2,700 per year. Director Noonan stated she received a phone call from a blind voter who has tested several different companies with on-line sample ballots and he recommends the Democracy Live product as the most user friendly for a person with disabilities. Deputy Director Bucaro stated that the contract has been sent to Assistant Prosecutor Roger Gates for review and he has submitted changes to the contract. She also reminded the Board that there is a lawsuit pending in Ohio that requires Boards of Elections to provide a fully accessible on-line sample ballot for those with disabilities. The Secretary of State will be receiving grant money to provide these services but it will not be available this year. Member Hall asked how many voters use the service and Deputy Director Bucaro stated we will have about 700 UOCAVA ballots for the November Election. It will make it much easier for our overseas voters. Member Hall stated he would like to see

the entire contract with the changes that the Prosecuting Attorney Roger Gates has made. Deputy Director Bucaro stated that approval is needed today in order to use it for the November Election. Chairman Cloud stated he needs to review the entire contract in order to approve it with the Prosecutor's changes. Deputy Director Bucaro stated that the Board usually approves the bid and the Deputy Director and Director negotiate the contract with our attorney and the vendor.

At 9:30 a.m. Chairman Cloud took a brief recess.

The Board resumed the meeting at 9:35 a.m. Our guest Josh Combs left the meeting.

After reviewing the complete contract with the changes requested by the Prosecuting Attorney Roger Gates, Member Hall moved to approve the contract agreement with Democracy Live for a yearly fee of \$11,600 with an additional year for \$2,700; seconded by Member Wyenandt. Roll call:

Chairman Cloud	yea
Member Wyenandt	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

Under New Business, Director Noonan stated that the Board received a Challenge of the Right to Vote from Gary Sheets dated July 14th. In the 1980's, Ham21wd1 was annexed into the City of Hamilton corporate limits; however Hamilton did not petition the County Commissioners to adjust the boundary of St. Clair Township and Hamilton using Ohio Revised Code 503.07. Accordingly, Mr. Sheets is contending that Ham21wd1 is located both in St. Clair Township and Hamilton and he is eligible to vote for both St. Clair Township elected public officials and township levy issues as well as City of Hamilton elected public officials and ballot issues. Director Noonan stated that Mr. Sheets was the law director for the City of Hamilton during that time. Director Noonan stated that Deputy Director Bucaro, herself and Prosecuting Attorney Gates will be meeting to discuss this during this week. According to the rules, if we have a hearing on

the challenge, it must be within 10 days of the filing request which would mean that we would need to meet on Friday, July 22nd. Deputy Director Bucaro stated that she does not feel that the Board has to have a hearing. She stated that the Director and Deputy Director must research the request to verify whether there is a compelling case for a hearing. Director Noonan stated that Brian Hester from our Candidate and Ballot Services Department went to the Records Center to research this but could not find the annexation. Deputy Director Bucaro stated that Prosecuting Attorney Roger Gates advised Mr. Sheets to file the Challenge of Right to Vote with the Board of Elections even though he did not think this was the way to handle the problem. He stated that filing the challenge was the only way the Prosecutor's Office could investigate the problem. Director Noonan stated that he is only asking for himself and not for the entire precinct. Member Wunnenberg stated that Mr. Sheets is asking for a decision about annexation that is not within the Board's jurisdiction. Deputy Director Bucaro read the Ohio Revised Code regarding the Challenge of the Right to Vote to the Board. Director Noonan stated that Mary Anne from the Prosecutor's Office stated there are two processes for an annexation and apparently the first step was completed but the second step by the City of Hamilton was not completed. Member Wunnenberg feels that an annexation may not have occurred and would not be a problem for the Board to decide. Member Hall asked for the attorneys to handle the problem. Deputy Director Bucaro noted that the Board may need to have a hearing after the validity of the Challenge of the Right to Vote is assessed. Deputy Director Bucaro stated that a hearing could be planned and cancelled later if it is not needed. Director Noonan stated that a court reporter must be contacted and the Board would need to be available for a special meeting on Friday, July 22nd at 9:00 a.m.

Under the Director's Report, Director Noonan stated that a reply from the Auditor's Office regarding the mandatory direct deposit for all poll workers has been received and they emphasized the efficiency of the direct deposit system and that the process saves them time. Member Hall asked that we send another request to Auditor Roger Reynolds and Jeremy Frazier to appear before the

Board to discuss this issue. Member Wyenandt stated that perhaps the Auditor's office is not aware of how difficult it is to recruit and maintain poll workers.

Chairman Cloud stated that our point of view can be explained better with an in-person meeting. Deputy Director Bucaro asked if we have any students or other poll workers that we could invite to the meeting to emphasize our problem with the mandatory system. Director Noonan stated she would check with the Poll Worker Department.

Director Noonan stated that the Board is going to have a booth at the fair this year to offer registration, poll worker signup, and early voting applications. We are also taking an electronic poll book and TSX unit as we have created a ballot specifically for people to vote at the fair. They will vote on their favorite animal, food, ride or event and we will tally the results each night and the fair will announce the results during the next day. The cost of the booth with extra passes was \$575.00. We have also ordered shirts with our logo on it so if any Board Member would like one, please let us know.

Director Noonan stated that the District 4 meeting will be on Monday, August 22nd hosted by Greene County Board of Elections in Yellow Springs if any Board Member wants to attend. Board Members receive a one hour training credit. Director Noonan stated that Board Members may also get a credit hour for participating in a webinar.

Director Noonan stated that the Board is working with a new process on the NCOA files that will update voter addresses. We have a deadline of August 9th to finish the work. We have two temporary employees helping with this project.

Director Noonan stated the chargebacks for the June 7, 2016 Special Congressional General Election have been processed and submitted to the Secretary of State's office. The total of the chargebacks for the election is \$273,649.53. Deputy Director Bucaro noted that the amount will be deposited

into the General Fund for Butler County so we will have to ask the Commissioners to re-appropriate the funds to the Board of Elections.

Under the Deputy Director's Report, Deputy Director Bucaro stated the Election Administration Plan for the November 8, 2016 Presidential Election was submitted to the Secretary of State's office on June 28th.

We have received five absentee ballot requests for the August 2, 2016 Special Election in Morgan1. No one has voted early in the office yet. We decided to keep early voting at our office after we calculated the mileage cost for our employees to go to Morgan Township. It was not cost effective for our office.

With no further business, Member Hall moved to adjourn; seconded by Member Wyenandt. Roll call:

Chairman Cloud	yea
Member Wyenandt	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

The meeting was adjourned at approximately 10:05 a.m.

Frank Cloud, Chairman

Diane Noonan, Director

Todd Hall, Member

Chris Wunnenberg, III Member

Kathleen Wyenandt, Member