

**HAMILTON COUNTY BOARD OF ELECTIONS
MEETING HELD
NOVEMBER 19, 2018 AT 8:30AM**

The meeting of the Hamilton County Board of Elections was called to order at 8:30am by Chairman Burke. Present were members Mr. Triantafilou, Mr. Faux and Mr. Gerhardt. Also present: Director Sherry Poland and Deputy Director Sally Krisel and David Stevenson and Cooper Bowen with the Hamilton County Prosecutor's Office.

Chairman Burke noted that proper notice was duly provided as required by O.R.C. 121.22.

I. APPROVE BOARD MEETING MINUTES: NOVEMBER 5 & 6, 2018

Mr. Triantafilou made a motion to approve the Board Meeting Minutes for November 5 & 6, 2018; Mr. Faux seconded. The motion passed unanimously.

II. REVIEW: BALLOT REMAKES

Mr. Norman presented the following ballots to the Board. All were remade by bipartisan teams pursuant to Secretary of State Directive and Board policy:

Remakes: UOCAVA
A1570 – A1688

Mr. Triantafilou made a motion to approve the ballots as remade; Mr. Faux seconded. The motion passed unanimously.

Remakes: Damaged
A1689 – A1691
A1707 – A1709

Mr. Triantafilou made a motion to approve the ballots as remade; Mr. Faux seconded. The motion passed unanimously.

Remakes: Single Sheet*
A1706

Mr. Triantafilou made a motion to approve the ballot as remade; Mr. Faux seconded. The motion passed unanimously.

*City of Cincinnati two sheet ballot returned without the second sheet; Ballot remade to include a second (unvoted) sheet.

Remakes: 2nd Database*
A1702 – A1703

Mr. Triantafilou made a motion to approve the ballots as remade; Mr. Faux seconded. The motion passed unanimously.

*It was necessary to create a new Database to address the ballots cast in the Village of North Bend to exclude issue 8. Ballots remade to exclude this contest.

**Remakes: Stray Marks
A1692 – A1701
A1704 – A1705**

Mr. Triantafilou made a motion to approve the ballots as remade; Mr. Faux seconded. The motion passed unanimously.

***Remakes reviewed by Director and Deputy Director prior to being presented to the Board.**

**Remakes: Election Day*
Unscanned/Damaged
P1 – P9**

Mr. Triantafilou made a motion to approve the ballots as remade; Mr. Faux seconded. The motion passed unanimously.

***Ballots cast in Precinct; Damaged and returned unscanned.**

This concludes the Ballot Remakes at this time. Ms. Poland presented additional Absentee Ballots to the Board for review:

- 1. Voter Code: 01943316: The Absentee application and the ID envelope received from the voter contained a signature that matched each other but did not match BOE records. Per Secretary of State Directive, an 11-S form was sent to the voter, giving the voter an opportunity to cure the mismatched signature. The 11-S form was returned and contained a signature that matched the BOE records. It was noted, however, that the signature on the ID envelope appeared to match that of another voter at the same residence.**

Mr. Triantafilou made a motion to accept the Absentee Ballot identified by voter Code 01943316; Mr. Faux seconded. The motion passed unanimously. The Board asked that this ballot be added to the Post Election anomaly report.

- 2. Voter Code: 01885371: The Absentee application from the voter contained a signature that matched BOE records; the ID envelope received from the voter contained a signature that did not match BOE records. Per Secretary of State Directive, an 11-S form was sent to the voter, giving the voter an opportunity to cure the mismatched signature. The 11-S form was not returned and therefore the ballot may not be counted. No action is required by the Board.
Note: The Board was advised that this voter appeared in Athens County and Voted a Provisional Ballot; rejecting this vote will allow the Athens County Provisional Ballot to be counted. The Board asked that this ballot be added to the Post Election anomaly report.**
- 3. The Board was advised that several Absentee Ballots were received and rejected due to Staff determination in the signature verification process that the signature contained on the ID envelope did not match BOE**

records. Per Secretary of State Directive, 11-S forms were mailed to all of those voters; several were not returned. The Director and Deputy Director reviewed the signature mismatches and concluded, after further review, that 9 should be recommended to be accepted.

Mr. Triantafilou made a motion to follow the revised Staff recommendation and count the 9 unopened Absentee Ballots; Mr. Faux seconded. The motion passed unanimously.

III. VERIFICATION: PROVISIONAL BALLOT REPORT

The Board reviewed the Summary Staff Recommendation for the November 6, 2018 General Election dated November 21, 2018

Total # of Provisional Ballots issued:	10,251
<u>Total # Accepted:</u>	<u>9,087</u>
Accepted:	8,993
Right Location/Wrong Precinct:	51
APRI Exception – 2011:	16
APRI Exception – 2013:	8
APRI Exception – 2015:	19

The Board opted to review the Provisional Ballots identified by staff for rejection prior to approving the Staff recommendation for the total number accepted. The Ballots were presented by category:

Total # Rejected: 1140

Not Registered:	648	Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded. The motion passed unanimously.
Voted Wrong Precinct/ Wrong Location:	273	Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded. The motion passed unanimously.
No Signature:	16	Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded. The motion passed unanimously.

No ID*: 46 Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded. The motion passed unanimously.

***No ID provided or ID provided does not match BOE records**

Signature Mismatch* 5 Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded.

***Ms. Poland advised the Board that 2 of the 5 identified as "Signature Mismatch" were being presented to the Board for further review. The circumstances of these two ballots included the printed first and last name matching the Board records but the signature affixed being a different last name. The Provisional envelope does allow for a change of name, however, the voter did not include the different name in the printed name therefore no change of name has been submitted. A discussion concerning these two ballots followed. The Board agreed more information was required. Mr. Triantafilou withdrew his motion to accept the Staff recommendation to reject 5 Ballots identified as Signature Mismatch. The Board will return to this category at the conclusion of the remainder of the Provisional review.**

No Ballot: 12 Mr. Triantafilou made a motion to accept the staff recommendation to reject these envelopes; Mr. Faux seconded. The motion passed unanimously.

Voted Absentee*: 34 Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded. The motion passed unanimously.

***The Board requests the ballots in this category be included in the Post Election anomaly report.**

No Printed Name: 2 Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded. The motion passed unanimously.

Voted Twice In-Precinct*: 5 Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded. The motion passed unanimously.

*** Ballots cast in Precinct on Election Day; either same precinct or different precincts. The Board requests the ballots in this category be included in the Post election anomaly report.**

No Address: 45 Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded. The motion passed unanimously.

No DOB: 54 Mr. Triantafilou made a motion to accept the staff recommendation to reject these ballots; Mr. Faux seconded. The motion passed unanimously.

Further Review: 24

Month/Day

Mismatch: 21* The Board was advised that, per Secretary of State Directive, if all other information provided is accurate per BOE records, the ballots may be counted. Mr. Triantafilou made a motion to accept these ballots per Secretary of State Directive and Staff recommendation; Mr. Faux seconded. The motion passed unanimously.

AV Returned/Rejected after deadline*: 3 The Board was advised to review guidance as set forth in the Secretary of State's Election Official Manual, Chapter 6, step 6 (pages 6-15 through 6-16). Mr. Triantafilou made a motion to accept these ballots per guidance from the Secretary of State Election Official Manual and the Board's legal counsel; Mr. Faux seconded. The motion passed unanimously.

***The Board requests the ballots in this category be included in the Post Election anomaly report.**

Signature Mismatch* 5

***The Board returned to this category/discussion. Staff provided the Board with additional information regarding the two voters in question; a discussion followed.**

P7088

Mr. Triantafilou made a motion to accept this ballot; Mr. Faux seconded. The motion passed unanimously

P6340

Mr. Triantafilou made a motion to accept this ballot; Mr. Faux seconded. The motion passed unanimously.

Signature Mismatch 3

Mr. Triantafilou made a motion to accept the Staff recommendation and reject the remaining 3 ballots in this category; Mr. Faux seconded. The motion passed unanimously.

The Board returned to the Provisional Ballot report and discussed the adjustments to the totals pursuant to their decisions in the previous categories: 26 Provisional ballots will be added to the total. As the Board has already voted to approve these ballots the following report remains to be approved per Staff recommendation:

Total # Accepted:	9,087
Accepted:	8,993
Right Location/Wrong Precinct:	51
APRI Exception – 2011:	16
APRI Exception – 2013:	8
APRI Exception – 2015:	19

Mr. Triantafilou made a motion to accept the Staff recommendation and approve the total number of accepted as set forth: 9,087 Provisional ballots; Mr. Faux seconded. The motion passed unanimously.

Mr. Burke clarified that with the additional 26 approved to be added to the number of accepted; the new total number of accepted Provisional ballots is 9,113. The Board further discussed additional ballots which will be added to the overall official election totals including as follows:

**Late Arriving Absentee Ballots: Postmarked on or before November 5th and received by the 10th day after Election Day, November 16th.
Election Day unscanned ballots.**

IV. DISCUSSION OF PENDING OR IMMINENT LITIGATION

The Board was provided a copy of the agreed court order with regard to the issue of zoning in Miami Township and was advised that Staff is prepared to follow the order of the Court and include only the unincorporated areas of Miami Township in the official count for Issue 32. There was no further action required by the Board.

There being no further business to come before the Board, Staff reviewed the "Next Steps":

- 1. The Provisional Envelopes are opened by bipartisan teams and the ballots removed, unfolded and scanned.**
- 2. The Board will meet again on Wednesday, November 21st at 8:30am to approve any provisional remakes.**
- 3. Staff will rerun the memory cards from Election night comparing the results.**
- 4. Staff will add in the 10,000-plus additional ballots to determine the official count.**
- 5. The Board will meet again on Wednesday, November 21st at 3pm to certify those results; the results will be posted to the website.**

There being no further business to come before the Board, Mr. Triantafilou made a motion to adjourn; Mr. Faux seconded. The motion passed unanimously.

APPROVED:

DATE: November 30, 2018

CHAIRMAN:


TIMOTHY M. BURKE

DIRECTOR:


SHERRY L. POLAND