

**HAMILTON COUNTY BOARD OF ELECTIONS
MEETING HELD
NOVEMBER 21, 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. 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: Federal Write-In
Absentee
A1707 –A1712

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

Remakes: Serial # Mismatch*
P497 – P501

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

*Two sheet ballots in which the serial numbers on each sheet do not match each other; remake to include matched serial numbers.

Remakes: Damaged*
P53 – P353

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

*Provisional ballots damaged; typically the barcode damaged due to removal of the "voted provisionally" sticker.

Remakes: Single Sheet*
P354 – P360

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

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

**Remakes: Wrong Precinct/
Correct Location
P10 – P52
P507 – P512**

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

**Remakes: Voter Intent*
P502 – P506**

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: Voter Intent*
P513**

***Remake reviewed by Director and Deputy Director prior to being presented to the Board for further review. The Board was advised that the Ballot had been remade to include all contests except two in which Staff is presenting to the board to determine the intent of the voter. A discussion followed. The Board was divided on their assessment of the Ballot and the various markings contained therein.**

Mr. Gerhardt asked Mr. Stevenson for guidance. Mr. Stevenson cited page 8-5 of the Elections Officials Manual wherein Secretary of State guidance is provided to state that the ballot must be remade for the contests in which the intent is clear but may not be remade for the contests in which the intent is indeterminate without a vote of at least 3 Board members. In the event 3 Board members do not agree on the intent, the Ballot is remade with the indeterminate contest(s) blank.

Mr. Burke noted that the contest in question is in the 28th District in which the box for Jessica Miranda is completed but that random lines drawn on the Ballot enter into the Jonathan Dever box. It was noted that random lines also enter into the Chris Monzel box in the contest for County Commissioner.

Mr. Triantafilou noted the law and the Stray Mark policy adopted and utilized by the Board. Mr. Triantafilou indicated that “in a perfect world” the Ballot could simply be scanned and let the machine decide how it is cast; however, due to the damage to the barcode, the Ballot must be remade.

Mr. Triantafilou made a motion to approve the Ballot as remade; Mr. Gerhardt seconded. Mr. Burke – nay; Mr. Triantafilou – yay; Mr. Faux – nay; Mr. Gerhardt – yay.

Given the motion failed for lack of 3 votes either way, the two contests in question may not be counted via the remake.

A discussion followed concerning the ballot. Mr. Stevenson advised that it is not a public document until after the contest period. Ms. Poland advised that the contest period is 15 days after certification or in the event of an automatic recount, 10 days after the recount.

II. RESOLUTION AUTHORIZING AGREEMENT AND EXECUTION OF MAIL SORTING SERVICE AGREEMENT

Mr. Triantafilou made a motion to approve Resolution 2018-008 Authorizing Agreement and Execution of the Mail Sorting System Service Agreement; Mr. Faux seconded. The motion passed unanimously.

III. VERIFICATION: PROVISIONAL BALLOT REPORT

The Board was advised of revisions to the Provisional Ballot report as follows:

15 Provisional Ballot envelopes previously accepted are now rejected and to be included in the following categories:

10 Contained No Ballot

1 No Signature

3 Wrong Precinct/Wrong Location

1 Voted Twice in Precinct (Envelope contained two ballots)

Mr. Triantafilou made a motion to approve the Revised Summary Staff Recommendation dated November 21, 2018; Mr. Faux seconded. The motion passed unanimously.

The items on the agenda being concluded, Chairman Burke asked with regard to the retention policy for other Ballots containing Stray Marks that have been remade pursuant to Board Policy. Ms. Poland advised that the original Ballots are preserved and stored pursuant to the Board Retention policy of 22 months.

Mr. Faux requested clarification on today's activity. Mr. Poland advised that the Ballots have been scanned but not tabulated and further advised as to the processes required to come to a completion of the final count.

Mr. Burke allowed for comment from the audience which brought to the attention of the Board that the Voter Intent ballot of previous discussion (P513) was not fully approved by the Board as the motion to approve the

Ballot as remade ended in a tie vote with no majority. This vote served to preserve the objection made by Mr. Burke and Mr. Faux that the Ballot remake did not include the two contests in question, but provided for the contests that were remade to be counted.


Mr. Faux made a motion to approve the ballot as remade with the exception of the disputed 2 contests; Mr. Triantafilou seconded. The motion passed unanimously.

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