

**HAMILTON COUNTY BOARD OF ELECTIONS
MEETING HELD
AUGUST 20, 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.

A Transcript of the meeting is attached hereto for reference.

I. APPROVE BOARD MEETING MINUTES: AUGUST 2, 2018 AND AUGUST 6 & 7, 2018

Mr. Triantafilou made a motion to Approve the Board Meeting Minutes for August 2, 2018 and August 6 & 7, 2018; Mr. Faux seconded. The motion passed unanimously.

II. VERIFICATION: AUGUST 7, 2018 SPECIAL ELECTION PROVISIONAL BALLOTS

The Board reviewed the Summary Staff Recommendation for the August 7, 2018 Special Election:

Total # of Provisional Ballots issued:	194
Total # Accepted:	181
Accepted:	176
Right Location/Wrong Precinct:	4
APRI Exception – 2011:	0
APRI Exception – 2013:	0
APRI Exception – 2015:	1
Total # Rejected:	12
Not Registered:	10
Voted Wrong Precinct/ Wrong Location:	1
No DOB:	1

Further Review

Total # of Further Review

1

Addressing the Staff recommendation to reject 12 Provisional Ballots:

Mr. Triantafilou made a motion to accept the Staff recommendation and reject 10 ballots wherein the voter was not registered; Mr. Faux seconded. The motion passed unanimously.

Mr. Triantafilou made a motion to accept the Staff recommendation and reject 1 ballot cast in the wrong precinct/wrong location; Mr. Faux seconded. The motion passed unanimously.

Mr. Triantafilou made a motion to accept the Staff recommendation and reject 1 ballot in which no Date of Birth was provided on the affirmation statement; Mr. Faux seconded. The motion passed unanimously.

Staff presented ballot P44 to the Board for further review. The Board was advised that the Date of Birth on the affirmation statement does not match BOE records but that all other information does match BOE records. Pursuant to Secretary of State Directive, the Board may vote to accept this ballot. The Board was advised that the signature matches BOE records.

Mr. Triantafilou made a motion to accept and count ballot P44; Mr. Faux seconded. The motion passed unanimously.

Mr. Triantafilou made a motion to accept the Staff recommendation and count 181 provisional ballots; Mr. Faux seconded. The motion passed unanimously.

III. REVIEW: AUGUST 7, 2018 ABSENTEE BALLOT REMAKES

The Board was advised of an Absentee ballot cast in which the identification envelope contains a signature that does not match the BOE records. An 11S form was sent to the voter, giving the voter an opportunity to provide a signature; the voter did not respond. The Board was provided copies of another application of a voter at the same address; the signature on this application appears to be in the same handwriting as the signature on the document in question. Ms. Poland advised the Board of past procedures when presented with similar circumstances. Ms. Poland also advised that, due to the mismatched signature and the 11S form not being returned, Staff would

not count this ballot. A discussion ensued wherein the Board agreed to hold this item until the conclusion of the meeting.

IV. CERTIFICATION: NONPARTISAN CANDIDATES TO THE NOVEMBER 6, 2018 GENERAL ELECTION BALLOT

The Board reviewed the list entitled Hamilton County Nonpartisan Candidates. This list contains the names of three State Board of Education Candidates, all of whom filed petitions that were found to have the required number of signatures. Staff recommends that the Board certify those candidates to the ballot.

The Board reviewed a second list entitled Hamilton County Write-in Candidates. This list contains the names of two write-in candidates. Staff recommends that the Board certify those candidates to the ballot.

Mr. Triantafilou made a motion to certify the nonpartisan and write-in candidates set forth in the two lists to the November 6, 2018 General Election Ballot; Mr. Faux seconded. The motion passed unanimously.

V. CERTIFICATION: QUESTIONS AND ISSUES TO THE NOVEMBER 6, 2018 GENERAL ELECTION BALLOT

The Board reviewed the list entitled Hamilton County Questions and Issues. This list contains 26 questions and issues that Staff is recommending the Board certify to the ballot. The Board was advised that there are two issues they will be asked to consider separately.

Mr. Triantafilou made a motion to certify the list of 26 questions and issues to the November General Election Ballot. Mr. Triantafilou specified that this list did not include the issues in the City of Norwood and the Village of North Bend; Mr. Faux seconded. The motion passed unanimously.

The Board reviewed the remaining two issues:

City of Norwood:

The Board was advised that the Staff received the petition from Sensible Norwood in July; Staff reviewed the petition and found it had sufficient number of signatures. That information was relayed back to the City of Norwood and the City then filed the proposed ordinance for marijuana laws and penalties. Pursuant to Secretary of State Directive, when the Board receives an initiative, the Board must determine whether the petition falls

within a municipal political subdivision's authority to enact via initiative. Documentation was sent to legal counsel for recommendation. Mr. Stevenson advised it was his recommendation to proceed. Mr. Burke allowed the representative from Sensible Norwood, Amy Wolfinbarger, the opportunity to make a statement.

Mr. Triantafilou made a motion to follow the advice of counsel and certify the issue to the ballot; Mr. Faux seconded. The motion passed unanimously.

Village of North Bend:

The Board was advised that the Fiscal Officer with the Village of North Bend inquired to Staff on Friday, August 10th as to a Fire EMS levy that was submitted to the Board. Staff reviewed the records and reported having no record of receipt of that issue. The filing deadline to place this type of issue on the ballot was 4pm on Wednesday, August 8th. On the afternoon of August 10th, the Fiscal Officer hand delivered to the Board a copy of an email that she had attempted to send to Staff of documentation, including the Resolution to Proceed as well as the Auditor's Certificate, to place the issue on the ballot. A copy of the Resolution of Necessity was not provided but rather faxed in later that day at the request of Staff. An explanation was submitted to the Board by the Fiscal Officer on Monday, August 13th, detailing what happened and why the issue was not submitted by the filing deadline. The Fiscal Officer explained that a member of the Board Staff had told her she could email in the necessary documents. While that was true, she had been told that, the information was inaccurate; paper documents must be received by the Board prior to the deadline. But, in any event, the Fiscal Officer sent the email to the wrong address and it was never received by the Board. The Board received no notice of the adoption of the required legislation until it was delivered to the Board by the Fiscal Officer after the deadline. A discussion concerning the matter ensued. Marta Fryman, the Village of North Bend Fiscal Officer was present and contributed to the discussion.

Mr. Triantafilou, citing the Board's obligation under the law, made a motion to reject the Village of North Bend tax levy issue for placement on the ballot; Mr. Faux seconded. The motion passed unanimously.

VI. APPROVAL: FULL TIME STAFF APPOINTMENT

The Board was advised of a new Full Time Staff Appointment:
Ray Pater Payroll/Human Resource Officer

Mr. Faux made a motion to approve the Full Time Staff appointment; Mr. Triantafilou seconded. The motion passed unanimously.

VII. REVIEW: MAY 8, 2018 PRECINCT ELECTION OFFICIAL ASSESSMENTS

The Board reviewed the May 8, 2018 Primary Election Precinct Election Day Performance Assessment Staff Summary Report:

190 Voting Locations require no action

-118 Voting Locations had “No Issues” and will be sent a letter of commendation

148 Voting Locations will be sent retraining information

In-person training for the following:

-4 Voting Locations

-1 Individual PEO

30 - PEOs Removed for not voting

9 - PEOs Removed /Retired – No Rehire

Mr. Triantafilou made a motion to approve the May 8, 2018 Primary Election Precinct Election Day Performance Assessment Staff Summary Report; Mr. Faux seconded. The motion passed unanimously.

VIII. RESOLUTION: VOTING SYSTEM SELECTION

The Board reviewed the Resolution together with a letter and supporting documentation of the due diligence conducted by the staff in making the recommendation to select Hart InterCivic Verity System as the Board’s next voting system. The Board was informed that this system will first be used in the May, 2019 Primary Election. The Board was further informed that although this selection rests with the Board, the recommendation is made to the Board of County Commissioners who will ultimately enter into the contract with the vendor.

Mr. Triantafilou made a motion to adopt Resolution #2018-005, Hamilton County Board of Elections Voting System Selection; Mr. Faux seconded. The motion passed unanimously.

At this time the Board resumed their discussion of the August 7, 2018 Special Election Absentee Ballot Anomaly. Mr. Triantafilou stated that he is familiar with the family of the individuals involved and will opt to recuse himself from any further discussion or action regarding this matter. The Board agreed that

past practice included the Board referring these matters to the Hamilton County Prosecutor for further investigation.

Mr. Faux made a motion to refer the matter to the Hamilton County Prosecutor's office for investigation; Mr. Gerhardt seconded. Mr. Gerhardt – aye; Mr. Faux –aye; Mr. Triantafilou asked the record reflect that he has recused himself from this vote. The motion carried.

IX. CERTIFICATION: AUGUST 7, 2018 SPECIAL ELECTION RESULTS

The Board was advised that, upon opening the Provisional Ballots it was discovered that one ballot was actually cast in the wrong district resulting in a change to the Summary Staff Recommendation for the August 7, 2018 Special Election as follows:

Total # of Provisional Ballots issued:	194
Total # Accepted:	181
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Right Location/Wrong Precinct:	4
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APRI Exception – 2013:	0
APRI Exception – 2015:	1
Total # Rejected:	13
Not Registered:	10
Voted Wrong Precinct/	
Wrong Location:	1
No DOB:	1
Wrong District	1

Mr. Triantafilou made a motion to reject the one additional ballot, P35, in the August 7, 2018 Special Election for being cast in the wrong district; Mr. Faux seconded. The motion passed unanimously.

Mr. Triantafilou made a motion to adopt the Revised Summary Staff Recommendation for the August 7, 2018 Special Election; Mr. Faux seconded. The motion passed unanimously.

The Board was advised that there are Provisional Ballot Remakes to be addressed. 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: Wrong Precinct/
Correct Location
P1 – P4

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

Remakes: Damaged
P5

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

The Board reviewed the results of the August 7, 2018 Special Election.

Mr. Triantafilou made a motion to certify the results of the August 7, 2018 Special Election; Mr. Faux 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: September 17, 2018

CHAIRMAN:

TIMOTHY M. BURKE
TIMOTHY M. BURKE

DIRECTOR:

SHERRY L. ROLAND
SHERRY L. ROLAND