

**HAMILTON COUNTY BOARD OF ELECTIONS  
MEETING HELD  
SEPTEMBER 10, 2019 at 8:30AM**

The meeting of the Hamilton County Board of Elections was called to order at 8:30am by Chair Gwen McFarlin. 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.

Ms. McFarlin noted that proper notice was duly provided as required by O.R.C. 121.22.

**I. APPROVE BOARD MEETING MINUTES: AUGUST 19, 2019**

Mr. Triantafilou made a motion to approve the Board Meeting Minutes for August 19, 2019; Mr. Faux seconded. The motion passed unanimously.

**II. HEARING: REGISTERED VOTER CHALLENGES**

The Board was advised of two Registered Voter Challenges filed August 27, 2019. Chuck Eckert, Registration Administrator, reported that Staff sent letters, the challenge form and voter registration forms to each of the voters; there has been no response. Pursuant to request of the challenger, Mr. Joseph Janus, Jr., a subpoena was issued to the property owner/landlord with no response as yet.

Mr. Janus was sworn and provided testimony.

Mr. Triantafilou made a motion to challenge each of the two voters at the polls should they attempt to vote at the polling location in which they are currently registered; Mr. Faux seconded. The motion passed unanimously.

**III. DISCUSSION: PROTEST FILED REGARDING THE CADIDACY OF:**

**KATHY GOODWIN-WILLIAMS: LINCOLN HEIGHTS MEMBER OF COUNCIL**

**KAREN SCOTT HINKSTON: LINCOLN HEIGHTS MEMBER OF COUNCIL**

**TIMOTHY LOWERY: LINCOLN HEIGHTS MEMBER OF COUNCIL**

The Board was advised that the protests were brought forth by Deepak K. Desai, Law Director of the Village of Lincoln Heights. Mr. Desai informed the Board via email that he would not be present at the hearing and Attorney Robert Butler would be in attendance to present the Villages' case regarding the protests. The Board posed the question of Mr. Stevenson regarding Mr. Desai's standing as Law Director of Lincoln Heights to file the protest. Mr. Stevenson advised the Board that the Supreme Court has not directly addressed this situation but they have indicated that elections are public matters and any member of the public can initiate a challenge based upon an election matter.

**Mr. Butler advised the Board for the record that the protest regarding Kathy Goodwin Williams is withdrawn. As she has already been certified to the ballot, no further action is required of the Board.**

**Donna Pope, interim Village Manager and Finance Director for the Village of Lincoln Heights was sworn and provided testimony upon questioning by Mr. Butler regarding the tax records of Karen Scott Hinkston and Timothy Lowery. It was reported that Ms. Scott Hinkston was delinquent in tax payments for the years 2016, 2017 and 2019 to date; Mr. Lowery has never filed or paid taxes to the Village of Lincoln Heights. In addition, it was reported that Mr. Lowery was a convicted felon and as such was not eligible to run for council. The Board proceeded with questions of Ms. Pope.**

**Karen Scott Hinkston was sworn and provided testimony. She indicated that she had paid the past due tax obligation and had just been made aware of the current (2019) tax obligation. Ms. Scott Hinkston pointed out that Ms. Williams was permitted to pay her delinquent tax obligation and in exchange the protest was withdrawn; Ms. Scott Hinkston should be allowed the same consideration. A discussion concerning the actual amount due ensued. Ms. Scott Hinkston reported paying in cash an amount that was not consistent with the amount Ms. Pope reported receiving. Ms. Scott Hinkston was unable to produce a receipt for this payment. Ms. Scott Hinkston stated she understood she would not be permitted to be installed in office if she won the election unless her tax obligation was paid but believed she could run for office. Mr. Stevenson advised her that a change to the Village charter now states that an individual must be current in their tax obligations in order to run for office. A conversation regarding the difference in amounts paid vs. amounts received followed with the Board expressing concern over the allegations presented by Ms. Scott Hinkston as to her cash payments to the Village.**

**Mr. Triantafilou made a motion to uphold the protest filed with respect to Karen Scott Hinkston; Mr. Gerhardt seconded. Ms. McFarlin – aye; Mr. Triantafilou –aye; Mr. Gerhardt –aye; Mr. Faux –nay. The motion carried.**

**Mr. Butler presented the protest of Timothy Lowery to the Board. Mr. Lowery, in addition to not being current with his tax filings, presently has a felony conviction. Mr. Triantafilou reminded the Board that a similar protest with respect to the felony conviction of Mr. Lowery was upheld in 2017.**

**Mr. Lowery was sworn and made a statement. Upon inquiry as to any change to his status, he indicated there was no change.**

**Mr. Triantafilou made a motion to uphold the protest filed with respect to Timothy Lowery and the charter provision that prohibits him to run for this office due to his felony conviction; Mr. Faux seconded. The motion passed unanimously.**

**Mr. Gerhardt inquired as to the question raised regarding paying back taxes prior to running for office; if the decision of the Board could be reversed and, if so, what is the process? Ms. Poland advised that, operationally, Staff is unable to proceed with ballot printing due to the issue concerning the Municipal Court unexpired term election that is pending due to the September 20<sup>th</sup> resignation of a Municipal Court Judge. The Board will be requested to meet on September 19<sup>th</sup> for the purpose of certifying candidates for the municipal court unexpired term. Mr. Stevenson suggested that if Ms. Scott Hinkston makes the payment of her tax obligation prior to that date and Staff receives a notification from the Village of Lincoln Heights not later than 4pm on September 18<sup>th</sup> that the tax matter has been resolved, then Ms. Scott Hinkston could be recertified to the Ballot at the Special meeting of the Board on September 19<sup>th</sup>.**

**It was clarified for the record that if, not later than 4pm on September 18, 2019, Staff receives notification for the Village of Lincoln Heights that the tax obligation of Ms. Scott Hinkston was satisfied the Board would reconsider the recertification of Karen Scott Hinkston to the Ballot at their Special meeting on September 19, 2019.**

#### **IV. CERTIFICATION: NOVEMBER 5, 2019 GENERAL ELECTION ADDITIONAL NONPARTISAN CANDIDATE PETITIONS**

**Mr. Triantafilou made a motion to certify the additional nonpartisan candidate petitions (City of Springdale candidates) to the November 5, 2019 General Election Ballot; Mr. Faux seconded. The motion passed unanimously.**

#### **V. CERTIFICATION: NOVEMBER 5, 2019 GENERAL ELECTION WRITE-IN CANDIDATES**

**Mr. Triantafilou made a motion to certify the write-in candidates to the November 5, 2019 General Election Ballot; Mr. Faux seconded. The motion passed unanimously.**

#### **VI. CERTIFICATION: NOVEMBER 5, 2019 GENERAL ELECTION CHARTER QUESTIONS AND AMENDMENTS**

**Mr. Triantafilou made a motion to certify the Charter Questions and Amendments to the November 5, 2019 General Election Ballot; Mr. Faux seconded. The motion passed unanimously.**

#### **VII. APPROVE: PRECINCT ELECTION OFFICIAL APPOINTMENTS**

**The Board was provided the list of Precinct Election Official Appointments. The appointments are for one year and the Board is required to approve these appointments not later than September 15, 2019. It is understood that vacancies exist and it will be necessary for Staff to fill these vacancies and continue to fill vacancies as they occur.**

**Mr. Triantafilou made a motion to approve the list of Precinct Election Officials and to allow Staff to fill vacancies as they occur; Mr. Faux seconded. The motion passed unanimously.**

**VIII. APPROVE: NOVEMBER 5, 2019 GENERAL ELECTION EQUIPMENT ALLOCATION**

**Mr. Triantafilou made a motion to approve the Equipment Allocation for the November 5, 2019 General Election; Mr. Faux seconded. The motion passed unanimously.**

**IX. APPROVE: NOVEMBER 5, 2019 GENERAL ELECTION BALLOT AND PROVISIONAL ENVELOPE QUANTITIES**

**Mr. Triantafilou made a motion to approve the Ballot and Provisional envelope Quantities for the November 5, 2019 General Election; Mr. Faux seconded. The motion passed unanimously.**

**X. APPROVE: FULL-TIME STAFF APPOINTMENT**

**The Board was advised of a Full-Time Staff appointment: Joe Ventre has been hired as the Republican Precinct Election Official Recruiter and will begin his employment on Thursday, September 12, 2019.**

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

**XI. RESOLUTION: AUTHORIZING EXECUTION OF RULES OF ENGAGEMENT FOR CYBERSECURITY ASSESSMENTS**

**The Board was advised the Resolution was pursuant to Secretary of State Directive 2019-08 requiring Boards of Elections to utilize certain services provided by the U.S. Department of Homeland Security regarding cybersecurity assessments.**

**Mr. Triantafilou made a motion to adopt Resolution #2019-006; Mr. Faux seconded. The motion passed unanimously.**

**XII. OTHER BUSINESS**

**The Board was advised of the Letter of Resignation of Hamilton County Municipal Court District 1 Judge Fanon Rucker, effective September 20, 2019. This resignation necessitates an election on November 5, 2019 to fulfill the unexpired term. UOCAVA ballots for the November 5, 2019 Election must be mailed beginning September 20,**

2019; the Board has scheduled a Special Meeting for Thursday, September 19<sup>th</sup> at 11am.

Mr. Faux engaged a discussion regarding the "Supplemental Process" for voter registration cancellation, pointing out that reports of problems occurring in other counties are not occurring in Hamilton County. The process was discussed at length.

Ms. McFarlin provided an opportunity for anyone in the audience to address the Board.

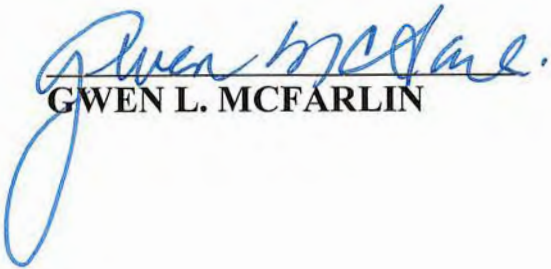
There being no further business to come before the Board, Mr. Triantafilou made a motion to adjourn; Mr. Faux seconded. The motion passed unanimously.

APPROVED:

DATE: September 19, 2019

CHAIR:

DIRECTOR:

  
GWEN L. MCFARLIN

  
SHERRY L. POLAND