

**HAMILTON COUNTY BOARD OF ELECTIONS
MEETING HELD
SEPTEMBER 19, 2019 at 11:00AM**

The meeting of the Hamilton County Board of Elections was called to order at 11:00am 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: SEPTEMBER 10, 2019

Mr. Triantafilou made a motion to approve the Board Meeting Minutes for September 10, 2019; Mr. Faux seconded. The motion passed unanimously.

**II. CERTIFICATION: NOVEMBER 5, 2019 GENERAL ELECTION
CANDIDATE PETITIONS FOR THE HAMILTON COUNTY MUNICIPAL
COURT DISTRICT ONE UNEXPIRED TERM**

The Board was advised that Staff received notification that Judge Fanon Rucker is resigning his position on the Municipal Court bench effective tomorrow, September 20, 2019. This vacancy triggers an election for the unexpired term in the upcoming November 5th election. The filing deadline for candidates wishing to be on the ballot for that seat is not until September 30th. State and Federal law require boards of elections to begin mailing UOCAVA ballots to overseas civilians and military voters on September 20th. It is Staff's recommendation that the Board certify the candidate petitions that have been received to date. The petitions have been reviewed by bipartisan teams and found to be sufficient. The Board was further advised that if additional candidates file petitions by the September 30th deadline, another special meeting would be required to certify those candidates and any ballots already issued via the UOCAVA process would be reissued.

Mr. Triantafilou made a motion to certify the candidates for Municipal Court District One; Mr. Faux seconded. The motion passed unanimously.

III. MEMBER OF COUNCIL AT LARGE B – CITY OF BLUE ASH

Mr. Triantafilou stated for the record the Dinsmore law firm, for whom he is employed, represents the City of Blue Ash and as such and upon consultation with counsel, Mr. Triantafilou will be recusing himself on the question, discussion and decision of this issue.

The Board was reminded that the Certification of Candidates petitions for the City of Blue Ash occurred on August 19, 2019. One of the candidates petitions certified to the ballot was that of Thomas Adamec for Member of Council at Large B in the City of Blue Ash. On September 16, 2019, Staff received notice that Mr. Adamec passed away. Form No. 48: Certificate of Choice by Committee to fill the vacancy and nomination was filed. This form is prescribed by the Secretary of State to be filed in the case of the death of a candidate. The Board is being asked to accept the Certificate of Choice by Committee to replace Mr. Adamec on the ballot.

Diane Adamec, widow of Thomas Adamec and named in a part petition filed by Mr. Adamec as his committee, was sworn and provided testimony, explaining her decision and appointment of Nicole Yasbeck-Schwieter to replace Mr. Adamec on the ballot.

Mr. John Curp, counsel on behalf of Mr. Lonnie Bowling, candidate for City of Blue Ash Member of Council at Large B, presented the argument in support of disallowing the Certificate of Choice by Committee that would replace Mr. Adamec on the ballot. Mr. Curp noted for the record the documents placed as exhibits. A discussion ensued. Mr. Stevenson indicated an email response to questions on this issue that was sent to Ms. Poland and asked the Board to waive attorney/client privilege to allow Mr. Crup and Ms. Adamec to examine it.

Mr. Faux made a motion to waive attorney/client privilege regarding this email; Ms. McFarlin seconded. The motion passed unanimously whereupon copies of the email were distributed.

A discussion among the Board members and Mr. Curp continued. The Board noted that there was one name assigned as the committee and regarded carefully the Supreme Court's favor of "free and competitive elections" pointing out that with only one other candidate on the ballot for this office, disallowing the Certificate of Choice by Committee would be an election by

default as there is no contest. Mr. Curp made his points relative to ORC 3513.31(H) regarding the committee of five or a majority of five.

Mr. Faux made a motion to accept the Certificate of Choice by Committee and allow the named candidate to the Ballot; Mr. Gerhardt seconded. The motion passed unanimously with Mr. Triantafilou recusing.

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: 10-8-2019
DATE: _____

CHAIR:

DIRECTOR:



GWEN L. MCFARLIN



SHERRY L. BOLAND