

**HAMILTON COUNTY BOARD OF ELECTIONS  
MEETING HELD  
MARCH 2, 2021 at 8:30AM**

**The Oath of Office was Administered by the Honorable Judge Megan Shanahan to Board Members Alex Triantafilou and Joseph L. Mallory.**

**The meeting of the Hamilton County Board of Elections was called to order at 8:30am. Present were members Ms. McFarlin, Mr. Triantafilou, Mr. Gerhardt and Mr. Mallory. Also present: Sherry Poland and Sally Krisel and David Stevenson and Jesse Daley with the Hamilton County Prosecutor's office. Due to Social Distancing and limited space in the Board Meeting Room, the meeting was live streamed for public viewing from the board's website and an overflow room in the board's multi-purpose room.**

**It was noted that proper notice was duly provided as required by O.R.C. 121.22. The meeting opened with the Pledge of Allegiance.**

**I. BOARD REORGANIZATION PURSUANT TO O.R.C 3501.09**

**Mr. Triantafilou made a motion to appoint Gwen L. McFarlin as temporary Chair; Mr. Gerhardt seconded. The motion passed unanimously whereupon Ms. McFarlin continued to conduct the meeting.**

**Mr. Gerhardt made a motion to appoint Sherry Poland Director of the Hamilton County Board of Elections; Mr. Mallory seconded. The motion passed unanimously.**

**Ms. McFarlin made a motion to appoint Sally Krisel Deputy Director of the Hamilton County Board of Elections; Mr. Triantafilou seconded. The motion passed unanimously.**

**Mr. Triantafilou made a motion to appoint Gwen McFarlin Chair of the Hamilton County Board of Elections; Mr. Mallory seconded. The motion passed unanimously whereupon Ms. McFarlin assumed her role as Chair.**

**The Oath of Office was administered by the Honorable Judge Megan Shanahan to Ms. Poland, Ms. Krisel and Board Staff.**

## **II. APPROVE BOARD MEETING MINUTES: FEBRUARY 9, 2021**

Mr. Triantafilou made a motion to approve the Board meeting minutes for February 9, 2021; Mr. Mallory seconded. The motion passed unanimously.

## **III. HEARING: PROTEST OF AFTAB PUREVAL'S CINCINNATI MAYORAL PETITION** *A transcript of this hearing is attached hereto for reference*

A Hearing on the Protest of the Petitions filed by Aftab Pureval for Mayor of the City of Cincinnati was heard. Curt Hartman, attorney on behalf of complainant Mark W. Miller presented; Evan Nolan, attorney on behalf of Aftab Pureval presented.

The Board engaged at length with questions and discussions with both parties (see attached transcript). At the conclusion, Mr. Triantafilou made a motion to enter Executive Session indicating the necessity due to the quasi-judicial proceeding and imminent litigation; Mr. Mallory seconded. Ms. McFarlin -aye; Mr. Triantafilou -aye; Mr. Gerhardt -aye; Mr. Mallory -aye; the motion passed unanimously whereupon the Board entered Executive Session at 9:11am.

Mr. Triantafilou made a motion return to Regular Session; Mr. Mallory seconded. Ms. McFarlin -aye; Mr. Triantafilou -aye; Mr. Gerhardt -aye; Mr. Mallory -aye; the motion passed unanimously whereupon the Board returned to regular session at 9:29am.

Mr. Triantafilou deferred to Mr. Stevenson with regard to Mr. Hartman's suggestion that this Board would be "rewriting election law". Mr. Stevenson stated that the City of Cincinnati Charter requires substantial compliance, it does not require strict compliance. The fact that the term "affidavit" is used in one section and then a form is provided is sufficient for substantial compliance. Mr. Pureval's petitions along with every other Mayoral Candidate's petitions substantially comply with the City Charter and Ohio law.

Mr. Mallory made a motion that the Protest of Aftab Pureval's petition be denied; Mr. Gerhardt seconded. The motion passed unanimously.

## **IV. CERTIFICATION: CINCINNATI MAYORAL PETITIONS**

The Board reviewed the list of 6 City of Cincinnati Mayoral Candidates whose petitions contained sufficient signatures for Staff recommendation to the Ballot.

**Mr. Triantafilou made a motion to certify the 6 Candidates to the Ballot; Mr. Mallory seconded. The list included Gavi Begtrup; David Mann; Herman Najoli; Raffel Prohett; Aftab Pureval; Cecil Thomas. The motion passed unanimously.**

**The Board reviewed a second document entitled Hamilton County Candidates List- Insufficient Petitions. This list consists of three candidates whose petitions were found to have insufficient number of signatures, not meeting the requirement of 500 valid signatures. Mr. Triantafilou pointed out the procedural distinction of this process with the preceding hearing in that no formal protest has been filed with regard to these three candidates.**

**The Board heard from Adam Koehler; Mr. Koehler was sworn; Brian Houillion was sworn and spoke on behalf of Mr. Koehler. Ms. Poland provided a brief overview including the request and receipt of an opinion for the City Solicitor with regard to residency of Circulators. The Board heard the presentation of Mr. Houillion.**

**Mr. Gerhardt asked Mr. Stevenson for clarification of what matter was before the Board. Mr. Stevenson reminded the Board that there was nothing official before the Board at this time as there has not been a protest filed; this process was simply a public statement. The deadline for protest is Friday, March 5, 2021. Mr. Triantafilou suggested that the matter of the three candidates be tabled in the interest of hearing the potential protests that may be filed by them.**

**The Board heard from Kelli Prather with regard to the multiple sets of petitions she filed and her overview of same.**

**Mr. Triantafilou made a motion to table further discussion of the Hamilton County Candidates List- Insufficient Petitions filed for May 4, 2021 Nonpartisan Primary Election until the board's meeting next week; Mr. Mallory seconded. The motion passed unanimously.**

#### **V. CERTIFICATION: CHARTER AMENDMENTS**

**Mr. Triantafilou made a motion to Certify the two City of Cincinnati Charter amendments to the Ballot; Mr. Mallory seconded. The motion passed unanimously.**

#### **VI. CERTIFICATION: WRITE-IN CANDIDATES**

**The Board was advised that the only write-in candidate has withdrawn their candidacy and therefore no action is required by the Board.**

**VII. CERTIFICATION: JUDICIAL MUNICIPAL DISTRICT 2 CANDIDATES**

Mr. Triantafilou made a motion to Certify the three candidates, Helmick, Johnson and Tye, who filed petitions for the unexpired term for Judicial Municipal District 2; Mr. Mallory seconded. The motion passed unanimously.

**VIII. REVIEW: NOVEMBER 2020 PRESIDENTIAL GENERAL ELECTION ANOMALY REPORT**

Ms. Poland reminded the Board of the status with regard to the November 2020 Presidential General Election Anomaly report. The Board directed Staff to make another attempt at contacting the 36 voters who had not yet responded by sending a second strongly worded letter to each voter. 18 have not responded and an additional 3 have been returned undeliverable; the remainder have provided sufficient explanation.

Voter 119: Voter living in New York using parent's Hamilton County address. A letter, mailed February 12<sup>th</sup> was sent to the voter with still no response.

Mr. Triantafilou made a motion to refer voter 119 to the HCPROS for further investigation; Mr. Mallory seconded. The motion passed unanimously.

Mr. Triantafilou made a motion to cancel the registration of voter 119; Mr. Gerhardt seconded. The motion passed unanimously.

Regarding the three voters where the second letter came back undeliverable: Mr. Triantafilou made a motion to refer to HCPROS for further investigation; Mr. Gerhardt seconded. The motion passed unanimously.

Mr. Triantafilou questioned next steps; Ms. Poland advised that a Confirmation Notice (forwardable) is typically sent. The Board agreed this would be acceptable. Mr. Gerhardt suggested this same step be taken with respect to the three voters.

Mr. Triantafilou made a motion to rescind the previous action to refer the three voters for further investigation; Mr. Mallory seconded. The motion passed unanimously.

With regard to the 18 remaining, two letters, neither of which have been returned undeliverable have been sent to each voter. The Board requested Confirmation letters (forwardable) be sent to these voters as well.

**IX. APPROVE PRECINCT ELECTION OFFICIAL REDUCTION**

Staff recommended a reduction in the Precinct Election Official Allocation for the May 4, 2021 Primary/Special Election:

- Single Polling Locations: 4 PEOs (No change)
- Double Polling Locations: 6 PEOs (Down from 8)
- Triple Polling Location: 10 PEOs (Down from 12)
- Quad Poling Locations: 14 PEOs (Down from 16)

Mr. Mallory made a motion to accept the Staff recommendation; Mr. Gerhardt seconded. The motion passed unanimously.

**X. BOARD POLICY UPDATES**

Social Media Policy Update: The Board was advised this update is made to include the newly created Digital Communications Manager to the policy.

Mr. Triantafilou made a motion to accept the Staff recommendation; Mr. Mallory seconded. The motion passed unanimously.

Method of Board Meeting Notice: The Board was advised of the newly drafted policy of how meetings are noticed.

Mr. Triantafilou made a motion to approve the board policy; Mr. Mallory seconded. The motion passed unanimously.

**XI. OTHER BUSINESS**

The Board scheduled a special meeting for Friday, March 12, 2021 at 2:30pm.

Board members extended their welcome to new Board member Joseph Mallory.

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

APPROVED:

DATE: March 12, 2021

CHAIR:

DIRECTOR:

  
GWEN MCFARLIN

  
SHERRY L POLAND