

**HAMILTON COUNTY BOARD OF ELECTIONS
MEETING HELD
SEPTEMBER 13, 2022 at 8:30AM**

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: Director Sherry Poland and Deputy Director Alex Linser; David Stevenson with the Hamilton County Prosecutor's office.

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. APPROVE: BOARD MEETING MINUTES: AUGUST 19, 2022 AND AUGUST 30, 2022

Mr. Triantafilou made a motion to approve the Board Meeting Minutes for August 19, 2022 and August 30, 2022; Mr. Mallory seconded. The motion passed unanimously.

II. VOTER REGISTRATION ANOMALIES

It was previously reported to the Board that the organization Black Fork Strategies conducts voter registration drives in Hamilton County. Staff received notice from Black Fork Strategies that they believed one of their employees may have falsified voter registration cards. Black Fork Strategies identified those voter registration cards and the employee in question.

At a previous meeting, the Board directed Staff to issue a subpoena to the employee identified by Black Fork Strategies; confirmation of the issuance of the subpoena to the residence of the employee was received from the Sheriff's office. There has been no response to the subpoena.

The Board was advised that Staff conducted a review of 20 of the registration forms, comparing them to BMV records, and found none to match; a report was provided to the Board. Staff is requesting guidance on next steps.

Mr. Triantafilou made a motion to refer this matter to the Hamilton County Prosecutor for further review; Mr. Mallory seconded. The motion passed unanimously.

III. APPOINTMENT: PRECINCT ELECTION OFFICIALS

The Board was provided a list of Precinct Election Officials recommended by Staff for appointment. Ms. Poland reminded the Board of the requirement to approve the appointments each September and give authority to Staff to continue to fill vacancies as they arise.

Mr. Triantafilou made a motion to Appoint the list of Precinct Election Officials for the November 8, 2022 General Election; Mr. Mallory seconded. The motion passed unanimously.

Mr. Triantafilou made a motion to authorize the Director and Deputy Director to work with Staff to fill any additional positions as the need may arise; Mr. Mallory seconded. The motion passed unanimously.

IV. DISCUSSION: AUGUST 2022 PRIMARY ELECTION ANOMALY REPORT

The Board was advised of 11 voters in the August Primary Election who cast 2 ballots. In each instance, only one ballot was counted. Staff assembled a list of these voters and the Director and Deputy Director attempted to contact each voter for explanation. All but three of the individuals responded to Staff; Ms. Poland indicated that she and Mr. Linser were satisfied with the explanations provided; there seemed to be a lot of confusion over the two primary elections. The remaining three voters were mailed letters requesting they contact the Director or Deputy Director prior to September 12th; no contact has been received.

Mr. Triantafilou stated that he believes, given the circumstances and explanations received that no further action is necessary; Mr. Mallory concurred. Mr. Gerhardt indicated he did not agree with no further action with respect to the three for whom contact was not made. Mr. Stevenson advised the Board that no motion on the matter is required.

V. CERTIFICATION: CHARTER AMENDMENT FOR THE NOVEMBER 2022 GENERAL ELECTION

The Board was advised that there was one Charter Amendment filed since the last meeting of the Board. The City of Cincinnati has filed a Charter Amendment; Staff recommends certification.

Mr. Triantafilou made a motion to Certify the Charter Amendment (Issue 11) for the City of Cincinnati; Mr. Mallory seconded. The motion passed unanimously.

VI. APPROVAL: ELECTION ADMINISTRATION POLICIES

Ms. Poland advised the Board that Staff is working to review and put into place policies based on practices that have been in place for many years. The latest edition of the SOS Election Officials Manual requires the Board to pass or adopt policies regarding certain election topics. The Board is in receipt of several such policies, which have been reviewed by legal counsel, including the Stray Mark Policy which has been revised to reflect current changes in practice. Ms. Poland noted that it is the plan to create an Election Administration Policy Manual which will include these as well as other policies yet to be drafted for review. A discussion regarding the revision to the Stray Mark Policy ensued.

Mr. Triantafilou made a motion to approve the Election Administration Policies as set forth; Mr. Mallory seconded. The motion passed unanimously. *A copy of said policies are attached hereto for reference*

VII. RESOLUTION: AUTHORIZING MAIL SORTING SYSTEM SERVICE AGREEMENT (RESOLUTION 22-005)

The Board was advised that this resolution authorizes the Director and Deputy Director to negotiate and execute a contract for service agreement for the mail sorting system.

Mr. Triantafilou made a motion to adopt Resolution #22-005; Mr. Mallory seconded. The motion passed unanimously.

VIII. OTHER BUSINESS

Mr. Triantafilou noted an email received regarding reconsideration as it relates to the decision made concerning certifying a write-in candidate to the ballot.

Mr. Triantafilou made a motion to enter Executive Session for the purpose of discussing pending litigation; Mr. Mallory seconded. Ms. McFarlin -aye; Mr.

Triantafilou- aye; Mr. Gerhardt -aye; Mr. Mallory- aye whereupon the Board entered Executive Session at 9:02am.

Mr. Triantafilou made a motion to return to regular session; Mr. Mallory seconded. Ms. McFarlin -aye; Mr. Triantafilou -aye; Mr. Gerhardt -aye; Mr. Mallory -aye whereupon the Board returned to regular session at 9:21am.

Mr. Triantafilou made a motion to deny reconsideration of the previous decision made regarding the write-in candidate; Mr. Mallory seconded. The motion passed unanimously.

Ms. Poland provided an update on the vote by mail applications currently being received and processed.

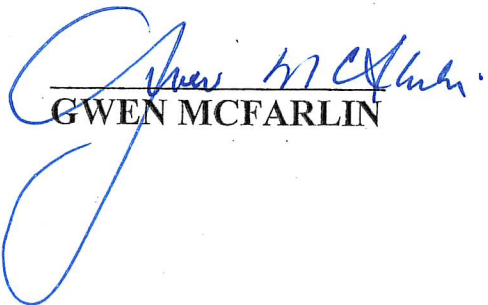
Director Poland and Deputy Director Linser are conducting "Behind the Ballot" tours and have conducted tours for the Girl Scouts as well as candidates involved in the November election.

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

APPROVED:

DATE: September 29, 2022

CHAIR:


GWEN MCFARLIN

DIRECTOR:


SHERRY L. POLAND

**Hamilton County Board of Elections
Election Administration Policies
September 13, 2022**

1. Questions and Issues Numbering and Ballot Order Policy
2. Submitting Ballot Language to the Secretary of State Policy
3. Ballot Proofing Policy
4. Curbside Voting and Unscanned Ballot Policy
5. Ballot Remake Policy
6. Ballot Stray Mark Policy – Revised
7. Post-Election Audit Handling of Ballots Policy
8. Third Party Access to Voting System Policy
9. Online Publications Policy

Hamilton County Board of Elections

Questions and Issues Numbering and Ballot Order Policy

The Hamilton County Board of Elections hereby adopts a Questions and Issues Numbering and Ballot Order Policy.

The Secretary of State's certified form of the ballot is used in all elections. Local Questions and Issues are rotated annually. The order in which questions and issues appear on the ballot is provided in R.C. 3505.06. State issues, if any, always appear as the first group. Thereafter, the order of questions and issues will change with each calendar year in a four-year cycle.

It shall be the policy of the board that questions/issues shall appear in alphabetical order of the jurisdiction placing the question/issue on the ballot within each group as prescribed in R.C. 3505.06. If the same jurisdiction places more than one question/issue on the same ballot, the question/issue with the lowest ordinance or resolution number will be placed on the ballot first.

Consecutive Issue Numbers are assigned once the filing deadline for questions and issues have passed for the election (60 days prior to Election Day) and the list and order of all questions and issues appearing on the ballot have been completed.

Hamilton County Board of Elections

Submitting Ballot Language to the Secretary of State Policy

The Hamilton County Board of Elections hereby adopts a policy for Submitting Ballot Language to the Secretary of State.

The tasks of preparing and submitting ballot language to the Secretary of State's office for review is delegated to the appropriate staff as determined by the Director and Deputy Director. Staff shall perform these tasks in accordance with Secretary of State directives.

This delegation allows board staff to submit proposed ballot language and address problems that may be identified well in advance of the election.

Hamilton County Board of Elections

Ballot Proofing Policy

The Hamilton County Board of Elections hereby adopts a Ballot Proofing Policy.

All aspects of ballot creation are proofed for accuracy including, but not limited to, Verity Data/Build system, ballot language, candidate information, contest association, ballot styles, rotation and Access Station audio.

Four bipartisan teams are given documents that are known to be correct (original source, District Book, proofed documents and VR system) and one member must read and spell those documents and the other member verifies it against the Candidates & Issues List, Data/Build system and ballots. Any changes that need to be made based on the proofing process are done by a bipartisan team in the Data/Build system. Board Staff will maintain ballot proofing checklist indicating that each step of proofing has been completed.

Once the ballot has been proofed by all 4 teams and any changes have been made and reviewed, ballot proofs are made available for public inspection.

All Proofing materials are retained per the board's retention schedule.

Hamilton County Board of Elections

Curbside Voting and Unscanned Ballot Policy

The Hamilton County Board of Elections hereby adopts a Curbside Voting and Unscanned Ballot Policy.

Curbside voting is the process followed when a person is physically unable to enter the polling location, including the early vote center. Bipartisan election officials follow the Curbside voting procedures in accordance with Secretary of State Directives. Ballots cast curbside are placed in an envelope and the envelope is placed in the Provisional and Unscanned Ballot Bag.

Curbside ballots and other Unscanned Ballots determined to be eligible to be counted, are scanned centrally at the Board of Elections Office.

Hamilton County Board of Elections

Ballot Remake Policy

The Hamilton County Board of Elections hereby adopts a Ballot Remake Policy.

Ballots that are damaged, contain technical or printing deficiencies, or voter intent is determined when the voter fails to follow instructions, are remade by bipartisan board employees.

Ballots with similar problems are separated into categories. Designated bipartisan teams remake the ballot by assigning a remake number and logging the precinct number and reason for remake on the remake log. The original ballot is stamped "Original" and the remake number is recorded on the ballot. The new remake ballot is stamped "Remake" and the same remake number is recorded on the ballot. One member of the team reads the ballot aloud while the other team member records the vote on the new ballot. Both members of the team should verify the remake ballot is consistent with the voter's choices on the original ballot. Stray Mark and Voter Intent ballots are reviewed by the Director and Deputy Director.

During a public meeting, the remake ballots are presented to the board in categories based upon similar remake reasons. Remake ballots are not tabulated until a majority of board members have confirmed or determined eligibility. The original ballots are retained per the board's retention schedule.

Hamilton County Board of Elections

Ballot Stray Mark Policy

The Hamilton County Board of Elections hereby adopts a Ballot Stray Mark Policy.

Stray marks are inadvertent single marks in a ballot option box that are inconsistent with the rest of the voted ballot and also fall below the established standard of O.R.C. 3506.21 for determining voter intent. Stray marks are of a nature and character to allow the board to affirmatively determine the voter's intent and therefore will not be counted.

Examples of stray marks include but are not limited to:

- Single pen dots in an option box.
- A line from a check mark or X that extends into another option box.
- A note or a signature written on the ballot that extends into an option box.
- Stains, spills or smudges on the ballot that extend into an option box.
- Marks from a folded ballot.

Absentee Ballot by mail only: Interlineations of a name on the ballot will be treated as a voter's attempt to correct a mistake only when the rest of the ballot is marked in a consistent manner. This policy applies to absentee voting by mail because time constraints may prohibit the voter from spoiling the ballot, obtaining a new one and returning it to the Board by 7:30 pm Election Day. This does not apply to ballots cast in the precinct on Election Day or in-person during the Early Voting period where the procedure to correct a mistake is to spoil the ballot according to O.R.C. 3505.23.

Stray marks are inadvertent and therefore differ from the partial darkening of an option box where the voter followed directions on the rest of the ballot. Partial darkening of an option box, however slight, does not allow the Board to determine voter intent and therefore in accordance with Ohio Law and SOS Directive the ballots will be scanned on AUTO-RESOLVE.

Hamilton County Board of Elections

Post-Election Audit Handling of Ballots Policy

The Hamilton County Board of Elections hereby adopts a Post-Election Audit Handling of Ballots Policy.

A post-election audit is a comprehensive review of the results of one or more contests in an election to ensure that the results posted by the board are accurate. No person other than a member of the board, or designated employee of the board may handle a ballot.

The board designates the bipartisan full-time and seasonal employees of the board to handle ballots during post-election audits.

Hamilton County Board of Elections

Third Party Access to Voting System Policy

The Hamilton County Board of Elections hereby adopts a Third Party Access to Voting System Policy.

The board prohibits individuals who are not employees, contractors, or consultants of the board of elections or the Secretary of State's office from being granted a user ID or otherwise be given privileges to access any network or component of the election system within the board offices or at a satellite location, unless the written approval of both the board's chair and director have been obtained. Any access given must be in accordance with Secretary of State directives.

Hamilton County Board of Elections

Online Publications Policy

The Hamilton County Board of Elections hereby adopts an Online Publication Policy.

Any information that would be a legal notice, emergency changes to polling locations, or any other significant notice shall be posted to both the board's website and social media accounts.

Online postings are in addition to, and do not replace other legal obligations to post in a newspaper of general circulation.