Special Meeting for a
Protest Hearing on Candidate Petitions,
Review Candidate Withdraw Request and Recensions,
and any other Regular Business as deemed necessary

Chairman Rick Combs called the meeting to order at 9:30 a.m. and the Board recited the Pledge of Allegiance. Board Members present were Rick Combs, Paul Campbell, Larry Heller and Ray Lembke. Also present were Judy Miller – Director, Julia Carney – Deputy Director.

OTHER ATTENDEES: Carl Hoerth, Paul Vanderbosch, Richard Feldkamp, Ramona Carr, Darren Walriven, Minta Colvin, Karey Herrin, Beth Hamad (SOS Liaison), and Mary Lynne Birck (Prosecutor's Office)

MOTION TO ADOPT THE AGENDA AS PRESENTED:

2017-97 – The Board made and all Members accepted the motion to adopt the Agenda as presented.

Protest Hearing:

A court reporter was present during the meeting and detailed minutes are available upon request through the court reporter.
Chairman Rick Combs stated that we were meeting today for a Protest of Certified Candidates. He explained there are by law procedures we must follow. There are several preliminary matters that must be satisfied, O.R.C. 3513.263 addresses written protests.
Chairman Combs asked Deputy Director Julia Carney if it was determined if the documents have met the legal requirements of the written policies. She stated they did. The Chairman asked if there were any objections to the timeline and there were not.
The written protest was signed by Ramona Carr and Paul Vanderbosch and are qualified electors.
Ramona Carr, Paul Vanderbosch, Minta Colvin, Karey Herrin, Darren Walriven, Richard Feldkamp, and Carl Hoerth were sworn-in. All parties were properly notified.

The Board proceeded with the Hearing.

Ms. Carr stated her concern was that Minta Colvin does not meet the one-year residency requirement to be a candidate for New Richmond Village Council. She presented her evidence.
Ms. Colvin responded to the protest to the Board with her statements and proof of residency.

2017-98 – At 10:02 a.m. Paul Campbell made the motion to go into Executive Session. Ray Lembke seconded the motion. Upon roll call, all Member voted "yes".

2017-99 – Larry Heller made the motion to come out of Executive Session per O.R.C. 121.22(G)(3). Paul Campbell seconded the motion. Upon roll call all Members voted "yes".

2017-100 – Ray Lembke made the motion to reject the protest of petition of Minta Colvin for New Richmond Village Council, based on Revised Code 3503.02, which defines residency as the place which a person's habitation is fixed, and 731.12 which states you have to be a resident of the village for a year prior of the election to be elected to the village's legislative authority but is doesn't say what residence means, so you have to go back to 3503.02. The only direct evidence on that point that I heard is her testimony that she has been living there since October 30th of last year which is more than the election of November 2017.
Larry Heller seconded the motion. Upon roll call, all Members voted "yes".

Ms. Carr stated her concern that Karey Herrin also does not meet the one-year residency requirement to be a candidate for New Richmond Village Council. She presented her evidence.
Ms. Herrin responded to the protest with her statements of proof of residency.
Mr. Vanderbosch stated his concerns of Ms. Herrin's residency.

Ms. Herrin continued with her statements.
Chairman Combs asked that the Record reflect that Darren Walriven was sworn in.

Mary Lynne Birck added that the burden of proof is on the person's bringing forth the protest.

2017-101 – Ray Lembke made the motion to reject the protest of petition of Karey Herrin for New Richmond Village Council for the November 7, 2017 General Election Ballot. Larry Heller seconded the motion. Upon roll call, all Members voted "yes".
Mr. Lembke added that in addition to Legal Counsel regarding the burden of proof, to define it is if it is not clear one way or the other whoever has the burden of proof loses. Rick added that residency is very hard to prove.

Chairman Combs stated that the Protest Hearing was concluded.

The Board went off the Record for a short recess.
The Board went back on the Record.

Acceptance of Withdrawal of Carl C. Hoerth, III for Clermont Northeastern School Board:

Julia explained Mr. Hoerth submitted a letter on August 16, 2017 to remove his petition from the November 7, 2017 General Election. On September 1, 2017 Mr. Hoerth made a second request to rescind his original withdraw and requested to be placed on the ballot. We sought an opinion from the Prosecutor's Office and Mr. Edwards agreed that the O.R.C. is silent on the matter of rescinding a request to withdraw a candidacy however his opinion was that pursuant to O.R.C. 3513.30(D) that a withdraw is self-effected by the filing of the written statement of candidate announcing the candidates withdraw and the request not to be printed on the ballot. Section E states that upon receipt of said request the Board shall remove the name of the withdrawn candidate from the ballot if the withdraw is received on or before the 70th day prior to the election. As Mr. Hoerth's candidacy was withdrawn effective date on the filing date of August 16, 2017 the request to withdraw the rescission would be ineffective based on the Prosecutor's opinion.
Mr. Hoerth addressed the Board explaining the decisions he made regarding his petitions.
2017-102 – Larry Heller made the motion to accept the withdrawal of Carl C. Hoerth, III for Clermont Northeastern School Board. Paul Campbell seconded the motion. Upon roll call, all Members voted "yes".

Write-In Candidates:

2017-103 – Larry Heller made the motion to accept the Declaration of Intent to be a Write-In Candidates for the November 7, 2017 General Election ballot for Steven Hacker (Amelia Village Council), Gary Jordan (Williamsburg Township Trustee), Barbara R. Bruner (Batavia Local School Board), Terry Lowe and Michael Swinford (Felicity Franklin Local School Board-full term), and Andy Ninichuck (Felicity Franklin Local School Board-unexpired term ending 12-31-2019). Ray Lembke seconded the motion. Upon roll call, all Members voted "yes".

ADJOURNMENT:

2017-104 – Ray Lembke made the motion to adjourn. Larry Heller seconded the motion. Upon roll call, all Members voted "yes".

Rick W. Combs – Board Chairman

Paul L. Campbell – Board Member

R. Lawrence Heller – Board Member

Raymond W. Lembke – Board Member

Attest – Judith A. Miller – Director
Minutes signed on September 28, 2017

Rudd, Rebecca

From:	Rudd, Rebecca
Sent:	Thursday, August 31, 2017 1:25 PM
To:	'clermont sun legals'; rmaloney@communitypress.com
Subject:	bd mtg notice
Attachments:	2017 september 6 - protest - nr village.doc

Good Afternoon,
Please be advised as post as a PSA (no cost) the attached notice regarding a Special Board Meeting of the Clermont County Board of Elections. Please let me know if you have any questions.
Thank you,

Becky Rudd
Clermont County Board of Elections
76 S. Riverside Dr.
Batavia, Ohio 45103
513-732-7275

Notice of Special Meeting
Clermont County Board of Elections

The Clermont County Board of Elections will hold a Special Meeting on Wednesday, September 6, 2017 at 9:30 am to conduct a Protest Hearing on (2) Candidacy Petitions for New Richmond Village Council. The Board will conduct any other business as deemed necessary at that time. The meeting will be held at the Board Office, 76 S. Riverside Dr., Batavia, Ohio 45103.

Dated: August 29, 2017

Rick Combs – Chairman
Judy Miller - Director

Rudd, Rebecca

From:	Miller, Judy
Sent:	Friday, September 1, 2017 4:57 PM
To:	clermontsunlegals@fuse.net
Cc:	Carney, Julia; Rudd, Rebecca; Haight, Stephanie
Subject:	Board of Elections - Revised Meeting Notice
Attachments:	Rev - 2017 september 6 - protest - nr village.doc

Tony -

We have had to add some things to our September 6th Special Meeting. Please see revised Notice attached.

Thank you!

Judy Miller, Director
Clermont County Board of Elections
(513) 732-7275

Clermont County Board of Elections

Notice of Special Meeting

Revised & Amended

The Clermont County Board of Elections will hold a Special Meeting on Wednesday, September 6, 2017 at 9:30 am to conduct a Protest Hearing on (2) Candidacy Petitions for New Richmond Village Council. They will also review Candidate Withdrawal Requests and Recensions as well as Write-In Candidates. The Board will conduct any other business as deemed necessary at that time. The meeting will be held at the Board Office, 76 S. Riverside Dr., Batavia, Ohio 45103.

Rick Combs – Chairman
Judy Miller - Director

Dated: September 1, 2017