

**I. Call to Order/Pledge of Allegiance**

Chairman Ray Lembke called the meeting to order at 10:04 a.m. Director Carney led the Pledge of Allegiance.

**II. Roll Call**

Ray Lembke – Chair – Yes

Rick Combs – arrived at 11:32 a.m.

Gregg Conrad – Yes

Richard Grant – Yes

Also present were Director Julia Carney, Deputy Director Chris Dennison and Becky Rudd – Clerk taking record.

**III. Other Attendees** – Kenning Henning (SOS Liaison), Mary Lynne Birck (Prosecutor's Office)

**IV. Approval of Agenda**

**2020-01** – Mr. Conrad made the motion to adopt the agenda as presented. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Absent

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

Chairman Lembke wanted to thank Deputy Director Dennison for the nametags he gave the Board Members and acknowledge that Mr. Dennison paid for them with private money.

**V. Public Participation** - none

**VI. Opening of bids on ballots**

Director Carney advised the Board the bid for ballots was advertised on January 16, 2020 in the Clermont Sun, and sent to four printers in Ohio, the deadline to return was today (1-22-2020) by 9:00 a.m. We only received one bid; it was from ES&S.

14-inch ballot – \$0.26

17-inch ballot – \$0.27

19-inch ballot – \$0.31

We use the 17-inch ballot and this is the same price as last year.

**2020-02** – Mr. Grant made the motion to accept the bid from ES&S for ballot printing for the 2020 election year. Mr. Conrad seconded the motion. Upon roll call:

Mr. Combs – Absent

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

**VII. Approval of Minutes**

**2020-03** – Mr. Grant made the motion to approve the minutes from the December 16, 2019, Commencing Post Election Audit Meeting. Mr. Lembke seconded the motion. Upon roll call:

Mr. Combs – Absent

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

**2020-04** – Mr. Grant made the motion to approve the minutes from the December 23, 2019, Completion of Post-Election Audit, Certification of Candidates and Issues to the Primary Ballot & Regular December Board Meeting. Upon roll call:

Mr. Combs – Absent

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

### **VIII. Approval of Bills as of January 22, 2020**

Director Carney advised the Board the Hilton Hotel bill contained some cancellation fees. We seem to always have problems with the check-in process at the hotel and will now use individual checks for everyone at check-in.

**2020-05** – Mr. Conrad made the motion to accept and pay the bills as of January 22, 2020. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Absent

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

### **IX. Current Litigation**

Mary Lynne Birck advised the Board that an Executive Session is not necessary because we are not directly involved with the litigation and this discussion can be in an open meeting. The subject is the Miller Farm property (to be developed) in Union Township. There are two sides to the litigation: (1) the Union Township Board of Trustees and (2) the Cincinnati Nature Center and some residents around the Nature Center. There was a consent order regarding the development of the land. The Nature Center and residents had two strategies to stop the development, (1) go to court and (2) circulate petitions to have a referendum to stop the development. The portion that pertains to this Board is the court decision in favor of the Nature Center and committee of residents. The court ruled that the Board of Trustees shall certify the relators petition for referendum to the Clermont County Board of Elections, once the Clermont County Board of Elections receives the petitions they are to review and examine the validity of the petitions. The court found that the township acted illegally with regard to the legislative action but also said that they could have the referendum. On December 20, 2019 Larry Barbieri delivered the referendum petitions to this Board. The part petition has the date of election as May 7, 2019. Ms. Birck contacted counsel for the Nature Center committee and asked if they want this on the ballot because it appears that they won the decision. The Nature Center attorney filed a motion asking the judge to clarify what the order is; the petitions were to be reviewed and placed on the next election, which could not be done. Ms. Birck attended the hearing for clarification. Judge McBride said from the bench that he did not see any reason for the referendum to go on the ballot because he determined the resolution passed by the trustees was illegal and contrary to the federal courts consent decree. She is still waiting on an order from the court for this Board. Chairman Lemke confirmed that there is not an order for us to put the referendum on the ballot. This Board does need to hold on to these petitions.

Chairman Lemke asked if Kevin Pringle's case was terminated, and it was.

### **X. Review of Write-In Petition for March 17, 2020 Primary Election and Candidate Withdraw**

Director Carney advised the Board of two write-in candidates, Jeff Richards – (D) Commissioner term date 1-2-2021 and Natalie Brady – (D) Central Committee Member in Milford City H.

**2020-06** – Mr. Grant made the motion to accept the Declaration of Intent to be a Write-In Candidate for Jeff Richards (D) for County Commissioner, term date 1-2-2021, for the March 17, 2020 Primary Election ballot. Mr. Conrad seconded the motion. Upon roll call:

Mr. Combs – Absent

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

Natalie Brady did not fill out the precinct for which she is running on the Declaration of Intent, which is not a fatal error.

**2020-07** – Mr. Conrad made the motion to accept the Declaration of Intent to be a Write-In Candidate for Natalie Brady (D) for Central Committee Member, Milford City H, for the March 17, 2020 Primary Election ballot. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Absent

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

David Lewis (D) submitted a Letter of Withdraw for Central Committee Member – Miami Township G1G in a timely manner to have his name removed from the ballot.

**2020-08** – Mr. Conrad made the motion to accept the Letter of Withdraw for David Lewis (D) for Central Committee Member in Miami Township G1G. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Absent

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

At 10:48 a.m., the Board recessed.

At 10:51 a.m., the Board returned from recess.

## **XI. Director's Report**

### **A. Primary Election – March 17, 2020**

#### **1. Planned changes to polling locations**

Director Carney advised the Board of the polling place changes. The former Amelia Village precincts (A, B & C) will remain at the Amelia Elementary School as Pierce Township N, Pierce Township O, and Batavia Township O.

Wayne Township B and C will remain at Newtonsville Administration building pending approval by Wayne Township. The building will transfer to Wayne Township by operation of law and the Director will check with the township that this building is still available or what other building is available.

The Director also discussed moving the following polling locations.

Pierce Township M – move from Legendary Run Clubhouse to Locust Corner Elementary School, (0.6 miles away).

Union Township J & P1P – move from St. Veronica Church to Crossroads Church (2 miles away).

Union Township F, I & X – move from Brantner Elementary to Crossroads Church (2.9 miles away).

Miami Township S & V – move from House of Restoration to Day Heights Firefighters Memorial Building (1.1 miles away), upon review of ADA requirements by Board of Elections Staff.

We must notify voters 25 days before the election so we could still find another location if the Day Heights building does not work out.

**2020-09** – Mr. Conrad made the motion to make the proposed polling place changes, as advised by the Director, effective for the March 17, 2020 Primary Election and contingent on the review of the staff's approval for Miami S & V, moving to the Day Heights Firefighters Memorial Building. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Absent

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

### **C. Residency issues**

Director Carney has received complaints from three different individuals regarding residency issues of voters.

The first one is on John M. Parsons and Beth Ann Parsons, registered to vote at 199 W. Main Street, Amelia. The complaint was dropped off in the office by the former mayor of Amelia, but we don't know the name on the complainant. The complainant states the Parsons voted in Amelia during the November 5, 2019 election, but live at 3128 State Route 132 in Ohio Township, the Parsons own both properties. There have been other voters registered at both addresses. It is in the Board's authority to determine these residency issues. The Director did not find anything that made her think that they were not living at 199 W. Main Street, it's been consistent for almost twenty years. Director Lemke asked where the burden of proof lies. The Director believes the person bringing the complaint has the burden.

At 11:09 a.m., the Board recessed.

At 11:18 a.m., the Board returned from recess.

The Director checked but did not have an answer because the prosecutor was not available, but left a message. She gave the Board O.R.C. 3503.02 and the Secretary of State's summary on what a residence is for voting purposes.

The Board chose to take no action on the issue, as no name was associated with the complaint. Legal Counsel advised the Director that the proof is on the voter to show that they have resided there and the intent to return if they left.

**2020-10** – Mr. Conrad made the motion to schedule a residency hearing on Wednesday February 5, 2020 at 10:00 a.m., regarding the residency of John Parsons and Beth Parsons. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

Sarah Ritter brought forth a complaint regarding the residency against Sabrina Hinnners Sells and Joshua Sells.

Sarah Ritter challenged the address of Sabrina Nicole Hinnners Sells and Joshua Tyler Sells. They were registered to vote at 2787 Cedarville Rd., which is the address of Teresa and Jacob Hinnners. The complaint was she did not live at the Cedarville Road address but did live at 327 Main St., formerly Newtonsville. Ms. Sells voted a provisional ballot in the last election (11-5-2019), updating her address to 327 W. Main Street. There does not appear to be an issue here.

Teresa Hinnners brought forth a complaint regarding the residency against Jason and Sarah Ritter. Teresa Hinnners' complaint is that Carl Jason Ritter and Sarah Ritter did not live in Wayne Township for the November 2016 election, but their voting record shows that they did vote in the township. Ms. Hinnners had a document showing they entered into a month-to-month lease (11-1-2016) at 1180 Round Bottom Road, Clermont County. She provided a copy of the front page of a complaint filed regarding nonpayment of rent of said property. This was filed the day before the election. Reviewing Mr. Ritter's voting history in the November 2017 election, he changed his address from 121 Cross Street to 5979 Newtonsville Road, by voting a provisional ballot. Aerial views of the property in 2017, do not show a home, the permit to build a home was dated September 8, 2017. It appears there was no residence on the property during the 2017 election. The Board determined they could not render an opinion and should refer this to the Prosecutors Office.

**2020-11** – Mr. Combs made the motion to refer the residency complaint made by Teresa Hinnners against Carl Jason Ritter and Sarah Ritter to the Prosecutors Office and the Director and Deputy Director layout our concerns with the issues we have discussed. Mr. Conrad seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

The Director advised the Board of voter, Tara Sparks, that voted in the office on November 4, 2019 and then went to the polls on Election Day (11-5-2019) and voted a provisional ballot at 7:46 a.m. The smart update may not have been updated in the tablet yet.

**2020-12** – Mr. Combs made the motion that we refer this particular matter as recommended by the Director to the Prosecutor's Office for further examination. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

The Director advised the Board of voter, Charlotte Kellner. She voted a provisional ballot on October 24, 2019 in Clermont County, address of 767 Loveland Miami Road. Her former address was 1158 Kemperknoll Lane, Hamilton County. She then went back to Kemperknoll Lane and voted on Election Day. When Hamilton County returned the information after the election our staff missed that she voted there. Her provisional was counted in Clermont County but we should not have approved the ballot.

**2020-13** – Mr. Combs made the motion to refer this matter to Hamilton County. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

#### E. Budget

The county is granting our budget request and an increase of our full time staff budget by 3%. She and the Deputy Director feel it is going to be difficult to have staff reviews by March 17, 2020. She is looking for direction from the Board. Mr. Combs wants reviews/evaluations before he votes on increases. The Director and Deputy Director will work on the reviews and advise the Board when the reviews are complete.

### X. Deputy Director's Report

#### A. Vote by mail – mail house update

Deputy Director Dennison advised the Board that the mail house is moving along. They have proofs of the inserts, the ID envelope and return envelope. We are still waiting on the contract from our prosecutor, it isn't holding up progress but it is necessary. The cost is \$1.75 plus postage. Mr. Combs asked if he was sure this program was going to work well for us and get us through without any problems and watch it every day. Mr. Combs believes it is a wonderful thing but wants to get it right and hasn't heard what could go wrong. Seachange need the ballots as soon as possible for a mock run.

The mailhouse will take the ballots to the bulk mail center in Cincinnati. Mr. Dennison spoke with Licking County and they said Seachange works for them and Montgomery County was very enthusiastic about working with them. The file that we send is encrypted. We still need to be approved by the Secretary of State. Mr. Combs asked if there is another plan if this doesn't work. We could have the absentee ballots printed and sent them out from here. Mr. Combs wants to know this is going to be fine and have a second plan if it isn't. Mr. Lembke added that what we don't want is a voter requesting an absentee ballot and getting it late or is sent the wrong ballot. Mr. Grant asked if it meets all of the security by the Secretary of State. It does, including printing the ballots in Ohio, that's why they want the secure FTP. We can't vote until we have a signed contract. Mr. Dennison will talk to the Prosecutor's Office after the meeting. Another benefit of the mail house is a ballot can be tracked through the postal service.

#### B. Pollworker training

Deputy Director Dennison advised the Board that all pollworkers are being trained for all jobs.

### XI. Meeting Dates

February 26, 2020 at 10:00 a.m. – Regular monthly Board Meeting and public test.

March 17, 2020 – Primary Election Day Meeting – Open polls at 6:30 a.m.

Mr. Grant inquired about the March 25 board meeting because he will be absent. The Director and Chairman advised that date could be changed because of canvass.

Mr. Conrad asked if the Director and Deputy Director know exactly what we need as a Board on what we are looking for. Mr. Combs stated we have told the Director and Deputy what the goals are that we want accomplished and we saw the need when we have Directors and Deputy Directors that really follow our guide rules. If Mr. Conrad wants to put it together, he will be happy to look at it, but that is something we have to put together and not them. Mr. Lembke thought the benefit of formalizing it a bit is, I think their compensation is on the low end of counties our size at some point we are going to need to go back to the commissioners again and address that and I think the more we can say how we formalize their review and performance and it warrants getting them up to the norm for comparable counties, that will help us make that case. Mr. Combs doesn't think that will help but if that is what you would like to do, that's fine if you want to put together he will be glad to look at it. What Mr. Lembke would suggest is Mr. Conrad and Mr. Grant put it together, and all members can look at it.

The Board decided to add the contact for Seachange on the February 5, 2020 Special Meeting.


**2020-14** – Mr. Conrad made the motion at the conclusion of the Residency Hearing we consider the issue of the contract with the mailhouse, Seachange. Mr. Grant seconded the motion. Upon roll call:

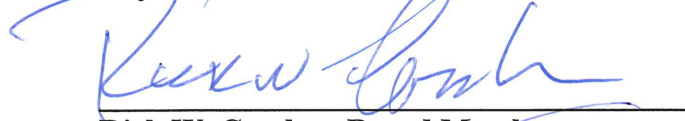
Mr. Combs – Yes  
Mr. Conrad – Yes  
Mr. Grant – Yes  
Mr. Lembke – Yes

**XII. Motion to Adjourn**

**2020-15** – At 12:39 p.m., Mr. Conrad made the motion to adjourn. Mr. Combs seconded the motion. Upon roll call:

Mr. Combs – Yes  
Mr. Conrad – Yes  
Mr. Grant – Yes  
Mr. Lembke – Yes

  
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Raymond W. Lembke – Board Chairman

  
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Rick W. Combs – Board Member

  
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Gregg L. Conrad – Board Member

  
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Rick Grant – Board Member

Date 2-26-2020

# APPROVAL OF BILLS FOR BOARD MEETING

## JANUARY 22, 2020

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