

I. Call to Order/Pledge of Allegiance

Chairman Ray Lembke called the meeting to order at 10:10 a.m. Mr. Conrad led the Pledge of Allegiance.

II. Roll Call

Ray Lembke – Chair – Yes

Rick Combs – Yes – by speakerphone

Gregg Conrad – Yes

Richard Grant – Yes

Also present were Director Julia Carney, Deputy Director Chris Dennison and Administrative Assistant Cherie Wilson.

III. Motion to Adopt the Agenda as Presented

2021-9 – Mr. Grant made the motion to adopt the agenda as presented. Mr. Conrad seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

IV. Other attendees – Brian Shrive and Joe Mooney from the Clermont County Prosecutor's Office.

V. Public participation – none

VI. Approval of Minutes

- January 13, 2021 – Regular Monthly Board Meeting

2021-10 – Mr. Conrad made the motion to approve the minutes of the January 13, 2021 board meeting. Mr. Combs seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

VII. Approval of Bills as of February 10, 2021

Mr. Lembke asked about the item referring to removal of the Automarks. Director Carney clarified that we paid a fee for disposal of the old machines; the fee was paid from 2020 budget funds since we had done the purchase order in 2020.

2021-11 – Mr. Conrad made the motion to approve payment of the bills as of February 10, 2021. Mr. Combs seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

VIII. Director's report

A. May special election – May 4, 2021 – Bethel School Levy

The Board of Education of the Bethel-Tate Local School District filed paperwork for a tax levy, which will be a renewal with an increase of 7.5 mills for five years for the purpose of avoiding an operating deficit. Director Carney asked the board to approve placing the levy on the ballot for the May 4, 2021 special election. Mr. Lembke asked if all of the paperwork was in order; Director Carney replied that it was complete and the school district had paid the required 65 percent of the estimated cost.

2021-12 – Mr. Conrad made the motion to place the Bethel-Tate LSD issue on the ballot for Tuesday, May 4, 2021. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

For the special election, Director Carney suggested temporarily sending the few Bethel-Tate LSD voters from the three Franklin & Washington Township precincts to Bethel-Tate Middle School with the rest of the voters from that school district. This would avoid opening the two additional polling locations for just over 100 total voters in those townships. The travel distance for the voters to either polling location would be similar.

She also suggested using the Express Vote machines, which have been used successfully during multiple elections for voters who need assistance marking their ballots. Having the Express Vote machines for each precinct print the ballot card as part of the voting process would save the cost of ordering preprinted ballots for an election with anticipated low turnout (historically around 30 percent). After a voter uses the Express Vote machine to mark the ballot card, the card is inserted into the DS-200 for tabulation. When the polls close, the ballots are removed from the DS-200 machines, delivered to the Board of Elections, and locked up for the official canvass and audit. The tabulation and audit procedures are no different than with preprinted paper ballots.

Director Carney reported that absentee mail and in-person voting starts April 6th. The SOS requires us to be open 8 a.m. to 5 p.m. Monday through Friday and also open the weekend prior to the election. We will need fewer staff than for a busy general election; she is considering half-shifts so staff will not be confined in the early voting area for the entire day.

Mr. Conrad asked about the mail house. Director Carney plans to process the absentee ballots in-house for this election due to the mail house setup charges and the extra fees if the total ballot count is under 2,000. The Balotar machines can print the ballots for absentee mail and in-person ballots. Mr. Conrad asked if we would use an Express Vote machine in the office for early voting. Director Carney indicated that continuing to use the Balotar printers would be more effective to avoid the need for extra staff in the lobby to assist every voter with the Express Vote machine.

Mr. Lembke asked if we are notifying people in the Bethel-Tate school district. Director Carney replied that we can send a postcard and chargeback the cost to the school district. To avoid surprises on Election Day, the board recommended notifying the Bethel Tate School Board – and any opposition groups who register with us – of the planned cost saving measures to temporarily move polling locations and use Express Vote machines. Director Carney also asked the board to consider whether the full slate of PEOs or a reduced number should be appointed for the special election. She plans to discuss this at the next meeting.

B. Employee Evaluations

Director Carney reported that the employee evaluations have been completed, and that she and Deputy Director Dennison have met with all employees except one who had a scheduling conflict. Most of the discussions went well, but there were questions about the numbering scale. Director Carney suggested tweaking some of the review criteria for the next cycle; some of the evaluation areas would be more appropriate as “Yes”/”No” than a 1-5 scale.

C. Set salaries – 2021 budget approved for salaries:

The board will discuss salary recommendations in executive session at the end of the agenda.

D. Additional security

Per counsel’s recommendation, the board can discuss security without executive session, and move into executive session if the discussion veers into matters that jeopardize the public body. Mr. Shrive stated that discussing a new locksmith would not dictate an executive session, but more sensitive matters could. We will err on the side of keeping the meeting public.

Director Carney reminded the board that the office doors are locked, with appointments required for people who want to conduct business. She reported that she has consulted with facilities regarding a system that allows us to keep the doors locked but provides an unlock switch from staff desks based on a video view of who is outside. The board also discussed the possibility of a foyer where people are out of the weather, but concluded that we should avoid the expense of building modifications if we want to push for a new building. Director Carney will revisit this discussion with the board when she has more information from facilities on the proposed technology and cost.

E. Additional referrals to County Prosecutor

Director Carney informed the board that we had discovered three additional provisional voters who attempted to vote twice:

1. Grace Schultz moved from a Loveland address in Hamilton County to Clermont County. When she went to her new Clermont County polling location, she found that her husband’s address had been changed but hers had not. She was given a provisional ballot, which she voted. Then she went to her former Hamilton County precinct to see if she was still registered there. She was still listed in their poll book so a Hamilton County PEO gave her a regular ballot and told her to vote there and to inform us not to submit her ballot. We did not count her Clermont County provisional ballot since she had voted a regular ballot in Hamilton County. Mr. Lembke stated that an assessment of whether the voter’s action rises to the level of criminal conduct is outside

of the purview of the Board and that we should defer to the Prosecutor for his determination of whether to take further action. Mr. Conrad stated that in a “typical” voters mind, a provisional ballot is a fuzzy gray area and that she may have believed she could vote a “real ballot” in Hamilton County so her vote would count. Mr. Grant stated that Ms. Schultz did what she was instructed by a PEO. Mr. Lembke stated that a referral does not tell the prosecutor’s office how to proceed, but we are simply asking for a further look by those who specialize in criminal law. Mr. Combs objected to tying up a voter in a criminal investigation who was only trying to ensure her vote counted, and asked how it is criminal to consult a “trusted source” (PEO).

2021-13 – Mr. Lembke made the motion to refer Ms. Schultz to the Clermont County Prosecutor. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – No
Mr. Conrad – No
Mr. Grant – No
Mr. Lembke – Yes

2. John Ticherich returned an absentee ballot on 10/28/2020, then voted a provisional ballot on Election Day when the electronic poll book showed that the voter had received an absentee ballot. We did not count the provisional ballot.

2021-14 – Mr. Grant made the motion to refer Mr. Ticherich to the Clermont County Prosecutor for consistency with the referral actions from the previous meeting. Mr. Combs seconded the motion. Upon discussion, Mr. Lembke stated that this incident seems less nefarious than the voter we just voted against referring; he wondered if Mr. Ticherich had been influenced by reports of postal delays and tried to vote a provisional ballot to ensure his vote counted if the mail was unreliable. Mr. Grant commented that the difference was the voter in the prior situation had been told by someone in authority (the Hamilton County PEO) to vote twice and inform us. Mr. Conrad asked the voter’s age; he was born in 1962. Upon roll call:

Mr. Combs – Yes
Mr. Conrad – Yes
Mr. Grant – Yes
Mr. Lembke – No

3. Haskel Stewart returned his absentee ballot, which we received on 10/19/2020. His signature on the identification envelope did not match his signature on file, so we mailed him an 11-S form asking him to verify his signature. He returned the form to us on 10/29/2020, then voted a provisional ballot on Election Day at his polling location. We counted his absentee ballot but did not count his provisional ballot.

2021-15 – Mr. Conrad made the motion to refer Mr. Stewart to the Clermont County Prosecutor. Mr. Combs seconded the motion. Upon roll call:

Mr. Combs – Yes
Mr. Conrad – Yes
Mr. Grant – Yes
Mr. Lembke – No

IX. Deputy Director’s report

A. Website update

1. Vendor quote

Deputy Director Dennison reported that we are interested in updating the BOE website using an outside vendor to add functionality, but we still could make daily changes ourselves. Deputy Director Dennison had a Zoom meeting with the designer and is currently reviewing the proposal; it is a 5-year contract with an initial \$9600 charge and \$2400 annually for the subsequent years. The contract would state specific terms regarding the number of edits and vendor turnaround time for changes and support issues. Deputy Director Dennison suggested dividing the payments into \$3840 per year for five years, then the contract could be renewed on an annual basis for \$2400 per year.

Mr. Combs inquired about references for the vendor. Deputy Director Dennison stated that we were very impressed with Butler County’s site and that Butler County has given them glowing reviews. The vendor provides websites for other Ohio counties and various local governments, including Madison County, Van Wert County, the City of St. Petersburg FL, and Des Moines, IA. Mr. Combs asked about the county position on losing the authority of being our webmaster and whether the county would still be liable for the website content. Director Carney replied that we do not have a designated county webmaster, but she will contact ISD to see if they have security, liability or other concerns. The vendor will be required to have staff background checks

and meet all cybersecurity and confidentiality requirements. Mr. Conrad asked about the budget impact; Director Carney indicated that the contract costs were already projected in the budget.

2. Increased functionality

Deputy Director Dennison discussed redesigning the site with input from everyone. The increased functionality could include an updatable calendar and would remove work from Becky Rudd, who provides the absentee voting chaser information. Voter lists would be available on the site that could be downloaded and manipulated via a third-party application on the site; candidates could print labels, do mail merge, create walking lists, etc. Currently Becky provides data & prints labels for the people who want to pay for them. The board discussed the possibility of adding petition and campaign functionality to the site. Deputy Director Dennison anticipates savings from Becky's time, as well as other staff who copy petitions, provide voting history, etc.

Mr. Combs would like a more detailed report of what the website vendor will do before the board votes. Deputy Director Dennison will email the proposal to the board members, who can review it before continuing the discussion at the next meeting.

B. Virtual meetings

Deputy Director Dennison proposed using Zoom for remote participation of board members and possibly for public viewing or participation. Zoom does have a telephone function, so internet access is not required. The current public meetings statute allows remote meetings through July. If the public in-person access is limited, the meeting notice must identify that public participation and/or observation will be via a remote link provided in the notice. The board discussed whether to use zoom meetings on a default or exception basis, and how to accommodate a potentially unknown and unanticipated number of public participants for an issue with high public interest.

Mr. Lembke asked counsel whether we could continue to limit the public to Zoom after the current remote meeting provision expires in July. We do not currently know what level of public participation to expect until we call a meeting to order; can we ask the public to register in advance or have a way to determine how many to expect? Mr. Shrive indicated that the typical expectation is to allow people physically in the room, with the possibility of an overflow area; it is permissible to supplement in-person public access with Zoom capability after the remote provision sunsets. Mr. Shrive will do some additional research about remote options for public access after July 31st, and regarding whether we can ask the public to register or identify themselves on Zoom. He stated we can require a mask and/or a temperature check, especially if we have an alternative access capability.

The board agreed to keep the status quo while Director Carney works with the Prosecutor's office to draft a policy and to investigate a mechanism to anticipate a large public turnout prior to a meeting. We will continue to meet in person using the appropriate technology for specific situations when board members need to attend remotely.

X. Upcoming Meetings and Events

A. Board Reorganization – Tuesday /or/ Wednesday, March 2/3, 2021 at 9:00 a.m.

The board agreed to Tuesday, March 2nd for the reorganization meeting, and to reschedule the regular March meeting for that date.

Director Carney provided a 2020 budget update. Our original budget was \$1.72 million, of which we spent \$1.3 million and gave approximately 25 percent (\$421,000) back to the commissioners. We made that up through HAVA, CARES and CTCL grants of \$384,523.

2021-16 – At 12:13 p.m., Mr. Conrad made the motion to go into Executive Session to discuss employee compensation matters pursuant to Ohio Revised Code §121.22(G)(1). Mr. Grant seconded the motion.

Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

2021-17 – At 12:40 p.m., Mr. Grant made the motion to come out of Executive Session. Mr. Combs seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

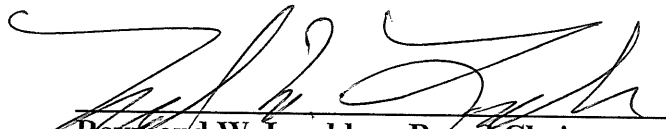
Mr. Lembke – Yes

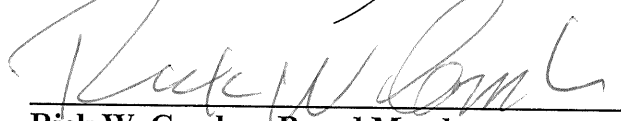
2021-18 – Mr. Grant made the motion to accept the recommendation of the director and deputy director for the budget of 2021 for salaries as recommended. Mr. Conrad seconded the motion. Upon roll call:
Mr. Combs – Yes
Mr. Conrad – Yes
Mr. Grant – Yes
Mr. Lembke – Yes


Mr. Lembke asked about ES&S Election Day support; we don't want to miss addressing those issues with the other priorities coming to our attention. Mr. Grant proposed putting this on the agenda for the April meeting. Per Director Carney, ES&S has indicated that they will not bill us for Lance Mack, the Election Day support person they assigned to us.

XI. Motion to Adjourn

2021-19 – At 12:43 p.m., Mr. Conrad made the motion to adjourn. Mr. Grant seconded the motion. Upon roll call:
Mr. Combs – Yes
Mr. Conrad – Yes
Mr. Grant – Yes
Mr. Lembke – Yes


Raymond W. Lembke – Board Chairman


Rick W. Combs – Board Member


Gregg L. Conrad – Board Member


Rick Grant – Board Member

Date 3-2-2021

APPROVAL OF BILLS FOR BOARD MEETING FEBRUARY 10, 2021

[illegible]

Cherie Wilson

From: Cherie Wilson
Sent: Monday, February 8, 2021 3:48 PM
To: legals@clermontsun.com
Cc: bmilam@clermontsun.com
Subject: Notice of meeting date change
Attachments: 2021 Feb 10 chg reg mtg.doc

Good afternoon!

Please be advised and post as a PSA (no cost) the attachment regarding the date change for the February regular monthly board meeting. Please let me know if you have any questions.

Thank you,

Cherie Wilson, Administrative Support Specialist
Clermont County Board of Elections
76 S. Riverside Dr.
Batavia, OH 45103
513-732-7485

**Clermont County Board of Elections
Notice of Change of Meeting Date**

The Clermont County Board of Elections has re-scheduled the
February 2021 Regular Monthly Board Meeting for:
Wednesday, February 10 at 10:00 a.m.

The meeting will be held at the Board Office, 76 S. Riverside Dr.,
Batavia, 45103.

Ray Lembke – Chairman
Julia Carney – Director