

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

Chairman Ray Lembke called the meeting to order at 9:02 a.m. Mr. Grant led the Pledge of Allegiance.

**II. Roll Call**

Ray Lembke – Chair – Yes

Rick Combs – Yes

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**

Director Carney advised the board of the need to amend the agenda for an employee issue. The board decided to add the agenda item after the deputy director's report.

**2021-32** – Mr. Conrad made the motion to adopt the agenda as amended. Mr. Combs seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

**IV. Other attendees** –Brian Shrive (Prosecutor's Office), Terrie Latham and her counsel (Terrell Snyder)

**V. Public Test for May 4, 2021 Special Election**

At 9:04 a.m., the Board recessed while Mr. Grant and Mr. Conrad observed the director, deputy director and assistant run the test deck through the DS-850 ballot scanner.

At 9:41 a.m., the Board returned from recess. Mr. Combs read the results from the newly run report while Mr. Lembke compared them to the control sheet. The board found the results matched and that the DS-850 ballot scanner was counting accurately. The board signed and dated the reports.

**2021-33** – Mr. Grant made the motion to accept the results of the Public Test for the May 4, 2021 Special Election. Mr. Conrad seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

**VI. Public participation** – Mark Wilson and Tamra Ducolon joined the meeting when the board reconvened to review the results of the public test.

**VII. Approval of Minutes**

- March 2, 2021 – Reorganization and Regular Monthly Board Meeting
- March 11, 2021 – Special Meeting

**2021-34** – Mr. Combs made the motion to approve the minutes of the March, 2021 board meetings. Mr. Conrad seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

**VIII. Approval of Bills as of April 14, 2021**

**2021-35** – Mr. Combs made the motion to approve payment of the bills as of April 14, 2021. Mr. Grant seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

**IX. Review of Election Equipment Allocation (Directive 2021-02) (RC 3506.12(A))**

Per the SOS directive, the board is asked to review and approve the equipment allocation for the polling locations. Director Carney reminded the board that this is a smaller election with only two voting locations. There are 10 precincts, but three of them are very small partial precincts. The majority of voters are assigned to Bethel-Tate Middle School; the Bethel Community Building only has the two Bethel Village precincts.

Mr. Combs asked about a report that Brown County was opening their facility for 3 voters. Director Carney replied that their office must be open during the early voting hours for provisional voters; however, they will not open a polling location on Election Day.

**2021-36** – Mr. Grant made the motion to allocate three DS200 optical scanners and four ExpressVote marking devices to the Bethel-Tate Middle School and two DS200 optical scanners and two ExpressVote marking devices to the Bethel Community Building. Mr. Conrad seconded the motion.

Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

**X. Retention Schedule Revision**

Deputy Director Dennison distributed a revised records retention schedule for the board's review. Director Carney noted that the SOS updated their records retention schedule to include a two-year retention period for Election Night Reporting, including test scripts, reports and mock election material. Also, the last item is unique to Clermont County: A retention period for public records requests and responses was not listed on the previous schedule; upon consultation with the SOS, they should be retained for two years.

Mr. Conrad asked if the records center has a copy of the Records Retention schedule. Director Carney replied affirmatively, and indicated that a copy is also sent to the state archives. When records have exceeded their retention limits, the Records Center prepares a report, sends it to Director Carney for verification and signature, then sends an R3 form with the destruction request to the SOS and state archives for final approval.

**2021-37** – Mr. Combs made the motion to adopt the revised records retention schedule. Mr. Conrad seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

**XI. Board Meeting Policy**

Deputy Director Dennison distributed the attached policy for board review and signature; the policy documents the types of board meetings and how notifications will be distributed.

**2021-38** – Mr. Grant made the motion to accept the board meeting policy as drafted. Mr. Conrad seconded the motion. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

**XII. Director's report**

A. Special election – May 4, 2021

1. Status of election

Director Carney reported that Early Voting started on April 6<sup>th</sup>. The SOS requires us to be open for Early Voting for the 30 days prior to the election. We are staffing a Republican and a Democrat in the early voting area each day. In the first six days, we had two voters; one was a BOE employee. We have mailed 14 absentee ballots to those who have requested them; to date, no ballots have been returned.

a. No ES&S Election Day support

Per Director Carney, ES&S support terms would require us to pay for support for three days at \$1700/day; they would not agree to provide support for Election Day only. Given the limited size and scope of this election, we do not believe we need that level of support at that cost to the school district. We will handle the Election Night tasks in-house, and plan a mock election beforehand so we are all comfortable with the process of loading the flash drives and tabulating the results. Mr. Lembke asked if we have expertise in-house for an election of this magnitude. Director Carney replied that Jackie Smith is very familiar with the Electionware software and regularly works with the SOS on the scheduled mock elections. We have considerable experience from the November election with running ballots through the DS-850 scanner without onsite ES&S support.

B. Campaign finance referrals

Director Carney distributed the attached list of candidates and issue committees with late reports and other campaign finance issues.

**2021-39** – Mr. Combs made the motion to make all of the referrals to the Ohio Elections Commission as noted by the Director. Mr. Grant seconded the motion. Upon discussion, Mr. Combs asked about unfamiliar names – are they just open accounts that were never closed? Director Carney replied that most are not county-wide candidates; some are from smaller races such as local school boards. Upon roll call:

Mr. Combs – Yes

Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

The board recessed at 9:56 a.m. for the public hearing on the voter registration challenge.  
The board reconvened at 10:54 a.m.

C. ES&S

Director Carney indicated that we have been fairly satisfied with ES&S Election Night support until the last two years; the pre-election logic & accuracy testing and ballot programming by Dan Shebesta has been excellent. However, ES&S has multiple locations to serve on Election Day; Mr. Shebesta is assigned to Franklin County, and ES&S has not been sending their top people here. For the November election, the support was so poor that ES&S did not bill us. We also had inadequate support on Election Night for the 2020 primary; the support person ES&S sent us was unable to address the issues that arose.

The board discussed their desire to arrange a candid meeting with ES&S to address the support issues and ask ES&S how they plan to remedy them. The board asked if there are alternatives to ES&S support if they make promises but don't improve. Director Carney replied that some counties have in-house staff or part-time staff doing Election Night reporting. Our choices are essentially ES&S, another contractor, or bringing the functions in-house. Mr. Combs asked if we have staff that can run the software. Director Carney replied that we are doing so this election to assess our comfort level.

Mr. Lembke stated that we are very satisfied with Dan Shebesta's pre-election support -- would we forgo that if we do not use ES&S for Election Night? Mr. Combs asked how much we spend per year with ES&S; Director Carney will get a list for the board of the ES&S expenses including software, support, tokens, ballots, Balotar printing, and other costs. Before scheduling a meeting with ES&S, the board would like to explore more information on potential alternatives including costs, reliability, possible single points of failure, and the feasibility of a contractor accessing proprietary information. Since Dan Shebesta actually works as a contractor with ES&S, and has been a resource for us when ES&S-assigned support was inadequate, Mr. Conrad suggested inviting Mr. Shebesta to a meeting to assist the board in understanding the various issues and alternatives.

D. Red barn utilities

Director Carney advised the board that the Red Barn lease made us as the tenant responsible for utilities. Our previous Red Barn contact left the position without billing us, and the property owner sent us a bill for thousands of dollars for the past two years. However, some of the bills are dated before our lease began and others were not prorated. Director Carney has been in contact with Facilities because we had understood that they were going to pay the utilities because they pay utilities for all of the county buildings. Ultimately, we will need to determine the correct amount for the bills and whose budget will fund them, then pay the property owner.

Mr. Combs asked if we have moved forward with finding a new location. Per Director Carney, we have one more year on the lease, and the budget does include a request for a new building. The board would like to find an alternative to using the Red Barn before the lease expires. Director Carney is pursuing this with Facilities.

E. Summer conference – June 8-9

Per the SOS, the summer conference is scheduled to be in-person in Columbus in June. At this point, we only have a “save-the-date”; there are no details as to whether there will be a virtual option as well. There is also a regional meeting on July 16<sup>th</sup> in Miami County. At this point, at least three of the board members plan to attend both meetings to get continuing education hours; Mr. Combs will check his vacation schedule. Deputy Director Dennison will notify the board if there are upcoming webinars that will qualify for continuing education credits.

**XIII. Dep. Director’s Report**

A. SOS cybersecurity liaison

Deputy Director Dennison reported that he had been meeting every two weeks via Zoom calls with a cybersecurity liaison assigned to us from the SOS; the calls discussed cybersecurity updates, website questions, etc. We were notified that our previous liaison has left that position, but the SOS does not yet have another person to assign to us. The recent calls have been less substantial since we completed the cybersecurity checklist prior to the November election; we can contact the SOS IT helpdesk if needed.

Mr. Combs asked if we have formally met the new County ISD director; Director Carney has plans to meet with him. Mr. Combs also asked for a website update. Deputy Director Dennison reported that the Revize contract has been reviewed; he presented questions to our SOS cybersecurity liaison about outsourcing the website. We had tentative unofficial approval, since the vendor matches or surpasses our security; however we are now waiting on official SOS approval. Mr. Combs hopes to see the website in place several months prior to the November election; Deputy Director Dennison indicated that Revize has six to eight weeks to get the website working once the contract is approved. Mr. Combs also asked for a list of reports and other proposed capabilities that would be available via the new website.

**XIV. Personnel Issue**

**2021-41** – At 11:24 a.m., Mr. Combs made the motion to go into Executive Session to discuss matters of employee discipline or termination, pursuant to Ohio Revised Code §121.22(G)(1) and for conference with legal counsel regarding pending or imminent litigation, pursuant to ORC §121.22(G)(3). Mr. Conrad seconded the motion. Upon roll call:

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

**2021-42** – At 1:08 p.m., Mr. Combs made the motion to come out of Executive Session. Mr. Conrad seconded the motion. Upon roll call:

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

There was no action or motion from the Executive Session.

**XV. Upcoming Meetings and Events**

Tuesday, May 4, 2021 – Election Day - (6:30 am – 7:30 pm – Polls Open)  
Monday, May 17, 2021 – Opening of certification – 9:00 am  
Thursday, May 20, 2021 – Certification of special election – 10:00 am monthly Board meeting  
Monday, May 31, 2021 – Memorial Day – office closed  
June 8-9, 2021 – Summer conference – Columbus

Mr. Grant advised the board of proposed legislation to conduct two primaries in the state in 2022. He suggested that the board and directors communicate any concerns to the SOS and elected representatives regarding the burden of conducting two primaries next spring. We would need extra staff, 60 days of early

voting, use of school facilities twice during the spring term, multiple equipment moves, etc. Mr. Grant has already contacted State Senator Johnson regarding this matter; Mr. Grant will forward the information he has on the proposed legislation to Director Carney.

Mr. Conrad requested a bi-monthly update on the status of our current financials vs budget projections.

**XVI. Motion to Adjourn**

**2021-43** – At 1:13 p.m., Mr. Grant made the motion to adjourn. Mr. Combs seconded the motion.


Upon roll call:

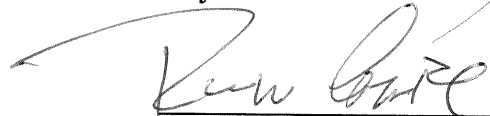
Mr. Combs – Yes

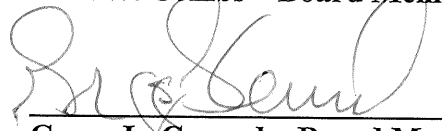
Mr. Conrad – Yes

Mr. Grant – Yes

Mr. Lembke – Yes

  
\_\_\_\_\_  
Raymond W. Lembke – Board Chairman

  
\_\_\_\_\_  
Rick W. Combs – Board Member

  
\_\_\_\_\_  
Gregg L. Conrad – Board Member

  
\_\_\_\_\_  
Rick Grant – Board Member

Date 5/20/21

**APPROVAL OF BILLS FOR BOARD MEETING  
APRIL 14, 2021**

[illegible]

# Board Meeting Policy

## Regular Meetings

Regular meetings of the Clermont County Board of Elections shall be held as determined by the Board and shall be held at the main offices of the Board of Elections at 76 S. Riverside Drive, Batavia 45103. Public notices of regular meetings shall be posted at the main offices of the Board and shall appear on its website.

## Special Meetings

Special meetings of the Clermont County Board of Elections shall be held at such times and places within Clermont County as may be necessary to accomplish the responsibilities of the Board. Public notices of special meetings shall be posted at the main offices of the Board and shall appear on its website. Local media organizations of which the Board is generally aware and all other individuals and organizations who request, in writing, notification of special meetings shall be so notified by email, fax, or phone. No special meeting shall be held without 24-hour prior public notification.

## Emergency Meetings

Emergency meetings of the Clermont County Board of Elections shall be held at such times and places within Clermont County as may be necessary to accomplish the responsibilities of the Board. Public notices of emergency meetings shall be posted at the main offices of the Board. Local media organizations of which the Board is generally aware and all other individuals and organizations who request, in writing, notification of special or emergency meetings shall be so notified by email, fax, or phone.

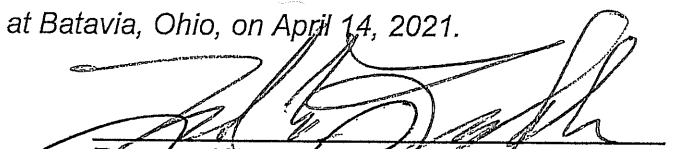
## Notification

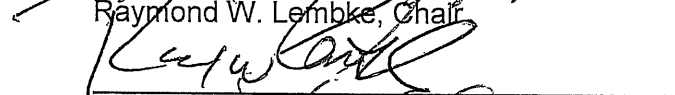
Any person who wishes to obtain notification of meetings of the Clermont County Board of Elections shall submit a written request for such notification to Director of Elections at 76 S. Riverside Drive, Batavia, Ohio 45103, or by email. Such request shall include the name, address, email address, and telephone number of the person making the request and shall be accompanied by a sufficient number of self-addressed stamped envelopes (if requesting notification by mail). Notification shall be made by mailing (or emailing if requested) a copy of the agenda or a notice of the time, place and purpose of the meeting to the person requesting notification, except that in the event of emergency notice of special meeting, such notification will be made by telephone call, email, or fax. The responsibility for keeping the required information current shall be that of the person making the request.


*Adopted by the Clermont County Board of Elections at Batavia, Ohio, on April 14, 2021.*

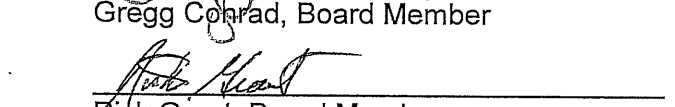
Attest:

  
Julia B. Carney, Director

  
Raymond W. Lembke, Chair

  
Rick W. Combs, Board Member

  
Gregg Conrad, Board Member

  
Rick Grant, Board Member

## Explanations of Ohio Elections Commission Referrals For Campaign Finance

### Late Filings:

These two committees filed the 2020 Annual Report late; the report was due January 29, 2021.

**Elaine Barnett** – Filed the report on January 31, 2021 and terminated.

**Alex Lambros** – Filed the report on March 2021, his file remains open.

---

These two committees were on the 2019 General Election ballot and filed post-election reports, but did not terminate the committee.

**Michele Delaney** – Filed the report on March 12, 2021 and terminated

**Julie Casey** – Has not filed the report to date.

---

### **Local Candidate Waiver Committees**

These two committees were on the 2019 General Election ballot and filed the Local Candidate Waiver which states a candidate's campaign committee may be exempt from the requirement to file campaign finance reports during an election year – if running for a specific office and stay within the requirements. The waiver form covers activity occurring through the post-general reporting period of the year in which the waiver is filed. After that election year, the campaign committee must either terminate or begin filing campaign finance reports.

**Robert Wooten** – Filed the report on March 21, 2021 and terminated.

**Robert Griffith** – Has not filed the report to date.



**Cherie Wilson**

---

**From:** Cherie Wilson  
**Sent:** Friday, April 9, 2021 8:07 AM  
**To:** legals@clermontsun.com  
**Cc:** bmilam@clermontsun.com  
**Subject:** April Monthly Meeting Notice update  
**Attachments:** 2021 Apr 14 chg reg mtg.doc

Good morning!

Our legal counsel recommended changes to our meeting notice – see attached. Please post as a PSA (no cost).

My direct phone number is 732-7485 if you have any questions.

Thank you!

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

### **Clermont County Board of Elections Notice of Special Meeting**

The Clermont County Board of Elections has re-scheduled the April 2021 Regular Monthly Board Meeting for: **Wednesday, April 14, 2021 at 9:00 a.m.**

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

The purpose of this meeting is for general purposes, employee discipline or termination, as well as conferencing with the Board's legal counsel regarding pending or imminent litigation, and any and all other matters that may come before the board.

Ray Lembke – Chairman  
Julia Carney – Director

### **Clermont County Board of Elections Notice of Date for Public Test**

The Public Test for the May 4 Special Election will be held during the April 14, 2021 Monthly Board Meeting.

Meetings are held at the Board office: 76 S. Riverside Dr., Batavia, Ohio 45103.

Raymond Lembke – Chair  
Julia Carney - Director