

CLERMONT COUNTY BOARD OF ELECTIONS  
HEARING OF CHALLENGE OF RIGHT TO VOTE  
AND CORRECTION OF REGISTRATION LIST  
Wednesday June 22, 2022 – 9:00 a.m.

**I. Call to Order**

Chairman Ray Lembke called the hearing to order at 9:00 a.m. Mr. Grant led the Pledge of Allegiance.

**II. Introduction of Board Members, Staff and Counsel**

Chairman Lembke introduced himself, other board members Rick Combs, Gregg Conrad and Rick Grant, Director Stephanie Hemmer-Haight, Deputy Director Chris Dennison, Assistant Prosecutor Brian Shrive, and Administrative Specialist Cherie Wilson.

**III. Purpose of Meeting**

Chairman Lembke reviewed the purpose of the meeting: A challenge to the right of Mr. Dennis C. Skeene, who is registered to vote at 58 Elizabeth Street, Moscow, OH 45153. We are here to take evidence on that challenge today. Mr. Skeene changed his address to 505 Fifth Street, Moscow, yesterday. The question before this board is whether or not that is his residence under ORC 3503.02.

**IV. Introduction of Parties**

Chairman Lembke asked the parties to introduce themselves:

Dennis Skeene – 505 Fifth Street, Moscow Ohio, Karen Skeene – 1957 State Route 232, New Richmond Ohio.

**V. Swearing in Witnesses**

Chairman Lembke asked those who were going to present factual information for the Board's consideration to please stand and be sworn in. When Mr. Lembke swore in Dennis Skeene he answered "no", and stated he was not summoned or subpoenaed, he will let his address speak for itself. When asked if he was refusing to testify he stated again he was not summoned or subpoenaed, he is only here to support his wife, he is under no obligation to be here. Karen Skeene and Stephanie Hemmer-Haight were sworn in.

Mr. Shrive stated the Board asked that we investigate Mr. Skeene's residence, at the time that request was made he was registered to vote at 58 Elizabeth Street, yesterday as the Chair noted Mr. Skeene is now registered to vote at 505 Fifth Street, Moscow Ohio. The determination made prior to the registration date of yesterday, was that he lives at 1957 St Rt 232, New Richmond. I don't believe his registration change from yesterday changes that. Mr. Skeene has indicated that he was not summoned and Ms. Haight will be able to talk about what was done in order to inform Mr. Skeene of the investigation and in fact had been subpoenaed to attend here. He was sent certified mail and Ms. Haight can also speak of this. Mr. Skeene did not pick it up, he was also sent (notice) by regular mail. He is here and you can ask him to testify while he is here. We also intend to hear from Ms. Skeene.

Mr. Lembke asked Mr. Skeene if he had a response.

Mr. Skeene stated as far as him picking up his subpoena this is what was given to me (from the PO Box) a tax bill, he offered it as evidence. Ms. Haight contacted the Moscow Post Office and was told he had not picked up the certified letter yet.

Chairman Lembke asked Mr. Skeene if he had any opening statements.

Mr. Skeene stated the last time he was here to vote "I advised them (the board) that I was currently not living at 58 Elizabeth Street due to health reasons. The lady [Ms. Blackburn] took me back and I spoke to this gentleman [Mr. Dennison] and this lady [Ms. Haight], and they said, well we will have to get an opinion from the prosecutor's office. They left and came back and said they had talked to the prosecutor and as far as he is concerned, you can vote from 58 Elizabeth Street". So he went back over to the polls (absentee voting room) and voted. Nothing has changed so he doesn't know what is trying to be accomplished here, "I no longer live at 58 Elizabeth St. So if you are trying to determine if I am able to vote from there as far as I'm concerned it is a moot issue 'cause I'm not going to vote there, I'm going to vote at 505 Fifth St. I've moved in with my son who lives at 505 and that's where I'm going to vote. I don't know what the issue is" said Skeene.

Mr. Shrive called Karen Skeene to testify, and asked her name and address. "Karen Skeene, 1957 St Rt 232, New Richmond, OH". She is related to Mr. Skeene, he is her husband, they have been married 47 years. She stated they live separately if they can, when we can. They are currently living separately off and on. When he is ill she takes care of him. The last time he stayed at 1957 St Rt 232 was last night. He had not stayed with his wife prior as he was in Texas for a week but he was at 505 Fifth St. before he went to Texas.

Mr. Shrive – when was it that he moved to 505 Fifth St?

Ms. Skeene – he said he moved to 505 Fifth St.

Mr. Shrive – when did he move to 505 Fifth St.?

Ms. Skeene - yes he moved, last week. (between June 12-22)

Mr. Shrive – does Mr. Skeene receive mail at 1957 St Rt 232?

Ms. Skeene - he receives joint mail in both of their names, I'm not aware of any coming to 1957 St. Rt. 232 that is in his name, most of it goes to the PO Box 37. Most of my mail goes to 1957.

Mr. Shrive - have you legally separated from Mr. Skeene?

Ms. Skeene - no we are not legally separated.

Mr. Shrive - how long has this arrangement, kind of arrangement where he lives away from you occasionally when he can be going on?

Ms. Skeene - about a year.

Mr. Shrive - from 2018 to 2021 where was Mr. Skeene living?

Ms. Skeene - 1957 St. Rt. 232, he was splitting time.

Mr. Shrive - I asked you how long the arrangement of moving back and forth has been going and you said about a year.

Ms. Skeene - yea, that we had made the arrangement, he came and went as he pleased.

Mr. Shrive - where was his home at that time to your knowledge?

Ms. Skeene - he said it was 58 Elizabeth.

Mr. Shrive - I asked you where he lived.

Ms. Skeene - I assume that's where it was.

Mr. Shrive - do you consider that his home or do you consider his home at 1957?

Ms. Skeene - I considered his home at 1957.

Mr. Shrive - cause that's where he would stay at night, where he kept his toothbrush, where he would come and eat with you and sleep in the same house, get up in the morning and do his daily routine.

Ms. Skeene - I would assume that he did that yes.

Mr. Shrive - no further questions.

Mr. Lembke - Mr. Skeene do you have any questions for the witness?

Mr. Skeene - I have lived in Moscow for 17 years.

Mr. Lembke - do you have any questions for the witness?

Mr. Skeene - the only thing I can say is we have not lived together as husband and wife for over 2 years.

Mr. Lembke - Mr. Skeene.

Mr. Skeene - how long have we been separated as husband and wife?

Ms. Skeene - for a while.

Mr. Skeene - ever since I had my bypass operation?

Ms. Skeene - that's right yes.

Mr. Skeene - which is back in 2020, 21, 2020.

Ms. Skeene - probably been longer than that.

Mr. Skeene - so we haven't lived together as husband and wife for actually for 7 years?

Ms. Skeene - yes.

Mr. Skeene - as far as you know you don't keep track of me?

Ms. Skeene - I do not keep track of you.

Mr. Skeene - I come and go as I please.

Ms. Skeene - yes you do.

Mr. Skeene - and what do you consider my permanent address?

Ms. Skeene - whatever you say your permanent address is.

Mr. Skeene - I live at 58 Elizabeth St.

Ms. Skeene - yes.

Mr. Skeene - anytime you want to find me where do you go?

Ms. Skeene - yes I do.

Mr. Skeene - you go to 58 Elizabeth St.

Ms. Skeene - I do.

Mr. Shrive - I just want to clarify - again you said it was one year that this has been going it, it sounds like you're changing your testimony, when did Mr. Skeene start his rambling ways?

Ms. Skeene - probably for a while.

Mr. Shrive - what's a while?

Ms. Skeene - I don't know, 4 or 5 years.

Mr. Shrive - I have no other questions.

Mr. Lembke - do you have any further questions of Ms. Skeene, Mr. Skeene?

Mr. Skeene - no I do not.

Mr. Lembke asked the board if they had any questions, they did not.

Mr. Shrive called Dennis Skeene to the stand.

Mr. Shrive - Mr. Skeene will you take the oath?

Mr. Skeene - no.

Mr. Shrive - I have no questions if you are not going to take the oath. I call Stephanie Haight, please state your name and title.

Ms. Haight – Stephanie Hemmer-Haight, Director of the Clermont County Board of Elections.

Mr. Shrive – you were called on to conduct an investigation into Mr. Skeene’s residency, is that correct?

Ms. Haight – that is correct.

Mr. Shrive - can you tell me a little bit about the steps you took as part of that investigation?

Ms. Haight – we went and took pictures/photographs of the property (58 Elizabeth St), we checked to see if there were any dispatched calls to the property. We knocked on the door and no one answered. We also had a complaint in November of 2021 regarding Mr. Skeene voting from that address (58 Elizabeth St) and we investigated at that time, Sheriff Deputy Eric Goldberg investigated.

Mr. Shrive – did you have any court records or anything else?

Ms. Haight – as far as court records we found something that had been from Judge McBride, regarding that actual property 58 Elizabeth St., that is was still commercial and they were not changing the zoning.

Mr. Shrive – any other court records more recently

Ms. Haight – there was a court document on the I believe on the 10<sup>th</sup> of June, an eviction notice stating he lived at 1957 St. Rt. 232.

Mr. Shrive – showed a certified copy of that compliant – is this what you are referring to?

Ms. Haight – yes sir.

Mr. Shrive – you can see in the top right hand corner a time stamp, June 10, 2022 and you said this was filed on June 10, 2022 in Clermont County Municipal court, on the bottom is a signature, do you see what that signature says?

Ms. Haight – it is Dennis Skeene’s signature and it says 1957 St. Rt. 232, New Richmond.

Mr. Shrive – Ms. Skeene testified that sometime after the 12<sup>th</sup> of June Mr. Skeene removed himself from 1957 St. Rt. 232, is that correct?

Ms. Haight – yes she did make that statement.

Mr. Shrive – and did you come to a determination as to where Mr. Skeene lives based on the review and investigation that was done?

Ms. Haight – my speculation would be that he lives at 1957 St. Rt. 232.

Mr. Shrive – and that’s based on the investigation you’ve done?

Ms. Haight – correct, 58 Elizabeth St. looks uninhabitable.

Mr. Shrive – I have no other questions.

Mr. Lembke – Mr. Skeene do you have any questions for Ms. Haight, remember you are asking her questions?

Mr. Skeene – yes, you went to 58 Elizabeth St. and knocked on the door?

Ms. Haight – we did.

Mr. Skeene – how many times did you do that?

Ms. Haight – once.

Mr. Skeene – is there a possibility that I wasn’t there I mean, I don’t, I do, can go places?

Ms. Haight – sure I understand that.

Mr. Skeene– I would like to address this complaint for this eviction, my wife owns this property.

Mr. Lembke – you’re asking Ms. Haight questions Mr. Skeene, I also have to caution you since you refused to take the oath nothing you say is evidence.

Ms. Skeene – can I address that address on here?

Mr. Shrive – no you are not on the stand.

Ms. Skeene – ok.

Mr. Lembke – if you have any questions for Ms. Hemmer- Haight you can ask her questions.

Mr. Skeene – do you recall the conversation where we, I explained to you the situation at 58 Elizabeth St?

Ms. Haight – that was back in October, yes and you stated that you were temporally out of there, cause your house burned down and I think you actually were talking about the Broadway house.

Mr. Skeene – yeah the house burnt down on Broadway and I was temporally living at 58 Elizabeth St. and you told me that you spoke to the prosecutor and the prosecutor told you they were ok with that.

Mr. Lembke – ask questions Mr. Skeene, what you say is not evidence because you did not take the oath, you can ask her questions

Mr. Skeene – I have nothing else to ask this lady

Mr. Shrive – just to clarify when did you go to the 58 Elizabeth St. address?

Ms. Haight – we went in November of 2021 and we recently went down on the 14<sup>th</sup> (of June).

Mr. Shrive – no other questions.

Mr. Combs – did you have any opportunity to look at the water or electric bills, any kind of issues to see like is paid on which usually indicate where someone lives?

Steph – we did not, however there was a pool recently placed on the property at 58 Elizabeth St.

Mr. Combs – did you talk to any neighbors when you went down and who possibly lives at the place or anything like that as you were down there?

Ms. Haight – I spoke with a neighbor across the street and she said he does not live there.

Mr. Combs - and here before yesterday he was registered to vote from 58 Elizabeth St.?

Ms. Haight – correct.

Mr. Combs – how long was he registered there?

Ms. Haight – several years, I would have to look at the registration.

Mr. Combs – do you have any pictures you took while you were there?

Ms. Haight – I do.

Mr. Lembke – for the record these are pictures of 58 Elizabeth St., Moscow, Ohio.

Ms. Haight – that is correct.

Ms. Skeene – may I ask a question of Stephanie?

Mr. Shrive – no.

Mr. Combs – do we have any idea of what the pool's doing there, nothing, don't have any idea?

Mr. Skeene – may I ask her another question?

Mr. Lembke – yes, you may ask her a question

Mr. Skeene – I see the pictures here, when you went to the property did you see that swimming pool?

Ms. Haight – yes.

Mr. Skeene – did that indicate someone that was living there?

Ms. Haight – no.

Mr. Skeene – it didn't, I just put a pool up there for no reason.

Ms. Haight – well I understand that your children live next door so I am assuming you probably put it up for them.

Mr. Skeene – it's on my property, you see equipment sitting around there, lawn mower, tractor, motorcycles does that indicate someone is living there?

Ms. Haight – not by the way that they look.

Mr. Skeene – what's wrong with the way they look?

Ms. Haight – they look a bit dilapidated.

Mr. Skeene – I'm sorry I can't afford new equipment.

Mr. Lembke – again you are asking questions and remember what you say isn't evidence because you wouldn't take the oath.

Mr. Skeene – there's a log splitter out here, does that indicate someone might be living there?

Ms. Haight – not necessarily.

Mr. Lembke – anything further sir.

Mr. Skeene – no.

Mr. Lembke – Mr. Shrive do you have anything further for this witness?

Mr. Shrive – no other questions for Ms. Haight.

Mr. Lembke – Mr. Shrive do you have anything else?

Mr. Shrive – no other testimonies.

Mr. Lembke – Mr. Skeene do you have any other evidence you wish to present and again since you refused to take the oath what you say is not evidence?

Mr. Skeene – I don't live at 58 Elizabeth Street anymore, I don't know what we are trying to accomplish here, I've moved, take it from there.

Mr. Combs – I have a question, he has officially registered to vote from another address in Moscow Ohio, as of yesterday?

Mr. Shrive – yes 505 Fifth Street.

Mr. Combs – I don't know that makes any difference, I think we ought to refer it to the prosecutor's office for further review from them.

Mr. Lembke – under ORC 3510.11 (J) we have a duty to report the facts to the prosecuting attorney. That is what we will have to do. Mr. Shrive is there anything you want to say in closing?

Mr. Grant – is it possible to see his driver's license? Can you refresh with us when you were in Texas?

Mr. Shrive – my understanding of the testimony from Ms. Skeene was he was in Texas last week.

Mr. Grant – I was just wondering if you filed this court case on the 10<sup>th</sup> of June and he was in Texas on the 10<sup>th</sup> of June.

Mr. Shrive – this was signed on June 9<sup>th</sup>, the complaint.

Mr. Grant – that would have been when I heard he was in Texas.

Mr. Shrive – it does all seem to blend together – just to discuss briefly the statutes of ORC 3503.25 provides that the Board of Elections may conduct an investigation, summon witnesses and take testimony under oath regarding the registration of any voter or as to the accuracy of the registration lists in any precinct. So we are here today under that particular statute there are residency determination rules provided under the ORC 3503.02 in determining the residence of a person offering to register or vote, shall be governed by the following rules: (A) That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning. (B) A person shall not be considered to have lost the person's residence who leaves the person's home and goes into another state or county of this state, for temporary purposes only, with the intention of returning. It is important to note (B) specifically applies only when you leave the state or county, it doesn't apply even when you move within the county.



(C) A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary purposes only, without the intention of making such county the permanent place of abode.

(D) The place where the family of a married person resides shall be considered to be the person's place of residence; except that when the spouses have separated and live apart, the place where such a spouse resides the length of time required to entitle a person to vote shall be considered to be the spouse's place of residence.

With the testimony we have heard today from Ms. Skeene is that Mr. Skeene comes and goes from 1957 St. Rt. 232 but that's where he comes and goes from and that is his permanent residence, as a married person Mr. Skeene is also questioning of Ms. Haight, seem to be indicating that he in fact stills lives at 58 Elizabeth St. where he asked that you took a picture of a full pool on the 14<sup>th</sup> of June, 2022, doesn't that mean I live there? So, Mr. Skeene if giving multiple stories of where he lives, even currently here today even though he hasn't taken the oath the questioning he made of Ms. Haight suggests that he at least partly claims to still live at 58 Elizabeth St. which of course he actually never lived there. So I think that applying the revised code provisions to investigate the correct registration the statutory rules for determining residence make clear that Mr. Skeene's proper residence is at 1957 St. Rt. 232 in New Richmond Ohio and not at any other address in Clermont County.

Mr. Lembke – Mr. Skeene if you want to say anything again I'm going to caution you because you refused to take the oath what you say is not evidence but if you wish to say something to the board, please now is your opportunity.

Mr. Skeene – like I said I have been a resident of Moscow for 17 years, it's the only place I've ever voted, I consider 58 Elizabeth Street up until last week my permanent address and feel free to do whatever you want to do.

Mr. Lembke – the evidentiary portion of the hearing is closed. I would like to also point out to the rest of the board ORC 3503.02(I), if a person does not have a fixed place of habitation, but has a shelter or other location at which the person has been a consistent or regular inhabitant and to which the person has the intention of returning, that shelter or other location shall be deemed the person's residence for the purpose of registering to vote. Gentlemen do we wish to deliberate

Mr. Conrad – what are we deliberating on

Mr. Shrive – if I may just remind the board because this is a hearing, it is not subject to the open meeting rules, so if you want to deliberate in private

Mr. Lembke – do you want to go into the conference room for a moment to deliberate

Mr. Combs – we can

The board went into the boardroom to deliberate.

Mr. Lembke – the board has deliberated and can I have a motion on the deposition of this hearing.

2022-95 – Mr. Combs made a motion that at this time there's inconclusive evidence to determine that Mr. Skeene does not live at 505, he registered there yesterday and I don't see any conclusive evidence he does not at this point in time, so I recommend that he be considered at that official address as of yesterday.

Mr. Conrad seconded the motion.

Mr. Lembke – any further discussion – hearing none call the roll

Mr. Lembke - yes

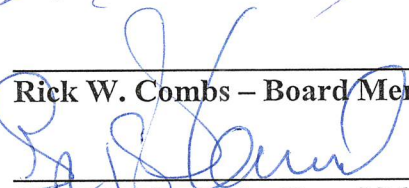
Mr. Combs – yes

Mr. Grant – yes

Mr. Conrad – yes

Chairman Lembke stated the hearing was concluded and thanked everybody for coming today and adjourned the hearing.

  
Raymond Lembke – Board Chair

  
Rick W. Combs – Board Member

  
Gregg L. Conrad – Board Member

  
Rick Grant – Board Member

Date

9/21/2022