

I. Call to Order/Pledge of Allegiance

Chairman Ray Lembke called the meeting to order at 9:11 a.m. Mr. Grant led the Pledge of Allegiance.

II. Roll Call

Ray Lembke – Chair – Yes

Rick Combs – Yes

Gregg Conrad – Yes – by speakerphone

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

2020-138 – Mr. Combs 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 – none

V. Review of Ballots to Determine Voter Intent

The board reviewed absentee ballots that had been damaged, had unclear marks or had the same candidate oval filled in as the write-in name. Per the SOS directive, these ballots will be remade so they will run through the scanner.

The board discussed other ballots that had marks for multiple candidates in a single race. The rule is that a true over-vote does not count in that race, but the rest the races on the ballot shall be counted. The ballots will be re-run without separating the over-votes. Director Carney read the language in the Election Official's Manual (EOM): *"If a voter's intent for any one contest on a ballot is indeterminate, the board is prohibited from remaking the ballot when any part of the ballot is correctly marked and is able to be scanned by automatic tabulating equipment. In such case, the board shall tabulate the ballot using automatic tabulating equipment which will record only the votes that the voter marked in accordance with the instructions."*

The manual seems to say that a ballot can't count if the voter marked an oval, then scratched it out or otherwise indicated intent. The board discussed the apparent change in procedure; the board has historically reviewed ballots for the voters' intent. Mr. Lembke stated that the precondition for the EOM paragraph is that the voter's intent is **indeterminate** – if the board **cannot** determine the voter's intent, the board is prohibited from remaking the ballot; if the board can determine the voter's intent, we can remake the ballot. Director Carney also referred the board to ORC 3506.21(B)(3), which says that if automatic tabulating equipment detects that more marks were made on a ballot for a particular office or issue than the voter is allowed to make, the voter's ballot shall be invalidated for that office or issue. In other words, if the machine finds too many marks, the board no longer has discretion regarding voter intent; there is nothing the board can do for that race. The determining fact is that the machine kicked out the ballot for having more marks than allowed.

At 9:42 a.m., the board recessed to try to call Mary Lynne Birck, Legal Counsel, regarding her advice on the relevant statute. Director Carney left a voicemail for her.

At 9:49 a.m., the board reconvened.

Director Carney presented a group of ballots with errant marks. The board discussed the categories into which the DS-850 tabulating equipment separates ballots. Some of the ballots are segregated as over-votes by the equipment, which eliminates the board's discretion for that race. Other ballots are categorized as unreadable for unclear marks or damage to the ballot; the board will review these ballots for voter intent. The board wanted to be sure which ballots had been separated by the machine as actual over-votes vs. the unreadable ballot marks.

At 10:00 a.m., the board recessed to re-run the questionable ballots through the DS-850.

At 10:30 a.m., the board reconvened.

The board reviewed the ballots that the DS-850 had segregated as unreadable ballots or unclear marks; per the board instructions, the staff will remake the ballots or darken unambiguous ovals so they are readable. The ballots that had been segregated by the DS-850 as over-votes will be held until we hear from counsel regarding the ORC.

Mr. Lembke asked about absentee totals prior to the noon deadline for receiving applications. Director Carney responded that we have issued 40,516 ballots and have received 34,552 back; approximately 6,000 are outstanding. We are up to date on processing the incoming ballots. We have had over 15,000 in-person voters to date. Mr. Lembke asked about the outstanding 6,000 or so ballots – do we anticipate delays if that volume shows up Monday and Tuesday? She indicated that we have staff scheduled to process the remaining ballots as they come in.

VI. Upcoming Calendar

Tuesday, November 3, 2020 – Election Day – polls open 6:30 a.m. – 7:30 p.m.
November 4 – November 10 - Post election cure period for absentee and provisional ballots
November 11 – Veterans Day
November 14 – Opening of official canvass
November 16 - Certification of general election
Recounts must be held within 6-10 days after the declaration of the official results of the election (November 22 – 26)

The post-election audit must commence no sooner than 6 business days after certification and be completed within 21 days of certification (November 24).

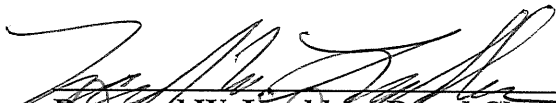
If there is a recount, the post-election audit must commence immediately after the Board certifies the results of the recount and must be completed within 14 days after the Board certifies the recount.

VII. Motion to Adjourn


2020-139 – At 11:00 a.m., Mr. Combs 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 12-18-2020

Cherie Wilson

From: Cherie Wilson
Sent: Sunday, October 25, 2020 4:24 PM
To: legals@clermontsun.com
Cc: bmilam@clermontsun.com
Subject: Notice of upcoming board meetings
Attachments: 2020 Nov General Election meetings.docx

Good afternoon,

Please be advised and post as a PSA (no cost) the attachment regarding the upcoming board meetings for the November 2020 General election. 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 Board Meetings

The Clermont County Board of Elections has scheduled Board Meetings for

October 31, 2020 at 9:00 a.m. – Review ballots for voter intent
November 3, 2020 at 6:30 a.m. – General Election Day Board Meeting.

November 14, 2020 at 9:00 a.m. – Opening of the Official Canvas.
November 16, 2020 at 4:00 p.m. – Certification of the November 2020
General Election and regular monthly board meeting.

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

Ray Lembke – Chairman
Julia Carney – Director

