Supreme Court of Ohio Clerk of Court - Filed January 16, 2024 - Case No. 2024-0078

IN THE SUPREME COURT OF OHIO

STATE EX REL. AMY RENNER 30 Lexington Avnue Chauncey, Ohio 45719 Relator v. ATHENS COUNTY BOARD OF ELECTIONS 15 S. Court Street, #130 Athens, Ohio 45701 Respondent.	))))))))))))))	Case Number Original Action in Mandamus **Expedited Election Matter Pursuant to S.Ct.Prac.R. 12.08**

COMPLAINT IN ORIGINAL ACTION IN MANDAMUS

Patrick M. Quinn (0081692)
BRUNNER QUINN
5001 Horizons Drive, Suite 209
Columbus, Ohio 43220
Tel: (614) 241-5550
Fax: (614) 241-5551
Email: pmq@brunnerlaw.com
Attorney for Relator

IN THE NAME of the State of Ohio, Relator Amy Renner prays that this Court enter a writ of mandamus against Respondent, the Athens County Board of Elections compelling it to certify Relator's name on the March 19, 2024 Democratic Party Primary as a candidate for the office of Athens County Commissioner for the full term commencing on January 2, 2025.

This Complaint is supported by the Affidavit of Relator appended hereto.

Parties & Jurisdiction:

1. This Court has original jurisdiction over this action pursuant to the Ohio Constitution, Article IV, Section 2(B)(1)(b) and R.C. § 2731.02.
2. This action relates to the upcoming primary election to be held on March 19, 2024. Insofar as it is brought within 90 days prior that election, this action is an expedited election case within the meaning of S.Ct.Prac.R. 12.08.
3. Relator Amy Renner is a resident and a qualified elector of the State of Ohio and of Athens County.
4. Respondent Athens County Board of Elections is a board of elections created by R.C. § 3501.06. As related to declarations of candidacy and candidate petitions, the Board is required to "examine and determine" the sufficiency of the petition papers filed with it, and to determine "[a]ll other matters affecting the validity or invalidity of such petition papers…" R.C. § 3513.05.
5. This action seeks a writ of mandamus compelling Relator's inclusion on the ballot for the Democratic Party primary election which is to be held on March 19, 2024. Because of the proximity of that election, Relator lacks an adequate

remedy in the ordinary course of law. *See, e.g., Greene v. Montgomery Cty. Bd. of Elections*, 121 Ohio St.3d 641, 2009-Ohio-1716, 907 N.E.2d 300, ¶10.

6. Relator has acted with the utmost diligence in bringing this action and that there has been no unreasonable delay or lapse of time in asserting her rights sought herein, and Respondent has not been prejudiced by any inaction or delay attributable to Relator.

Statement of Facts

7. As in most of Ohio's counties, the administrative head of government in Athens County is the Board of County Commissioners. The Board of Commissioners is comprised of three members elected by the public.
8. One commissioner is elected in the same year as a gubernatorial election, and assumes office on the following January 1. R.C. § 305.01(A), (C). The other two commissioners are elected in the same year as a presidential election; One of these assumes office on January 2 following the election, and the other assumes office on January 3. R.C. § 305.01(B), (C).
9. Because 2024 is a presidential election year, two of the seats on the Athens County Board of Commissioners are up for election. The seat whose term begins on January 2, 2025 is presently held by Mr. Charlie R. Adkins. The seat whose term begins on January 3, 2025 is presently held by Mr. Chris Chmiel.
10. Messrs. Adkins and Chmiel are both running for re-election, and were certified as such by Respondent to the Democratic Party primary ballot. The Republican Party did not field a candidate for either seat on the Board of Commissioners.

11. Realtor Amy Renner is currently the Mayor of the Village of Chauncey. Relator is seeking to run in the Democratic Party primary election for the Commissioner seat with the term commencing on January 2, 2025 (i.e., the seat currently occupied by Mr. Adkins).

12. To appear on a party primary ballot for the office of County Commissioner, a prospective candidate must file with the Board of Elections a declaration of candidacy and a candidate petition containing the signatures of at least 50 qualified electors who are members of the same political party. Such declaration and petition must be filed no later than the ninetieth day before the primary election. R.C. § 3513.05. The ninetieth day before the March 19, 2024 primary election was December 20, 2023.

13. Relator circulated a declaration of candidacy and candidate petitions, and obtained the signatures of at least 50 qualified electors who are also members of the Democratic Party. Relator filed her declaration of candidacy and candidate petitions with Respondent on December 15, 2023 (the "First Petition"). A true and exact copy of one of the part-petitions from First Petition is attached hereto and incorporated herein as Exhibit 1.

14. The Declaration of Candidacy on each of the part-petitions from the First Petition states as follows: "I further declare that I desire to be a candidate for nomination to the office of <u>County Commissioner</u> in the County of <u>Athens</u>, Ohio as a member of the <u>Democratic</u> Party for the <u>full</u> term commencing **1/1/2025**." (Bold emphasis added).

15. There is no office of County Commissioner in Athens County with a full term commencing January 1, 2025. The commencement dates for the full terms of the County Commissioners are January 2, 2025, January 3, 2025, and January 1, 2027, with only the first two seats on this year's ballot.

16. Shortly after filing the First Petition, Relator realized that (a) the petition contained the incorrect term commencement date, and (b) an office of Athens County Commissioner with a term commencing on January 1, 2025 did not exist. As such, on December 18, 2023 – 92 days before the primary election – Relator filed a written request with Respondent to withdraw the First Petition and her candidacy for the office of County Commissioner with a term commencing on January 1, 2025. *See* Exhibit 2 (the "Withdrawal"); *See* R.C. § 3513.30(B), (D) ("Any person filing a declaration of candidacy may withdraw as such candidate at any time prior to the primary election" by "the filing of a written statement by such candidate announcing the candidate's withdrawal…")

17. Respondent took no official action on the First Petition between the time that Relator filed it on Friday, December 15 and the time that she withdrew it on the next business day, Monday, December 18.

18. Subsequent to the withdrawal of her candidacy for the non-existent office (i.e., a seat on the Board of Commissioners with a term commencing on January 1, 2025), Relator circulated a new set of candidate petitions seeking placement on the ballot for the office of County Commissioner for the full term

commencing on January 2, 2025 (the "Second Petition"). A true and exact copy of one of the part-petitions from Second Petition is attached hereto and incorporated herein as Exhibit 3.

19. Relator filed the Second Petition on December 20, 2023, the ninetieth day before the primary election. The Second Petition contained the signatures of at least 50 qualified electors who are also members of the Democratic Party.

20. Respondent held a meeting on December 27, 2023 to address candidate petitions for the upcoming primary election, including Relator's petitions. The minutes of the December 27, 2023 meeting – which, to the best of Relator's knowledge, remain in draft form and have not yet been approved by the Board – are attached hereto and incorporated herein as Exhibit 4.

21. Relator was not advised, formally or informally, in advance of the December 27 Board meeting that her petitions were subject to question or dispute. As such, Relator did not attend that meeting.

22. At Board meeting, after discussing unrelated matters, the Board retired to executive session to confer with legal counsel about a dispute involving the Board which is the subject of pending or imminent legal action. Neither the public discussion nor the draft minutes of the December 27 Meeting reflect whether that pending or imminent legal action relates in any way to Relator or her candidacy.

23. After returning from executive session, the Board considered Relator's petitions. Board staff informed the Board members that the signatures on the

First Petition were not checked because of a "fatal error" in that petition. Board staff described this "fatal error" as identifying January 1, 2025 as the term commencement date. *See* Exhibit 1. Board staff explained that January 1, 2025 "is the ending term date for Charlie Adkins' term…so that is the fatal error."

24. Next, Assistant Prosecuting Attorney Zach West shared with the Board his interpretation that Relator "attempted to correct this" fatal error by submitting the Withdrawal.

25. Mr. West then directed the Board members to two statutes. First, he advised the Board that R.C. 3501.38(I)(1) prohibited "alterations, corrections, or additions…to a petition after it is filed in a public office." Second, Mr. West advised the Board that R.C. § 3501.38(I)(2)(a) provides that "no declaration of candidacy, nominating petition, or other petition for the purpose of becoming a candidate may be withdrawn after it is filed in a public office."

26. The remaining portion of R.C. § 3501.38(I)(2)(a) provides that "nothing in this division prohibits a person from withdrawing as a candidate as otherwise provided by law." Alluding to this, Mr. West advised the Board of his view that "because [Realtor] did not attempt to withdraw her candidacy, only her [First Petition], her second set of petitions is invalid because she was either attempting to correct the – or add on – to the first set, which is prohibited by [3501.38](I)(2)(1)." *But see* Exhibit 2.

27. Based on his analysis, Mr. West "recommend[ed] disapproving [Relator's petitions] for the fatal error on the first part and the second part because it is prohibited by statute."

28. A member of the Board then moved "to do as [Mr. West] indicated, to reject the first petition for the fatal error and not to accept the second petition because of state statute." This motion passed unanimously without any further discussion or analysis.

29. The draft minutes of the December 27 Board meeting memorialize the Board's determination "to reject and not certify the 1st candidate petition of Amy Renner for County Commissioner for the March 2024 ballot due to a fatal error of invalid office term begin date and 2nd candidate petition of Amy Renner for County Commissioner for the March 2024 ballot due to being prohibited by statue *(sic)* per legal councils *(sic)* advise *(sic)*." Exhibit 4 at 2.

30. The Board's decision to reject Relator's Second Petition and to not certify Relator to the primary election ballot was in error, in disregard of applicable law, and was an abuse of discretion.

31. By way of example, and not limitation, and as will be set forth more fully in the briefing of this matter, the Board's decision (a) improperly disregarded that the purported "office" identified in the First Petition did not exist and that petition was therefore a nullity, with the result that the filing of the Second Petition was not prohibited by any other provision of law, (b) improperly disqualified Relator from the primary ballot where, even if the Withdrawal is

disregarded, nothing in Ohio law prohibited Relator from submitting two petitions under the facts set forth herein given that one such petition was not for an "office" to be voted on at the primary election, and/or (c) disregarded that Relator's Withdrawal, and the subsequent submission of the Second Petition was permitted by, *inter alia*, R.C. §§ 3513.30(B) and 3513.052(G), and *State ex rel. Coble v. Lucas Cty. Bd. of Elections*, 130 Ohio St.3d 132, 2011-Ohio-4550, 956 N.E.2d 282.

32. Because the Republican Party has not identified a candidate for the office of Athens County Commissioner for the term commencing on January 2, 2025, absent a writ of mandamus from this Court, Mr. Adkins will (as a practical matter) be unopposed for reelection and the voters of Athens County will have no realistic opportunity to choose another candidate if they so wish.

Count One: ***Writ of Mandamus Against Respondent***

33. The averments of paragraphs 1 through 31 above are restated as if fully rewritten herein.

34. Relator possesses a clear legal right to have her name certified to the Democratic Party primary election ballot as a candidate for the office of Athens County Commissioner for the full term commencing on January 2, 2025 because her declaration of candidacy satisfies all legal requirements to be so certified, and because Relator otherwise satisfies all requirements to be so certified.

35. In the alternative, Relator possess a clear legal right to have the Board examine and determine the sufficiency of the signatures on Relator's Second Petition, and upon a determination that the Second Petition contains a sufficient number of valid signatures, to certify Relator's name to the primary ballot.

36. Respondent has a clear legal duty to certify Relator to the Democratic Party primary election ballot for the office of Athens County Commissioner for the full term commencing on January 2, 2025, or, alternatively, to determine the sufficiency of the signatures on the Second Petition and to thereafter certify Relator's to the primary election ballot.

37. Relator has no adequate remedy at law because of the proximity of the primary election and because appropriate relief may be obtained only through a writ of mandamus.

WHEREFORE, Relator Amy Renner prays for a judgment against Respondent as follows:

A. That this Court enter Preemptory and/or Permanent Writs of Mandamus compelling Respondent to certify Relator's name to the ballot for the March 19, 2024 Democratic Party primary election for the office of Athens County Commissioner for the full term commencing January 2, 2025 to be voted upon at that election; or, in alternative, compelling Respondent to examine and determine the validity of the signatures on Relator's Second Petition and to thereafter certify Relator's name to the primary election ballot; and

B. That this Court aware Relator her costs, expenses, and reasonable attorney's fees incurred in bringing this action, and any such further relief as this Court deems just and proper.

Respectfully Submitted,

/s/ Patrick M. Quinn

Patrick M. Quinn (0081692)
BRUNNER QUINN
5001 Horizons Drive, Suite 209
Columbus, Ohio 43220
Tel: (614) 241-5550
Fax: (614) 241-5551
Email: pmq@brunnerlaw.com
Attorney for Relator

IN THE SUPREME COURT OF OHIO

STATE EX REL. AMY RENNER 30 Lexington Avnue Chauncey, Ohio 45719 Relator	)	Case Number Original Action in Mandamus **Expedited Election Matter Pursuant to S.Ct.Prac.R. 12.08**
v.	)	
ATHENS COUNTY BOARD OF ELECTIONS) 15 S. Court Street, #130 Athens, Ohio 45701 Respondent.	)	

AFFIDAVIT OF AMY RENNER

STATE OF OHIO)
) ss:
COUNTY OF ATHENS)

Amy Renner, being first duly cautioned and sworn, deposes and states as follows:

1. I am the Relator in this action. I am over the age of eighteen (18) years old. If called upon to do so, I could testify truthfully and accurately as to the statements herein.
2. I am a resident and qualified elector of the State of Ohio.
3. I have reviewed the Complaint filed in this action prior to its filing and, based on my own personal knowledge and my review of the records referenced therein and attached thereto, I state that the matters alleged therein are true.

FURTHER, AFFIANT SAYETH NAUGHT

Amy Renner

Sworn to and subscribed in my presence this 12 day of January, 2024.

Notary Public

Jonathan Edward Robe
Attorney At Law
Notary Public, State of Ohio
My commission has no expiration date
Sec. 147.03 R.C.

IN THE SUPREME COURT OF OHIO

STATE EX REL. AMY RENNER 30 Lexington Avnue Chauncey, Ohio 45719 Relator v. ATHENS COUNTY BOARD OF ELECTIONS 15 S. Court Street, #130 Athens, Ohio 45701 Respondent.	))))))))))))))	Case Number Original Action in Mandamus **Expedited Election Matter Pursuant to S.Ct.Prac.R. 12.08**

EXHIBIT 1

Form No. 2-G Prescribed by the Ohio Secretary of State (09-17)

Declaration of Candidacy
Party Primary Election
For County Office

To be filed with the Board of Elections not later than 4 p.m. of the 90th day before the primary election.

R.C. 3513.05, .07, .08, .09, .10, .191, 3501.38

Declaration of Candidacy

NOTE - The candidate must fill in, sign and date this declaration of candidacy before the signatures of electors are affixed.

I, Amy Renner (Name of Candidate), the undersigned, hereby declare under penalty of election falsification that my voting residence address is 30 Lexington Ave. (Street Number and Address, if any, (or rural route and number)), Chauncey (City or Village), Ohio 45719 (Zip Code), and I am a qualified elector.

I further declare that I desire to be a candidate for nomination to the office of County Commissioner (Office) in the County of Athens (County), Ohio as a member of the Democratic (Political Party) Party for the:

Check one ☒ full term commencing 1/1/2025 (Full Term Commencing Date) or ☐ unexpired term ending _____ (Unexpired Term Ending Date), at the primary election to be held on the 19 (Day) day of March (Month), 2024 (Year).

RECEIVED
DEC 15 2023
ATHENS COUNTY
BOARD OF ELECTIONS

I further declare that, if elected to this office or position, I will qualify therefor, and that I will support and abide by the principles enunciated by the Democratic (Political Party) Party.

Dated this 13 (Day) day of November (Month), 2023 (Year). Amy Renner
Signature of Candidate

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Petition for Candidate

This petition shall be circulated only by a member of the same political party as stated above by the candidate.

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the Democratic (Political Party) Party, hereby certify that Amy Renner (Name of Candidate), whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

Signature	Voting Residence Street Number and Address	City, Village, or Township	County	Date of Signing
1. Alexandra Ziff	475 Richland	Athens	Athens	11/15/23
2. [illegible]	475 RICHLAND	ATHENS	ATHENS	11/15/23
3. Melissa Brogan	11 Herrold ave	Athens	Athens	11/15/23
4. [illegible]	21 2nd St	Athens	Athens	11/15/23
5. Lilah Gaggie	6265 Pleasant Hill Rd	Athens	Athens	11/15/23
6. Grace Corbin	5 Slaughter Dr.	Athens	Athens	11/15/23
7. [illegible]	46 Columbia Ave.	Athens	Athens	11/15/23
8. [illegible]		The Plains	Athens	11/15/23
9. [illegible]	124 Morris Ave	Athens	Athens	11/17/23
10. [illegible]	10099 Sand Ridge Rd	Millfield	Athens	11/28/23

Signature	Voting Residence Street Number and Address	City, Village, or Township	County	Date of Signing
11. David Lawrence	111 South Green Drive	Athens	Athens	11/28/23
12. Angie Pyle	6768 Vore Ridge Rd	Athens	Athens	11/28/23
13. [illegible]	774 W Union St. Apt. 13	Athens	Athens	11/29/2023
14. [illegible]	204 Elmwood Pl	Athens	Athens	11/29/23
15. Patricia R. Morris Wilmer	14 Old Coach Rd Athens, OH 45701	ATHENS	ATHENS	11/29/23
16. Amy J. Brinck	15 Lamar Dr. Athens, OH 45701	Athens	Athens	11/29/23
17. Steve Patterson	50 Langview Heights Rd	Athens	Athens	11/29/23
18. Robin Bowman	8 Charles, Apt B ~~Athens~~	Athens	Athens	11/30/23
19. Coy [illegible]	10360 ST RT 682	Athens	Athens	12/04/23
20. Jason Stolcher	34 E 4th St.	The Plains	Athens	12/04/23
21. Jon Boring	29 A St	Athens	Athens	12/04/23
22.				
23.				
24.				
25.				
26.				
27.				
28.				
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31.				
32.				

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Circulator Statement

Must be completed and signed by the circulator.

I, Robert Barba-Delach (Printed Name of Circulator), declare under penalty of election falsification that I reside at the address appearing below my signature; that I am a member of the Democratic (Political Party) Party; that I am the circulator of the foregoing petition containing 21 (Number) signatures; that I witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

RBDelach
Signature of Circulator

124 Morris Ave
Permanent Residence Address

Athens (City or Village) OH (State) 45701 (Zip Code)

IN THE SUPREME COURT OF OHIO

STATE EX REL. AMY RENNER 30 Lexington Avnue Chauncey, Ohio 45719 Relator v. ATHENS COUNTY BOARD OF ELECTIONS 15 S. Court Street, #130 Athens, Ohio 45701 Respondent.	))))))))))))))	Case Number Original Action in Mandamus **Expedited Election Matter Pursuant to S.Ct.Prac.R. 12.08**

EXHIBIT 2

RECEIVED
DEC 18 2023
ATHENS COUNTY
BOARD OF ELECTIONS

12/18/23

Please withdraw my petitions filed on 12/15/23 for County Commissioner.

Amy Renner

IN THE SUPREME COURT OF OHIO

STATE EX REL. AMY RENNER 30 Lexington Avnue Chauncey, Ohio 45719 Relator v. ATHENS COUNTY BOARD OF ELECTIONS 15 S. Court Street, #130 Athens, Ohio 45701 Respondent.	))))))))))))))	Case Number Original Action in Mandamus **Expedited Election Matter Pursuant to S.Ct.Prac.R. 12.08**

EXHIBIT 3

23120 D

Form No. 2-G Prescribed by the Ohio Secretary of State (09-17)

RECEIVED
DEC 20 2023
ATHENS COUNTY BOARD OF ELECTIONS

Declaration of Candidacy
Party Primary Election
For County Office

To be filed with the Board of Elections not later than 4 p.m. of the 90th day before the primary election.

R.C. 3513.05, .07, .08, .09, .10, .191, 3501.38

Declaration of Candidacy

NOTE - The candidate must fill in, sign and date this declaration of candidacy before the signatures of electors are affixed.

I, Amy Renner (Name of Candidate), the undersigned, hereby declare under penalty of election falsification that my voting residence address is 30 Lexington Ave. (Street Number and Address, if any, (or rural route and number)), Chauncey (City or Village), Ohio 45719 (Zip Code) and I am a qualified elector.

I further declare that I desire to be a candidate for nomination to the office of Athens County Commissioner (Office) in the County of Athens (County), Ohio as a member of the Democratic (Political Party) Party for the:

Check one [X] full term commencing 1-2-2025 (Full Term Commencing Date) or [ ] unexpired term ending _____ (Unexpired Term Ending Date), at the primary election to be held on the 19 (Day) day of 3 (Month), 2024 (Year).

I further declare that, if elected to this office or position, I will qualify therefor, and that I will support and abide by the principles enunciated by the Democratic (Political Party) Party.

Dated this 20 (Day) day of December (Month), 2023 (Year). Amy Renner (Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Petition for Candidate

This petition shall be circulated only by a member of the same political party as stated above by the candidate.

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the Democratic (Political Party) Party, hereby certify that Amy Renner (Name of Candidate), whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

Signature	Voting Residence Street Number and Address	City, Village, or Township	County	Date of Signing
1. David Descutner	48 Utah Place	Athens	Athens	12/20/23
2. Delysa Burnier	48 Utah Pl.	Athens	Athens	12/20/23
3. [illegible]	87 University Statehouse	Athens	Athens	12/20/23
4. [illegible]	~~Michael Kleinman~~	~~Athens~~		
5. Michael Kleinman	1875 Banjo Hill Rd	Athens	Athens	12-20-23
6. Warren Hunter	97 Second St	Athens	Athens	12-20-23
7. Benjamin Lachman	101 S. May Ave	Athens	Athens	12-20-23
8.				
9.				
10.				

Signature	Voting Residence Street Number and Address	City, Village, or Township	County	Date of Signing
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WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Circulator Statement

Must be completed and signed by the circulator.

I, Amy Renner (Printed Name of Circulator), declare under penalty of election falsification that I reside at the address appearing below my signature; that I am a member of the Democratic (Political Party) Party; that I am the circulator of the foregoing petition containing 10 (Number) signatures; that I witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

Amy Renner
Signature of Circulator

30 Lexington Ave.
Permanent Residence Address

Chauncey — OH — 45719
City or Village — State — Zip Code

IN THE SUPREME COURT OF OHIO

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EXHIBIT 4

Minutes
Athens County Board of Elections
Regular Meeting
December 27, 2023, 3:30 pm

The Athens County Board of Elections met on December 27, 2023 at 3:30 pm at the board office. The meeting was called to order by Board Chair Pettey, Roll Call – Aundrea S. Carpenter-Colvin, Gary Van Meter, Sky Pettey and Kate McGuckin all present. Also present at the meeting: Director Debra Quivey, Deputy Director Tony Brooks, Debbie Perry and Assistant Prosecutor Zach West.

Mr. Pettey led the pledge.

Motion 2023:12:03

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter that the minutes for October 13, November 7, November 15, November 21 and November 28, 2023 be approved by the Board as presented. Motion passed unanimously.

Deputy Director Brooks provided a final update for the 2023 budget and bills.

Motion 2023:12:04 (Attachment 1)

Ms. McGuckin moved, seconded by Mr. Van Meter that bills from October 14, 2023 to December 31, 2023 be approved as presented by Deputy Director Brooks. Voting: Mrs. Carpenter-Colvin – Yes, Mr. Van Meter – Yes, Mr. Pettey – Yes and Ms. McGuckin – Yes

Motion 2023:12:05

Ms. McGuckin moved, seconded by Mrs. Carpenter-Colvin to go into Executive Session regarding conferring with an attorney about a dispute involving the board that is the subject of a pending or imminent court action (ORC 121.22 (G)(3)) with Assistant Prosecutor Zach West, Director Debra Quivey and Deputy Director Brooks. Voting: Ms. McGuckin – Yes, Mrs. Carpenter-Colvin – Yes, Mr. Van Meter – Yes, Mr. Pettey – Yes.

The Board entered into Executive Session at 3:42 pm.

The Board came out of Executive Session at 3:50 pm.

DRAFT

Motion 2023:12:06

Ms. McGuckin moved, seconded by Mr. Van Meter to reject and not certify the 1st candidate petition of Amy Renner for County Commissioner for the March 2024 ballot due to a fatal error of invalid office term begin date and 2nd candidate petition of Amy Renner for County Commissioner for the March 2024 ballot due to being prohibited by statue per legal councils advise. Motion passed unanimously.

Motion 2023:12:07

Mr. Van Meter moved, seconded by Ms. McGuckin to accept and certify the candidate petition of Charlie R. Atkins for County Commissioner for the March 2024 ballot. Motion passed unanimously.

Motion 2023:12:08

Mrs. Carpenter-Colvin moved, seconded by Ms. McGuckin to accept and certify the candidate petition of Chris Chmiel for County Commissioner for the March 2024 ballot. Motion passed unanimously.

Motion 2023:12:09

Ms. McGuckin moved, seconded by Mr. Van Meter to accept and certify the candidate petition of Keller J. Blackburn for County Prosecutor for the March 2024 ballot. Motion passed unanimously.

Motion 2023:12:10

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to accept and certify the candidate petition of Candy S. Russell for County Common Pleas Court Clerk for the March 2024 ballot. Motion passed unanimously.

Motion 2023:12:11

Ms. McGuckin moved, seconded by Mrs. Carpenter-Colvin to accept and certify the candidate petition of Rodney Smith for County Sheriff for the March 2024 ballot. Motion passed unanimously.

DRAFT

Motion 2023:12:12

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to accept and certify the candidate petition of Jessica Markins for County Recorder for the March 2024 ballot. Motion passed unanimously.

Motion 2023:12:13

Ms. McGuckin moved, seconded by Mr. Van Meter to accept and certify the candidate petition of Beth Clodfelter for County Treasurer for the March 2024 ballot. Motion passed unanimously.

Motion 2023:12:14

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to accept and certify the candidate petition of Taylor Sappington for County Treasurer for the March 2024 ballot. Motion passed unanimously.

Motion 2023:12:15

Ms. McGuckin moved, seconded by Mrs. Carpenter-Colvin to accept and certify the candidate petition of Jeff Maiden for County Engineer for the March 2024 ballot. Motion passed unanimously.

Motion 2023:12:16

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to accept and certify the chargebacks for the November 2023 General Election. Motion passed unanimously.

Motion 2023:12:17

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to accept and sign the updated Cyber Incident Response Plan as presented by Deputy Director Brooks. Motion passed unanimously.

Motion 2023:12:18

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to accept and sign the 2024 Elections Administration Plan as presented by Director Quivey and Deputy Director Brooks. Motion passed unanimously.

DRAFT

Deputy Director Brooks provided a reminder that 2024 OAEO Winter Conference is January 9th to January 12th 2024. All reservations have been made and everyone is booked for conference and classes that they requested.

Motion 2023:12:19

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to allow the office staff to have 5 paid vacation days to use between today and December 31, 2023 at the discretion of the Director and Deputy Director and the office would remain open for the Holiday season. Motion passed unanimously.

Deputy Director Brooks provided a reminder that we will pick precincts for the Audit at the Official Count meeting and that December 20th, 2023 is the filing deadline for the 2024 Primary Election.

Deputy Director Brooks also gave an update on the 2024 budget hearing that was reviewed with the commissioners.

Motion 2023:12:20

Ms. McGuckin Meter moved, seconded by Mrs. Carpenter-Colvin to adjourn. Motion passed unanimously.

_____ _____

Director Chair

DRAFT

Expenses Paid Between October 14, 2023 and December 31, 2023

Glacier Mt. Bottled Water	Monthly Water	$15.00
Election Systems and Software	Site Support - Programming, ReProgramming	$5,925.00
ADT Commercial	Monthly Access Control	$153.74
Hocking Valley Bank	Monthly Security	$64.47
Spectrum/Time Warner Cable	Monthly Cable	$103.49
Triad Governmental Systems	Remote Ballot Marking File Conversion	$1,057.00
Glacier Mt. Bottled Water	Monthly Water	$15.00
ADT Commercial	Monthly Access Control	$153.74
Hocking Valley Bank	Monthly Security	$64.47
Election Systems and Software	Epollbook Setup	$2,173.91
Election Systems and Software	Recoding & L&A Testing	$1,975.00
First Presbyterian Church	Location Rental	$350.00
Shred-it	Office Shredding	$154.85
Glacier Mt. Bottled Water	Monthly Water	$34.50
Election Systems and Software	Site Support - Election Day	$5,475.00
Election Systems and Software	Site Support - Official	$1,975.00
Hocking Valley Bank	Gas & Food for 23 General	$1,358.88
Menards	Lumber and Supplies for Office Updates	$2,560.84
Optimum Decisions	Asset Tracking for Office Equipment	$20,000.00
Election Systems and Software	Replacement Power Adapter	$114.59
Chase	Safety Deposit Box Rental	$50.00
ADT Commercial	Monthly Access Control	$153.74
Optimum Decisions	USB Network Adapters	$105.00
Glacier Mt. Bottled Water	Monthly Water	$15.00
Amazon	Planners, PaperClips, Binder Clips	$40.19
Quill	Dry Erase Supplies	$9.63

Amazon	Rubber Mallets & Sanitizing Spray	$42.04
Amazon	Calendars	$9.99
Intab, Inc.	Green Locks for Equipment	$84.47
Ohio University	Signs for 2023 General	$1,145.86
Amazon	Toner for Printers	$82.50
Amazon	Toner for Printers	$1,152.27
Amazon	Sticky Notes & Sorter Strip	$56.27
Graphic Village	Absenteee Printing	$306.81
Amazon	Supplies	$171.72
Amazon	Supplies	$3,899.86
Amazon	Supplies	$823.24
Quill	Paper	$619.80
Amazon	Pens & Toner	$1,462.28
Amazon	Flashlights for Polling Locations	$39.98
Amazon	Dry Erase Markers	$65.00
Amazon	Labels	$237.84
Minuteman Press	Card & Envelopes	$138.25
Tony L. Brooks II	Reimbursement for Extra on Cabinet Order	$35.00
Election Systems and Software	Repairs on 2 E-Pollbooks	$541.85
Quadient	Meter Rental & Maintenance	$294.00
Triad Governmental Systems	Ballot Box Camera Recording	$1,200.00
Elecitons Systems and Software	Election Day and Provisional Ballots	$3,971.64
Spectrum/Time Warner	Monthly Cable	$103.45
Mascot Metropolitan, Inc	Provsional Bags	$267.01
Amazon	Pens & Toner	$2,676.65
Optimum Decisions	New VTTS Server	$4,207.45
Optimum Decisions	Asset Tracking for Office Equipment	$1,709.00

Uline	Tote Picking Cart & Shelf Liners	$841.44
Tammy Skinner	Food for Poll School	$87.78
Tammy Skinner	Food for Poll School	$29.43
Christ Community Wesleyan Church	Location Rental	$100.00
The Village Church	Location Rental	$100.00
HVB Cardmember Services	Food for Election	$42.70
Waterloo Community Senior Center	Location Rental	$100.00
Election Systems and Software	BOD Setup	$1,232.20
Floor and Moore	Office Flooring	$6,704.79
Intab, LLC	Locks for Machines & Bags	$157.93
Advanced Painting	Office Wall Painting	$7,170.00
Ohio University	Trucks & Labor for Election	$2,772.00
APG Media, LLC	Voter Reg Ad - 2023 General	$1,009.38
Triad GSI	Backup Signature Lists	$415.28
Minuteman Press	10 X 13 Peel and Seal Envelopes	$248.00
APG Media, LLC	Legal Ads	$783.50
Elecitons Systems and Software	Test Ballots	$107.88
Elecitons Systems and Software	Test Ballots - 2nd	$107.88
Elecitons Systems and Software	Election Day and Provisional Ballots	$8,292.54
Minuteman Press	Envelopes & Paper	$2,289.00
APG Media, LLC	Legal Ads	$769.50
Optimum Decisions	Balotar Laptops	$3,733.73
Tony L. Brooks II	Parking Cards for Temp Workers	$400.00
Ohio Assoc Of Election Officals	Conference Registration	$1,600.00
Mascot Metropolitan, Inc	Provsional Bags	$1,780.28
Ohio Assoc Of Election Officals	OREO Classes - 8	$880.00
Menards	Lumber and Supplies for Office Updates	$757.87

Debra Quivey	Basket and Fabric for Raffle OAEO Conference	$44.56
Optimum Decisions	2023 Items to meet Security Directive	$6,475.00
Various	County Worker Pollworker Pay - 23 General	$24,418.57
Various	Pollworker Pay - 23 General	$40,058.39
	Total	**$182,951.90**