

Minutes
Athens County Board of Elections
Special Meeting
August 18, 2021, 3:30 pm

The Athens County Board of Elections met on August 18, 2021 at 3:30 pm at the board office. The meeting was called to order by Board Chair McGuckin, Roll Call – Sky Pettey, Gary Van Meter, Aundrea S. Carpenter-Colvin, Kate McGuckin all present. Also present at the meeting: Deputy Director Tony Brooks, Secretary of State Regional Liaison Lori Baldrige, Debbie Perry, Helen King from League of Women Voters.

Ms. McGuckin led the pledge.

Deputy Director Brooks provided a list of the Absentee and Provisional problems that were received for the August 3rd, 2021 Special Primary along with copies of the Election Official Manual sections regarding those problems.

Motion 2021:08:17 (Attachment 1)

Mr. Van Meter moved, seconded by Mr. Pettey to reject and not count the four absentee ballots that were postmarked on or after election day for the 2021 Special Primary Election as presented by Deputy Director Brooks. Motion passed unanimously.

Motion 2021:08:18 (Attachment 1)

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to reject and not count the eight absentee ballots that were returned with no stub for the 2021 Special Primary Election as presented by Deputy Director Brooks. Motion passed unanimously.

Motion 2021:08:19 (Attachment 2)

Mr. Pettey moved, seconded by Mr. Van Meter to accept and count the 34 provisional ballots that were received for the 2021 Special Primary Election as presented by Deputy Director Brooks. Motion passed unanimously.

Motion 2021:08:20 (Attachment 3)

Mr. Van Meter moved, seconded by Ms. McGuckin to reject and not count the 2 provisional ballots that were received during the 2021 Special Primary Election for voting in wrong precinct and wrong polling location as presented by Deputy Director Brooks. Motion passed unanimously.

Motion 2021:08:21 (Attachment 4)

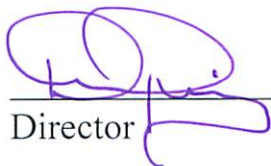
Mr. Van Meter moved, seconded by Ms. McGuckin to accept, remake and count the 3 provisional ballots that were received during the 2021 Special Primary Election for voting in wrong precinct and right polling location as presented by Deputy Director Brooks. Motion passed unanimously.

Motion 2021:08:22

Mr. Van Meter moved, seconded by Mr. Pettey to outsource the printing and mailing of absentee ballots to Graphic Village for the 2021 November General Election. Motion passed unanimously.

Motion 2021:08:23

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to adjourn. Motion passed unanimously.



Director



Chair

Attachment 1 - Motion 2021:08:17 & Motion 2021:08:18

ABSENTEE PROBLEMS
Special Primary
08/03/2021

Absentee

Postmarked ON/AFTER Election Day too late

1. Lee Township
2. Lee Township
3. Lee Township
4. Waterloo

Returned with no stub

1. Athens 1-2
2. Athens 1-2
3. Athens 1-2
4. Athens 1-2
5. Nelsonville 3
6. Athens Baker
7. Athens Baker
8. Bern Township

Section 1.04 Absentee Voting

ABSENTEE VOTING BY MAIL

To cast an absentee ballot by mail, voters apply using Ohio Secretary of State [Form 11-A](#) or any written application containing all the required information mentioned previously. Voters may submit applications to receive an absentee ballot by mail beginning January 1st of the election year or 90 days before the election, whichever is earlier, and ending 12:00 p.m. noon the Saturday before Election Day.¹⁰

Boards may begin mailing absentee ballots to those who have requested them on the first day after the close of voter registration before Election Day and may continue mailing absentee ballots as they receive valid applications up until 12:00 p.m. noon the Saturday before Election Day.¹¹

A voter who receives an absentee ballot by mail may return it to the office of the board of elections through the mail or by personal delivery:

1. Return by Mail

- a. The absentee ballot must be postmarked no later than the day before Election Day and received at the board of elections office no later than the 10th day after Election Day.¹²
- b. If the absentee ballot does not have a postmark, it must be received at the board of elections office no later than 7:30 p.m. on Election Day.
- c. A postmark does not include mail sent using a postage evidencing system, including a postage meter or postage from private companies that dispense postage through the internet (e.g., Stamps.com), known as the PC Postage program.¹³

2. Return by Personal Delivery

A voter may deliver the absentee ballot personally or may have a family member¹⁴ deliver the absentee ballot by the close of polls on Election Day at the office of the board of elections only. No one may return a voted absentee ballot to a precinct polling location.¹⁵

¹⁰ [R.C. 3509.03](#).

¹¹ [R.C. 3509.01](#); [R.C. 3509.03](#).

¹² [R.C. 3509.05\(B\)\(1\)](#).

¹³ [R.C. 3509.05\(B\)\(2\)](#). See also, 39 CFR 501.01.

¹⁴ [R.C. 3509.05\(A\)](#); "Family member" includes spouse, domestic partner, mother, father, step-mother, step-father, mother-in-law, father-in-law, brother, sister, step-brother, step-sister, half brother, half sister, brother-in-law, sister-in-law, grandmother, grandfather, aunt, uncle, child, step-child, son-in-law, daughter-in-law, or other family member living in the same household.

¹⁵ [R.C. 3509.05\(A\)](#).

the absentee identification envelope does not allow the board to confirm the absentee voter's eligibility, the board must reject the absentee ballot.¹³¹

- If the board could not determine the absentee voter's eligibility from the properly provided required information, but the voluntary information on the absentee identification envelope allows the board to confirm the absentee voter's eligibility, proceed to Step 4.

STEP 4: OPEN ELIGIBLE ABSENTEE BALLOTS AND CONFIRM CONTENTS.

- If the eligible absentee ballot contains more than one ballot of any kind, or any voted ballot that the voter was not entitled to vote, the board must reject the absentee ballot.¹³²
- If Stub A is detached from the eligible absentee ballot, the board must reject the absentee ballot.¹³³
- If the correct ballot is enclosed in the absentee identification envelope along with Stub A, the board must count the ballot.

The board must endorse the back of the identification envelope of any absentee ballot that was not eligible with the words "Not Counted," along with the reason the ballot was not counted,¹³⁴ and retain the rejected ballot pursuant to established retention schedules.

All valid absentee ballots returned by the close of polls on Election Day, whether returned in person or by mail, must be included in the unofficial canvass.

Valid absentee ballots received after the close of polls on Election Day through the 10th day after the election, including ballots whose identification envelopes were insufficient but were cured by the 7th day following the election, must be included in the official canvass.

Section 1.08 Eligibility of Former Ohio Residents to Vote by Absentee Ballot in Ohio in a Presidential Election

In order to cast a ballot for President and Vice-President from the Ohio precinct in which

¹³¹ *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.07(A).

¹³² R.C. 3509.07(D).

¹³³ R.C. 3509.07(E).

¹³⁴ R.C. 3509.07.

Attachment 2 - Motion 2021:08:19

For ATHENS COUNTY OHIO
Election: 08/03/21 - PRIMARY SPECIAL

For Status: Accepted

	Application #	Voted Precinct
1	17	ATHENS 1-1
2	16	ATHENS 1-1
3	10	ATHENS 1-1
4	14	ATHENS 1-1
5	18	ATHENS 1-1
6	19	ATHENS 1-3
7	13	ATHENS 2-3
8	8	ATHENS 2-3
9	6	ATHENS 2-3
10	7	ATHENS 2-3
11	15	ATHENS 2-4
12	12	ATHENS 3-2
13	4	ATHENS 3-2
14	3	ATHENS 3-4
15	5	ATHENS 3-4
16	2	ATHENS 3-4
17	20	ATHENS 4-1
18	9	ATHENS 4-1
19	22	ATHENS 4-2
20	23	ATHENS 4-2
21	24	ATHENS 4-3
22	26	ATHENS 4-5
23	27	NELSONVILLE 1
24	28	NELSONVILLE 3
25	30	ALEXANDER EAST
26	11	ALEXANDER WEST
27	31	ATHENS BAKER
28	32	ATHENS BAKER
29	34	ATHENS EAST
30	33	ATHENS EAST
31	1	PLAINS 2
32	37	ALBANY VILLAGE
33	38	LEE TOWNSHIP
34	39	LODI TOWNSHIP

Total For Status: Accepted

34

Attachment 3 - Motion 2021:08:20

For ATHENS COUNTY OHIO
Election: 08/03/21 - PRIMARY SPECIAL

For Status: Rejected: Invalid Address

	Application #	Voted Precinct	
1	29	ALEXANDER EAST	MISC WORKER
Total For Status: Rejected: Invalid Address		1	

For ATHENS COUNTY OHIO
Election: 08/03/21 - PRIMARY SPECIAL

For Status: Rejected: Wrong Precinct/Wrong Poll

	Application #	Voted Precinct	
1	25	ATHENS 4-3	ATHENS 1-3
Total For Status: Rejected: Wrong Precinct/Wrong Poll		1	



STEP 5: DETERMINE WHETHER THE VOTER IS A RESIDENT OF THE COUNTY AND PRECINCT IN WHICH THE VOTER OFFERS TO VOTE.⁴⁶

- If the voter is a resident of the county and precinct in which the provisional ballot was cast, proceed to Step 6.
- If the voter moved and provided a new address within the precinct on the affirmation statement, then the voter is considered a resident of the new precinct and the board must proceed to Step 6.
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did not complete and attach Form 12-D to the provisional ballot envelope, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.⁴⁷
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did complete and attach Form 12-D, but the board verified that the precinct to which the precinct election official directed the voter was the incorrect precinct, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.
- If the voter cast the provisional ballot in the wrong precinct, but correct polling location, including the board of elections office, and 1) a precinct election official completed Form 12-D and 2) the board verified that the precinct to which the precinct election official directed the voter was the correct precinct, the board must reject the provisional ballot.⁴⁸
- If the voter cast the provisional ballot in the wrong precinct and wrong polling location the board must reject the provisional ballot.⁴⁹

⁴⁶ R.C. 3503.01(A).

⁴⁷ R.C. 3505.183(D)(1).

⁴⁸ R.C. 3505.183(D)(1).

⁴⁹ R.C. 3505.183(D)(3).

Attachment 4 - Motion 2021:08:21

For ATHENS COUNTY OHIO
Election: 08/03/21 - PRIMARY SPECIAL

For Status: Rejected: Wrong Precinct/Right Poll

	Application #	Voted Precinct	
1	21	ATHENS 4-2	ATHENS 4-1
2	35	ATHENS SOUTH	ATHENS BAKER
3	36	PLAINS 1	CIRCLE HILL
Total For Status: Rejected: Wrong Precinct/Right Poll			3



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- If the voter is a resident of the county and precinct in which the provisional ballot was cast, proceed to Step 6.
- If the voter moved and provided a new address within the precinct on the affirmation statement, then the voter is considered a resident of the new precinct and the board must proceed to Step 6.
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did not complete and attach Form 12-D to the provisional ballot envelope, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.⁴⁷
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did complete and attach Form 12-D, but the board verified that the precinct to which the precinct election official directed the voter was the incorrect precinct, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.
- If the voter cast the provisional ballot in the wrong precinct, but correct polling location, including the board of elections office, and 1) a precinct election official completed Form 12-D and 2) the board verified that the precinct to which the precinct election official directed the voter was the correct precinct, the board must reject the provisional ballot.⁴⁸
- If the voter cast the provisional ballot in the wrong precinct and wrong polling location the board must reject the provisional ballot.⁴⁹

⁴⁶ B.C. 3503.01(A).

⁴⁷ B.C. 3505.183(D)(1).

⁴⁸ B.C. 3505.183(D)(1).

⁴⁹ B.C. 3505.183(D)(3).