

Minutes
Athens County Board of Elections
Special Meeting
September 8, 2021, 3:00 pm

The Athens County Board of Elections met on September 8, 2021 at 3:00 pm at the board office. The meeting was called to order by Board Chair McGuckin, Roll Call – Sky Pettey, Aundrea Carpenter-Colvin, Kate McGuckin all present. Also present at the meeting: Director Debra Quivey, Deputy Director Tony Brooks and Debbie Perry.

Ms. McGuckin led the pledge.

Director Quivey provided correspondence between Mr. Pettey and Assistant Prosecutor Kirk Shaw and copies of chapter 4 section 1.04 of the Election Official Manual regarding proofing of ballots. Board Members reviewed and discussed the information provided by Mr. Pettey regarding if proofing ballots should be completed by the board or if the board could delegate this to Director Quivey, Deputy Director Brooks and the Board of Elections office staff.

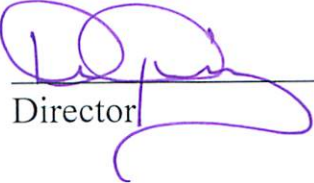
Per the request of Mrs. Carpenter-Colvin, Director Quivey provided a description of the procedures that have been used by the Director, Deputy Director and Board of Elections office staff when ballots have been proofed for prior elections. These procedures were described as follows: Once programming of the ballot is completed, an entire set of the ballots of the election are printed off. Those printed ballots are then reviewed by three different sets of bipartisan teams of two within the Board of Elections staff. Ballots are proofed against the sample ballot from the Secretary of State, petitions that were provided by the candidates and businesses (for local options), resolutions of necessity (for tax levies) and approved ballot language from the Secretary of State. Ballots are all checked for correct spelling and grammar during this time. Once all three bipartisan teams have made the corrections to the entire set of draft ballots, the draft ballots are used to complete the programming of the final ballots.

Motion 2021:09:01 (Attachment 1)

Mr. Petty moved, seconded by Mrs. Carpenter-Colvin to delegate the proofing of ballots to be completed by Director Quivey, Deputy Director Brooks and the Board of Elections office staff in three bipartisan teams of two as described by Director Quivey for the November 2, 2021 General Election. Motion passed unanimously.

Motion 2021:09:02

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



Director



Chair

Attachment 1 - Motion 2021:09:01

Brooks, Tony

From: Kirk Shaw <kirk@athenscountyprosecutor.org>
Sent: Tuesday, September 7, 2021 10:34 AM
To: Pettey, Sky
Cc: Quivey, Debbie; Brooks, Tony
Subject: [EXTERNAL] RE: Proofing of ballots

****Secretary of State Security Notice****
This e-mail is from an external source. Think before you click links or open attachments.

Good morning, Sky,

I've reviewed Chapter 4, Section 1.04 of the Election Officials Manual, and it does appear that the bare minimum requirement is that the deputy director and director (or bipartisan group of employees designated by them, which I interpret as equal number of D and R) must proofread the ballots before an election.

So I agree with your opinion on the matter.

All best,
Kirk

Kirk L. Shaw
Assistant Athens County Prosecutor
1 South Court Street
Athens, Ohio 45701
P (740) 592-3208
F (740) 592-3291

From: Pettey, Sky <spettey@athens.boe.ohio.gov>
Sent: Friday, September 3, 2021 9:30 AM
To: Kirk Shaw <kirk@athenscountyprosecutor.org>
Cc: Quivey, Debbie <dquivey@athens.boe.ohio.gov>; Brooks, Tony <tbrooks@athens.boe.ohio.gov>
Subject: Proofing of ballots

Dear Kirk,

Attached in pdf format please find Chapter 4, Section 1.04 of the Election Officials Manual. The question has come up at our Board of Elections meetings whether the Board Members themselves must personally proof read the ballots before an election or if that job can be delegated to the Director and Deputy Director and the county BoE staff (though of course ultimate responsibility lies with the Board Members).

Given the language I have highlighted we are planning to delegate this responsibility, which I understand to be the long-standing practice of the Athens County BoE, and for which a thorough process has been developed over the years. If you have any concerns with this approach, please let us know.

Very truly yours,
Sky Pettey

PERCENTAGE OF VOTES²⁶

A brief statement of the percentage of affirmative votes necessary for passage must be on the ballot for each question and issue. The statement should be inserted in the space immediately below the title and name of entity requesting the submission of the question or issue. The percentage should be stated as follows: "A majority affirmative vote is necessary for passage" or such other brief statement as will be descriptive of the percentage of affirmative votes required for passage (e.g., "A 55 percent affirmative vote is necessary for passage"). Do not use the percent symbol "%."

Section 1.04 Proofs

PROOFING BALLOTS

Each board of elections must thoroughly and promptly check every detail of its ballots upon creation of the ballot and prior to submitting the ballot files to the printer to be produced. The board must also proof the ballot upon receiving any ballot layouts or proofs from the vendor, including the accessible ballot each board must provide upon receipt of a properly completed application.

At a minimum, the director and deputy director, or a bipartisan team of board employees they designate, must proofread every candidate contest and ballot question or issue for every ballot style. They must also verify that candidate names are properly rotated starting with the first precinct in the county. To ensure candidate names are rotating properly, each ballot must be reviewed. For more information on candidate rotation, refer to page 4-9 of this manual. In addition, the board must ensure the proper rotation of questions and issues. Refer to Chapter 1 of the [Ohio Ballot Questions and Issues Handbook](#) for more details.

Each board must develop and document its process to systematically review the content of the ballot to include a review of the following:

- Contest and questions and issues appear on correct precinct ballot
- Ballot title and election date
- Instructions
- Office titles
- Office order
- Commencing and term-ending text

²⁶ R.C. 3505.06(D)

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- Vote for text (number of candidates to nominate or elect)
 - Party affiliation
 - Candidate names
 - Candidate name rotation
 - Heading descriptions
 - Ballot language text for spelling
 - Board signatures
 - Precinct names
 - Other directions (i.e., page 1 of 2)

It is imperative that board personnel proof from original source material (e.g., the candidate's petition or a document signed by the candidate to confirm the spelling of the candidate's name, or the certification of an issue by the jurisdiction's governing body, etc.), or a proofing master document that has been verified for accuracy against original source material. The board must ensure that each question or issue submitted to the office was properly placed on the ballot, including local options.

When proofreading the ballot, it is a best practice to have one person read aloud what should be printed based upon the original source material, while another person follows along on the proof provided by the printing vendor or generated by the central tabulating system to ensure that what is going to be printed is what should be printed. When proofing candidate names, speak the candidate's name and then spell it aloud, letter by letter. When proofing candidate headings and ballot language, speak any numbers or dates one numeral at a time (e.g., "\$1,000" would be read as "dollar-sign one comma zero zero zero") and speak all punctuation or other symbols (e.g., "period of time, commencing" would be read as "period of time comma commencing").

Each board also must proof the candidate contests and ballot questions and issues for each precinct split against its voter registration system to ensure that each voter is receiving all of the correct combination of offices and districts based on the voter's residential address.

If staff other than the director and deputy director performed the initial proofing of the ballot, the director and deputy director must still oversee the proofing process and approve the final ballot layouts/proofs. The board members must also review and verify the final ballot layouts/proofs or ensure that staff adequately proofed the ballot layouts/proofs according to the requirements listed above.

Ultimately, the responsibility for ensuring the ballot is correct rests with the board members, as indicated by their signatures. The board must develop, maintain, and

practice a policy and procedure to ensure this responsibility is met at all levels. This is a basic and essential function of the board. Failure by the board to adequately proof the ballot will have consequences and will be taken into consideration upon reappointment.

POSTING PROOFS²⁷

After a board of elections has prepared or receives its ballot proofs, the board must do all the following:

1. **Notify the following individuals that the ballot proofs are available for inspection and correction:**
 - Chairperson of the local executive committee of each political party that is represented on the ballot by candidates; and
 - A designated representative for each group supporting and/or opposing a question or issue appearing on the ballot. If no such representative has been designated, the board may contact the treasurer whose name appears on the designation of treasurer, if any, filed on behalf of the group or committee.

Although current law does not require boards of elections to notify political subdivisions that have certified questions or issues to the ballot that the ballot proofs are available for inspection and correction, a board of elections should give those political subdivisions at least as much notice as must be given to groups supporting or opposing ballot issues.

2. **Post the ballot proofs for at least 24 hours in a publicly accessible place in the board office and include instructions for notifying the board of any needed or requested correction(s), after which board personnel must review and correct any error.**

If a local correction is required at any stage of the proofing process prior to finalization and printing, the board must repeat the above notification and posting requirements and ensure that, in correcting the error, another part of the ballot was not inadvertently changed.

COPY OF ABSENTEE BALLOTS TO SECRETARY OF STATE²⁸

Each board of elections must have absentee ballots printed and ready for use 46 days before the election for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, and the day after the close of registration for non-UOCAVA voters. The board

²⁷ R.C. 3505.14.

²⁸ R.C. 3509.01; R.C. 3511.04.