

**Minutes**  
**Athens County Board of Elections**  
**Special Meeting**  
**November 17, 2021, 3:30 pm**

The Athens County Board of Elections met on November 17, 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: Director Debra Quivey, Deputy Director Tony Brooks, Beth Ferrier, Debbie Perry and Helen King from League of Women Voters.

Ms. McGuckin led the pledge.

Motion 2021:11:04

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin that the minutes for October 20, 2021 be approved by the board as presented. Motion passed unanimously.

Motion 2021:11:05

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin that the minutes for November 2, 2021 be approved by the board as presented. Motion passed unanimously.

Budget updates were provided and presented by Deputy Director Brooks.

Motion 2021:11:06 (Attachment 1)

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin that bills from October 20, 2021 to November 16, 2021 be approved as presented. Voting: Mrs. Carpenter-Colvin – Yes, Mr. Van Meter – Yes, Mr. Pettey – Yes, Ms. McGuckin – Yes

Director Quivey provided lists of valid Absentee and Provisional ballots and Absentee and Provisional problems that were received for the November 2<sup>nd</sup>, 2021 General Election along with copies of the Election Official Manual sections regarding those problems.

Motion 2021:11:07

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to accept and count the 32 absentee ballots that were postmarked before election day for the 2021 General Election as presented by Director Quivey. Motion passed unanimously.

Motion 2021:11:08 (Attachment 2)

Mr. Van Meter moved, seconded by Mr. Pettey to reject and not count the 7 absentee ballots that were postmarked on or after election day for the 2021 General Election as presented by Director Quivey. Motion passed unanimously.

Motion 2021:11:09 (Attachment 2)

Mr. Van Meter moved, seconded by Mr. Pettey to reject and not count the 3 absentee ballots that were received with no identification envelopes for the 2021 General Election as presented by Director Quivey. Motion passed unanimously.

Motion 2021:11:10

Mr. Van Meter moved, seconded by Mr. Pettey to accept and count the 124 valid provisional ballots that were received for the 2021 General Election as presented by Director Quivey. Motion passed unanimously.

Motion 2021:11:11 (Attachment 3)

Mr. Van Meter moved, seconded by Ms. McGuckin to reject and not count the 5 provisional ballots that were received during the 2021 General Election and the voters were not registered anywhere in the state of Ohio as presented by Director Quivey. Motion passed unanimously.

Motion 2021:11:12 (Attachment 4)

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to reject and not count the 1 provisional ballot that was received during the 2021 General Election and the voter did not provide valid identification as presented by Director Quivey. Motion passed unanimously.

Motion 2021:11:13 (Attachment 5)

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to reject and not count the 1 provisional ballot that was received during the 2021 General Election and the voter cast a ballot in the wrong polling location as presented by Director Quivey. Motion passed unanimously.

Director Quivey announced that the Audit for the November 2021 General Election is scheduled for December 1, 2021 at 9:00 am. We will also have the 2022 Budget meeting at this date and time.

Director Quivey informed the Board that the Secretary of State Summer Conference is scheduled for June 28 – 29, 2022.

The Board discussed the regular board meeting schedule and times. They decided that meetings should remain the 3<sup>rd</sup> Wednesday of each month at 3:30 pm. Director Quivey stated that she would make the schedule and get it posted soon.

Director Quivey reminded the Board that the Winter Conference and OREO Classes are January 12-14, 2022.

Director Quivey also informed the Board of the upcoming meetings. They are as follows: Official Count is November 19, 2021 at 9:00 am at the board office, Audit and Budget Meeting is December 1, 2021 at 9:00 am at the board office and Regular Board Meeting is January 19, 2022, at 3:30 pm at the board office.

Motion 2021:11:14

Mr. Van Meter moved, seconded by Mr. Pettey to adjourn. Motion passed unanimously.

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Chair

Expenses Paid Between October 1, 2021 and November 17, 2021

Attachment 1 - Motion 2021:11:06

Vendor	Description	Amount
Mark Porter Auto Plex	Repairs to 2002 Ford Econoline Box Truck	\$2,535.44
Elections Systems and Software	Site Support - L & A Testing, Programming, Final Programming	\$5,100.00
A. Rifkin Co.	Small Yellow Provisional Bags	\$4,723.64
Time Warner Cable/Spectrum	Monthly Cable	\$98.76
Debra Quivey	Painters Tape and Marking Paint for Polling Locations	\$61.59
Debra Quivey	Extra Keys for Polling Locations	\$39.00
Quill.com	Name Badges for Pollworkers, Toners for printers	\$529.94
Quill.com	Name Badge for Tammy Skinner	\$11.33
Quill.com	Minute Book paper, 2 cases of Paper, Staple Remover	\$160.52
Quill.com	9 X 12 Mailing Envelopes, Highlighters, Yellow paper	\$191.90
Glacier Mountain Bottled Water	Monthly Water	\$29.50
Fanelli Boys, Inc.	Hand Sanitizer Spray bottles for Pollworkers	\$529.79
Quill.com	Labels for Label Printers	\$291.84
NetData, Inc.	Spare Server Router	\$1,048.00
Ohio University	Rental Fees for Baker Center for Polling Location	\$255.00
Roberta Lyons	Rental Fees for The Shop in Bucthel for Polling Location	\$200.00
The Dairy Barn	Rental Fees for Polling Location	\$300.00
Elections Systems and Software	Election Day and Provisional Ballot Printing	\$9,847.72
Triad Governmental Systems	Backup Signature List Printing for Polling Locations	\$370.08
APG Media	Legal Ads for Local Options and Tax Levies	\$53.25
APG Media	Legal Ads for Local Options and Tax Levies	\$48.50
APG Media	Legal Ads for Local Options and Tax Levies	\$48.50
APG Media	Legal Ads for Local Options and Tax Levies	\$2,061.75
Paul Moore	Rover Travel	\$90.72
Thomas McLaughlin	Rover Travel	\$196.56
Jennifer Adams	Set-up Travel	\$34.72

Beverly Dixon	Set-up Travel	\$46.48
Hocking Valley Bank	Food for Training and Set-up days	\$384.93
Misc. Pollworkers	Non-Payroll Pollworker Pay	\$28,373.44
Total		\$57,662.90

**ABSENTEE PROBLEMS**  
**General Election**  
**11/02/2021**

**Absentee**

**Postmarked ON/AFTER Election Day too late**

- |                              |                |
|------------------------------|----------------|
| 1. Guy Philips               | Athens 3-5     |
| 2. Linda Philips             | Athens 3-5     |
| 3. Joan Armstrong-Pennington | Athens 4-1     |
| 4. Carolyn Bailey Lewis      | Alexander East |
| 5. Caitlin Kight             | Plains 2       |
| 6. Nita Daugherty            | Chauncey       |
| 7. Kenneth Wollett           | York Township  |

**No Identification Envelope with Ballot**

1. Lee Township
2. Lee Township
3. York Township

must provide reasonable accommodations, as follows:

- Voters with Disabilities – Regardless of whether the voter requested assistance in casting the absentee ballot, if a voter requests assistance to supplement the voter's identification envelope, the board of elections must send board employees, not of the same political party, to the voter to provide assistance.<sup>108</sup>
- UOCAVA Voters – A UOCAVA voter's board of elections must provide notice to the voter in the same manner in which the voter requested transmission of the ballot by the board to the voter (i.e., by email, facsimile, or by mail, if application was made by mail or in person).

A completed Form 11-S must be received by the board of elections by the 7th day after an election,<sup>109</sup> or be post-marked by the 7th day after the election and received by the board of elections by the 10th day after the election, in order to cure the voter's defective absentee ballot identification envelope and have the ballot included in the official canvass, which may begin on the 11th day following the election.

## **Section 1.07 Mandatory Step-by-Step Process for Counting Absentee Ballots**

### **STEP 1: DETERMINE WHETHER THE BALLOT WAS TIMELY SUBMITTED:**

An absentee ballot returned in person to the board of elections office must be delivered by 7:30 p.m. on Election Day.<sup>110</sup> The ballot also may be returned to the board's designated location for in-person absentee voting at any time during in-person absentee voting.

An absentee ballot returned via mail 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. If the absentee ballot returned via mail 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.

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.<sup>111</sup>

Note that a postmark is not required in order for a UOCAVA ballot to be valid. The board must count an otherwise valid UOCAVA ballot regardless of whether it contains a

<sup>108</sup> *Ray v. Franklin County Board of Elections* Case No. 2:08-CV-1086, 2008 WL 4966759 (S.D. Ohio Nov. 17, 2008).

<sup>109</sup> B.C. 3509.06(D)(2)(b).

<sup>110</sup> B.C. 3509.05.

<sup>111</sup> B.C. 3509.05(9)(2). See also 39 CFR 501.01.

timely postmark, a late postmark, or no postmark.<sup>112</sup>

- If the absentee ballot was not timely submitted, the board must reject the absentee ballot.<sup>113</sup>
- If the absentee ballot was timely submitted, proceed to Step 2.

## STEP 2: DETERMINE WHETHER THE VOTER HAS PROVIDED THE MINIMUM REQUIRED INFORMATION:

In order for an identification envelope to be opened and the absentee ballot to be counted, the absentee voter must provide sufficient information on the absentee ballot ID envelope to identify the voter and to determine that the voter was eligible to cast the ballot.<sup>114</sup>

At a minimum, an absentee voter must provide:<sup>115</sup>

1. **Name;**<sup>116</sup>
2. **Signature;**<sup>117</sup> and
3. **Proper Identification:**<sup>118</sup>
  - The voter's driver license number;<sup>119</sup>
  - The last four digits of the voter's Social Security number;<sup>120</sup> or
  - A copy of a current and valid photo identification, a military identification, or a current (within the last 12 months) utility bill, bank statement, government check, paycheck, or other government document (other than a notice of voter registration mailed by a board of elections) that shows the voter's name and address.<sup>121</sup>
  - It is important to note that the board of elections is required to pre-print the voter's name as it appears in the voter registration record onto the absentee ballot identification envelope. See paragraph F.1. of Section 1.05, above. Occasionally, a voter may strike through and write a name on the identification envelope that is different from the name preprinted by the board using the voter's name as it appears in the voter registration record.

<sup>112</sup> R.C. 3511.11(C).

<sup>113</sup> R.C. 3509.07.

<sup>114</sup> R.C. 3509.07(C).

<sup>115</sup> *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D); R.C. 3509.07(A).

<sup>116</sup> *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D)(3)(a)(i).

<sup>117</sup> *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D)(3)(a)(ii).

<sup>118</sup> *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D)(3)(a)(iii).

<sup>119</sup> R.C. 3509.06(D)(3)(a)(iv).

<sup>120</sup> R.C. 3509.06(D)(3)(a)(v).

<sup>121</sup> R.C. 3509.06(D)(3)(a)(vi).



Attachment 3 – Motion 2021:11:11

**For ATHENS COUNTY OHIO  
Election: 11/02/21 - GENERAL**

**For Status: Rejected: Voter Not Registered**

	Application #	Voted Precinct
1	84	ATHENS 4-4
2	54	ATHENS 2-3
3	109	PLAINS 2
4	65	ATHENS 3-4
5	115	MILLFIELD

**Total For Status: Rejected: Voter Not Registered**

**5**

within the seven days after the election to remedy the missing item, the board must reject the provisional ballot.<sup>43</sup>

**STEP 3: DETERMINE WHETHER THE BOARD CAN VERIFY THE IDENTITY OF THE VOTER BASED ON THE INFORMATION PROVIDED ON THE PROVISIONAL BALLOT AFFIRMATION OR PROVIDED BY THE VOTER WITHIN THE SEVEN-DAY PERIOD.**

- If the board can verify the identity of the voter based upon the information provided on the provisional ballot affirmation and/or provided by the voter within seven days of the election, proceed to Step 4.
- If the board cannot verify the identity of the voter based upon the information provided on the provisional ballot affirmation and/or the information provided by the voter within seven days of the election, the board must reject the provisional ballot.<sup>44</sup>

**Note:** To verify identity, the board must 1) conduct at least one "wildcard" search of the county's local voter registration database, if available, 2) conduct a voter query of the Statewide Voter Registration Database using 'Search by Driver License Number' and 3) conduct at least one voter query of the Statewide Voter Registration Database by entering as much or as little information as is available using 'Search by Name.' Once a board has successfully identified a voter with one search, it is not necessary to conduct the additional queries.

**STEP 4: DETERMINE WHETHER THE VOTER IS A REGISTERED VOTER ANYWHERE IN THE STATE OF OHIO AT LEAST 30 DAYS BEFORE THE ELECTION.**

- If the voter was registered to vote anywhere in the State of Ohio at least 30 days before the election, proceed to Step 5.
- If the voter was not registered to vote anywhere in the State of Ohio at least 30 days before the election, then the board must reject the provisional ballot.<sup>45</sup>

<sup>43</sup> R.C. 3505.183(B)(4)(b)(ii).

<sup>44</sup> R.C. 3505.183(B)(4)(b)(ii); *State ex rel. Skoggs v. Brunner* (2008), 120 Ohio St. 3d 505.

<sup>45</sup> Ohio Constitution Article V, Section 1; R.C. 3505.183(B)(4)(b)(ii).

Attachment 4 – Motion 2021:11:12

For ATHENS COUNTY OHIO  
Election: 11/02/21 - GENERAL

For Status: Rejected: Invalid ID

Application #  
1 74

Voted Precinct  
ATHENS 3-6

Total For Status: Rejected: Invalid ID

1

A board must complete the counting of provisional ballots and the official canvass no later than the 21st day after the election.<sup>35</sup>

## MANDATORY STEP-BY-STEP PROCESS FOR DETERMINING ELIGIBILITY

Each board is required to follow the step-by-step instructions outlined below to determine the eligibility of a provisional ballot to be counted.

### Section 1.04 Step-by-Step Process for Determining Eligibility

STEP 1: DETERMINE WHETHER THE AFFIRMATION STATEMENT ON THE PROVISIONAL BALLOT ENVELOPE CONTAINS EACH OF THE FOLLOWING FIVE ITEMS:

1. Voter's printed name;
2. Voter's valid signature;
3. Voter's date of birth;
4. Voter's current address; and
5. Voter's identification.

- If the affirmation statement contains all five of the required items, proceed to Step 2.
- If the affirmation statement does not contain both the voter's printed name and valid signature, then the board must reject the provisional ballot.<sup>36</sup>
- If the affirmation statement does not contain the voter's date of birth or it does not fall into the exception below, then the board must reject the provisional ballot.<sup>37</sup>

**Exception:** If the affirmation statement contains the voter's date of birth but the month and day are different from the month and day in the Statewide Voter Registration Database, the board must reject the provisional ballot unless 1) the voter's date of birth in the database is 1/1/1800; or 2) the board of elections finds by a vote of at least three of its members that the voter has

<sup>35</sup> R.C. 3505.32(A)

<sup>36</sup> R.C. 3505.183(B)(4)(a)(iii)

<sup>37</sup> R.C. 3505.183(B)(4)(a)(iv)

Attachment 5 – Motion 2021:11:13

For ATHENS COUNTY OHIO  
Election: 11/02/21 - GENERAL

For Status: Rejected: Other

	Application #
1	32

Voted Precinct
LEE TOWNSHIP

Total For Status: Rejected: Other

1

## Section 1.02 Provisional Ballots Cast in the Wrong Precinct

### THE IMPORTANCE OF THE CORRECT PRECINCT

When an individual registers to vote in Ohio, they are placed within a precinct based upon their residential address and is eligible to vote in all elections held in that precinct.<sup>25</sup> A voter must be a resident of the precinct in which they offer to vote.<sup>26</sup>

### PROVISIONAL BALLOT CAST IN THE WRONG PRECINCT OF A SINGLE-PRECINCT POLLING LOCATION

Because Ohio law requires a voter to be a resident of the precinct in which they offer to vote, a provisional ballot cast in the wrong precinct cannot be counted unless it falls under the exception outlined in subsection (c), below.

### PROVISIONAL BALLOT CAST IN WRONG PRECINCT OF MULTI-PRECINCT POLLING LOCATION

Under Ohio law, a provisional ballot cast in the wrong precinct of a multi-precinct polling location may be eligible to be counted if the precinct election official did not notify the voter that they were in the wrong precinct. A precinct election official must notify and direct a voter to the correct precinct.<sup>27</sup>

If a voter refuses to cast a ballot in the correct precinct, they must be permitted to cast a provisional ballot and advised that a ballot cast in the wrong precinct cannot be counted.<sup>28</sup> To document the fact that the voter was directed to the correct precinct but opted to cast a provisional ballot in the wrong precinct, a precinct election official must complete Form 12-D and attach it to the provisional voter's provisional ballot envelope.<sup>29</sup>

If a precinct election official does not complete and attach Form 12-D to the provisional envelope, the board must remake and count the provisional ballot for any contest in which the voter would be eligible to vote if the voter were to cast a ballot in the correct precinct.

Details on processing a provisional ballot cast in the wrong precinct but correct polling location are contained in Section 1.04, Step-by-Step Process For Determining Eligibility.

<sup>25</sup> R.C. 3503.01(A)

<sup>26</sup> R.C. 3503.01(A)

<sup>27</sup> R.C. 3505.181(C)(1)

<sup>28</sup> R.C. 3505.181(C)(1)

<sup>29</sup> R.C. 3505.181(C)(2)