



# COLUMBIANA COUNTY

## BOARD OF ELECTIONS

Kim Fusco, Director  
Bryce A. Miner, Deputy Director

Board Members:  
David W. Johnson, Chair  
Patricia Colian, Vice Chair  
Larry Bowersock  
Victor W. Maroscher

### **Board Meeting Minutes – August 16, 2023, 1:30 p.m.**

#### I. ROUTINE ITEMS:

1. Approve Agenda
2. Acceptance of Minutes

#### II. ACTION ITEMS:

3. Eligible Provisionals
4. Ineligible Provisionals
5. Uncountable Absentee Ballots
6. Certify Nonpartisan Candidate Petitions
7. Invalidate Nonpartisan Candidate Petitions (if needed)
8. Certify Local Option Petitions
9. Invalidate Local Option Petitions (if needed)

#### III. DIRECTOR'S REPORT

The Columbiana County Board of Elections met in special session at the Board Office located at 7989 Dickey Dr., Suite 3, Lisbon, Ohio on August 16, 2023 at 1:30 p.m.

The meeting was called to order by Ms. Colian at 1:30 p.m.

Members present as shown by roll call:

Mr. Bowersock	<u>Yes</u>
Ms. Colian	<u>Yes</u>
Mr. Johnson	<u>Excused</u>
Mr. Maroscher	<u>Yes</u>

Pledge of Allegiance

Moment of Reflection

### 1. Approve Agenda

Moved by Mr. Bowersock and seconded by Mr. Maroscher to approve the agenda as submitted.

Roll Call:

Mr. Bowersock,	<u>yes;</u>	Mr. Johnson,	<u>___;</u>
Ms. Colian,	<u>yes;</u>	Mr. Maroscher	<u>yes;</u>

Motion carried.

NOTES:

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### 2. Acceptance of Minutes

Moved by Mr. Maroscher and seconded by Mr. Bowersock to accept the minutes of the special meeting which was held August 7, 2023 and continued August 8, 2023, as submitted.

Roll Call:

Mr. Bowersock,	<u>yes;</u>	Mr. Johnson,	<u>___;</u>
Ms. Colian,	<u>yes;</u>	Mr. Maroscher	<u>yes;</u>

Motion carried.

NOTES:

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### 3. Eligible Provisional Ballots

Moved by Mr. Bowersock and seconded by Mr. Maroscher to accept 166 eligible provisional ballots to be included in the official canvass as presented and recommended by board staff.

Roll Call:

Mr. Bowersock, yes; Mr. Johnson, ---;  
Ms. Colian, yes; Mr. Maroscher yes;

Motion carried.

NOTES: 81% Acceptance Rate. Director Fusco noted a total of 166 eligible provisional ballots with in office totaling 3 and 163 from Election Day.

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#### 4. Ineligible Provisional Ballots

Moved by Mr. Maroscher and seconded by Mr. Bowersock to reject 40 ineligible provisional ballot applications for the reasons submitted:

5: Registration Cancelled/Not Eligible  
21: Not Registered  
1: No Signature  
1: Invalid ID  
10: Wrong Precinct/Wrong Poll  
2: Previously Cast Ballots

Roll Call:

Mr. Bowersock, yes; Mr. Johnson, ---;  
Ms. Colian, yes; Mr. Maroscher yes;

Motion carried.

NOTES: 19% Deemed Ineligible. Director Fusco explained the provisional report code breakdown to the Board Members revealing 40 ineligible provisionals. Director Fusco also explained that there were two voters that previously cast a ballot. One was an in office early voter and the other was an election day voter who cast a blank ballot and demanded a new ballot. Mr. Maroscher asked if this situation has happened before. The Board and directors discussed the two instances at length and it was noted by Director Fusco this has never occurred and the system works because the second ballots will not count. Deputy Director Miner noted the poll workers handled the situation correctly and the two instances were caught. After discussion the Board did not find malicious intent, and the Board decided to have the Directors contact the voters to explain what had occurred and relay that their actions were improper. Mr. Bowersock questioned the ten wrong precinct/wrong poll ballots, and Director Fusco explained they are not right location wrong poll voters. Mr. Bowersock asked if the poll workers directed the voters to the correct location. Deputy Director Miner noted the responsibility lies with the poll worker to direct the voter to the right location and they can use the BOE office as a resource on Election Day for help, and this point will continue to be emphasized at poll worker training and after action reports.

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5. Uncountable Absentee Ballots

Moved by Mr. Maroscher and seconded by Mr. Bowersock to reject 8 absentee ballots due to the presented errors, omissions, and deadlines.

- 4: Received Too Late/No Postmark/Late Postmark
- 2: No ID Envelope Completed
- 2: Undeliverable

Roll Call:

Mr. Bowersock,	<u>yes;</u>	Mr. Johnson,	<u>—;</u>
Ms. Colian,	<u>yes;</u>	Mr. Maroscher	<u>yes;</u>

Motion carried.

NOTES: Director Fusco noted 8 ballots that are uncountable for this election. Mr. Bowersock asked if the undeliverable ballots are returned to the BOE office from the post office if they could not be delivered and Director Fusco confirmed that. It was noted that the SOS regional liaison Sho'More scanned a ballot in the prior week to determine when it was post marked.

6. Certify Nonpartisan Candidate Petitions

Moved by Mr. Maroscher and seconded by Mr. Bowersock to certify 104 nonpartisan candidate petitions as presented for nomination to office of various positions around the county, and as presented by board staff.

Roll Call:

Mr. Bowersock,	<u>yes;</u>	Ms. Colian,	<u>yes;</u>
Mr. Johnson,	<u>—;</u>	Mr. Maroscher,	<u>yes;</u>

Motion carried.

NOTES: 20 Village, 33 Board of Education, 51 Township. Director Fusco discussed four candidate petitions of note including one for circulating at a different address, two for circulator statements, and one for a name change. Director Fusco noted an email from the Columbiana County Prosecutor's Office providing prior case law that all four petitions should not be invalidated. The Board Members inspected the petitions and determined the four petitions in question should count. Mr. Bowersock asked about a previous liquor option where the Board invalidated due to a site specific requirement, which does not apply to candidates. Mr. Maroscher expressed thanks to the Prosecutor's Office and Mr. Bowersock echoed the need to follow our legal counsel.

7. Invalidate Nonpartisan Candidate Petitions

Moved by Mr. Bowersock and seconded by Mr. Maroscher to invalidate 4 nonpartisan candidate petition(s) for the November 2023 General Election.

Roll Call:

Mr. Bowersock, yes; Ms. Colian, yes;  
Mr. Johnson, —; Mr. Maroscher, yes;

Motion carried.

NOTES: 2 No Nominating Petition Incomplete, 2 Not Enough Signatures. Director Fusco noted four candidates that should be invalidated due to incomplete nominating petitions, circulator statement omissions and not enough signatures. The petitions require substantial compliance and the four candidates in question did not meet that threshold based on previous case law provided by the Prosecutor's Office. Mr. Bowersock asked if the Director's would notify the candidates and it was determined they would be notified after the meeting. The Board reviewed the petitions and decided to invalidate based on case law and Prosecutor's recommendation.

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8. Certify Local Option Petitions

Moved by Mr. Maroscher and seconded by Mr. Bowersock to certify 11 local option petitions as presented for placement on the ballot of various precincts around the county, and as presented by board staff.

Roll Call:

Mr. Bowersock, yes; Ms. Colian, yes;  
Mr. Johnson, —; Mr. Maroscher, yes;

Motion carried.

NOTES: Director Fusco noted 11 valid local option petitions. Director Fusco noted these are passed on its face and we are awaiting word from the Division of Liquor Control to determine if all eleven applied for a liquor license. The Board may have to invalidate at a later date if needed. Deputy Director Miner noted the candidate and local option list would be updated and posted to the website after the meeting reflecting the Board's action.

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9. Invalidate Local Option Petitions

Moved by Mr. Bowersock and seconded by Mr. Maroscher to invalidate 1 local option petition as presented for placement on the ballot of various precincts around the county, and as presented by board staff.

Roll Call:

Mr. Bowersock, yes; Ms. Colian, yes;

Mr. Johnson, \_\_\_;

Mr. Maroscher, yes;

Motion carried.

NOTES: Not Enough Signatures. Director Fusco noted only 44 out of 62 signatures were valid from the Salem Slovak Club, so it cannot be validated. Director Fusco stated they can try again in the next election cycle.

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***Director's Report:***

Director Fusco noted the filing deadline for write-in candidates is August 28<sup>th</sup>. Director Fusco stated she was proud and thankful of the staff for all of their work and long hours with the election, filing deadline, provisionals, and absentees. Deputy Director Miner noted he was proud the staff and poll workers for meeting the challenge and having another successful election in Columbiana County.

***Items From The Board:***

The Board Members stated their appreciation for the staff for work during the election cycle. Mr. Bowersock, Ms. Colian, and Mr. Maroscher all thanked the directors and staff for always doing a great job. Ms. Colian noted she had received calls about one polling location where a voter was wearing political attire in the precinct. She asked if further training and material could be distributed to the poll workers to help in such instances. Directors noted the subject is covered in training and will be emphasized moving forward.

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Next Meeting: August 23<sup>rd</sup> at 1:30 p.m.

Moved by Mr. Maroscher and seconded by Mr. Bowersock to adjourn the meeting.

Roll Call:

Mr. Bowersock, yes;  
Ms. Colian, yes;

Mr. Johnson, \_\_\_;  
Mr. Maroscher yes;

Motion carried.