



# 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 – May 1, 2023, 1:30 p.m. Continuation from Recess – May 2, 2023, 7:00 p.m.**

#### I. ROUTINE ITEMS:

1. Amend and Approve Agenda
2. Acceptance of Minutes

#### II. ACTION ITEMS:

3. Absentee Ballot Review
4. Adopt Resolution 2023-01: A RESOLUTION TO AUTHORIZE THE BOARD TO ENTER INTO A COMPREHENSIVE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS.
5. Adopt Resolution 2023-02: A RESOLUTION TO ADOPT A RULE WHEREBY THE PUBLIC MAY DETERMINE THE TIME AND PLACE OF ALL REGULARLY SCHEDULED MEETINGS AND THE TIME, PLACE AND PURPOSE OF ALL SPECIAL MEETINGS, AND SETTING FORTH THE PROCEDURE WHEREBY THE PUBLIC MAY OBTAIN REASONABLE ADVANCE NOTIFICATION OF ALL MEETINGS AT WHICH ANY SPECIFIC TYPE OF PUBLIC BUSINESS IS TO BE DISCUSSED.
6. Recess
7. Absentee Ballot Review (if needed)
8. Certify the Unofficial Results of the May 2, 2023 Special Election

#### III. DIRECTOR'S REPORT

1. In-Office Absentee and Vote by Mail Totals
2. Election Day Occurrences
3. Filed Independent Candidates – Certification July 15<sup>th</sup>

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

The meeting was called to order by Mr. Johnson 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>Yes</u>
Mr. Maroscher	<u>Excused</u>

Pledge of Allegiance

Moment of Reflection

### 1. Amend and Approve Agenda

Moved by Ms. Colian and seconded by Mr. Bowersock to amend and approve the agenda as submitted.

Roll Call:

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

Motion carried.

NOTES: Items 3, 4, and 5 amended from original agenda.

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### 2. Acceptance of Minutes

Moved by Ms. Colian and seconded by Mr. Bowersock to accept the minutes of the regular meeting held April 13, 2023 as submitted.

Roll Call:

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

Motion carried.

NOTES:

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3. Absentee ballot review – ballots needing voter intent determined, including but not limited to, write-ins, erasures, overvotes, errant marks etc.

Moved by Mr. Bowersock and seconded by Ms. Colian to: remake or reflect the voter's intent on the 1 presented ballot.

1. Unclear Marks

Roll Call:

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

Motion carried.

NOTES: Director Fusco noted there was only one ballot needing review. Each Board member examined the ballot in question and all agreed to the voter's intent. It was noted the ballot could have been from a voter having difficulty to fill in the oval precisely. Deputy Director Miner noted that the new DS950 scanning machine scanned all absentee ballots in 40 seconds.

4. Adopt Resolution 2023-01: A RESOLUTION TO AUTHORIZE THE BOARD TO ENTER INTO A COMPREHENSIVE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS.

Moved by Ms. Colian and seconded by Mr. Bowersock to adopt Resolution 2023-01 authorizing the Board to enter into a comprehensive settlement agreement and release of all claims.

Roll Call:

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

Motion carried.

NOTES: Exhibit 1 Attached. Mr. Johnson read the resolution by title only. Mr. Johnson pointed to paragraph four stating that the defendants expressly deny any violation of law or liability and do not admit to any violation of law or liability and that the agreement will allow the Board to continue to conduct the meetings and the notices of the meetings as done for the past several decades. Furthermore, it clarifies that regular meetings will be held on the day prior to the primary and general election of each year and notices of such meetings will occur via email, online and front door of the BOE office. All other meetings taking place during the year will be special meetings with notification being in a similar manner to the regular meetings including special notice to individuals who request it. Mr. Johnson noted that the public is always welcome to attend BOE meetings as in the past and each the process is the same except for each January the Board will pass a resolution describing when meetings will be held and the notification procedures for the meetings will occur.

The resolution will settle the lawsuit that had been filed against the BOE and the Board Members signed both the resolution and settlement agreement.

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5. Adopt Resolution 2023-02: A RESOLUTION TO ADOPT A RULE WHEREBY THE PUBLIC MAY DETERMINE THE TIME AND PLACE OF ALL REGULARLY SCHEDULED MEETINGS AND THE TIME, PLACE AND PURPOSE OF ALL SPECIAL MEETINGS, AND SETTING FORTH THE PROCEDURE WHEREBY THE PUBLIC MAY OBTAIN REASONABLE ADVANCE NOTIFICATION OF ALL MEETINGS AT WHICH ANY SPECIFIC TYPE OF PUBLIC BUSINESS IS TO BE DISCUSSED

Moved by Ms. Colian and seconded by Mr. Bowersock to adopt Resolution 2023-02 adopting a rule whereby the public may determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings, and setting forth the procedure whereby the public may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

Roll Call:

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

Motion carried.

NOTES: Mr. Johnson read the resolution by title only and noted that this codifies what the practice has been by the Board. Furthermore, meetings are set typically monthly and in sequence with the Ohio election calendar and in order for the public to be best served the Board strives to meet with all members present, and the notification and meeting setting rule shall now be in writing. Mr. Johnson stated of his own personal opinion that this was a nuisance lawsuit, a frivolous lawsuit, that we are being forced to comply with because the minutia of the law, so we are abiding by the law now, and make sure we give advanced notice in writing to make this lawsuit go away. The collective opinion of spending \$3,500 in settlement would be best serving the taxpayer's interest rather than spending a lot of money in a drawn out legal fight. Mr. Johnson noted that this is own personal opinion and he his happy to settle it and that the case is dismissed in the interests of the BOE and saving the taxpayers money rather than fighting it. Mr. Bowersock agreed.

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**Director's Report:**

Director Fusco reviewed the in-office early voting and absentee by mail totals with the Board. Mr. Johnson and Director Fusco noted only 15 precincts will be open in 12 locations. Deputy Director Miner noted that even though it is a small election, he is proud of the staff, poll workers, and that every election is run like the biggest election.

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6. Recess

Moved by Ms. Colian and seconded by Mr. Bowersock to go into recess.

Roll Call:

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

Motion carried.

The meeting was reconvened by Mr. Johnson at 9:00 p.m. on Election Day.

Members present as shown by roll call:

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

7. Absentee Ballot Review – if needed

NOTES: Item not needed.

8. Certify the Unofficial Results

Moved by Ms. Colian and seconded by Mr. Bowersock to certify the unofficial results of the May 2, 2023 Special Election for all local contests presented in the election summary, a copy of which will remain on file in the board office.

Roll Call:

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

Motion carried.

NOTES:

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**Director’s Report:**

Director Fusco noted that she contacted the SOS office and drafted a press release when we were made aware of the bomb threat. Deputy Director Miner noted that Director Fusco operated in the office and he was on scene in Salem assisting. Deputy Director Miner noted that Mark Guy, Jerry

Amick, Dave Hoperich, and Dave Johnson were all on scene to assist. The Board Members noted this occurrence has never happened before, but the response went well and it was a job well done. Deputy Director Miner thanked the Commissioner's Office for assistance in getting out the EMA alert and the City of Salem for their alert notification as well. Additionally, Miner thanked poll workers on scene Patricia Crowl, Virginia Grilli, Suzanne Mehno, Kathy Porter, and Genie Wendel, and noted they immediately acted doing a fantastic job from following all of their training. Miner also thanked our first responders and everyone who reported to the scene. Director Fusco and Deputy Director Miner discussed the training process and details in the EAP plan for these situations. Deputy Director Miner informed Board Members that the certification deadline for independent candidates is July 15th and we will be presenting them at either the provisional or official meeting for deliberation.

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***Items From The Board:***

Mr. Johnson noted that there was a bomb threat on Salem High School and that the Board wants to commend the staff for taking quick action to immediately move to the First Christian Church on 6<sup>th</sup> Street. Board Members all noted the actions of communication taken to inform voters of the polling location change and voting was minimally interrupted. Ms. Colian suggested that we move the precincts from the school to the church in future elections and everyone agreed to explore the possibility. Mr. Johnson noted he did receive a call from a concerned voter questioning why schools are used as polling locations and he noted it might be best to move. Deputy Director Miner thanked the First Christian Church for their hospitality in the time of need. Mr. Johnson asked if we pay polling locations and each location that doesn't receive tax dollars get \$30 per election.

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Next Meeting: May 10, 2023 at 1:30 p.m.

Moved by Ms. Colian and seconded by Mr. Bowersock to adjourn.

Roll Call:

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

Motion carried.