

Minutes
Athens County Board of Elections
Regular Meeting
September 15, 2021, 3:30 pm

The Athens County Board of Elections met on September 15, 2021 at 3:30 pm at the Board of Elections office. The meeting was called to order by Board Chair McGuckin, Roll Call – Sky Pettey, Aundrea S. Carpenter-Colvin, Kate McGuckin all present. Also present at the meeting: Director Debbie Quivey, Deputy Director Tony Brooks, Secretary of State Regional Liaison Caleb Pearce, Parker Colvin, Debbie Perry, Helen King with the League of Women Voters, Dan S. Sherman and Anthony Dunfee from Nelsonville City Council.

Ms. McGuckin led the pledge.

Motion 2021:09:03

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey that the minutes for July 14, 2021, July 28, 2021, August 3, 2021, August 13, 2021, August 18, 2021, August 20, 2021 and September 8, 2021 be approved by the board as presented. Motion passed unanimously.

Motion 2021:09:04 (Attachment 1)

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin that bills from July 15, 2021 to September 16, 2021 be approved as presented. Voting: Mrs. Carpenter-Colvin – Yes, Mr. Pettey – Yes, Ms. McGuckin – Yes

Budget updates were provided and presented along with submitted and expected reimbursement of cost from Ohio Secretary of State for the August 3, 2021 Special Primary Election by Deputy Director Brooks.

Information was provided to and discussed by the board regarding a protest of Candidacy for Greg Smith that was received on September 13, 2021. Director Quivey and Deputy Director Brooks provided a copy of the protest with the pages of the Nelsonville City Charter that was provided to the office, written legal option

from Kirk Shaw, Assistant Prosecutor with Athens County, excerpts from the Election Official Manual, Ohio Revised Code and Secretary of State 2021 Ohio Elections Calendar were also provided to the board.

Motion 2021:09:05 (Attachment 2)

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin to deny the protest of candidacy for Greg Smith on the November 2, 2021 ballot for City of Nelsonville Council because the protest was not received timely per Ohio Revised Code 3501.39(B). Motion passed unanimously.

Director Quivey presented a schedule for poll school to teach poll workers for the November 2, 2021 General Election. (Attachment 3)

Updates regarding programming of ballots has been completed, ballot proofs and are available for inspection at the office, ballot order has been completed, L & A Testing is scheduled for September 25, 2021, voter registration deadline is October 4 and will be promoted as heavily as possible through all media possible, and OAEQ Winter Conference is scheduled for January 12-13, 2022 was provided by Director Quivey.

Deputy Director Brooks reviewed procedure regarding nursing home procedures for voting. Nursing homes in the area are currently locked down and we will be continuing to use the packets with the workers at the facilities. We plan to improve instructions and emphasize key points with those workers and also make sure they know that our office is here to support them if they have questions regarding the procedures.

Caleb Pearce, Regional Liaison for Secretary of State introduced himself because he is new to our area and is excited to assist our office. He gave a brief update regarding the Directive 2021-03 and what is going on at the state level regarding any form of collaboration would be illegal under current language effective September 30, 2021 under House Bill 110. He encouraged the board and people to speak to their state representation to make the language less vague.

Ms. McGuckin reviewed the scheduled meetings as follows: Regular Meeting for – October 20, 2021 at 3:30 pm Location: Board Office, Election Day – November 2, 2021 at 6:15 am Location: Board Office, Regular Meeting & Disputed Ballots – November 17, 2021 at 3:30 pm Location: Board Office, Official Canvass – November 19, 2021 at 9:00 am Location: Office, Regular Meeting for – December 15, 2021 at 3:30 pm Location: Board Office.

Motion 2021:09:06

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin to enter into executive session to discuss a personnel and wage matters at 4:04 pm. Voting: Mrs. Carpenter-Colvin – Yes, Mr. Pettey – Yes, Ms. McGuckin – Yes

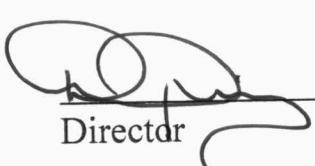
Ms. McGuckin call the meeting back on the record at 4:08 pm.

Motion 2021:09:07

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to set the wage for Olga Thomas as a part time employee at \$20.00 per hour. Motion passed unanimously.

Motion 2021:09:08

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



Director



Chair

Expenses Paid Between July 1st, 2021 and September 16, 2021

Vendor	Description	Amount
Time Warner Cable/Spectrum	Monthly Cable	\$98.76
Elections Systems and Software	Licenses for Equipment	\$15,582.51
Ohio University	Trucks and Delivery Help for Equipment	\$4,980.00
Elections Systems and Software	Ballot on Demand Set-up	\$859.10
City of Athens-Parking	Parking Space in Parking Garage - 3 months	\$900.00
Time Warner Cable/Spectrum	Monthly Cable	\$98.76
Elections Systems and Software	Licenses for Equipment	\$4,844.06
Elections Systems and Software	Site Support for Official Count	\$1,700.00
Glacier Mountain Bottled Water	Bottled Water	\$29.50
Boneyard Welding	Repair for Ballot Box - Front	\$220.00
Fanelli Boys, Inc.	Dry Erase Boards and Supplies	\$160.88
Minuteman Press	Campaign Finance Reports Receipt Book	\$398.29
Quill.com	Office Supplies	\$426.49
Fanelli Boys, Inc.	Labels	\$43.58
NetData, Inc.	Toners & USB Drive	\$1,122.00
Glacier Mountain Bottled Water	Bottled Water	\$23.00
Quill.com	Office Supplies	\$216.97
Mascot Metropolitan, Inc.	Small Yellow Provisional Bags	\$1,215.00
Triad GSI	Training - Questions & Issues Module	\$1,018.00
HVB Cardmember Services	OU Parking Fee & Lunch for Workers for Pollschool	\$195.89
Tammy Skinner	Background Check Reimbursement	\$68.95
Pitney Bowes	Envelope Opener Rental	\$391.86
HVB Cardmember Services	OU Inn Rental Fee & Food for Set-up/ Delivery Teams	\$575.05
Minuteman Press	Temporary Poll Location Move Postcards	\$466.50
Triad Governmental Systems	Back-up Signature Lists for Polling Locations	\$345.14
APG Media	Clerk Rehire Ad	\$23.00

Attachment 1 - Motion 2021:09:04

Elections Systems and Software	Election Day & Provisional Ballots	\$6,329.67
Graphic Village	Absentee Envelopes	\$2,905.86
Triad Governmental Systems	New System Functions Training	\$3,002.00
Elections Systems and Software	Site Support for Election Day	\$4,675.00
Hocking Valley Bank	Hotel & Food Cost for Summer Conference	\$1,864.79
Paul Moore	Rover Travel	\$73.92
Thomas McLaughlin	Set-up Team / Rover Travel	\$252.00
Beverly Dixon	Travel for Loading E-Pollbook Updates	\$47.60
Carol Lee Simons	Travel for Picking up Nursing Home ballots	\$11.09
Richard Shireves	Travel for Loading E-Pollbook Updates	\$20.16
Connor Moore	Team Pay	\$250.00
Colton Davis	Team Pay	\$250.00
Joshua Six	Team Pay	\$100.00
Beverly Dixon	Team Pay	\$200.00
Blaine Gabriel	Team Pay	\$300.00
Misc. Pollworkers	Payment for all Pollworkers except County Workers	\$13,095.00
Pollworkers - CW	Payment for County Employee Pollworkers	\$14,595.14
	Total	\$83,975.52

Attachment 2 - Motion 2021:09:05

Brooks, Tony

From: Kirk Shaw <kirk@athenscountyprosecutor.org>
Sent: Monday, September 13, 2021 12:29 PM
To: Quivey, Debbie; Brooks, Tony; Debbie Quivey; Carpenter-Colvin, Aundrea; Van Meter, Gary; McGuckin, Kathleen; Pettey, Sky
Subject: [EXTERNAL] Petition for Removal of Candidate

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

Members of the Board, Debbie, and Tony,

After reviewing the applicable law (particularly R.C. 3501.39(B)) and the Election Official Manual Directive 2021-08, Chapter 12, pp. 9-11, I find the written petition sent today to be too late to be timely for the possible removal of Greg Smith's name from the ballot. The law requires that the petition be filed 74 days prior to the general election (August 20, 2021). Today we are at 50 days prior to the election. Therefore, the petition is untimely.

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: Quivey, Debbie <dquivey@athens.boe.ohio.gov>
Sent: Saturday, September 11, 2021 2:04 PM
To: Brooks, Tony <tbrooks@athens.boe.ohio.gov>; Kirk Shaw <kirk@athenscountyprosecutor.org>; Debbie Quivey <dquivey@athensoh.org>; Carpenter-Colvin, Aundrea <acarpenter-colvin@athens.boe.ohio.gov>; Van Meter, Gary <gvanmeter@athens.boe.ohio.gov>; McGuckin, Kathleen <kmcguckin@athens.boe.ohio.gov>; Pettey, Sky <spettey@athens.boe.ohio.gov>
Subject: RE: [EXTERNAL] Fwd: Requested Scan

Kirk and Board Members,
Tony and I have been doing some research. You will find attached some information regarding timely protest filings. As you know a Nelsonville Council Member supposedly will be filing a protest against the residency of Greg Smith on his petitions. We could not find any reference to a protest of this type in the Nelsonville Charter. Tony and I think they may have missed the deadline for filing the protest. Could you please research this and let us know what you think?
Thank you,
Debbie & Tony

From: Brooks, Tony <tbrooks@athens.boe.ohio.gov>
Sent: Friday, September 10, 2021 4:53 PM
To: Kirk Shaw <kirk@athenscountyprosecutor.org>; Debbie Quivey <dquivey@athensoh.org>; Carpenter-Colvin,

Aundrea <aacarpenter-colvin@athens.boe.ohio.gov>; Van Meter, Gary <gvanmeter@athens.boe.ohio.gov>; McGuckin, Kathleen <kmcguckin@athens.boe.ohio.gov>; Pettey, Sky <spettoey@athens.boe.ohio.gov>
Subject: FW: [EXTERNAL] Fwd: Requested Scan
Importance: High

***** Secretary of State Security Notice *****

This e-mail is from an external source. Think before you click links or open attachments.

Kirk and Board members,

I was contacted yesterday evening by Anthony Dunfee, City of Nelsonville Council President. He stated that they had removed Greg Smith from Council again for violation of the charters residency requirement. (See attached resolution) He wanted to know to process to protest the candidacy of Greg on the November Ballot and I informed him that we would need something in writing regarding the protest and told him that our next board meeting is September 15, 2021 at 3:30 pm. He stated that he or someone from council would be at that board meeting to file a protest for Greg candidacy for another Nelsonville Council term on the November ballot. I am forwarding this information to all involved for review, because this will be something that looks like is going to be brought before the board at next weeks meeting. I have not received anything in writing from them at this time protesting Greg candidacy so they may bring that to the meeting.

Kirk, we are hoping that you will be able to attend this meeting to provide the board legal advice about this issue.

Thanks!

Tony L. Brooks II

Deputy Director
Athens County Board of Elections
15 South Court, Room 130
Athens, OH 45701
(740)592-3201

From: Tony Dunfee <Tdunfee@cityofnelsonville.com>
Sent: Friday, September 10, 2021 3:34 PM
To: Brooks, Tony <tbrooks@athens.boe.ohio.gov>
Subject: [EXTERNAL] Fwd: Requested Scan

***** Secretary of State Security Notice *****

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From: Taylor Sappington <auditor@cityofnelsonville.com>
Sent: Friday, September 10, 2021 3:31:54 PM
To: Tony Dunfee <Tdunfee@cityofnelsonville.com>
Subject: Requested Scan

Greg Smith Removal Certified Resolution

Taylor Sappington
Nelsonville City Auditor
740-753-2233

"In God We Trust. With everyone else, we check the numbers."

Brooks, Tony

From: Tony Dunfee <Tdunfee@cityofnelsonville.com>
Sent: Monday, September 13, 2021 11:27 AM
To: Brooks, Tony
Cc: Justin Booth; Cory Taylor; Dan Sherman; Elizabeth Jones
Subject: [EXTERNAL] Greg Smith

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

The reasons for removing Mr. Smith from the ballot is as follows. He was found in violation of our city charter for not being a continuous resident. He was found to not be a resident of our town. So therefore he was not a resident for the year prior to the election as the charter requires in section 4.02. There was a administrative hearing held and with a unanimous vote he was removed from office. If he doesn't hold the requirements to be a qualified elector due to residency then he should not be allowed to be on the ballot due to the same residency requirements.

Nelsonville City Charter

NELSONVILLE CITY CHARTER

PREAMBLE

- ARTICLE I - Name, Succession and Boundaries
- ARTICLE II - Form of Government
- ARTICLE III - Powers
- ARTICLE IV - The Council
- ARTICLE V - City Manager
- ARTICLE VI - Administrative Departments
- ARTICLE VII - Boards and Commissions
- ARTICLE VIII - Finance, Taxation and Debt
- ARTICLE IX - Nominations and Elections
- ARTICLE X - Initiative, Referendum and Recall
- ARTICLE XI - General Provisions
- ARTICLE XII - Transitional Provisions

PREAMBLE

We, the people of the City of Nelsonville, Ohio, in order to obtain and secure the benefits of home rule powers under the Constitution of the State of Ohio, do hereby adopt this Charter for the government of the City of Nelsonville.

Through this Charter with divine guidance we express our beliefs and convey our trusts, so that its concepts shall long endure without regard to age, race, color, sex, marital status, handicap, religion, ancestry, or national origin.

ARTICLE I - NAME, SUCCESSION AND BOUNDARIES

§1.01. Name, succession and boundaries

The City shall be known as the "City of Nelsonville", shall continue under this Charter to be a body politic and corporate, and as such shall have perpetual succession. The City shall have the same boundaries existing at the time of adoption of this Charter, with the power and authority to change its boundaries and annex territory thereto in the manner authorized by the laws of the State of Ohio.

ARTICLE II - FORM OF GOVERNMENT

§2.01. Form of government.

The government provided by this Charter shall be known as the Council-Manager form.

ARTICLE III - POWERS

- §3.01. Powers.
- §3.02. Construction
- §3.03. Intergovernmental relations.

§3.01. Powers.

The City shall have all powers to which a city is entitled under the Constitution and laws of the State of Ohio, either expressly or by implication, as fully and completely though specifically enumerated in this Charter. The

enumeration of specific powers in this Charter or the reference in this Charter to specific powers granted by the Constitution or laws of the State of Ohio shall not be construed to be exclusive, and the City may determine to exercise any power in the manner provided under this Charter or in the manner provided under the Constitution or laws of the State of Ohio. Unless otherwise specified by ordinance or resolution, powers shall be exercised in the manner provided under this Charter. It is the intention of the people by the adoption of this Charter that a substantial compliance with the Charter's provisions shall be sufficient to sustain any action taken under this Charter.

§3.02. Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City. As applied in this Charter, unless the context otherwise requires, the singular includes the plural; the plural includes the singular; words of one gender include the other gender; and words in the present tense include the future tense.

§3.03. Intergovernmental relations.

The City may exercise any of its functions, and participate in the financing thereof, including the incurrence of debt, jointly or in cooperation, by contract or otherwise, with one or more political subdivisions, or civil divisions thereof, or the United States or any agency thereof.

ARTICLE IV - THE COUNCIL

§4.01. Number, selection and term.

- §4.02. Qualifications.
- §4.03. Vacancies.
- §4.04. Quorum.
- §4.05. Meetings.
- §4.06. Clerk of Council.
- §4.07. Special meetings.
- §4.08. Powers of Council.
- §4.09. Forms of action by Council.
- §4.10. Enactment of ordinances.
- §4.11. Effective date.
- §4.12. Publication of ordinances.
- §4.13. Initiative and referendum.
- §4.14. Adoption of standard codes by reference.
- §4.15. Council compensation.

§4.01. Number, selection and term.

The legislative powers of the City except as are reserved to the people by this Charter (Initiative and Referendum), and by the Constitution of the State of Ohio, shall be vested in a Council, which shall consist of seven (7) members elected at large by a non-partisan ballot. All such members must be and must remain residents of the City. The term of office of members of Council shall be for four (4) years beginning the first Monday of December next following their election and they shall hold office until their successors

Nelsonville City Code

are elected and qualified. To effect election by staggered terms of its members, the four (4) members who receive the highest number of votes shall be elected for four (4) years, and the three (3) members receiving the next highest votes shall be elected for two (2) years. At succeeding elections all members shall be elected for four (4) year terms of office.

§4.02. Qualifications.

Any qualified elector who has been continuously a resident and a qualified elector of the City of one (1) year next prior to their election, and who is not the occupant of an incompatible office, shall be eligible to serve as a member of City Council. Each member of Council shall continue to be a resident and qualified elector of the City throughout his term of office, failing which Council shall remove him from office.

§4.03. Vacancies.

Vacancies in Council shall be filled by appointment of a qualified person. The appointment shall be made by a majority vote of Council and shall continue until the next election is held at which time a successor shall be elected to fill the unexpired term. In the event Council fails to fill the vacancy within thirty (30) days the President of Council shall make the appointment within fifteen (15) days of Council's failure to do so.

§4.04. Quorum.

Four (4) members of Council shall constitute a quorum to transact business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Council rules and regulations duly adopted.

§4.05. Meetings.

The Council shall meet at such times and places as may be prescribed by its ordinances, resolutions, rules or by motion. Regular meetings shall be held at least twice in each calendar month, except that during the months of July and August the Council may dispense with one of its regular meetings. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings. Council may appoint, from its own body, such officers or employees deemed necessary for efficient operation of Council. Except for such closed executive sessions as may be permitted by Ohio law, all meetings of Council and its committees shall be open to the public. Any person shall have access to the public records of the City as permitted by Ohio law.

§4.06. Clerk of Council.

Council shall appoint, by majority vote, a person to serve as Clerk of Council. The Clerk shall serve at the pleasure of Council and may be removed by a majority vote of Council. The Clerk of Council may not hold other office or position of employment in the City. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council and perform such other duties as this Charter or Council may require. Council shall set a reasonable salary for

the position of Clerk of Council, before any such appointment is made.

§4.07. Special meetings.

The President of Council or any three (3) members thereof may call special meetings of Council upon written notice served personally upon each member, or left at their usual place of residence twenty-four (24) hours previous to the time fixed for such meeting. Any request for a special meeting and the notice calling same shall the subject(s) to be considered, and such meeting shall be limited to a consideration of such subject(s).

§4.08. Powers of Council.

All legislative power of the City shall be vested in the Council except as otherwise provided by this Charter and The Constitution of the State of Ohio therefore. Council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers and provide penalties for the violation thereof;
- (2) Establish the internal organization, staffing and compensation of the departments, boards and commissions created by this Charter;
- (3) Set up such additional departments, boards, or commissions as it may deem necessary and determine their powers and duties;
- (4) Adopt and modify the master plan and official map of the City;
- (5) Have the power to adopt and provide for the enforcement of zoning classifications, districts, uses and regulations by ordinance as authorized under the provisions of the Ohio law;
- (6) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;
- (7) Enact a comprehensive building code;
- (8) Adopt an annual appropriation ordinance based upon the annual budget;
- (9) Appoint and remove, and establish compensation for, the office of Mayor and Vice-Mayor. The Mayor and Vice-Mayor will be elected biennially from among the seven Council members. The Mayor shall act as President of Council and preside over Council, but will have no veto powers. The Mayor will act as a ceremonial figure for various civic functions where the City should be represented. The Mayor shall preside over Mayor's Court and supervise the bailiff of that Court. The Vice-Mayor shall perform the duties of the Mayor when the Mayor is absent;
- (10) Appoint and remove, and establish compensation for, the position of City Manager, and appoint an acting Manager when necessary;
- (11) Confirm and remove, and establish compensation for, the position of City Attorney;
- (12) Inquire into the conduct of any City officer or employee in the performance of their functions;
- (13) Make investigations of any office, department or agency of the City;

Nelsonville City Code

(14) Employ a public accountant to make an audit of the financial affairs of the City whenever such audit is deemed necessary or required by law;

(15) Provide for the employment of engineering and other professional services on a consulting basis when deemed necessary; and

(16) Issue subpoenas for witnesses and the production of books and papers which may be necessary in the conduct of any hearing or investigation.

§4.09. Forms of action by Council.

The action of Council shall be by ordinance or resolution. On all matters of a general or permanent nature, or granting a franchise, or levying a tax, or appropriating money, or contracting indebtedness, or issuing bonds or notes, or for the purchase, lease or transfer of property, action shall be taken formally, by ordinance, in the manner hereinafter provided. Action on all other matters of a temporary or informal nature may be taken by resolution.

§4.10. Enactment of ordinances.

Each proposed ordinance shall be introduced in writing by a member of the Council, and, in addition to the title, shall contain an opening clause reading as follows, "Be it ordained by the Council of the City of Nelsonville, Ohio." The action proposed to be taken shall be fully and clearly set forth in the body of the ordinance. Each ordinance shall contain one subject only, which shall be clearly in the title. No ordinance shall be passed without the concurrence of a majority of all the members elected to Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of five (5) members elected to Council for passage. Every ordinance shall be fully and distinctly read on two (2) different days before its enactment, unless an emergency is declared as hereinafter provided, or unless, by a vote of five (5) members elected to Council, the reading in full on two (2) different days is dispensed with, in which cases such ordinance may be read one (1) time and passed on the day as such reading. Final passage of all ordinances and resolutions shall be certified by the Mayor or Vice-Mayor and the Clerk of Council.

§4.11. Effective date.

Ordinances provided for appropriations for current expenses of the City, or for public improvements petitioned for by the owners of a majority of the frontage of property benefited and to be specially assessed for the cost thereof, or for raising revenue, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon passage or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect thirty (30) days after passage. An emergency ordinance as referred to herein is one which must be passed and made effective at once or in less than thirty (30) days to meet an emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. Each emergency ordinance must contain therein a separate Section setting forth the reason for the emergency.

No ordinance granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure.

§4.12. Publication of ordinances.

Within fourteen (14) days after passage, ordinances required by law to be published, shall be published by posting the complete text of the ordinance in each of the four (4) public places in the City, such places to be designated by Council, for a period of at least fifteen (15) days. In addition, all ordinances shall be posted on one prominent protected bulletin board in City Hall for a period of at least fifteen (15) days.

§4.13. Initiative and referendum.

Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by initiative and referendum under the procedures set forth in Ohio law.

§4.14. Adoption of standard codes by reference.

The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as building construction, plumbing, heating, ventilation, air conditioning, electric wiring, smoke regulation, fire prevention and other similar regulatory subjects by reference to the date and source of the code without reproducing the same in full in the ordinance. At least six (6) copies of all such Codes shall be kept in the office of the Clerk of Council for reference and consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the Clerk of Council. Any standard code adopted in this manner shall not be required to be published at length.

§4.15. Council compensation.

Compensation of Council members shall be established by ordinance but shall not be changed during their terms of office, nor by any ordinance passed subsequent to thirty (30) days before the final date fixed by the general election laws of Ohio or by provisions of this Charter for filing as candidate for such office.

For the first term of service under this Charter, Council members shall receive a salary of \$1,200.00 per year. The President of Council shall receive an additional \$1,200.00.

ARTICLE V- CITY MANAGER

§5.01. Approval and removal.

§5.02. Qualifications.

§5.03. Acting Manager.

§5.04. Powers and duties of the City Manager.

§5.05. Council, Manager relations.

§5.01. Appointment and removal.

Council shall appoint a City Manager, herein also referred to as the Manager, and establish the compensation for that position. A majority vote of the members elected to Council shall be required for the appointment of the City

2021 OHIO ELECTIONS CALENDAR

Year	Event	Reference
2021		
Jul. 25	Boards of elections must prepare and publish notices of Nov. 2 general election and provide the notices to federal write-in absentee voters upon request (no later than 100 days before the general election)	R.C. 3511.18
Jul. 30	Protests against independent candidates nominated by petition must be filed by 4 p.m. Semimonthly campaign finance reports must be filed by certain candidates, political action committees, caucus committees (legislative campaign funds), and political parties by 4 p.m. (last business day of July detailing contributions and expenditures through Jun. 30, 2021)	R.C. 3513.202
Jul. 31	Applications for absentee ballots to be mailed for Aug. 3 special election must be received by noon (3 days before special election)	R.C. 3517.19
Aug. 02	Amendments to observer appointments must be filed by 4 p.m. (day before special election) Boards of elections must submit verification forms of handicapped accessible parking and handicapped accessible polling locations to the Secretary of State (no later than the day before the special election)	R.C. 3509.03..08
Aug. 03	Special Election may be held. Polls open from 6:30 a.m. to 7:30 p.m. If voter, or voter's minor child is hospitalized because of accident or medical emergency, voter may apply for an absentee ballot until 3 p.m.	R.C. 3511.02
	Absentee ballots, returned in person or via a method other than U.S. Mail, must be received by the boards of elections by close of polls	R.C. 3505.21
Aug. 04	Constitutional amendments proposed by joint resolution of General Assembly must be filed with Secretary of State (90 days before general election) Nominating petitions of candidates in nonpartisan races must be filed by 4 p.m. (90 days before general election)	R.C. 3501.29
	Local questions and issues for Nov. 2 general election, including local option petitions, must be certified to or filed with boards of elections by 4 p.m. (90 days before general election)	R.C. 3501.01..32
Aug. 09*	Political party or independent candidate nominating committees must certify name of person to fill vacancy on Nov. 2 general election ballot caused by withdrawal or disqualification of candidate by R.C. 3513.31	R.C. 3509.05..3511.11
Aug. 13	4 p.m. (86 days before general election) Absentee ballots for Aug. 3 special election returned by U.S. Mail must be postmarked no later than Aug. 2 and received by boards of elections by this date to be counted (10 days after special election)	R.C. 3511.11
	UOCAVA absentee ballots for Aug. 3 special election must be received by boards of elections by this date to be counted (10 days after special election)	R.C. 3505.32
Aug. 14	Boards of elections may begin official canvass of Aug. 3 special election ballots (11 days after special election)	R.C. 3513.03
Aug. 16	Boards of elections must certify the validity and sufficiency of candidates' petitions in nonpartisan races (78 days before general election) Boards of elections must certify the validity and sufficiency of local option petitions (78 days before general election)	R.C. 4301.33..331..332, .333..334..4305.14
Aug. 18	Boards of elections must begin official canvass of Aug. 3 special election ballots no later than this date (15 days after special election)	R.C. 3505.32
Aug. 20	Protests against candidates for nominating an office must be filed by this date (74 days before general election) Protests against local option petitions must be filed by 4 p.m. (74 days before general election)	R.C. 4301.33..331..332, .333..334..4305.14

Section 3513.263 | Processing nominating petitions.

Ohio Revised Code / Title 35 Elections / Chapter 3513 Primaries; Nominations

Effective: June 21, 2013 Latest Legislation: Senate Bill 47 - 130th General Assembly

The nominating petitions of all candidates required to be filed before four p.m. of the ninetieth day before the day of the general election, shall be processed as follows:

If such petition is filed with the secretary of state, the secretary of state shall promptly transmit to each board such separate petition papers as purports to contain signatures of electors of the county of such board.

If such petition is filed with the board of a county in which the major portion of the population of a subdivision is located, such board shall promptly transmit to the board of each county in which other portions of such subdivision are located such separate petition papers of the petition as purport to contain signatures of electors of such county.

All petition papers so transmitted to a board of elections, and all nominating petitions filed with a board of elections shall, under proper regulation, be open to public inspection until four p.m. of the eightieth day before the day of such general election. Each board shall, not later than the seventy-eighth day before the day of such general election examine and determine the sufficiency of the signatures on the petition papers transmitted to or filed with it and the validity or invalidity of petitions filed with it, and shall return to each other board all petition papers transmitted to it by such other board, together with its certification of its determination as to the validity or invalidity of signatures thereon. A signature on a nominating petition is not valid if it is dated more than one year before the date the nominating petition was filed. All other matters affecting the validity or invalidity of such petition papers shall be determined by the board with whom such petition papers were filed.

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Written protests against such nominating petitions may be filed by any qualified elector eligible to vote for the candidate whose nominating petition the elector objects to, not later than the seventy-fourth day before the general election. Such protests shall be filed with the election officials with whom the nominating petition was filed. Upon the filing of such protests, the election officials with whom it is filed shall promptly fix the time and place for hearing it, and shall forthwith mail notice of the filing of such protest and the time and place for hearing it to the person whose nomination is protested. They shall also forthwith mail notice of the time and place fixed for the hearing to the person who filed the protest. At the time and place fixed, such election officials shall hear the protest and determine the validity or invalidity of the petition. Such determination shall be final.

Available Versions of this Section

June 21, 2013 – Senate Bill 47, 130th General Assembly

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Directive 2021-02 Chapter 2 Page 31

ACTING IN QUASI-JUDICIAL CAPACITY

When a board of elections conducts a hearing as part of an investigation or in resolving a protest, it is acting in a quasi-judicial capacity. "Quasi-judicial" means that the board's actions have a "partly judicial character by possession of the right to hold hearings on and conduct investigations into disputed claims and alleged infractions of rules and regulations and to make decisions in the general manner of courts."⁴⁰ In a sense, when the board conducts a hearing, it is acting as the judge and jury in a trial court. While acting in a court-like manner, boards must ensure due process rights are observed. Accordingly, a board must inform its legal counsel, the county prosecuting attorney, to make sure that it is conducting the hearing appropriately.

Not every complaint a board receives should result in a quasi-judicial hearing. For example, a protest that does not specify its legal grounds is invalid. Likewise, there are many statutory deadlines for board actions. Before preparing for the hearing, a board should ensure that the hearing is appropriate and still within their ability to resolve. Again, the board should work with its legal counsel throughout the entire process.

DUE PROCESS OVERVIEW⁴¹

Boards are government bodies that must abide by the state and federal constitutions. When acting in a quasi-judicial capacity, they are taking away, or defending, fundamental rights for Americans like the right to vote or run for office. Due process rights ensure that boards do this fairly and deliberately.⁴²

Before a board holds the hearing, it must provide notice to the parties for the matter. Notice does not need to fully flush out all the processes and possibilities for the matter, but it must be sufficient for a person to determine what is being proposed and what they must do to protect their interest. For example, for a protest hearing, the candidate must receive notice that (1) a qualified elector has asserted that the person cannot be a candidate; (2) the grounds for that assertion; and (3) the time and location for the hearing.

The board must hold a hearing before taking final action in a matter. The hearing must be granted at a reasonable time and in a reasonable manner.

⁴⁰ Definition of "quasi-judicial" taken from Merriam-Webster, <http://www.merriam-webster.com/dictionary/quasi-judicial>.

⁴¹ A board may be required to conduct a quasi-judicial hearing. See *State ex rel. City of Upper Arlington v. Franklin County Bd. Of Elections*, 119 Ohio St. 3d 478 (2008).

⁴² Due process and equal protection requirements apply to states. U.S. Const. Amend. XIV, §1.

This is taken from Election Official Manual
Directive 2021-08 Chapter 1a Page 9,10,11

publications located on the Ohio Secretary of State's website at OhioSoS.gov. Also, please note that some charter municipalities have campaign finance disclosure and limitations in addition to those set forth in state law. Municipal candidates should contact the appropriate municipal authority for information on these local regulations, if applicable.

c. Specific Requirements for Certain Offices

Candidates are advised that certain offices (e.g., county sheriff, judge, coroner, etc.) have specific educational and professional requirements that must be met before the candidate can run for or hold the office. Candidates are encouraged to review the Candidate Requirement Guide published by the Secretary of State's office and to consult with private legal counsel regarding any educational and professional requirements for an office.

d. Filing Fees

Each candidate who files for an office must pay a filing fee. The fee must be paid at the time of filing to the entity responsible for accepting the filing (i.e., the board of elections or, if the candidate files with the Secretary of State, the Secretary of State). The amount of the filing fee is prescribed by R.C. 3513.10 and dependent upon the office being sought. A filing fee is non-refundable.²¹

There is no filing fee for a party office (i.e., delegate to a national convention, county central committee, or state central committee).²²

A board of elections is required to pay a portion of each filing fee it collects to the Ohio Elections Commission Fund.²³ The amount of the fee paid to the Ohio Elections Commission Fund is listed in division (B) of R.C. 3513.10.

Section 1.04 Protest of Certified Candidates²⁴

PROCEDURE

A protest is a written objection to the certification of a candidacy, issue or ballot. Protests of candidacies or nominating petitions are specifically provided for in the

²¹ R.C. 3513.10(E)(1)

²² R.C. 3513.10(G)

²³ R.C. 3513.10(B)

²⁴ R.C. 3513.041; R.C. 3513.05; R.C. 3513.262; R.C. 3513.263.

Revised Code.

Protests against the candidacy of any person must be in writing, must specify the legal ground(s) for the protest, and must be filed with the board of elections where the candidate filed their declaration of candidacy, nominating petition, or declaration of intent to be a write-in candidate. If the candidate filed with the office of the Secretary of State, the protest must be filed with the Secretary of State.

After a valid protest is filed, the board of elections or, if applicable, the Secretary of State, must promptly set a time and place for hearing the protest and give notice to both the person whose candidacy is being protested and the protestor. Both the protestor and the protested candidate, or their respective legal counsel, must be given an opportunity to address the board at the hearing.

When resolving a protest, a board is acting in a quasi-judicial capacity. A board should seek the guidance of its legal counsel, the county prosecutor, as soon as a valid protest is filed with the board. A board must also review the section on "Acting in Quasi-Judicial Capacity" in Chapter 2 of this Manual.

Note: In the absence of a timely filed protest, R.C. 3501.39(B) prohibits a board of elections from invalidating any declaration of candidacy or nominating petition after the 60th day before an election.²⁵ *R.C attached to last page*

1. Partisan Primary Candidacy²⁶

Protests against any candidate in a partisan primary may be made by the controlling committee of that party, or by any qualified elector who is a member of the same party as the candidate and who is eligible to vote for the candidate whose petition is the subject of the protest. For purposes of protesting a candidacy for party nomination, an elector is considered a member of the candidate's political party if the elector either voted only in that party's primary in the current calendar year and last two calendar years, or did not vote in any other party's primary in the current calendar year and last two calendar years.²⁷

The deadline to file a protest against any party candidate who filed a declaration of candidacy for the primary is 4 p.m. on the 74th day before the primary election.

2. Write-In Candidacy²⁸

Any elector eligible to vote on the candidacy of a write-in candidate may protest that candidacy. The deadline to file a protest against a write-in

²⁵ *State ex rel. Harbarger v. Cuyahoga City Bd. Of Elections*, 75 Ohio St.3d 44 (1996).

²⁶ R.C. 3513.05.

²⁷ *State ex rel. Bender v. Franklin Cty. Bd. of Elections*, 2019-Ohio-2854.

²⁸ R.C. 3513.041.

[Redacted]

candidate is 4 p.m. on the 67th day before the primary election for primary election write-in candidates or 4 p.m. on 67th day before the general election for general election write-in candidates.

3. **Independent Candidacy²⁹**

Protests against the nominating petition of an independent candidate may be made by any qualified elector who is eligible to vote for the candidate. The deadline to file a protest against any candidate who filed a nominating petition as an independent candidate is 4 p.m. on July 30, or, if the primary election was a presidential primary election, not later than the end of the twelfth week after the day of that election.

4. **Nonpartisan Candidacy³⁰**

Any elector eligible to vote for a candidate for nonpartisan office may protest that candidacy. The deadline to file a protest against any candidate who filed a nominating petition as a nonpartisan candidate is 4 p.m. on the 74th day before the general election.

5. **Hearing**

At the hearing scheduled by the board, the members of the board of elections give both the protester and the candidate an opportunity to address the issues raised in the protest. The board then determines the merit of the protest and the validity of the petition. Such determination is final. The board must follow the procedures laid out in Chapter 2 under "Acting in Quasi-Judicial Capacity".

~~RE-CONSIDERATION OF A CANDIDATE NOT-CERTIFIED~~

When a board of elections has not certified a candidate to the ballot based upon its determination of invalidity or insufficiency of one or more requirements of the petition process, the candidate in question may ask the board of elections to reconsider its determination. Unlike a protest hearing (where the protestor asserts that a candidate certified to the ballot by the board of elections should be removed), it is not mandatory for a board of elections to hold a reconsideration hearing. But having decided to conduct a hearing, the Ohio Supreme Court has determined it can be an abuse of discretion for the board to disregard evidence the hearing produces if the board decides the candidate or issue should remain off the ballot.³¹ Reconsideration hearings should be conducted in a similar manner to a protest hearing, including notice, representation, etc.

²⁹ R.C. 3513.262.

³⁰ R.C. 3513.263.

³¹ Scott v. Franklin County Board of Election, 139 Ohio St. 3d 171 (2014).

Section 3501.39 | Grounds for rejection of petition or declaration of candidacy.

Ohio Revised Code / Title 35 Elections /
Chapter 3501 Election Procedure; Election Officials

Effective: April 6, 2017 Latest Legislation: House Bill 463 - 131st General Assembly

(A) The secretary of state or a board of elections shall accept any petition described in section 3501.38 of the Revised Code unless one of the following occurs:

- (1) A written protest against the petition or candidacy, naming specific objections, is filed, a hearing is held, and a determination is made by the election officials with whom the protest is filed that the petition is invalid, in accordance with any section of the Revised Code providing a protest procedure.
- (2) A written protest against the petition or candidacy, naming specific objections, is filed, a hearing is held, and a determination is made by the election officials with whom the protest is filed that the petition violates any requirement established by law.
- (3) In the case of an initiative petition received by the board of elections, the petition falls outside the scope of authority to enact via initiative or does not satisfy the statutory prerequisites to place the issue on the ballot, as described in division (M) of section 3501.38 of the Revised Code. The petition shall be invalid if any portion of the petition is not within the initiative power.
- (4) The candidate's candidacy or the petition violates the requirements of this chapter, Chapter 3513. of the Revised Code, or any other requirements established by law.

(B) Except as otherwise provided in division (C) of this section or section 3513.052 of the Revised Code, a board of elections shall not invalidate any declaration of candidacy or nominating petition under division (A) (4) of this section after the sixtieth day prior to the

election at which the candidate seeks nomination to office, if the candidate filed a declaration of candidacy, or election to office, if the candidate filed a nominating petition.

(C)(1) If a petition is filed for the nomination or election of a candidate in a charter municipal corporation with a filing deadline that occurs after the ninetieth day before the day of the election, a board of elections may invalidate the petition within fifteen days after the date of that filing deadline.

(2) If a petition for the nomination or election of a candidate is invalidated under division (C)(1) of this section, that person's name shall not appear on the ballots for any office for which the person's petition has been invalidated. If the ballots have already been prepared, the board of elections shall remove the name of that person from the ballots to the extent practicable in the time remaining before the election. If the name is not removed from the ballots before the day of the election, the votes for that person are void and shall not be counted.

Available Versions of this Section

July 2, 2010 – House Bill 48, 128th General Assembly

April 6, 2017 – Amended by House Bill 463, 131st General Assembly

Attachment 3

**Athens County Poll School Schedule
2021 General Election**

**Athens Public Library
VLM PEO Training
October 16th (Saturday) 9:00 am and 1:00 pm**

**Athens Public Library
PEO Training
October 23rd (Saturday)**

10:00 am	Ballot PEO
11:00 am	Provisional PEO
12:00 pm	Instruction PEO
1:00 pm	Ballot PEO
2:00 pm	Provisional PEO
3:00 pm	Instruction PEO

Makeup classes scheduled as needed