

A Special Meeting of the Union County Board of Elections was held on August 23, 2023, at the Board Office, 835 East Fifth Street, Marysville Ohio.

Those present were: Chairman Dean Cook, Board Members William Steele, Gary Lee, and Barbara Luke; Director Brandon Clay, Deputy Director Michelle Forrider, Election Specialist Gretchen Kinney, Secretary of State Liaison Susie O'Brien, Assistant Prosecuting Attorney Melissa Chase, and Assistant Prosecuting Attorney Thayne Gray; Belinda Wolford served as the stenographer for the hearing. Those in attendance on the side of the protest were Chris Ingram and Muna Abdallah (Vorys Law Firm), and Richard Warner. Shane Ewald and Tricia Sprinkle (Shane W. Ewald, LLC) represented the Respondents. Witnesses who appeared under subpoena from the Protestors were Mark Reams (City Council), Richard Warner (Protestor), Mary Gorrell, and Donny Gorrell, and Witnesses who appeared under subpoena from the Respondents were Jason Axe and Robert Hammond.

Chairman Cook called the meeting to order at 9:00 a.m. The Chair introduced the Board Members, Staff, and the Assistant Prosecuting Attorneys Melissa Chase and Thayne Gray. Chairman Cook turned over the meeting to Assistant Prosecuting Attorney Melissa Chase.

Assistant Prosecuting Attorney Melissa Chase began by stating the purpose of the special meeting was to hold an additional hearing on the Protest of a Referendum Petition against Ordinance No. 55-2022. Ms. Chase stated she will have no part in the decision on the protest. Instead, her sole function will be to keep the meeting moving and answer any questions the board may have on the correct procedure. Mr. Gray will be the Boards legal counsel and would answer any questions the board may have about any statute or case law.

Assistant Prosecuting Attorney Melissa Chase then stated the history of events that led to the protest hearing.

- April 4, 2023, the Union County Board of Elections met in public session and certified the Referendum to the November 7, 2023, ballot.
- May 2, 2023, Joseph R. Miller, filed a Protest of the certification on behalf of Highland Realty Development and Katherine Crocco.
- June 13, 2023 Referendum Petition Protest Hearing
- August 11, 2023, Joseph R. Miller, filed a Protest of the Referendum Petition on behalf of Richard Warner.

Assistant Prosecuting Attorney Melissa Chase asked the Attorneys to introduce themselves for the record. Ms. Chase asked if there were any other issues to discuss before the hearing began. Ms. Chase asked if counselors wished for a separation of witnesses, with all counsel concurring and separation was granted.

Assistant Prosecuting Attorney Melissa Chase reminded the parties that:

- The Board will have the final decision on the protest after hearing both parties.

- The Protestor has the burden of proof and must show by a preponderance of the evidence that the referendum should not appear on the ballot.
- The Protestor will present witnesses and evidence first. The Respondent and the Board will then have the right to cross examination. After the Protestors are finished, then the Respondent will present witnesses and evidence. The Protestors and the Board will then have the right to cross examination. After the Respondent is finished, the Protestors will have an opportunity to rebuttal witnesses.

The Protestor and Respondent gave an opening statement to the Board. The Protestor presented the 4 named witnesses from above and evidence to the Board. The Protestor presented Exhibit 13, Affidavit of June Saindon, as witness testimony due to her not being in attendance. The Respondent objected stating an Affidavit is not permissible as testimony in place of witness attendance. Board Member Steele motioned to disallow the use of Affidavit June Saindon. Board Member Luke motioned to allow the use of Affidavit June Saindon as witness testimony with Board Member Lee seconding. The motion passed 3 Yes (Luke, Lee, Cook) and 1 No (Steele).

The Respondent objected to the use of Protestor Exhibit 8 (Public Notice) and Exhibit 9 (Social Media clip) as evidence, which included these same exhibits in the Protestor PowerPoint. Board Member Luke motioned to allow the use of Exhibit 8 as it was ruled In Favor at the last protest hearing, Board Member Lee seconded the motion. The motion passed unanimously. Board Members chose to postpone the ruling on Exhibit 9 until after the Respondent testimonies.

The Respondent presented the 2 named witnesses from above and evidence to the Board. The Respondent again requested denial of Exhibit 9. Board Member Luke motioned to allow the use of Exhibit 9 since the witness testified in regard to this exhibit, Board Member Lee seconded the motion. The motion passed unanimously. The Respondent made the Board aware that he objected to adding Exhibit 18 as the aerial map used by the petition circulators.

After all testimony was presented, the Board allowed the parties to make final arguments.

Board Member Lee motioned for the Board to go into executive session to deliberate with Board Member Luke seconding. Roll Call was taken:

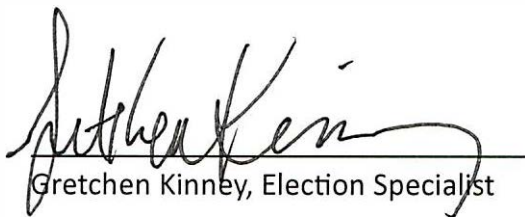
- Gary Lee - Aye
- Dean Cook - Aye
- William Steele - Aye
- Barbara Luke - Aye

Board Member Steele motioned to come out of executive session with Board Member Lee seconding. Roll Call was taken:

- Gary Lee - Aye
- Dean Cook - Aye
- William Steele - Aye
- Barbara Luke - Aye

Upon returning, each Board Member stated their view of the protests from the evidence and witnesses presented. After which, Board Member Steele motioned to deny the protest and proceed with the Referendum on the November 7, 2023, ballot. The motion was seconded by Board Member Luke. Chairman called for a roll call vote which resulted as follows: William Steele -yes; Barbara Luke -yes; Gary Lee -no; Dean Cook -no. The motion was a tie vote. Secretary of State Liaison Susie O'Brien stated that all materials will go in front of the Secretary of State for review.

There being no further business to come before the Board, Board Member Lee motioned to adjourn the meeting with Board Member Steele seconding at 1:30 p.m.



Gretchen Kinney, Election Specialist



Dean Cook, Chairman