

BEFORE THE CRAWFORD COUNTY BOARD OF ELECTIONS

IN RE BRANDON GOBRECHT

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DECISION OF THE CRAWFORD
COUNTY BOARD OF ELECTIONS

BOARD MEMBERS

Carol Miller, Chair

Patricia Armstrong

Cathy Moneysmith

Pat Hargis

I. COMPLAINT

This matter came before the Crawford County Board of Elections for a hearing on June 16, 2025. On June 4, 2025, Kurt Fankhauser, a registered voter/an elector of Crawford County filed a Challenge of Right to Vote and Correction of Registration List on June 4, 2025. (See Exhibit A). According to form 257 prescribed by the Ohio Secretary of State, Fankhauser challenged that Brandon Gobrecht did not reside at 1116 E. Southern Avenue, Bucyrus. Fankhauser alleged that, “He is not living at 1116 E. Southern Avenue and is residing at 3645 S.R. 4.”

The initial challenge was filed pursuant to Ohio Revised Code § 3505.19 and § 3503.24. Pursuant to ORC § 3503.24, the Crawford County Board of Elections reviewed the file for the purposes of deciding whether it could reach a decision on the merits without a hearing. The Board determined to hold a public hearing to allow Mr. Fankhauser to present information to support his claim. A public hearing was held pursuant to ORC § 3503.24 on June 16, 2025.

II. PROCEDURE

The parties were notified of the date and time of the hearing; given the opportunity to subpoena witnesses; and obtain legal counsel for representation. At the hearing, both parties acknowledged that they were advised that they could have an attorney and both declined to do so. Attorney Ben Thompson notified the Board that he was present on behalf of City of Bucyrus employees who had been subpoenaed as witnesses. All parties and witnesses were placed under oath. Testimony was presented by all parties and exhibits offered. A record was taken of the proceedings by Court Reporter Susie Swind Martin. The following witnesses presented testimony:

- Kurt Fankhauser
- Randy Scheffler
- Logan Beeman
- Chris Mauritz
- Gordon Grove
- Greg White
- John Ernsberger
- Sam Caldwell
- Clarissa Slater
- Brandon Gobrecht

Upon a review of the facts presented during the hearing, the undersigned Crawford County Board of Elections finds by a vote of 3-0¹ that the testimony establishes that Brandon Gobrecht *does* reside for voting purposes at 1116 East Southern Avenue, Bucyrus, Crawford County, Ohio, based upon the factors listed in Ohio Revised Code §3503.02. Therefore, the challenge is denied.

III. TESTIMONY

¹ Board Member Pat Hargis abstained from voting as she is relative and close friend to witness Gary Scheffler's (a witness) spouse – Laura Scheffler. The Schefflers are the parents of Clarissa Slater (also a witness), the significant other of Brandon Gobrecht.

The Board heard testimony from Mr. Fankhauser that he had noticed Mr. Gobrecht's car parked at 3645 State Route 4, Bucyrus. He noted that several times the car was parked there overnight. He testified that he felt there may be issues involving Bucyrus City Council. Fankhauser serves as Council President. Clarissa Slater, a council member resides at 3645 State Route 4 and Mr. Gobrecht serves the City as its Director of Law. Fankhauser reported asking Ms. Slater if they were dating on May 19 of 2025 which she did not deny.

Mr. Fankhauser supplied additional information in the form of records from the City of Bucyrus Water Department. Information contained in those records showed that Mr. Gobrecht had instructed the Water Department to turn off the water on March 12, 2025. Mr. Fankhauser urged the Board to consider establishing the standard that "turning off" a utility and living with a significant other elsewhere should be sufficient to remove a person from the voting rolls or correct the person's address. When questioned on how that would differ from persons who spend the winter in a different location (commonly referred to as snowbirds), he felt the Board should consider this factual distinction. Fankhauser stated that turning off the water indicated an intent not to return to the residence.

Mr. Fankhauser called Randy Scheffler the owner of 3645 State Route 4 property to provide testimony. Mr. Scheffler is Ms. Slater's father. His testimony was that there was no written lease or any oral agreement nor was there any requirement that his adult daughter obtain permission to have overnight guests at the property. He also testified that he had seen Mr. Gobrecht at the property.

Logan Beeman provided testimony that he had once observed Mr. Gobrecht at the 3645 State Route 4 property at a card party. When questioned, he could provide no evidence that Mr. Gobrecht resided at that residence.

Bucyrus City Council member Chris Mauritz testified that he had discussion with Mr. Gobrecht in his city hall office and observed a cot in his office. He also discussed his discussion with Ms. Slater regarding her relationship with Gobrecht. He provided no testimony regarding Gobrecht's residency.

Bucyrus Code Enforcement Officer Gordon Grove testified that he works in the Law Director's Office. He was questioned that Mr. Gobrecht actually lives in the office which was not the subject of the hearing as it was alleged that Gobrecht lives at 3645 State Route 4. Nonetheless, he was questioned about whether Gobrecht brushed his teeth at the office which Grove could not recall.

Mr. Grove also testified to issuing a citation to Gobrecht for property maintenance violations at the 1116 E. Southern Avenue property.

Greg White testified that he met with Mr. Gobrecht to obtain a copy of a city contract. White observed a cot, pillow, and sleeping bag in Gobrecht's office. He recalled Gobrecht saying, "If there was a shower, I could live here." Gobrecht questioned his recollection, saying that he actually said, "I could live (at City Hall) and no one would know." When Gobrecht contended he was joking, White testified that he did laugh. White said his laugh was because the statement was odd, not funny.

John Ernsberger, a City of Bucyrus employee in the water department since approximately 1996, testified regarding the water hook up to 1116 E. Southern Avenue, Bucyrus. He stated there was, "One shut off at the curb." He also testified that it was not uncommon for persons to turn off water for purposes such as spending time away during the winter or vacationing. He also testified that it was not uncommon for a homeowner to turn off the water during a remodel of a property.

Sam Caldwell, who works in the Law Director's Office, testified that he has observed a cot in the Law Director's Office, he had never observed Gobrecht sleeping on the cot. He later testified that he had observed Gobrecht sleeping at his desk.

Ms. Clarissa Slater was questioned by Mr. Fankhauser regarding her relationship with Mr. Gobrecht. She admitted that he has been staying at her home on State Route 4 while he renovates his property on Southern Avenue. She said she invited him to stay while he was renovating the property since he was sleeping in his office and at relatives after he turned off the water on Southern Avenue. The renovation involved the water lines under the concrete requiring the water be turned off.

Ms. Slater testified that Gobrecht supplements groceries for the food he consumes and that he "picks up" after himself.

Ms. Slater was also questioned regarding her support of the Bucyrus Manpower ordinance which provides a portion of Mr. Gobrecht's pay. The board found this discussion to be not relevant to the issue before it; further it seemed that Fankhauser was more interested in obtaining sworn testimony to be used in other forums.

On cross examination, Mr. Gobrecht elicited questions from Ms. Slater regarding the evolution of their romantic relationship. She testified that Gobrecht had minimal clothing at her home. She testified that he had no utilities at her residence and received no mail there. Further, she stated that the parties shared no bank accounts, credit cards, or insurance. She stated that Gobrecht has no legal ties to the residence on State Route 4 and could pack his things there in a backpack.

The hearing concluded with Mr. Gobrecht being called to testify by Mr. Fankhauser. Gobrecht had opined in his opening statement that this hearing was "dirty politics." Further that this filing was part of a "vindictive" action in retaliation for Mr. Gobrecht's refusal to sue the

Tourism Board. Mr. Gobrecht stated he has the following utilities at the property and provided documentation evidencing such:

- (1) Gas (Columbia Gas)
- (2) Internet (Spectrum)
- (3) Electric (AEP)
- (4) Water (City) – which has been turned off while he renovates the property.

Gobrecht also stated that he has a mortgage on the residence and home furnishing that he has purchased for it.

In his sworn testimony, Gobrecht stated that his driver's license has the 1116 address on East Southern Avenue. He stated that he wants to finish remodeling his home so he can return there. He stated that he receives his personal mail at 1116 East Southern Avenue.

IV. FINDINGS

The Board met immediately after receiving the testimony and reviewed Ohio Revised Code Section 3503.02 which states:

All registrars and precinct election officials, in determining the residence of a person offering to register or vote, shall be governed by the following rules:

- (A) *That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.*
- (B) A person shall not be considered to have lost the person's residence who leaves the person's home and goes into another state or county of this state, for temporary purposes only, with the intention of returning.
- (C) A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary purposes only, without the intention of making such county the permanent place of abode.
- (D) The place where the family of a married person resides shall be considered to be the person's place of residence; except that when the spouses have separated and live apart, the place where such a spouse resides the length of time required to entitle a person to vote shall be considered to be the spouse's place of residence.

(E) Mr. Fankhauser contended that Gobrecht and Slater were living as spouses and urged the Board to rely on Section (D) which states the family of a married person shall be considered to be the person's place of residence.

A. LEGAL ANALYSIS

The evidence presented a situation similar to that found in *State ex. rel. Husted vs. Brunner* (2007), 115 Ohio St.3d 405. Then State Senator Husted married his wife who resided in Upper Arlington when he was the elected Senator from Montgomery County. Husted's wife and children resided in Upper Arlington, and he maintained his residence was in Montgomery County. In that case, Husted testified that his intent was that his property in Kettering (Montgomery County) remain his permanent residence for purposes of voting. The Ohio Supreme Court has said and followed in the precedent in *Husted*, stating, "that the person's intent is of great import and emphasizes the person's intent to make a place a fixed or permanent place of abode." *State ex. rel. Stine vs. Brown Cty. Bd. of Elections* (2007), 115 Ohio St.3d 405.

In the *Husted* decision, the Court stated that Ohio Revised Code Section 3503.02, because of the conflicting natures of the statutes, often makes it difficult to find by the clear and convincing standard that a person is not a resident of the county claimed by the voter.

Specifically, the Court cited that the General Assembly intended a person to "conform with one or more the several rules specified, even though it might not conform with some of the other rules so specified." *State ex. rel. Klink v. Eyrich* (1952), 123 Ohio St.3d 288 (2009).

The undersigned Board is well aware that the person's stated intent is not the only factor to be examined. In a case before this same Board, *State ex. rel. Ross vs. Crawford Cty. Bd. of Elections* (2010), 125 Ohio St. 3d 438, this Board determined that Bucyrus Mayor Daniel Ross did not reside within the City of Bucyrus and determined that he was not a resident at the

registered address. Both the Board and the Supreme Court found persuasive that the even though Ross stated an intent to return to the property where he registered, he legally could not do so as the property had been placed on the market and rented to a tenant. In this challenge, Mr. Gobrecht claimed to still reside at 1116 E. Southern Avenue, Bucyrus even though he admitted to staying the night on several occasion at 3645 State Route 4, at his significant other's residence. Mr. Gobrecht was not prohibited from returning to the residence on 1116 E. Southern Avenue as no evidence was presented that any property interest such as a lease had been granted to any other party.

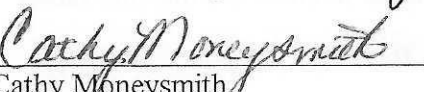
Based upon the testimony presented and applicable law, the undersigned hereby determines that Mr. Gobrecht never abandoned his residence at 1116 East Southern Avenue, Bucyrus, Ohio. The board also found persuasive that Gobrecht is only temporarily staying at 3645 Route 4, Bucyrus, Ohio due to remodeling and professed that he intended to return to 1116 East Southern Avenue, Bucyrus, Ohio.

Therefore, the undersigned hereby deny the challenge filed by Kurt Fankhauser by a vote of 3-0 with one abstention. Insufficient evidence was provided failing to prove by clear and convincing evidence or even a preponderance of evidence that Mr. Gobrecht had moved from East Southern Avenue in a manner which would require him to change his voting address.

IT IS SO ORDERED,


Carol Miller, Chair


Patricia Armstrong


Cathy Moneysmith

ABSTAINED

Pat Hargis

Entry prepared by County Prosecutor Matthew E. Crall

