

The regular monthly meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Friday, February 24th, 2023 at 9:00 a.m.

Roll Call:	(D) Thomas M. Ferrell, Chairman	Present
	(D) William J. Monaghan, Member	Present
	(R) Lisa M. Crescimano, Member	Present
	(R) Jeffrey N. Krabill, Member	Present

Guests in attendance: Jason Hinnners from Erie County Prosecutor's Office, MaryAnn Groot, and Amy Grubbe

Ms. Crescimano made a motion to approve the minutes from the January meetings. Mr. Monaghan seconded the motion. All board members voted yes; motion carried.

Next on the agenda was to pay the bills. Lori Salyers, Director, stated there was also a Then and Now Certificate for ballots for Sandusky city. Ms. Crescimano made a motion to pay the bills and to authorize the Then and Now Certificate. Mr. Monaghan seconded the motion. All board members voted yes; motion carried.

Adrienne James, Deputy Director, gave updates on the February special election. She stated as of last night, we have had 596 early, in-person voters. We have mailed 301 ballots and received back 245. We have had one hand carry. We have had zero nursing home ballots, and zero military and overseas ballots. Ms. Salyers stated that she and Ms. James have already scanned the majority of the ballots. Ms. James clarified that they were scanned, but not tabulated. She also stated that she and Ms. Salyers conducted the public test of the voting equipment before they started scanning. Both the public test and the scanning went fine.

Ms. James gave an update on electronic poll pads. She and clerks Eliza Link and Kimberly Barnum visited the Ottawa County Board of Elections to check out their poll pads from ES&S. We have decided to stay with Knowink because the ES&S poll pads were large and cumbersome. Also, the quote from ES&S for new pads was significantly more than the quote from Knowink. Even with having one support person here on election day, switching to ES&S still doesn't make financial sense. Ms. James stated there is a letter in the board members' packets to indicate we will be receiving \$50,463 from the state for new pollbooks. Attached to the letter is a quote from Knowink for a three-year lease of new pads. Ms. Salyers stated the difference between the quote and the amount we will be receiving from the state is about \$40,000, which will need to be added to our supplies budget.

Ms. James stated for equipment allocation for the May Special Election, we would like one DS200 per polling location, one ExpressVote per polling locations, and one electronic poll pad per precinct. Mr. Krabill made a motion to implement the allocation of equipment as outlined. Mr. Monaghan seconded the motion. All board members voted yes; motion carried.

Ms. James then spoke on possible temporary polling location changes for May. According to the Elections Officials Manual, or EOM, if in a special election only part of a precinct is open and fewer than 200 voters are eligible to vote, you can move those voters to a neighboring location. For May, we have three precincts that fall into this category. Huron Township 1 currently has zero voters registered who have something to vote on, but that could change if someone moves into a particular house in Huron Township 1. The second precinct is Margaretta Township 3. Currently there are 44 voters in that precinct who are eligible to vote in May. The third precinct is Vermilion Township 5. Currently there are 16 voters in that precinct who are eligible to vote in May.

Ms. James proposed that we move any eligible voters in Huron Township 1 to the Eagles Club, any eligible voters in Margaretta Township 3 to the Groton Township Building, and any eligible voters in Vermilion Township 5 to the Berlin Heights Municipal Building. We would send notices to those voters to let them know this is a temporary change for the May election only.

Mr. Ferrell asked, “Isn’t that confusing to the voters?” He also stated he received complaints about us moving out of the Margaretta Township fire station. He said he talked with the Margaretta Township fire chief, who told him they spent \$5,000 to fix up the building for us. Ms. Salyers responded that she talked with the fire chief too, and he understood why we moved and doesn’t have a problem with it.

Ms. James stated that Margaretta Township 3 is normally at the Castalia United Church of Christ. If it’s open in May, it’ll be open all day for just 44 people. Mr. Ferrell replied that we can’t just do this carte blanche. Ms. Salyers stated that before we made the move out of the fire station and to Grace Lutheran Church, she discussed it with both the fire station and the church, and both were on board.

Mr. Krabill commented that this is a permissive matter. We are allowed to move the locations but we’re not required to. Ms. Salyers stated that moving the precincts would save us money, because otherwise we have to pay four poll workers, a janitor, and a facility rental fee for each location.

Mr. Krabill asked what the special election is regarding. Ms. James replied that the 44 voters in Margaretta Township 3 would have the opportunity to vote on the Perkins Schools Bond issue, and the 16 voters in Vermilion Township 5 would have the opportunity to vote on the Edison Schools Bond issue. Mr. Krabill asked if either of those school districts would be displeased with us moving people around. Ms. Salyers stated she did not know.

Mr. Ferrell asked the distance between the locations. Ms. James stated she put the locations in Google Maps and it wasn’t far. Ms. Salyers estimated it was about 6 miles. Mr. Monaghan stated he thinks we should leave the locations as is. Mr. Ferrell and Mr. Krabill indicated they agreed.

Ms. James asked about Huron Township 1. She stated there is a property there in the Edison School District. The person who resided there recently died, but what if someone moves into that property? Do we then have to have the township building open all day Election Day for one person? Mr. Krabill suggested that if that happens, we reach out to the person and ask if they want a mail in ballot. Ms. Grubbe asked if it was possible to send a letter to the voters in these precincts to explain to them what their options are. Mr. Ferrell replied that most people just throw letters like that away. He then asked if we were just going to keep the locations the same. Mr. Krabill stated yes, but to keep an eye out on the one property out in Huron Township.

Ms. James then gave an update on the summer conference. It is going to be Tuesday, June 27th and Wednesday, June 28th at the Hilton in Easton in Columbus. She stated to check your emails for information on reservations. She also asked if it was okay for Ms. Link and Ms. Barnum to attend. They both attended the winter conference in January and found it helpful. The board members agreed that would be fine.

Next on the agenda was a discussion of a “change policy.” Ms. Salyers explained that for the office to have money on hand to make change, we need to have a policy on that, per the auditor’s office. Ms. Crescimano stated she could draft a policy to present to the board.

Ms. Salyers spoke to the board regarding a camera for the dropbox. She stated she received a quote from Accurate Business to livestream the dropbox footage. She explained we cannot use HAVA money for this. She has been in discussions with Tim Jonovich, Netpoint, and Nathan Harmon regarding this matter. She also explained that we recently had another camera added, which could slow things down. We need to wait 30 days from the day we had the new camera added, then see how far back the camera will go. We will then need to write a policy that says we can provide footage from the cameras as far back as, but no more than, the cameras can store.

Mr. Hinners stated the way the statute reads is that you either provide footage immediately or you stream it on the website. In addition to that, it's still public record. He stated that just like with body cam footage and 911 recordings, there has to be a time limit. Your records retention schedule needs to reflect that portion of time in which you are going to keep video surveillance and then at that point it's destroyed pursuant to your records retention schedule.

Mr. Ferrell asked about the timeline to responding to a request. Mr. Hinners stated "immediately" means you can show the requestor the footage right then and there. If a person wants a copy of the footage, the statute says it must be provided in a reasonable amount of time. Reasonable depends on the time of year, what's going on, what the person is asking for, and how much they're asking for.

Ms. Salyers stated we must see how far back our cameras can go to write our retention schedule for the footage. Mr. Krabill stated he doesn't think the camera system counts days. He thinks the cameras store data until they're full, and then they start to write over it. Mr. Ferrell stated it depends on what type of camera you have. If you have a camera with an SD card, that's battery operated and can last up to 24 days. You can also buy a hard drive that can store information up to one year.

Ms. Salyers stated that according to Mr. Jonovich, if we do a livestream and place it on Youtube, Youtube catalogues it and stores it for so long. Mr. Ferrell asked what other departments are doing. Ms. James stated that the Ottawa County Board of Elections is going to do a livestream. Mr. Hinners commented that livestreaming avoids the situation of someone coming into the office to ask for the footage. Ms. Salyers then passed around the quote from Accurate for livestreaming. Mr. Krabill commented on how there is an ongoing cost to this. Ms. Salyers stated we would need to work that into the budget. She also reiterated that we cannot use HAVA money for this.

The board then discussed what if someone requests footage after the fact. Mr. Ferrell commented we would need a hard drive for that. Ms. Salyers stated we cannot charge to pull the footage. We can only charge the cost of the media device to put the footage on. Accurate came to our office and showed Ms. Salyers and Ms. James how to pull footage.

Mr. Hinners stated that if the dropbox footage is being livestreamed and catalogued on Youtube, you can just refer people to that. Ms. Salyers stated that Youtube may dump our content after so long, which would inform what our record retention schedule is. Mr. Hinners stated the key is that the livestreaming does not remove the obligation to provide the footage as a public record.

The board then discussed budget issues. Ms. Crescimano stated that she met with County Administrator Hank Solowiej, who raised our salary line item. Mr. Solowiej stated if we need additional money, we can ask for a supplemental appropriation. Mr. Ferrell commented that we never discussed the new salary for the director and deputy director in open session. Mr. Krabill stated that we didn't talk about it in a meeting, but the idea was a range between \$65,000 and \$70,000 a year because they will no longer be earning comp time. Mr. Ferrell asked Ms. Salyers what she earns now; she replied about \$56,000.

Ms. Crescimano motioned to move the director and deputy director pay to \$70,000 a year. Mr. Ferrell stated it should be \$75,000. Mr. Monaghan stated that would cover all the extra time the director and deputy work. He then seconded the motion, to be effective March 3rd. Mr. Krabill asked if this would be subject to approval from the commissioners. Mr. Ferrell replied that Ms. Crescimano stated the commissioners could grant us a supplemental if we need more money. Mr. Ferrell then asked for a roll call vote on the director and deputy earning \$75,000 a year effective March 3rd.

Mr. Ferrell- yes
Mr. Monaghan- yes
Ms. Crescimano- yes
Mr. Krabill- yes

The motion carried.

The board then took a roll call vote on the motion to make the salaries for clerk 1 and clerk 2 equal, effective March 3rd. Mr. Monaghan made the motion, while Ms. Crescimano seconded.

Mr. Ferrell- yes
Mr. Monaghan- yes
Ms. Crescimano- yes
Mr. Krabill- yes

The motion carried.

Next, the board discussed the upcoming reorganization meeting. Mr. Ferrell confirmed that Ms. Salyers' last day is February 28th. He then stated we need to discuss Ms. James' status from March 1st until the reorganization meeting. Mr. Ferrell stated he asked Mr. Hinnners about naming Ms. James interim director until the reorganization.

Mr. Hinnners stated the directive from the SOS states the director and deputy shall share duties and that the deputy steps into the role of director if there's a vacancy. He then talked about timing. He said the terms of the director, deputy, and two board members end on February 28th and commence on March 1st. Then, at the reorganization meeting, the board appoints a director and deputy. If the SOS office does not finish making appointments by March 3rd, then we cannot have the reorganization meeting that day. Mr. Hinnners also stated that there are 170-some appointments that need to be approved and no timetable was given.

Mr. Ferrell asked when the last day is we can have the reorganization meeting. Mr. Hinnners replied within five days of the appointments being made. The board members discussed rescheduling the reorganization meeting, and decided on Monday, March 6th at 9 a.m. Mr. Ferrell asked what we do with Adrienne until March 6th. Mr. Hinnners said he would reach out to the SOS office to see if he can get direction on that. According to the directive, Ms. James would fulfill the duties of director until the vacancy is filled.

Next on the agenda was a request to carry over vacation time for Adrienne James. Ms. James stated that she sent the board members an email at the beginning of the week. There has been some concern that when we move to the county HR policy that she might lose some of the vacation time she has accumulated over the years. Ms. James stated that per Mr. Krabill's recommendation, she wrote a letter requesting to carry over vacation and included a plan to whittle down vacation hours so she is below a year's worth of vacation by December 9th.

Mr. Ferrell stated he spoke with Mr. Hinnners, who said the board could do this at any time. Mr. Hinnners replied that ultimately it's a decision for the Board of Elections, because they are the appointing authority. He said it can be done now, but it must be done by Ms. James' anniversary date, which is June 15th.

Mr. Krabill stated that we are adopting the county policy as of March 1st. He then stated this is outside county policy, and asked why we would approve it instead of the county commissioners. Mr. Hinnners replied because you're the appointing authority. He said you don't need the county commissioners' approval to do this. Ms. Crescimano stated she felt better doing this now, before we move to the county policy. Mr. Hinnners stated he doesn't disagree. Ms. Crescimano moved to approve Ms. James' request, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Ms. James asked the board members to sign the "Request to Carry Over Vacation" sheet from Page 97 of the County HR Policy Handbook, which they did. Mr. Krabill asked what if the county commissioners feel they need to weigh in. Mr. Hinnners stated they can consider this a budgetary issue, but as to approving the request, the Board of Elections is the appointing authority. Mr. Hinnners also stated this is in compliance with the county HR policy.

Mr. Ferrell asked about what other county departments do regarding a change policy. Ms. Crescimano indicated that she wrote the change policy for the treasurer's office. Ms. Salyers spoke on the importance of having change when people turn in petitions and don't have the exact amount for the filing fee.

Next on the agenda was "any other matters to come before the board." Ms. Salyers reminded the board members that they cannot ask us to send emails to their personal email accounts. All email communication must be through our eriecountyohioe.gov domain.

Ms. James stated that Ms. Link had two questions regarding the upcoming May election. The first question is whether we can move May's pre-election meeting from 4 p.m. to 2 p.m. because starting in May, we will no longer have early voting the day before the election. The board members agreed that would be fine.

The second question is regarding absentee ID envelopes for the May election. Due to the new law, the SOS office has prescribed new absentee ID envelopes. For May's election, counties can either order new envelopes or redact the information that is no longer relevant on the old stock. Starting with the November election, though, counties must order new stock. Ms. Crescimano made a motion to use the old stock for May's election and to redact the information that is no longer current. Mr. Monaghan seconded the motion. All board members voted yes; motion carried.

Ms. Grubbe asked about new voter registration forms due to the new law and whether they can still use the old stock to register people. Ms. Salyers stated that Ms. Link has already printed new voter registration forms. Ms. James stated she would check the directive to see if groups are still permitted to use old stock, and if it's not in there, she will email the SOS office for clarification.

Ms. Grubbe stated she would like a list of the voters who are going to be purged. Ms. James stated they would not be removed until after the February special election and that she would email Ms. Grubbe the list.

Ms. Grubbe commented that the new law affords people four days to cure provisional ballots instead of 10. She stated the fourth day after an election is Saturday and asked if the board would be open the Saturday after an election. Ms. James stated that if that's what the law requires, then yes. Ms. Grubbe also commented that the new law talks about curbside voting and how if someone says they are disabled, you can't contest that. Ms. Salyers responded, "I don't think we ever have."

Ms. Grubbe stated that she went on the BOE website to see a list of Republican central committee members and that Theresa Gavarone is listed as a central committee person for Huron A, even though she's back in Wood County. Ms. James stated we would remove her name from the website.

Mr. Monaghan made a motion to adjourn, with Ms. Crescimano seconding. All board members voted yes; motion carried. Board adjourned at 10:01 a.m.

Adrienne G. James, Deputy Director

Attest:

Thomas M. Ferrell, Chairman