

The regular monthly meeting of the Erie County Board of Elections was called to order by Chairman Ferrell at 10:03 a.m. on Wednesday, April 1, 2020.

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

Guests in attendance: none

Mr. Ferrell started the meeting by asking Mr. Krabill how long he had served on the Sandusky City Schools Board of Education, and Mr. Krabill replied 17.5 years. Mr. Ferrell then asked Mr. Smith how long he had been practicing law, and Mr. Smith replied that he was sworn in in November 2005. Mr. Ferrell also asked Mr. Monaghan how long he had served as a county commissioner, and Mr. Monaghan replied 12 years. Mr. Ferrell then stated that he was a county commissioner for 28 years.

Mr. Ferrell then passed out a copy of the minutes from a recent county commissioners meeting. He instructed everyone to read the minutes under the "Board of Elections" section, and stated that he thought we would find what was said to be "quite disturbing." A commissioner who has been in office for three years made some comments about the Board of Elections that were "woefully inaccurate." The statements are below.

"It was pointed out that office staff had received a 2% rate increase (\$3,961) and an employee who resigned was paid \$20,325 over policies. Mr. Old said he doesn't believe the members of the Elections Board are taking their jobs seriously, and they are making poor managerial and financial decisions. The capital request for a Homeland Security Assessment and improvements (\$10,000) and Handicap Accessibility Assessment (\$30,000) are recommendations, not requirements."

Mr. Krabill stated that he was under the impression that our budget was put on hold because it wasn't clear exactly what we would need to spend for this election. He also asked where our legal counsel was. Ms. Salyers, director, asked if she was supposed to inform legal of when our meetings are, and Mr. Ferrell responded yes. Mr. Krabill stated that there were some issues he wanted to go over with legal counsel, specifically about the budget.

Mr. Ferrell asked Mr. Monaghan about the assessment from Homeland Security, and whether or not what they said to do were requirements or recommendations. Mr. Monaghan replied that they were recommendations, but that they were very strong recommendations. Mr. Ferrell also commented that the Secretary of State wants the areas of the office with ballots to be surveilled 24/7. Ms. Salyers stated that she had contacted Accurate Business about that.

Mr. Ferrell stated that the biggest thing that bothers him is the comment about the \$20,325 over policy. After talking with the county administrator earlier, Mr. Ferrell believes this is a comment regarding a former employee and the payout for her comp time, which was accumulated over 15 years of work. Mr. Ferrell also stated that we are the only department in the county that has to have one Democrat and one Republican in the office at all times, so there will be a lot of comp time generated, especially when you have people leaving.

Ms. Salyers stated that she spoke with the Auditor's office, and they informed her that comp time is for time worked. There's no way you can deny someone that. They have worked that; they have earned that. It's the law.

Mr. Ferrell then reiterated that the information in the minutes was “woefully inaccurate” and that the statements were made in a public meeting. Mr. Ferrell also commented that not one county commissioner has attended our budget meeting. He then asked Ms. Salyers if she ever got an invite to go up to the meeting where they discussed our budget. Ms. Salyers stated that she did get an invite, but was then told that the meeting was cancelled, and that the Board of Elections budget was being put on hold until July.

Mr. Ferrell stated that we have certain responsibilities, not only to the public, but also to the Secretary of State, who gives us guidelines that we have to operate under. We have to meet these guidelines and meet our responsibilities to the public to put on fair and honest elections. Mr. Ferrell also pointed out that we got thousands of dollars worth of new voting equipment last year, at no cost to the county.

Mr. Monaghan stated that unfortunately, Mr. Old attacked this board without any information, and I have never heard from Mr. Old in reference to the \$20,325. If he had something to say about it, he should have come down to one of our meetings.

Ms. Salyers stated that she knows Mr. Krabill has been compiling a survey from other county Boards of Elections regarding salaries. She pointed out that in Huron County, they have 22 fewer precincts, 10 fewer polling places, and about 15,000 fewer registered voters than we do, and yet all of their people are paid more than we are.

Mr. Monaghan then stated, getting back to Mr. Old, if he had questions, instead of making these comments in an open meeting, he should have come here and talked with us. Ms. Salyers stated that we weren't given a chance to address his concerns.

Mr. Krabill stated that he has talked with Mr. Old on a couple of occasions. Mr. Old is frustrated with the Secretary of State and the orders that come from them. Mr. Krabill stated that it is concerning that Mr. Old would feel compelled to make a comment about this board. The recommendations from Homeland Security and the Secretary of State have nothing to do with this board. The board is kind of the middle man in all of this. Mr. Krabill stated that he has felt for some time that we need to appear before the commission, not to pick a fight or extend a fight, but to explain what's going on in this office and the challenges this office is having. We're not going to resolve this if we're here and they're there and we're not talking to each other.

Mr. Monaghan commented that he would love for Mr. Old to come to one of our meetings and hear what he has to say about us not running this board efficiently. Mr. Krabill replied that he would rather do that in their meeting, because if it is done at a commissioners meeting, it is more likely to be covered in the media. Mr. Ferrell pointed out that there are some things that can't be said in a public meeting upstairs, though, in regards to election security and pay. Mr. Krabill replied that pay is public record. Mr. Ferrell replied that pay is only public record when talking about pay in general, not in specifics, and we are talking about the rate of pay for a certain individual. Mr. Krabill stated that he understands, but he thinks you can talk about that in the context of policy. Mr. Krabill also stated that we can't continue to pick a fight. Mr. Ferrell stated that he doesn't think we are continuing the fight; we just want the facts on public record. Mr. Krabill then asked what's the best way to do that, and suggested that we should do it in a public meeting. Mr. Ferrell replied that we weren't afforded that opportunity.

Mr. Smith then asked what our budget was, and Ms. Salyers replied that they based our budget off the request the previous director had submitted in 2016. Mr. Krabill asked how does our proposed budget this year compare to last year. Ms. Salyers responded that she wasn't sure. She reiterated that the proposed budget for this year was based off 2016, but they had to take into consideration that the price of everything has gone up in four years, and that we are now doing an all vote-by-mail election.

Mr. Ferrell then stated that these minutes from the commissioners meeting went out to all elected officials in Erie County, and that it's important that we set the record straight. Mr. Ferrell also agreed with Mr. Monaghan that the commissioners should come to us. He then asked if there was anything else.

Mr. Krabill responded that he doesn't know what we've decided. Mr. Ferrell stated that we haven't decided anything. Mr. Krabill stated that he thinks we should make some decision, though.

Mr. Ferrell stated that if the election doesn't go well in November, and we weren't given the proper money to operate, we should have it on record that we asked for certain things back in the winter of 2020, and this is the response that we got. Mr. Monaghan stated that if something happens, I guess we have to look at the county commissioners.

Mr. Krabill then asked Mr. Smith if he had an opinion to offer. Mr. Smith stated that we need to have some discussions and then move forward. Mr. Ferrell stated that we should meet with the county administrator and the county finance director. Mr. Krabill stated that we should invite them to our next meeting so that we can have that conversation, and that we should also invite a commissioner.

Mr. Smith then stated that the other question is, this is just one commissioner's statement. Does he speak for the whole commission or just himself?

Mr. Krabill stated that he wanted to share one more piece. When the Secretary of State told us we had to have a surveilled lockbox for this election, Mr. Krabill called Mr. Old. Mr. Krabill did not see any cameras in the hall or outside the building, so he asked Mr. Old if there were any, and Mr. Old's response was, "We're not going to spend another penny on Secretary of State security directives." Mr. Krabill said his response to Mr. Old was that that wasn't even what I was asking; I was just asking if there were cameras. Mr. Monaghan pointed out that we do have cameras in this building, but that he hadn't looked at them in a year or so.

Mr. Ferrell stated that we got a quote recently from Accurate Business for cameras, and he thought the quote was very reasonable. Mr. Ferrell also contacted Hobbs Lock and Key about getting a drop box for ballots. He claimed that setting the drop box outside was just "asking for trouble." He asked the county administrator about putting the lockbox in the foyer of the building, and the county administrator was very accommodating to allow us to do that. Mr. Ferrell also stated that we should talk to the county administrator and the county finance director in one of our next board meetings, and if one of the commissioners wants to attend, then that's fine, too.

Mr. Krabill then made a motion to approve the minutes from the March 23<sup>rd</sup> meeting. Mr. Monaghan seconded the motion. Motion passed.

Ms. Salyers then stated, going over the agenda, Tim from Accurate Business called regarding the cameras, and wants to know what he should do. Mr. Ferrell stated that he would move forward with it if we have the money, and I'm sure we do. Mr. Krabill responded that he didn't know if the money is in the budget or not. Mr. Smith stated, yes, we have to make sure the money is there. He then asked when we are meeting again.

Ms. Salyers stated that she looked at past board meeting calendars and the directive from the Secretary of State. Based on those documents, the canvas meeting would likely be May 11, and the certification meeting would likely be May 13.

Mr. Smith then asked what our plan was for April 28, Election Day. Ms. Salyers stated that we have to count votes, have the ExpressVote available for people with disabilities, and also allow people to vote in person if they do not have a mail receptacle. Mr. Ferrell pointed out that we would have to keep ballots separated based on whether they were received before March 17 or after, but Ms. James informed him that that directive had been rescinded.

Mr. Smith stated that we can't start tabulating until 7:30 that night, so we're going to be here late. Mr. Ferrell agreed. Mr. Krabill pointed out, though, that we're not going to be running separate precincts; we'll just be running a big batch of absentee ballots. Mr. Ferrell stated that with the ballots being folded, if they're folded on the timing marks, that will make it difficult for the machine to read. Ms. James informed Mr. Ferrell that with the way we are folding ballots now, we are folding them so that the creases do not show up on the timing marks, which will hopefully make it easier for the machine to read the ballots.

Mr. Smith stated that normally we meet the day before the election to go over overvotes, and asked if we would still be doing that. Ms. Salyers stated that she would go back and read the directive further, but that her understanding is that we can't run any ballots until April 28. Mr. Smith then suggested going into session at 6 or 7 p.m. to review overvotes on April 28. He also inquired if we had more staff coming in. Ms. Salyers stated that we are hoping to get more staff, but it's been very difficult. We have put the information out on our website and Facebook on how to get a ballot, but the phones are still ringing constantly.

Mr. Ferrell then asked how we would handle in-person voting on April 28 for voters with disabilities. Ms. Salyers stated that the voters would have to come into the conference room and that one of us would have to assist them, unless we can get more part-timers. We have a couple of part-timers coming in, but most of them are unwilling or unable to come in because of the coronavirus. Ms. Salyers also mentioned how difficult it was to get anything done because of the phones.

Mr. Krabill stated that he reached out to the Sandusky City School district and the city of Sandusky, saying that we need help. Mr. Ferrell suggested contacting a flex temp agency. Mr. Smith asked if the peak phone time was "8 to 4" and Ms. Salyers confirmed that it was. However, she stated that we stop answering the phones after 4. Mr. Smith asked what does someone hear if they call after 4, and Ms. Salyers stated that there was a voice message informing people how to get an absentee ballot. She also shared that we are mailing out about 250 ballots a day. Mr. Smith inquired how many requests we were getting. Ms. Salyers said that it varies, and shared that last weekend, we received over 400 requests. She also stated that we are mailing a lot of request forms, and that we are doing the best we can with what we've got. Mr. Krabill then offered to come in and help answer phones.

Next, Ms. Salyers expressed her concerns about a particularly knowledgeable part-time worker who was eligible for unemployment through his other job. She worried that we could lose him if it was more profitable for him to be on unemployment, and wondered if we could increase his pay. Mr. Ferrell stated that he thought we already did that. Ms. Salyers responded that we did, but that he is invaluable and that we can't function without him. Mr. Ferrell agreed that he was very knowledgeable, and that we would have to do whatever we can to keep him. Mr. Krabill instructed Ms. Salyers to think it over and let us know at the next meeting.

Mr. Krabill then asked if anyone had seen the recent email from Aaron Ockerman at the OAE. According to the email, the issue of paying poll workers has apparently become a bit of an issue. The County Commissioners Association was considering going to court to prevent Boards of Election from paying poll workers for not working. However, for the time being, they have decided not to go to court and instead let it be worked out at the local level. Mr. Smith mentioned that if we didn't pay the poll workers, we would have a lot more money to pay part-timers to help us out right now. Mr. Ferrell stated that paying the poll workers was the right thing to do, plus they already went through training.

Ms. Salyers stated that she had gotten help from Jose at Triad with running reports showing who was scheduled to work the polls on March 17. She was going to take those reports to the auditor's office for pay roll purposes, but then that email came out. Mr. Ferrell stated that if the election had happened normally, we had the money for poll worker pay budgeted anyway. Ms. Salyers mentioned that Jose also thought it was a good idea to pay the poll workers, to help us with poll worker retention. Mr. Monaghan stated that many of the poll workers took time off their regular jobs to help us. Mr. Krabill stated that he agreed; he just wanted everyone to know that there were "rumblings" out there from the County Commissioners Association.

Mr. Ferrell then stated that we would need to meet with the county administrator and the county finance director to make sure we have money in the budget for cameras from Accurate, and then move forward with that. Next, Ms. Salyers warned the board the bills would be extremely high this month. She had to request \$25,000 worth of postage because of the cost of doing an all-mail election. Mr. Ferrell suggested that that money would be reimbursed, but Mr. Krabill pointed out that we have to front the money, first.

Mr. Krabill then passed out the results of the survey that he emailed to other county Boards of Elections regarding salaries. The board took a few minutes to review the survey.

Next, Mr. Krabill made a motion to pay the bills. Mr. Monaghan seconded. Ms. Salyers once again warned the board that the bills would be very high this month. She had to order paper and envelopes, plus postage. Mr. Smith mentioned that we were tracking everything, though, and that we would be reimbursed. Ms. Salyers stated not necessarily. The legislature only gave the Secretary of State 7 million dollars for this election, so not everything can be reimbursed. For example, last month, Ms. Salyers asked the Secretary of State about getting reimbursement for the postcards we had to mail to voters whose polling locations we were forced to change, but the Secretary of State office informed her they would not reimburse us for that.

The motion to pay the bills passed, but Mr. Krabill recused himself on voting for the reimbursement to himself for when he bought hand sanitizer and cleaning supplies. Mr. Smith pointed out, though, that the reimbursement to Mr. Krabill was not on the list of bills. Mr. Krabill then rescinded his recusal.

Mr. Ferrell stated that he would talk to the county administrator about the cameras. Mr. Krabill stated when you do talk to him, try to set up a time we can all get together.

Mr. Smith moved to adjourn the meeting. Mr. Monaghan seconded. Motion passed. The board adjourned at 10:55 a.m.

However, at 11 a.m., the board went back into session for the purposes of hiring a deputy director. Mr. Monaghan made the motion to hire Adrienne James as deputy director and, subject to approval from legal counsel, to waive pre-employment testing requirements since Ms. James is already a Board of Elections employee. Mr. Ferrell seconded the motion. Motion passed.

Motion to post the Democratic clerk position was made by Mr. Monaghan, seconded by Mr. Krabill. Motion passed.

Motion to adjourn was made by Mr. Smith, seconded by Mr. Monaghan. Motion passed. The board adjourned at 11:02 a.m.

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**Lori J. Salyers, Director**

**Attest:**

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**Thomas M. Ferrell, Chairman**