

The official canvass meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Wednesday, May 17<sup>th</sup>, 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) Nancy C. McKeen, Member	Present

Guests in attendance: MaryAnn Groot and Amy Grubbe

Adrienne James, Deputy Director, reviewed absentee ballots received after the election. There are five that are eligible to be counted because they were received within four days of the election and had a postmark of May 1<sup>st</sup> or earlier. The board members took a few moments to review those absentees. Mr. Monaghan made a motion to count the five absentee ballots, with Ms. Crescimano seconding. All board members voted yes; motion carried.

There are two absentee ballots received after the election that are not eligible to be counted. The first one was received in the mail on May 4<sup>th</sup>. It did not have a postmark or a barcode. The second one was an 11-s form that we sent the voter due to them providing incorrect ID. We received the 11-s form in the mail on May 12<sup>th</sup>, but the deadline to receive it was May 6<sup>th</sup>. Ms. Crescimano made a motion to not count the ballots, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Eliza Link, Clerk, reviewed provisional ballots. She stated that 27 provisional ballots were cast this election: 11 early, in office, one on Election Day in office, and 15 at the polling locations on Election Day.

Thirteen provisional ballots are eligible to be counted. Two were name changes, six were address changes within the county, and five were registered in another Ohio county and did not vote in that county. Ms. Crescimano made a motion to count the 13 eligible provisional ballots, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Thirteen provisional ballots are not eligible to be counted. The first three are not currently registered because they were removed due to list maintenance. Seven are not registered to vote anywhere in Ohio. Both Ms. Link and Ms. James verified this. However, after the election is certified, these people will become registered. The last three are not eligible to be counted because the voters had expired IDs, and they did not come to the Board of Elections in the allotted time frame to show another valid photo ID. Ms. Crescimano made a motion to not count the ballots, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Ms. Link stated there is one provisional ballot pending review. It is for a voter who voted provisionally in the Sandusky special election in February, and now voted provisionally in Perkins Township for this election. Mr. Ferrell stated he spoke with Jason Hinnars at the prosecutor's office, and that he would speak more on this matter at our 3:00 p.m. meeting. Ms. Crescimano confirmed that the board rejected the voter's provisional ballot for the February election.

Mr. Ferrell asked for Ms. Link's opinion. Ms. Link stated she also contacted Mr. Hinnars regarding the provisional. She then stated that her opinion is that if the board rejected the voter's provisional ballot in March, she doesn't see why they would accept it now. Ms. Crescimano stated we don't know what the voter's residence is. First, he claimed it was Sandusky; now he says he's back in Perkins Township.

Mr. Monaghan made a motion to not count the provisional ballot, with Ms. Crescimano seconding. All board members voted yes; motion carried.

Ms. Crescimano made a motion to recess, with Mr. Monaghan seconding. All board members voted yes; motion carried. Board recessed at 9:12 a.m. While in recess, bipartisan board staff scanned eligible absentee and provisional ballots and prepared for the 3:00 p.m. official certification.

Mr. Monaghan made a motion to reconvene, with Ms. McKeen seconding. All board members present voted yes; motion carried. Ms. Crescimano was absent. Board reconvened at 9:30 a.m.

Ms. James stated that while opening ID envelopes containing eligible ballots, one ballot was torn. Bipartisan board staff remade the ballot, then asked the board to review. Mr. Monaghan made a motion to accept the remade ballot, with Ms. McKeen seconding. All board members present voted yes; motion carried.

Mr. Monaghan made a motion to recess, with Ms. McKeen seconding. All board members present voted yes; motion carried. Board recessed at 9:31 a.m.

At 3:00 p.m., the board reconvened for the purpose of official certification and regular monthly meeting. Ms. James took the roll call; all board members were present. Guests present were Jason Hinners from the Prosecutor's Office, Rachel Ruffer from the Ohio Secretary of State's Office, Caleb Stidham from the Treasurer's Office, MaryAnn Groot, Amy Grubbe, Debra Nickoloff, Stephen Lippert, and Matt Westerhold.

Ms. James stated that total ballots cast this election were 4,272, for a voter turnout of 23.68%. The board members took a few minutes to sign the paperwork to certify the election.

The board then discussed the date of the post-election audit. Per the Elections Officials Manual, or EOM, the audit may start six days after the official results are declared and must be completed by the 21<sup>st</sup> day. The board decided to conduct the audit on Thursday, June 1<sup>st</sup> at 2:00 p.m. The board then randomly pulled memory sticks to decide which voting machines to audit. The machines chosen were the Perkins Township #10 DS200 and the Huron Township #3 DS200. This represents a total of 307 ballots cast. The board must audit at least five percent of the ballots cast, which in this election is 214.

The next item on the agenda was approval of the minutes from the May 1<sup>st</sup> pre-election meeting. Ms. Crescimano made a motion to approve the minutes, with Mr. Monaghan seconding. Ms. Crescimano and Ms. McKeen voted yes, while Mr. Ferrell and Mr. Monaghan voted no. Ms. James asked what happens now.

Mr. Hinners stated there needs to be a discussion on what the differences are in order to find meeting minutes that are approved by the majority of the members. Mr. Ferrell stated that there was nothing on the May 1<sup>st</sup> agenda except the pre-election meeting, but Ms. Crescimano added something.

Mr. Hinners stated that ultimately, the discussion on meeting minutes is between the four board members. From his perspective, the meeting did not adjourn. There was perhaps a motion on the table, but it was not voted on or approved by a majority of the members. The meeting minutes reflect what was said, and reflect that both Mr. Ferrell and Mr. Monaghan left. There was no motion, second, or vote on an actual adjournment. Mr. Ferrell replied it wasn't an adjournment; it was a recess. Mr. Hinners stated there was no vote on the recess.

Mr. Ferrell asked Mr. Hinners for his suggestion. Mr. Hinners stated that ultimately the board approves the minutes, but from his viewpoint, the meeting minutes reflect what happened at that meeting. Mr. Monaghan asked, "So in other words, somebody can start adding something even though it's not on the agenda?" Mr. Hinners again iterated that the meeting minutes are to reflect what happened at the meeting. If there's concern about additional items being added to the agenda, that's a discussion for the board. The board can set policy for future meetings on how they should be conducted.

Mr. Ferrell asked if we could move forward without the approval of the minutes. Mr. Hinners stated the board needs to have meeting minutes of that meeting. If the board wants to look at the minutes and come back at the next meeting with modifications, then that can be done. He also stated it's important to note that meeting minutes are intended to reflect what was discussed at the meeting, not necessarily opinions as to how it should have been conducted.

Mr. Monaghan commented on Robert's Rules of Order and adding items that are not on the agenda. He stated that former board members Nick Smith and Jeff Krabill added items to the November pre-election meeting that he said we should not discuss. However, they went through with it and had a 2 to 1 vote. Mr. Hinners stated we had a discussion at that time on the difference between a regular meeting and a special meeting as to what can be discussed.

Mr. Monaghan said that at that meeting, the board voted to move from our own policy to the county policy, which should not have been done, but they had a 2 to 1 vote so it passed. Ms. McKeen asked for clarification on our policy. Mr. Ferrell stated that in 2009 this board passed its own personnel policy, which we followed until March 1<sup>st</sup> of this year.

The next item on the agenda was the financial report. Alex Jones, Director, stated we are in good standing to continue operations at this point. He also passed around the month's bills for the board to review.

Ms. Crescimano asked how much money we saved by combining precincts for the May election. Mr. Jones stated that to open a precinct fully staffed is about 500 dollars, and we consolidated two. He also noted that at one single precinct location, we reduced the number of poll workers from four to two. Mr. Jones stated that we received our chargeback adjustments from the February special election. At the next regular monthly meeting, he'd like for the board to sign the chargeback paperwork for May's election.

Ms. Crescimano made a motion to pay the bills as presented, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Ms. Crescimano made a motion to authorize a Then and Now Certificate for Elections Systems and Software, or ES&S, for election day ballots in the amount of \$5,799.95. Mr. Monaghan seconded the motion. All board members voted yes; motion carried.

Mr. Jones then gave a director's report. He reminded the board members that summer conference will be at the end of June. He also stated that for the May election, we kept the polling location open for Margareta Township #3, where there were 43 eligible voters. Two voters voted at that location that day. BOE staff signed thank you cards for the two PEOs who worked there, and Mr. Jones asked the board members to sign the thank you cards, too. Mr. Jones also provided the board members a calendar of office hours for July and the beginning of August.

Under new business, Mr. Jones spoke on voting equipment allocation and PEO allocation for the upcoming August special election. The equipment allocation has always been one DS200 and one Expressvote per polling location, which Mr. Jones would recommend for August. For PEO allocation, last August the precedent was set to reduce the number of PEOs by two in every multi-precinct location, or by one ballot judge and one clerk. Mr. Jones noted that we pay about \$150 per PEO. It is the recommendation of staff to reduce the number of PEOs again this August. As far as he knows, there were no problems with that last August.

Mr. Monaghan asked what would be on the ballot this August. Mr. Jones stated that the General Assembly passed a resolution to place an issue on the ballot to raise the threshold for amending the constitution to 60 percent.

Ms. Crescimano made a motion to reduce the staffing we need for multi-precinct locations. Mr. Ferrell asked what precincts would be affected. Mr. Jones replied that most precincts in Erie County are in multi-precinct locations. Sandusky A, Sandusky M, the five villages, Groton Township, Huron Township #3, Oxford Township, and Perkins Township #10 are the only single-precinct locations. Mr. Monaghan seconded the motion. All board members voted yes; motion carried.

Ms. Crescimano made a motion to accept the voting equipment allocation, seconded by Mr. Monaghan. All board members voted yes; motion carried.

Mr. Ferrell asked about the calendar for July and August. Mr. Jones stated we would stagger our start times like we did in April. He stated that \$3,500 was paid out in overtime for the Sandusky Special election, but with staggering starts in April, we paid out about \$650 in overtime for the May election. Office staff will coordinate with each other to make sure there is always at least one Democrat and one Republican in the office. In addition, we will have PEO training the week of July 24<sup>th</sup>.

Mr. Ferrell asked if we are up to date on our website. Ms. James stated that Triad updated the website with early voting hours. Tomorrow, she will update the notice section of the website to indicate the date of the August special election. However, we are still waiting on ballot language from the state.

Mr. Jones stated that there are two issues that need to be approved for the November General election: one is a renewal levy for safety and security for Vermilion Local School District, and one is a renewal operating levy for Groton Township. Both entities filed the appropriate paperwork last month, which Mr. Jones and Ms. James reviewed. Ms. Crescimano motioned to approve the two issues, with Mr. Monaghan seconding. All board members voted yes; motion carried.

The next item on the agenda was “any other matters to come before the board.” Ms. Crescimano stated that when the board went into executive session for an investigation during the April meeting, that wasn’t on the agenda. Mr. Monaghan commented that the board discussed items at the November 7<sup>th</sup> pre-election meeting that also were not on the agenda. Ms. Crescimano stated that we don’t have consent agendas. The way she understands it, if it’s not a consent agenda, we can change it.

Mr. Hinnners stated this is the discussion that came up in November. For a regular meeting, you must give the time and place. For a special meeting, you must give the time, place, and purpose, and can only discuss the purpose in the notice. A regular meeting allows for the discussion of additional items unless the board creates a policy that states otherwise.

Ms. Crescimano stated that when you’re investigating an employee, you can’t just have that employee sitting on the ledge, waiting to see what the outcome is. This should have been handled immediately. She also stated it is our responsibility to know who made the complaint, and we still don’t know. She stated that what she did was wrong. She should have never voted to authorize the investigation without knowing who made the complaint.

Mr. Ferrell indicated we haven’t had a regular meeting since the investigation, nor have we received an official document. Ms. Crescimano stated we received an email from Matt Wilson, the County HR Director. Mr. Ferrell stated that in the past, we would have received a written public document. Ms. Crescimano replied that an email is a public document.

Mr. Ferrell stated that any person in Erie County has the right to make a complaint against a public worker and they don’t have to give their name. He stated he does not know who made the complaint. Ms. Crescimano asked Mr. Ferrell how he got the complaint. Mr. Ferrell stated that it came up as a private caller on his phone. After he received the complaint, he called the office and asked Ms. James if Mr. Jones was in the office, and Ms. James stated no. The complainant then said Mr. Jones was at a winery, which Mr. Jones admitted to in executive session.

Ms. Crescimano stated the unfounded portion of the complaint is that Mr. Jones was at the winery for four hours. Mr. Ferrell stated she misinterpreted. He said Mr. Jones was at the winery for hours- f-o-r. Ms. Crescimano stated that f-o-r is still more than one hour, and he was there for an hour.

Mr. Ferrell asked Mr. Jones when he got to the winery. Mr. Jones stated he didn't recall. Mr. Ferrell stated he received the call at 10:30, then asked Mr. Jones when he usually takes his lunch. Mr. Jones stated it varies from day to day, and that he usually doesn't take one. Mr. Ferrell commented that he took one that day and asked if he was doing Board of Elections business. Mr. Jones replied, "No, that's why it was a lunch."

Mr. Monaghan commented that the director's salary used to be \$55,000/year and now it's \$70,000/year. Ms. Crescimano stated that Mr. Jones still put in his 40 hours a week. Mr. Monaghan stated that the \$15,000 raise was predicated on these people working overtime. Ms. Crescimano replied that this investigation has nothing to do with overtime, because both Mr. Jones and Ms. James have been putting in extra hours, especially during election time.

Mr. Ferrell asked Ms. Crescimano what she would have done if she had received the complaint. Ms. Crescimano stated she would have wanted to know who the person was. When she worked for the schools, if they received an anonymous complaint, they didn't listen to it. Mr. Ferrell stated this board needs to be the most transparent board in Erie County. Ms. Crescimano replied that all boards are supposed to be transparent. Mr. Ferrell stated that an election board is held to a higher standard.

Mr. Monaghan commented that he saw someone at the grocery store a few days after the complaint was made, and the person said they saw Mr. Jones at the winery, too. Mr. Monaghan then asked how long Mr. Jones was at the winery. Mr. Jones stated he was there for about one hour. He said he put in his 40 hours that week and every week he's been here, plus it was 60 hours last week.

Mr. Ferrell stated the next step of his investigation was to ask for staff members' time sheets. He then brought the information to Mr. Hinnners and asked what we should do. Mr. Hinnners outlined the process, Mr. Ferrell brought it to the board, and the board voted to move forward with the investigation. Ms. Crescimano stated she was wrong to vote for it. Mr. Ferrell replied that if the complaint was against Ms. James, we would have gone through the same process. Mr. Ferrell also stated he told Ms. Crescimano she could read her written statement on the investigation during today's meeting. Ms. Crescimano stated to her that was too late.

Mr. Monaghan read an excerpt of Mr. Wilson's report. "Erie County has a history of collaboration amongst departments. Law enforcement agencies assist courts. Job and Family Services work in collaboration with courts and law enforcement. Social service agencies work with FCFC and the board of developmental disabilities." Mr. Monaghan then questioned what the board of elections has in common with the bank. Ms. McKeen said it's all one county, and we're helping each other out. Ms. Crescimano stated it's all paid for by the same general fund.

Mr. Ferrell stated that when previous directors were not in the office and couldn't reach the board, they would call the chairman. Ms. Crescimano stated that when she worked with the schools and was going to be out, she didn't contact the five school board members; she contacted the superintendent.

Ms. McKeen stated she thinks it is ridiculous we are giving the matter this much time. She said we don't know who made the complaint, but we can guess. Mr. Ferrell said, "You'd be wrong." Ms. McKeen said, "Then you know who it is." Mr. Ferrell replied, "The voice wasn't the same so you can put your conspiracy theories to bed." Ms. McKeen suggested that perhaps the other person in the household made the call. She also said that you have a right to confront your accuser. Mr. Ferrell replied that this is not a court of law, and that in today's world a person doesn't have to give their name. Ms. Crescimano stated that the only time a person doesn't have to give their name is for a public records request. Mr. Ferrell stated that is not true.

Mr. Hinnners made a comment on the process followed. He said if someone from this board were to call him and say they received a complaint, he would tell them the same thing he told Mr. Ferrell, which is to bring it to the board. It needs to be board approved for there to be a board investigation. Mr. Hinnners does not think any one board member should do the investigation on their own.

Mr. Monaghan stated it would have been better to keep this amongst our group instead of out in the public. Ms. Crescimano stated that we need to be transparent. Mr. Ferrell asked the audience if there was anything else.

Ms. Grubbe asked what was going to be done in Margareta Township. She stated there was a concern of having a precinct there at a church instead of the fire department. Mr. Ferrell stated his suggestion would be to return to the fire department. Ms. Grubbe asked if that would happen. Mr. Ferrell stated we would need to bring it up in open session, and that he'd like to talk to the fire chief again.

Ms. Crescimano asked how much room the fire department has for voting. Mr. Ferrell stated they use the whole back bay. She then asked about parking. Mr. Ferrell stated that parking is always tough. Ms. Crescimano stated that the church has plenty of parking. Mr. Ferrell stated we could call a special meeting to discuss the issue.

Mr. Stidham stated he has a couple things he wants to address. He stated that Mr. Jones was assisting his office. Mr. Stidham spoke with County HR to make sure that collaboration was within the county policy. He stated that collaboration among different county departments is encouraged. Mr. Stidham also stated the Board of Elections has received dozens of hours of free labor during election time from departments such as the treasurer's office, regional planning, and finance.

Mr. Stidham stated he wants to thank Mr. Jones for using his lunch hour to assist another county department. He said that fact should be applauded, not investigated. He also said that the newspaper reported the investigation was unfounded. The board attempted to harm Mr. Jones' reputation, which was not right.

Mr. Monaghan stated the reason he said we should have kept this to our own group is so that Mr. Jones doesn't get beat up for something that he maybe didn't do. Ms. Crescimano replied that the minute the board passed the motion to authorize the investigation, it became public.

Mr. Ferrell stated he appreciates Mr. Stidham's opinion, but asked if the landbank is a county department. Mr. Stidham replied that there is a contract that the county treasurer's office provides management services for the landbank. The landbank is run by the county treasurer's office, which is a public entity. When Mr. Jones was the landbank director, he was paid no differently than any other county employee, through the county auditor's office. He also stated this is how a majority of counties run their landbanks.

Mr. Ferrell stated he thinks Mr. Monaghan's question is, What is the nexus between the board of elections and the landbank? Mr. Stidham asked what is the nexus between the board of elections and other county departments who have helped the board during election time. He then said we are all here to serve the same 75,000 people.

**Mr. Stidham also stated that per his conversation with HR, the director has the purview to set his own schedule. This is the county policy that the board voted to adopt on November 7<sup>th</sup>. Mr. Ferrell stated to check how many people voted on that policy on November 7<sup>th</sup>. Mr. Stidham again iterated that the Board of Elections' own policy says the director can set their own schedule. He then thanked the board for the opportunity to speak.**

**Mr. Lippert stated what he sees going on today are four board members who want to see good things happen. He also sees candid conversation, but that doesn't hurt anything. Mr. Lippert stated he sees an election that went well that the board and staff can be complimented for. He also stated that in his experience, collaboration can save money in the long run. Mr. Monaghan thanked Mr. Lippert for his comments and said we want to have good elections.**

**Ms. Crescimano made a motion to adjourn, with Mr. Monaghan seconding. All board members voted yes; motion carried. Board adjourned at 4:13 p.m.**

**Alexander W. Jones, Director**

**Attest:**

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**Thomas M. Ferrell, Chairman**