

The regular monthly meeting of the Erie County Board of Elections was called to order by Board Member William Monaghan on Thursday, August 12, 2021 at 8 a.m.

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

Guests in attendance: Sue Brown from Prosecutor's Office, Rachel Mullen from Secretary of State's Office, and Amy Grubbe

The first item on the agenda was to certify candidates for the November General Election. Adrienne James, Deputy Director, stated that each board member had a spreadsheet of candidates. The names in the left column are candidates that have already been certified by the board. The names in the right column are candidates that still need to be certified. Ms. James stated that of the candidates in the right column, all of their petitions were filled out correctly, and all of them had enough valid signatures. She also stated that the names in red are candidates who requested a name change to a natural derivative of the name on their petitions. Mr. Krabill stated that he would move approval of the entire list as presented. Mr. Smith seconded the motion. Motion carried. The candidates certified are as follows:

- William D. Biddlecombe, Huron City Council
- Jennifer Ashburn, Sandusky City Commission
- Richard R. Brady, Sandusky City Commission
- Dennis E. Murray Jr., Sandusky City Commission
- Stephen Poggiali, Sandusky City Commission
- Russell E. Bristol, Berlin Village Council
- Andrew J. Hogan, Berlin Village Council
- Brett Leimeister, Berlin Village Council
- Taylor Opfer, Berlin Village Council
- Andrew Max Eaton, Kelleys Island Village Council
- Mary Gaither, Kelleys Island Village Council
- Eric Longbrake, Kelleys Island Village Council
- Joseph L. Wolfe, Kelleys Island Village Council
- Matthew L. Aichholz, Bay View Village Council
- Danny P. Grieger, Bay View Village Council
- Lola James, Bay View Village Council
- Kristy Rich, Bay View Village Council
- Shelda L. Robbins, Bay View Village Council
- David S. Tully, Bay View Village Council
- Barbara A. Wobser, Bay View Village Council
- James R. Johnson, Castalia Village Council
- Silas R. Nicholson, Castalia Village Council
- Mary Bruno, Milan Village Mayor, unexpired term
- Pamela A. Crosby, Milan Village mayor, unexpired term
- Joseph Patsy Chicotel, Milan Village Council
- Tim McIlrath, Milan Village Council
- Erin McManus, Milan Village Council
- Shawn M. O'Hara, Milan Village Council
- Carla J. Rospert, Milan Village Council
- Stefan T. Taylor, Milan Village Council
- Tadd J. Smith, Berlin Township Trustee
- John K. Krumwiede, Florence Township Trustee
- William Turnbull, Florence Township Trustee
- Renee Schoen, Groton Township Trustee
- Dennis W. Schreiner, Groton Township Trustee
- Michael S. Kegarise, Milan Township Trustee
- Michael D. Shover, Milan Township Trustee

- **Scott Leber, Oxford Township Trustee**
- **Ronald L. Dickel, Vermilion Township Trustee**
- **Katie LaLonde, Vermilion Township Trustee**
- **Rodger D. Scott, Vermilion Township Trustee**
- **Joseph C. Trinter, Vermilion Township Trustee**
- **Malcolm R. Williams, Vermilion Township Trustee**
- **Peter C. Hazel, North Point E.S.C., Huron Co. Sub District**
- **Bob Morgan, North Point E.S.C., Huron Co. Sub District**
- **Paul R. Lockwood II, North Point E.S.C., Ottawa Co. Sub District**
- **James Rinaldo, North Point E.S.C., Ottawa Co. Sub District**
- **Matthew R. McClester, Edison Board of Education**
- **John C. Adams, Huron Board of Education**
- **Sherry Catri, Huron Board of Education**
- **Stacey Hartley, Huron Board of Education**
- **Stacy Hinnners, Huron Board of Education**
- **Kimberly King, Huron Board of Education**
- **Andra Kurtz, Huron Board of Education**
- **Elizabeth A. Laffay, Huron Board of Education**
- **Thomas E. Beck, Kelleys Island Board of Education**
- **Debra A. Haig, Kelleys island Board of Education**
- **Kathleen Phinney, Kelleys Island Board of Education**
- **Nataliya Makarova-Skeans, Kelleys Island Board of Education, Unexpired Term**
- **George I. Harkness, Margaretta Board of Education**
- **Joshua M. Hula, Margaretta Board of Education**
- **Kent D. Miller, Margaretta Board of Education**
- **Paul W. Schoenegge, Margaretta Board of Education**
- **Gary Smith, Margaretta Board of Education**
- **Angela L. Tucker, Margaretta Board of Education**
- **Theodore Kastor, Perkins Board of Education**
- **W. Lee Willis IV, Perkins Board of Education**
- **Jennifer S. Chapman, Sandusky Board of Education**
- **Scott J. Geasan, Sandusky Board of Education**
- **Brigitte L. Green-Churchwell, Sandusky Board of Education**
- **Alan Griffiths, Sandusky Board of Education**
- **Robin Aston, Vermilion Board of Education**
- **Christopher Habermehl, Vermilion Board of Education**
- **Sara E. Stepp, Vermilion Board of Education**
- **Jill Ellen Treece, Vermilion Board of Education**
- **Eric E. Johnston, Vermilion Board of Education, Unexpired Term**

Mr. Smith then made a motion to certify the requested name changes, because they are all natural derivatives of the candidates' names. Motion was seconded by Mr. Krabill.

Motion carried. The name changes are as follows:

- **Richard R. Brady, changed to Dick Brady**
- **Andrew Max Eaton, changed to Max Eaton**
- **Joseph L. Wolfe, changed to Joe Wolfe**
- **Danny P. Grieger, changed to Dan Grieger**
- **Michael D. Shover, changed to Mike Shover**
- **Angela L. Tucker, changed to Angie Tucker**
- **Theodore Kastor, changed to Ted Kastor**
- **Christopher Habermehl, changed to Chris Habermehl**
- **Jill Ellen Treece, changed to Jill Treece**

Next, Ms. James stated there were two issues to certify. Each board member had a spreadsheet of issues. The left column contained issues already certified by the board, plus a few issues certified by other counties because they are the most populous. The right column contained two issues the board needed to certify today. One was a Sandusky City Charter amendment for the creation of wards, and they did have enough valid signatures. The other was a school levy for the Huron City School District. Motion to certify these two issues was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

The next item on the agenda was to review candidate petitions with potential issues. Mr. Smith noted that it was past the August 4 deadline, so the candidates can no longer withdraw and recirculate petitions. Lori Salyers, Director, made a spreadsheet for the board members that contained the name of each candidate, what they want to run for, and what the issue was with their petition.

The first name on the list was Donna Green for Huron Board of Education. Ms. Salyers stated that the circulator's statement was not filled out. Mr. Krabill asked if this was a fatal flaw, and Ms. Brown from the Prosecutor's office stated that it was. Motion to not certify the petitions was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

The second name on the list was Mandi Yetter for Margaretta Board of Education. She did not fill in the number of signatures received on the circulator's statement. Board staff asked Ms. Brown, whose opinion was that it was a fatal flaw because it did not substantially comply, and Ms. Salyers attached the opinion to the petitions. Motion to not certify the petitions was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

The third name on the list was Abbey Rosado for Kelleys Island Board of Education, Unexpired Term. She did not indicate that she was running for Kelleys Island Local School Board on the candidate's statement on one of the part petitions. On the other, valid part petition, she would not have had enough valid signatures. Ms. Salyers stated that Ms. Brown's opinion that it was a fatal flaw was attached to the petitions. Motion to not certify the petitions was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

The fourth name on the list was Emily Smith for Vermilion Township Trustee. She had over the maximum number of signatures, so she took away one part petition. However, she did not alter the number on the circulator's statement, and stated that she had 94 signatures, which was not correct. She also only had one front page containing a statement of candidacy, instead of having one front page for each page with signatures. Motion to not certify the petitions was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

The fifth name on the list was Rosalyn Ahner for Kelleys Island Board of Education. Ms. Ahner filed her first set of petitions the morning of August 4, but there was a potential problem with them. Ms. Ahner withdrew her petitions and refiled a second set the afternoon of August 4, which Ms. Salyers accepted. However, when Eliza Link, Clerk, went to input Ms. Ahner's petitions a few days later, she noticed that two of the part petitions were copies and not originals.

Ms. Brown stated that she came in to the board office for a visual. She stated it was hard to tell if the copies were copies of the first filing, because the signatures looked somewhat different. However, Ms. Brown noted that on two of three parts of the second filing, the date on the statement of candidacy was after the dates Ms. Ahner received signatures, which is a fatal flaw.

On a third part of the second filing, Mr. Brown noted that a portion of the nominating petition portion was cut off. However, in a substantial compliance review, Mr. Brown does not think that this dissuaded or misled any electors. However, even if the board determined that that part was valid, there still would not be enough valid signatures.

Mr. Krabill stated that he would like to make a motion and see if legal counsel agrees. He motioned that we not accept Ms. Ahner's petitions because two of the three parts have fatal flaws, and the resulting number of valid signatures is insufficient. Ms. Brown stated, "That motion would cover a resolution of this." Mr. Krabill stated, "Then that's my motion." Mr. Smith seconded. Motion carried.

The last two names on the list were Ricky McGee for Sandusky Board of Education, and Talib Garrett for Sandusky City Commission. Ms. Salyers stated that neither of them had enough valid signatures. Ms. James stated that all the insufficient names on their petitions were double-checked by someone of the opposite political party of the person who first checked the petitions.

Mr. Krabill mentioned that he used to be on the Sandusky School Board and asked if there were any conflicts with him voting on the petitions for Sandusky Board of Education. Ms. Brown stated that she did not think so.

Motion to not certify the two petitions because neither of them had enough valid signatures was made by Mr. Krabill. Mr. Smith stated that in this situation, we look at two main factors: the signers who are not registered and the signers whose signatures are not genuine. Ms. Salyers stated that for the non-genuine signers, we look in our voter registration system and look at their complete signature history. If just a couple letters match, then we take it. We also have a bipartisan team review all the non-genuine signatures. Ms. Salyers also stated that many people print their name. She then explained that when the candidates pick up their petitions, we explain to them that the signers must sign their name like how they do when they go to vote. Mr. Smith then seconded Mr. Krabill's motion to not certify the two petitions. Motion carried.

Next on the agenda was an issue with a potential name change. Mr. Smith noted that we already accepted George I. Harkness as a candidate for Margareta Board of Education. However, Mr. Harkness requested to go on the ballot as Toby Harkness. Mr. Smith stated that as far as he is aware, Toby is not a natural derivative of George.

Ms. Salyers stated that she looked in the Elections Officials Manual to see if it had to be a natural derivative, and she could not find it, but she did not look in depth. Ms. Salyers also stated that she told Mr. Harkness she would make his case for him. She stated that she went to school with Mr. Harkness, and that everyone knew him as Toby; no one knew him as George. Mr. Krabill asked if this was a contested race, and Mr. Salyers stated that it is.

Ms. Brown stated that she had a similar case for the board to review. A candidate had a formal name of Fred Morrison and wanted to go on the ballot as "Curly." From what she recalls, the board's decision was to place on the ballot Mr. Morrison's formal name. The Supreme Court found that the board was using proper discretion.

Mr. Krabill asked if Mr. Harkness had filled out his petitions as "George 'Toby' Harkness" would he have an avenue by which he could have requested the name change. Ms. Brown replied that in either situation, you would still be having this discussion. Mr. Smith reviewed the case that Ms. Brown provided, and then asked to look at Mr. Harkness's petitions. Mr. Smith noted that on the petitions, Mr. Harkness signed his name as "George Harkness." Motion to deny the name change request was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

Next on the agenda was an update on the dropbox. Ms. Salyers reminded the board that they had asked her to contact county administrator Hank Solowiej regarding the dropbox. She said that she did and she never heard back from him, and asked the board what they would like her to do next.

Mr. Smith asked when early voting starts. Ms. James replied October 5. Mr. Smith stated it was his opinion that we need to approve a location for the dropbox the day of our next meeting. Mr. Monaghan mentioned the report from Brett Harbage, the Secretary of State ADA coordinator, which states that the location by the waterbox is not ADA compliant. Mr. Smith asked if Mr. Harbage said that was a “fatal flaw, so to speak.” Ms. Salyers responded that he did not; he just said it was noncompliant. Mr. Smith pointed out that the dropbox’s current location is also not compliant.

Mr. Krabill stated that he thinks this is a legal issue that has to be addressed. Who is the controlling authority in this matter? He feels that we are the ping-pong ball between two paddles, the county commissioners and the Secretary of State’s office. Mr. Krabill stated that he does not like being a ping-pong ball, and asked what recourse the board has to resolve this issue.

Ms. Brown stated that there are only two of them in the prosecutor’s office. She noted that Gery Gross has been working on this issue, and she’d like him to continue working on it because he’s already been engaged with it. She stated if you’re willing, stay with Mr. Gross, unless her boss assigns the issue to her. Mr. Smith stated the issue is that the prosecutor’s office represents both the board of elections and the commissioners. Mr. Krabill stated he understands that, but that typically, in the past when there has been that type of conflict, the prosecutor’s office attempted a soft mediation.

Ms. Brown confirmed that was true. She also stated it is not the prosecutor’s office role to say which location is best. She stated that she talked it over with Kevin Baxter at the prosecutor’s office, and they met with Mr. Solowiej. She stated the impression they got from Mr. Solowiej is that it’s a done deal. Mr. Baxter recognized that it’s county property, so it’s in the control of the commissioners.

Mr. Monaghan stated that it doesn’t look like the commissioners are going to change their minds. He thinks we may need to hire our own attorney. He pointed out that we have a decision from the SOS office that the location the commissioners want for the dropbox is not compliant. Ms. Brown stated it’s not non-compliant with voter requirements, but it’s non-compliant with a different federal provision. She stated that is significant, and you should engage with Mr. Gross in that. She also suggested inviting Mr. Gross to the next BOE meeting. Ms. Salyers stated that she would send the information to him.

Mr. Smith iterated the need to make a decision. If the issue does not get resolved soon, we’re probably at the point where the dropbox is going to stay at the current location. If we have a choice between where it is now, and the water department area, what is the better of the two? Mr. Monaghan replied that we shouldn’t have to choose between two locations that are both not up to code according to the SOS office. He again stated that we ought to think about seeking an outside attorney. He also suggested that Mr. Smith or Mr. Krabill could meet with Mr. Solowiej one more time.

Ms. Link asked Ms. Salyers what was the last correspondence she had with Mr. Solowiej. Ms. Salyers replied that she emailed Mr. Solowiej about scheduling a meeting, and he wanted to know the purpose. Ms. Salyers responded that the purpose was to discuss the ADA report from the SOS office. Mr. Solowiej responded that he never got that report, so Ms. Salyers forwarded it to him, and she has not heard back from him since.

Ms. Salyers also stated that she wants to go on record and say that she “did not stir this pot.” She thought the dropbox was a done deal, but then the finance department asked about the HAVA money. Mr. Smith replied that that is a different issue. Ms. Salyers responded, “No, it’s not.” She explained that the county finance department wanted the HAVA money to pay for the dropbox. Ms. Salyers then called the SOS office and asked if we could do that. The SOS office informed her that HAVA money could not be used to pay for the dropbox if the location for it is not ADA accessible, so that is what started all of this.

Ms. Brown reminded the board that the directive from the SOS states that you will have at least one dropbox. She also stated that she has not seen the report from Mr. Harbage, but she would not recommend placing something that is in violation of the ADA. She also asked if any of the non-compliant locations could gain compliance with alterations of any kind. Could you structure a temporary or permanent ramp that would comply?

Mr. Monaghan again stated that we should pursue outside counsel, and that Mr. Smith and Mr. Krabill should speak with Mr. Solowiej. He also stated that we might be able to get a temporary injunction from one of the judges here in town to move the dropbox to the north end where we want it. Mr. Krabill stated he thinks that is one or two steps removed from where we currently are. Right now he thinks we need to have Mr. Gross engage with this question and give us direction. Ms. Brown stated that if Mr. Gross does refer the case to her, she and Mr. Solowiej do have a good working relationship. She stated that if Mr. Smith wanted her to accompany him to his conversation with Mr. Solowiej, then she would.

Mr. Krabill asked who is going to make contact with Mr. Gross. Ms. Salyers replied that she would, and asked the board members what they would like her to say. Mr. Smith told her to ask Mr. Gross to assign the case to Ms. Brown. If not, then we need to have a meeting with Mr. Gross, Mr. Solowiej, and one of the board members.

The board then discussed when their next regular board meeting should be. Motion to schedule the next meeting for Tuesday, August 31 at 8:30 a.m. was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Mr. Monaghan asked if there were any other matters to come before the board. Ms. Grubbe stated that it's very disappointing the board has been put in the position of having to pick between the lesser of the two non-compliant areas for the dropbox location. She mentioned that the north end is where BOE staff, board members, and Erie County maintenance want the box to be, and that end is accessible. She also stated that it is more expensive to place the box where the commissioners want it. Ms. Grubbe then stated that she appreciates the board taking the time to really discuss this issue.

Ms. Salyers then introduced Kimberly Barnum, the newest Democratic clerk who started on July 26. She also introduced Rachel Mullen, our newest liaison from the SOS office. Ms. Grubbe then asked for a list of PEOs at this time, and said that she was available to be a PEO if needed. Mr. Smith asked how we were doing on poll workers. Ms. James replied that we just started making phone calls this week. Mr. Smith commented that it looks like it's going to be a busy election with many local issues and candidates. Mr. Monaghan commented on the proposed charter amendment for Sandusky City regarding the creation of wards. He said there was a question of whether or not there would be a special election for that, but the SOS office determined the issue would be placed on the November general ballot.

Motion to adjourn was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.
Board adjourned at 8:56 a.m.

Lori J. Salyers, Director

Attest:

Thomas M. Ferrell, Chairman