

The official canvass meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Monday, August 15<sup>th</sup>, 2022 at 9:00 a.m.

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: Jean Anderson, Kay Boatman, Patricia Kraft, Bill Parmentar, and Amy Grubbe

Adrienne James, Deputy Director, reviewed absentee ballots received after the election. She stated there were eight absentee ballots received after the election; however, they were postmarked August 1<sup>st</sup> or earlier, and the ID envelopes were filled out correctly. Therefore, the ballots are eligible to be counted. The board members took a few minutes to review the ballots. Motion to count the ballots was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

Ms. James stated there was one absentee ballot that the voter turned in to the Wood County Board of Elections on Election Night at 6:42 p.m. Wood County then mailed the ballot to us. Ms. James stated she emailed the legal department at the SOS office, and it was their opinion that the ballot was not eligible to be counted, since the voter returned the ballot to the wrong Board of Elections. The board members took a few moments to review the ballot. Mr. Ferrell asked what if the ballot had been postmarked on time. Ms. James stated she still thought it had to be returned to the proper Board of Elections. Mr. Krabill read the accompanying email from Jeff Hobday, senior elections counsel at the SOS office. "If this were a USPS error or addressing issue, the answer might be different, but if the voter personally delivered the ballot to the wrong board of elections, that cannot be cured after the fact. In my opinion, the ballot is not eligible for counting."

Motion to follow legal counsel's advice and not count the ballot was made by Mr. Krabill, seconded by Mr. Monaghan. Three board members voted yes, while Mr. Ferrell opposed. Motion carried. The board members stated we should call the voter to let her know that in the future, she needs to return her absentee ballot to the proper Board of Elections. Lori Salyers, Director, stated she would do that.

Eliza Link, Clerk, reviewed provisional ballots. She stated that 17 provisional ballots were cast this election. Nine were cast at polling locations on Election Day, and eight were cast in our office, either during early voting or on Election Day.

16 provisional ballots are eligible to be counted. Five are eligible to be counted because the person was registered to vote in another Ohio county but did not vote in that county. Two people voted provisionally because they requested an absentee ballot by mail but then changed their mind and decided to vote on Election Day. Neither of those voters returned their absentee ballot. Two voted provisionally because of name changes, while seven voted provisionally because of address changes within the county.

One provisional ballot was not eligible to be counted because the person was not registered to vote anywhere in the state of Ohio. However, they will become registered after this election.

Motion to count the 16 eligible provisional ballots and to reject the one ineligible provisional ballot was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.

Mr. Ferrell asked if there was a motion to go into executive session. Ms. James stated she received an email from Jason Hinnars at the prosecutor's office. According to Mr. Hinnars, because the agenda lists three separate reasons for going into executive session, the board must vote to go into executive session three separate times. Mr. Ferrell and Mr. Monaghan commented that we have never done that before. Mr. Smith read the email from Mr. Hinnars, which states, "Because the executive sessions will be for three separate exceptions under the Open Meetings Act, we'll need to enter into each executive session separately by motion then readjourn before going into the next executive session."

Motion to go into executive session for personnel matters was made by Mr. Smith, seconded by Mr. Monaghan. Ms. Grubbe stated the board members had to state the reason for discussing personnel matters. The board members stated they did not. Ms. James took a roll call vote.

Mr. Ferrell- yes

Mr. Monaghan- yes

Mr. Smith- yes

Mr. Krabill- yes.

Motion carried. Board went into executive session at 9:16 a.m.

Motion to leave executive session and return to regular session was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried. Board resumed regular session at 9:46 a.m.

Mr. Ferrell asked if Ms. Grubbe had a question. Ms. Grubbe stated that the Ohio sunshine laws say that you need to give a specific reason for going into executive session. Simply saying "personnel" is not sufficient. Mr. Ferrell responded that if you're talking about a specific individual, it's qualified. Ms. Grubbe responded that the ruling does not say you need to give a person's name, but you do need to give a specific reason. Mr. Ferrell stated that would violate the person's rights. Ms. Grubbe indicated that she disagreed.

Motion to recess was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried. Board recessed at 9:48 a.m. While in recess, board staff opened and scanned eligible absentee and provisional ballots.

Motion to leave recess and return to regular session was made by Mr. Krabill, seconded by Mr. Smith. Motion carried. Board resumed regular session at 3:03 p.m. for the purpose of election certification and the regular monthly meeting. All board members were present except Mr. Ferrell. In addition, the following guests were present: Rachel Ruffer from the SOS office, Jason Hinnars from the prosecutor's office, Jean Anderson, Amy Grubbe, and Debra Nickoloff.

Ms. James stated that she printed copies of the official results for the board members and guests. Turnout this election was very low at 6.79%. As of right now, there are no recounts, but we need to wait to hear from Lorain County, who is the most populous for the 54<sup>th</sup> House District and the 13<sup>th</sup> Senate District. The board members took a few moments to review the results and sign the certification form to send to the SOS office. Motion to certify the results of the election was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

The board members then discussed the post-election audit. As of right now, there is no recount, so per the Election Official Manual, the audit may start six days after the official results are declared and must be complete within 21 days of the declaration. Motion to conduct the audit on Monday, August 22<sup>nd</sup> at 3:00 p.m. was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Per the Secretary of State's office, we must audit at least five percent of the votes cast. In Erie County, five percent is 182.05, which we can round to 183. The board members randomly picked thumb drives from a box to determine which voting machines to audit. The machines picked were the Berlin Heights Municipal Building DS200, the Berlin Township Fire Station DS200, and the Ritter Public Library DS200. Ms. James noted that staff would only audit Republican ballots since those were the only ballots with contested races. In Berlin Heights, there were 17 Republican election day votes cast. In Berlin Township, there were 77 Republican election day votes cast. At Ritter Public Library, there were 102 Republican election day votes cast. This is a total of 196 ballots, which is above the five percent minimum.

Motion to approve the minutes from the August 1<sup>st</sup>/2<sup>nd</sup> board meeting was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Motion to pay the bills was made by Mr. Smith, second by Mr. Krabill. Motion carried.

Ms. James spoke on voting equipment allocation for the November 8<sup>th</sup>, 2022 General Election. She stated staff would like to allocate one DS200 and one Expressvote per polling location. Motion to approve this allocation of equipment was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Next on the agenda was approval of issues for the November election. Ms. James stated she placed a spreadsheet of issues in the board members' folders. The issues in the left column are issues the board has already approved. The issues in the right column are issues the board needs to approve today. If the text is black, that means BOE staff has submitted the paperwork to the SOS office, and the SOS office has approved the ballot language. If the text is red, that means the BOE staff has submitted the paperwork to the SOS office but is waiting on ballot language approval.

Ms. Salyers stated that one issue not on the spreadsheet is the proposed Sandusky City charter amendment. The petitions were filed a day late, but per Mr. Hinnners at the prosecutor's office, we still must check the signatures.

Mr. Hinnners stated that because it's a proposed charter amendment, the usual 90-day period doesn't apply. Instead, it's between 60 and 120 days after the ordinance is passed. It still may appear on the November ballot, but the city would have to pass an ordinance to do so. According to the letter from the city's legal counsel, they found problems with the petitions and likely won't allow the amendment to appear on the ballot.

Ms. Salyers stated that, according to the letter from the city's legal counsel, the petitioners were supposed to place the entire language of what they are attempting to change on the petitions, but they did not.

Mr. Hinnners stated that the language in the statute says, "The signatures shall be reviewed." He stated there is not much discretion there. He also stated that the city would have to pass the ordinance to place the proposed charter amendment on the ballot, and if they choose not to, then that is an issue between the city and the petitioners.

Motion to approve the issues in the right column of the spreadsheet, conditional on the SOS office approving ballot language for the issues in red, was made by Mr. Smith, seconded by Mr. Krabill. Motion carried. The issues approved are as follows:

- Edison Local School District Bond Issue
- Perkins Local School District Renewal Levy
- Sunday sales of wine, mixed beverages, and spirituous liquor by Saucy Brew Works in the precinct Sandusky H
- Sunday sales of wine and mixed beverages by Redhead Ciderhouse in the precinct Berlin Township #2
- Bayview Village Renewal Levy for Fire Protection
- Milan Village Renewal Levy for Current Operating Expenses
- Perkins Township Proposed Resolution for Limited Home Rule

The issues we are still waiting for ballot language approval from the SOS office are the Edison Local School District bond issue, and the two Sunday sales issues.

Ms. Salyers then spoke about consolidating polling locations. She stated she contacted Milan Township and they are all for it. Therefore, we'd like to combine the precincts Milan Township #1 and #2 into one polling location. By combining the two precincts, this would mean there would be eight PEOs at the location instead of four. This would make it easier on the PEOs if someone called off on Election Morning.

Next, Ms. Salyers spoke on the possibility of consolidating polling locations in Margaretta Township. She called Margaretta Township to see if we can place both Margaretta Township #1 and #2 at the township building, but they think there won't be enough room for both precincts. She then contacted Grace Lutheran Church to see if they would be willing to host the two precincts. The person she spoke with is supposed to talk to the pastor and then let us know. Ms. Salyers let them know that if we were to use them, it would only be for two years. After that, the new school for Margaretta should be built, and we can place all precincts in Margaretta Township- #1 through #4- in the gymnasium of the old school.

Ms. Salyers then commented on the Castalia United Church of Christ, which currently hosts the precincts Margaretta Township #3 and #4. She stated that the church has been good to us, but that we're better off eventually moving into public entities, because public entities are not allowed to refuse us. She then asked the board members if they were okay with her plans to consolidate. The board members indicated that was fine.

Ms. Grubbe stated she had a question. Mr. Monaghan told her to go ahead. Ms. Grubbe stated that for this last election, turnout was very light, so when PEOs called off it was okay, because other PEOs at the location could pick up the slack. However, when you've got a fuller election, call-offs could make working more difficult for the remaining PEOs. Mr. Krabill stated that if we are going to consolidate polling locations, that will make handling call-offs easier. Ms. Salyers commented that we also hire and train back-ups to deal with call-offs. Ms. Nickoloff asked if we had considered the logistics of parking with four precincts in one location. Ms. Salyers stated that we had and that Margaretta Schools was fine with that, because they have plenty of parking.

Next on the agenda was a discussion of PEO pay raises. Ms. Salyers stated this was at the discretion of the board, but she needs to know soon because per the EOM, she needs to petition the county commissioners by October 1<sup>st</sup>. Ms. Salyers also reminded the board members of the maximum set forth in the EOM, which is \$133.72. She also stated that the 4.5% and 9% caveats in the EOM do not apply in our situation. Mr. Hinnners confirmed that was correct.

Mr. Monaghan stated that the board would continue to discuss and decide at the next meeting. Ms. Salyers stated that was fine, but again reminded the board members of the October 1<sup>st</sup> deadline.

Mr. Hinners stated that the threshold is \$133.72, but you can pay the PEOs more for training. He stated that each county BOE does it differently, but we must be reasonable. For example, we can't say we're going to pay \$200 an hour for PEO training. Mr. Hinners then asked if the SOS reimburses us for PEO training costs. Ms. Salyers stated that they do not. The only exception is this past election, when grant money from the SOS office covered the entire cost of the election.

Next on the agenda was "any other matters to come before the board." Ms. Salyers stated she had several points she wanted to discuss. First, she mentioned that even though this was a slow election, we still had to send out and receive back just as many supplies from our VLMs. She stated that Tuesday night supply drop off this election was difficult, as clerk Kimberly Barnum was not able to hire as many people to help her. Ms. Salyers stated that if the board members could help with supply drop-off Tuesday night, we could have two lines of cars going and it would be quicker. Mr. Krabill stated he would be happy to help.

Next, Ms. Salyers spoke about PEO training. She stated that for this upcoming election, we are going to require all our PEOs to come in person to train. She stated that some workers, particularly ones who have worked a long time, have only done online training these past few years, and they have forgotten some important points, hence the need to do in person training. Ms. Salyers also invited the board members to sit in on one of each training class: VLM, Signature Judge, Ballot Judge, and Clerk. Ms. Ruffer from the SOS office stated she would like to attend training class as well. Ms. Salyers stated we would let her and the board know when our training schedule is complete. She also stated that we would have evening classes available.

Next, Ms. Salyers spoke on improvements we have made for our PEOs. She stated that after the May election, we invited two VLMs to come in for a meeting, where we discussed how we can improve our processes. For example, the VLM instructions used to be very redundant, but Ms. Salyers has now parred those down. She also made a checklist for how to handle provisional voters, and a grid consisting of common problems a VLM might face on Election Day and how to handle those problems. Another improvement we made is creating a red VLM folder to contain all signed paperwork. The left pocket of the folder is for papers that need to be signed, while the right pocket of the folder is for papers that have already been signed.

Ms. Salyers also spoke on the rolling ballot bags we recently purchased. She stated that the VLMs like the new bags, but they don't like having to bring the bags into their house after they pick up supplies the day before the election. She then asked the board members if it would be okay for the VLMs to leave the ballot bags in the trunks of their cars if it remains secure. Ms. Ruffer stated Ms. Salyers should check with the Elections Division at the SOS office. Ms. Salyers stated she would do that.

Ms. James then spoke about poll pads. She stated she received an email from Knowink about the buyback program for old pads and the possibility to lease new pads. Our current pads will only support one more update, but the SOS office would like our pads to continue having the latest updates for security purposes. There will be a webinar in either late August or early September about the new pads that BOE staff will attend.

Ms. Salyers stated she was in favor of the buyback and lease option. Otherwise, old poll pads would just go to the landfill. She stated that leasing is a good option. Mr. Monaghan compared leasing new poll pads to leasing the copier. Ms. Salyers agreed. She also mentioned that technology is changing all the time.

Mr. Monaghan asked if there was anything else. Ms. Grubbe stated she had several questions. First, she stated she printed the part of the sunshine laws manual that talks about going into executive session and highlighted it. If going into executive session to discuss personnel matters, you must state the reason.

Mr. Hinnners confirmed that the reason does have to be specific. He stated it could either be appointment, reappointment, dismissal, discipline, promotion, demotion, compensation, or investigation. Mr. Monaghan stated we would do that in the future. Mr. Hinnners indicated that the specific purpose should be written in the agenda and spoken out loud in the meeting. Mr. Krabill stated that we already conducted executive session this morning and that we might do another one this afternoon. Mr. Hinnners stated he would identify the purpose of this morning's executive session for clarification purposes. Mr. Smith stated that for purposes of clarification, we went into executive session this morning for employee compensation.

Next, Ms. Grubbe commented that a voter, Karen Walderzak, recently sent an email to her, Mr. Monaghan, and former Ohio Veterans Home employee Naomi Twine. In the email, Ms. Walderzak indicated she spoke with Secretary of State Frank LaRose about the polling location change for OVH residents. Secretary LaRose asked Ms. Walderzak to speak with Aaron Locker, who is a military and veterans outreach coordinator. Mr. Locker stated not having the precinct at the OVH is a violation of the law. Mr. Locker asked Ms. Walderzak to write a formal complaint to him so that they can intervene.

Mr. Krabill stated he had a question for our legal counsel. He stated that the OVH administration requested that we not have a polling location there anymore due to covid. They felt the veterans could largely vote absentee, and we also made a voting location available here in our building. Mr. Krabill asked, "Is the underlying issue that we did not formally change the location from the OVH to here for that precinct? Or is it that the voting location *must* be at the OVH? I don't know which it is. If the OVH's administration says, 'We don't want a voting location here,' which is what they told us, what do we do?"

Ms. Grubbe stated, "That was during covid." Mr. Krabill responded, "I'm addressing our attorney." Mr. Hinnners stated this was the first he's heard of this, so he'll have to research it. Mr. Krabill stated that we were trying to accommodate people. He also reiterated that the OVH administration asked us to not have a polling location there. Mr. Hinnners asked what about for this November? Ms. Salyers stated we hadn't talked to the OVH about November yet. She stated that she used to speak with Ms. Twine about OVH voting, but for August Ms. Link spoke with Kimberly Lewallen at the OVH. Ms. Link did not speak with Ms. Lewallen about whether to have the OVH be a polling location; she simply coordinated with Ms. Lewallen in getting her the absentee paperwork for the residents. Mr. Monaghan suggested coordinating with Ms. Ruffer to see how we should handle this situation. Ms. Salyers stated she would do that.

Motion to go into executive session for the purpose of discussing office security was made by Mr. Smith, seconded by Mr. Krabill. A roll call vote was taken.

Mr. Monaghan- yes  
Mr. Smith- yes  
Mr. Krabill- yes.

Motion carried. Board went into executive session at 3:38 p.m.

Motion to leave executive session and return to regular session was made by Mr. Krabill, seconded by Mr. Smith. Motion carried. Board resumed regular session at 3:47 p.m.

Motion to adjourn was made by Mr. Smith, seconded by Mr. Krabill. Motion carried. Board adjourned at 3:47 p.m.

Lori J. Salyers, Director

Attest:

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Thomas M. Ferrell, Chairman