

The regular meeting of the Erie County Board of Elections was called to order by Chairman Ferrell at 9:00 a.m. on Friday, August 21, 2020.

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

**Guests in attendance: Bob Matney from Netpoint Consulting, Barbara Cicalese from Common Cause, Diane Schaefer, and Amy Grubbe from Erie County Democratic Party**

**Motion to approve the minutes from the previous meeting was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.**

**Motion to pay the bills was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.**

**Ms. Salyers, director, stated that the office had recently started working with Netpoint Consulting and that they had done a very good job. She then turned it over to Bob Matney of Netpoint Consulting.**

**Mr. Matney stated that Netpoint is currently working with four county Boards of Elections, including Erie, on the security directives. There were a few things Netpoint was not happy with because they were not completed correctly, so they are working on shoring those things up. For example, the systems weren't properly hardened using industry standards, so they will work on fixing that.**

**Mr. Matney also stated that the network wasn't properly segmented. The Secretary of State wants to be able to communicate within the BOE office room, but not go into other rooms without passing through a firewall. All mechanisms were in place, but the firewall wasn't doing anything.**

**Mr. Matney then stated he had met with the county IT department to work with them to resolve emails. Currently, emails are not compliant because there is no multi-factor authentication. They will be moving the emails to Microsoft 365.**

**Mr. Matney then stated that the biggest issue was network access. None of the workstations currently have internet access except to do windows updates. He stated that there is a new tool the Secretary of State's office is pushing called endpoint detection and response, and internet is needed for that. Mr. Matney stated that you can never have a 100 percent secure system, and that there will always be some type of vulnerability. However, in his experience with other counties, you can still safely open internet access. He stated that the firewall keeps people from doing what they shouldn't be doing, and that anti-virus software helps with that, too.**

**Mr. Krabill stated that the office is currently in election mode, and that there is no extra time on anyone's hands. He expressed concern with getting things done so that the office didn't have any extra burdens two weeks before the election.**

**Mr. Matney stated that in the Elections Official Manual, it states that there is a "black-out" period, meaning nothing further can be done with the computers starting from 30 days before an election until after the election is certified.**

**Mr. Krabill then expressed the importance of getting all the computer updates done and behind us. He also asked why it would not be simpler to just not have internet access. Mr. Matney replied that in today's day and age, it is almost impossible to do the job without internet access. Mr. Krabill replied that the office had been doing so for quite some time. Mr. Matney stated that that had really hampered the office's productivity. Mr. Krabill stated that he was not arguing that we don't do it, he just wanted to know why internet was needed. Mr. Matney replied that Netpoint does not work for the Secretary of State's office; they work for the Board of Elections, and part of that is giving the Boards the best advice they can.**

Mr. Ferrell then asked Mr. Matney if he had a timeframe in mind for achieving the updates. Mr. Matney replied that their deadlines were set by the SOS office. There are a few things that must be done by the end of this month, but everything must be done by October 2.

Ms. Link, clerk, then gave an update on nursing homes. She stated that Providence, Concord, Admiral's Pointe, and Parkvue are not letting us in. Therefore, we will need to train two employees from each nursing home to help the residents vote. Ms. Link asked about payment. She assumed the day the nursing homes vote the employees will get paid by the actual nursing home, but if they come in to the office for a 30 to 40 minute training class, would it be all right to pay them \$10? Mr. Ferrell stated he thought that would be fine. Ms. Link then gave an update on the other nursing homes in the county. Mill Manor, Vista Care, and the Meadows are letting us in. The OVH is not, and at Kingston in Vermilion, all the residents chose to simply vote by mail.

Ms. Salyers then gave another update on the OVH. She stated that all the residents would be voting absentee, and that the OVH would not open for in-person voting. Mr. Krabill stated that he thought the OVH had to be open for in-person voting. Ms. Salyers asked if Mr. Krabill wanted her to call the OVH to tell them that, or if he wanted to do that. Mr. Krabill suggested Ms. Salyers check with the SOS office to make sure, and then follow up with the OVH. Ms. Salyers stated that Naomi Twine of the OVH stated that they were not letting residents out of their rooms, which is why they didn't want to do in-person voting. Ms. Link stated that if none of the residents wanted to vote in-person, then maybe this wouldn't be an issue. Mr. Krabill asked if we could define in-person voting more loosely, and just have workers go from room to room, asking residents if they wanted to vote. Ms. Salyers stated that she suggested to Ms. Twine moving the OVH precinct to the basement of the County Services Center, but Ms. Twine didn't want to do that, either.

Ms. James, Deputy Director, asked if a motion was needed for paying the nursing home employees coming in for training. Motion to pay the nursing home employees \$10 for training was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Salyers stated that another issue was with the pay rates for other workers. She had a sheet saying that the rate of pay for some workers was \$8.55 an hour, which she believes is below minimum wage. Mr. Monaghan asked if the pay was increased if that could be paid for with CARES money. Ms. Salyers stated no because it was not covid-related. Mr. Krabill stated that he thought we already increased the pay. Motion to make the pay for workers \$10 an hour if it wasn't already was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

Next, Ms. Salyers stated that BGSU Firelands was reluctant to let us back in to use as a polling location. Previously, the precincts housed there (Huron Twp 1 and 2) had been housed at the Huron Township building; they were only moved to Firelands because the township building was undergoing renovations. However, the renovations are now complete. Ms. Salyers stated that she called the township building to ask if we could move back there, and they said sure. Motion to move Huron Township 1 and 2 back to the Huron Township Building and send out permanent change of polling location postcards was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Salyers then stated that she wanted to move Vermilion 3-A and 3-B to Vermilion High School. Previously they were scheduled to be at Ritter Public Library, but there isn't enough room there, and none of the Vermilion churches want to let us in. Mr. Smith expressed his concerns about school being in session. Ms. Salyers stated that they were scheduled to go back to school November 3, but that their secretary there stated she doubted very much that they would be back then. Mr. Smith stated that he was okay with it for this election, but he wanted to revisit it afterwards. Ms. Salyers asked if he wanted us to send out cards saying the high school is a temporary change. Mr. Krabill stated that he wouldn't do that. He would send out cards that say it is a permanent location, and then we could change it later if needed. Mr. Krabill asked Mr. Smith why going to the schools would be a problem. Mr. Smith replied that we got out of schools for a reason, and that was security issues. Mr. Krabill stated that that was their issue, not ours. Mr. Krabill stated that the key to going into schools was finding a room that was somewhat separate from the rest of the activities in the schools.

Ms. Salyers then asked if, just for this election, board staff had the authority to move any other locations in case another location kicked us out. Mr. Smith stated that he wanted to make sure that on Election Day, signs would be posted on the old polling locations to remind people where the new locations were. Ms. Salyers stated that there would be and stated that post cards would go out to all voters who were affected by the changes. Motion to approve the moving of Vermilion 3-A and 3-B to the high school, and to move any other locations if necessary, whether they are churches are not, was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried. Ms. James asked for clarification if the Vermilion move would be listed as permanent or temporary on the postcards. Mr. Krabill stated this his assumption was permanent.

Next, Ms. Salyers stated that the auditor's office needed a new policy from the board related to over-time. Using guidance from Directive 2020-11, Ms. Salyers wrote up the following changes:

**“Overtime during the CARES Act Grant General Election 11-3-2020**

For preparation for the General Election of 11/3/2020 extra part time staff and overtime for full time staff may be paid out of the CARES Act Funds according to Directive 2020-11, Page 6, Section B. Staff: Boards of elections will see high voter turnout this November. Boards must prioritize CARES Act funds to ensure that each board of elections maintains an adequate amount of staff, including temporary staff, to administer the November 3, 2020 General Election, including the early voting period. Boards must prepare to hire additional staff to account for significant increases in absentee voting, voter turnout, questions from voters, early in-person voting, social distancing and cleaning protocols, and voter registration. Boards must take into consideration the amount of staff the board require to successfully administer an election under normal circumstances and account for higher voter turnout, higher percentage of absentee ballots, and additional social distancing and cleaning protocols that will require more staffing for compliance. Boards may utilize CARES Act funds to pay existing staff overtime for the completion of duties related to the pandemic that are outside the normal scope of business.

Based on an 8 hour day anything over 8 hours will be considered over time and paid at a rate of 1 ½ times the hourly rate of wages until October 6, 2020 when overtime will then be remunerated in the form of compensatory time at a rate of 1 ½ times the amount of time worked.”

Motion to approve the written policy change was made by Mr. Krabill, seconded by Mr. Monaghan. Ms. James asked if it could be retroactive until August 1. Mr. Krabill amended his motion to make it retroactive to August 1, and Mr. Monaghan seconded. Motion carried.

Next, Ms. Salyers stated that she had included in the board members' packets the list of issues and candidates that would be on the November ballot. Mr. Smith asked if this list went out somewhere, and Ms. Salyers stated it would be on the internet. Mr. Smith stated that that was fine, but there were party designations next to the judges' names, and they needed to be removed, because they are non-partisan races. Ms. Salyers stated that she would do that. The board then took a few minutes to review the other issues and candidates.

Motion to approve the candidates but to remove the party designation from the judges was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

**Roll Call:**

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

**Motion to approve the issues listed but to remove the redundancies of having San F and San G listed twice on Issues 1 through 5 was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.**

**Roll Call:**

**Mr. Ferrell- yes  
Mr. Monaghan- yes  
Mr. Smith- yes  
Mr. Krabill- yes.**

**Next, Ms. Salyers gave an update on Janotta and Herner. She stated that we were supposed to get three quotes for constructing the security improvements to the office, but that we were only able to get two: one from Janotta and Herner and one from Lew Construction. However, Lew Constructions did not give a dollar amount. The bid for Janotta and Herner was \$7,900. Mr. Krabill stated he thought that was a pretty good price. Mr. Krabill stated that just to be clear, it would not be paid for from local funds, but would be paid for with grant money. Ms. Salyers confirmed, and stated it would be paid for with HAVA grant money.**

**Mr. Smith stated that there were some questions for Gary Weilnau in facilities before voting on the quote. First, do we have three quotes. Second, is there a certain date to submit quotes by. Third, if the dates come past and we only have one quote, is that okay? Motion to go into recess while Ms. Salyers asked Mr. Weilnau these questions was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried. Board recessed at 9:53 a.m.**

**The board went back into session at 10:05 a.m. Ms. Salyers stated that she did not have answers because Mr. Weilnau was not in, but she left him a message. Motion to approve the quote from Janotta and Herner if there are no other quotes and if the quote period has passed was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.**

**Mr. Ferrell then asked if there were any questions from the floor, and Ms. Grubbe stated that she had several. First, she asked if the website could be updated to reflect the hours the dropbox would be open. Ms. James stated that she updated the website yesterday to say that the dropbox would be available 24/7 until November 13. Ms. Grubbe then stated that the dropbox was in a difficult location for those who have trouble walking or breathing.**

**Next, Ms. Grubbe asked who could drop off completed ballots for voters. Ms. Link stated that the EOM states it must be the voter or a family member. Ms. James confirmed that was true but stated that we had no way of knowing if someone dropping off someone else's ballot really was a family member, and that we don't card people. Ms. Grubbe stated she was asking because a lot of people were asking about dropping off ballots for other people. Mr. Smith stated that the board cannot give legal advice. He stated that if people asked, we just had to refer them to the directive from the Secretary of State.**

**Next, Ms. Grubbe stated that she wanted clarification on poll workers. She stated that she received from Ms. James a list of confirmed poll workers so far, but she wanted to know that, if we are receiving undecided people who want to work the polls, if we are using them as a last resort, and using the Republicans and Democrats first.**

**Mr. Ferrell stated that we try to get R's and D's. Ms. Link stated that from her experience, she hired unaffiliated after she went through all her normal people. Ms. Grubbe stated that's what I'm asking, and that she was just confirming that we are using party affiliated people first.**

**Ms. James stated that she already received one call from an unaffiliated person. He was enthusiastic and wanted to work, and she wasn't going to turn him away, so she hired him. Ms. Salyers confirmed what Ms. James said, and stated that she had already hired one unaffiliated person as well. Mr. Krabill stated correct me if I'm wrong, but of the four workers at a precinct, only two must be party affiliated- one R and one D. The other two can be unaffiliated. Ms. Salyers stated that that was correct.**

Mr. Krabill then stated that potentially, half of our workers could be unaffiliated. Ms. Grubbe stated that she realized that, but she wanted to make sure the Board is using R's and D's first. Ms. Salyers stated that she can't say that. Mr. Smith stated he didn't think it would be appropriate to tell an unaffiliated person they can't work if they call and volunteer. Ms. Grubbe stated that they're not volunteering; they're working.

Mr. Krabill stated that we need to get prepared with poll workers as quickly and as early as possible. If you know you already have an R and a D at a precinct, you can fill the other spots with an unaffiliated. Ms. Salyers stated yes, and that she is not waiting. She also stated that we're going to be training extra people. Mr. Krabill stated I think that's appropriate. You have the partisan balance that you need. Beyond that you need bodies.

Next, Ms. Grubbe asked if the office had been in contact with the local post offices in preparation for the election. Ms. Salyers stated that she had a post office liaison in Cleveland that she talks to, and that she would also be in contact with the Sandusky Postmaster.

Then, Ms. Grubbe asked about masks for the upcoming election. Ms. Salyers stated masks would be available for all poll workers and for people coming in to vote if they don't have one. However, we cannot force people to wear a mask to vote. Ms. Salyers also stated that we have hand sanitizer and gloves, and we are in the process of securing face shields. We also have Clorox wipes and alcohol wipes.

Ms. Salyers then stated that, regarding the dropbox, Directive 2020-16 prohibits Boards of Elections from adding anymore dropboxes. Ms. Cigelese asked why that was the case. Ms. Salyers stated that she wasn't sure, but that the SOS had solicited an opinion from the Attorney General. She also stated that the SOS office was asking about having every mailbox be considered a dropbox. This way, voters could drop their ballot in a mailbox without a stamp, and it could still get to the Board of Elections.

Mr. Ferrell then stated that he had been in touch with Mr. Weilnau and he stated that there were no other quotes, so it was okay to go with Janotta and Herner.

Next, Ms. Schaefer stated that she understood the directive stating that there can only be one dropbox per county, but that she had a concern about senior citizens with breathing problems. She then asked the board to consider having a drive-up dropbox to eliminate those problems. Mr. Ferrell responded that we had followed what the Secretary of State told us to do. Ms. Schaefer suggested that the board could go a little bit further. Mr. Ferrell stated that the post office would not sell old mailboxes anymore, and that it wasn't in the budget. Ms. Grubbe responded it could be paid for with CARES money.

Mr. Krabill stated that even if we could find a box and install it, we would then have to get cameras and surveillance for it. Ms. Grubbe again responded that that could come out of CARES. Mr. Krabill stated that we as a board function under the statutes of the state of Ohio and the Secretary of State. We also provide ADA accessibility to the dropbox. We are within the law and the statutes. Ms. Schaeffer responded that there is a fine line between being within the law and doing what's best for your constituents.

Mr. Ferrell stated that there is a fine line of living within your budget. Ms. Schaefer stated that you can use CARES money or ask the county for help. Ms. Ferrell responded that the county likely wouldn't help us. We got our budget cut, staff participated in furlough, and next year will likely be even worse.

Mr. Krabill stated that he understands Ms. Schaefer's point of view, and he respects it. However, he thinks we have done an admirable job of getting a dropbox out there. It wasn't convenient down on the ground, so we got it raised. The county didn't want 24/7 access, but now we have it. We fought all these battles to get where we are, and we are now completely compliant.

Mr. Krabill stated that we had a conversation about getting a dropbox downtown, or getting a dropbox on the east end of the county, but that would be a logistical nightmare because you have to have a Republican and a Democrat check it every day. Mr. Krabill also pointed out that we're not picky about who drops off the ballot.

**Mr. Monaghan stated that there are drive-up mailboxes at the post office, and people can use those as drive-up dropboxes. Also, the postmaster has been very accommodating. Ms. Schaefer responded that we don't know what will happen with the post office. Mr. Monaghan responded that people can still drop off their ballots at the Sandusky Post Office's drive-up mailbox, and that's basically the same thing as having a drive-up box at the Board of Elections office.**

**Motion to adjourn was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried. Board adjourned at 10:30 a.m.**

**Lori J. Salyers, Director**

**Attest:**

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**Thomas M. Ferrell, Chairman**