

The regular monthly meeting of the Erie County Board of Elections was called to order by board member William Monaghan at 9:00 a.m. on Friday, September 24th, 2021.

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: Rachel Mullen from SOS office, Amy Grubbe, and Diane Schaefer

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

Motion to approve the minutes from the August 31st meeting was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Next on the agenda was the allocation of equipment for the November 2nd, 2021 General Election. Adrienne James, Deputy Director, explained that we would need one DS200 per polling location, and one Expressvote per polling location. Motion to approve this allocation of equipment was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Lori Salyers, Director, then gave some updates on what was happening in the office. We removed the early voting laptops and installed the topaz signature pads for early voting. Both of those actions should speed up the early voting process. Ms. Salyers also stated that we did logic and accuracy testing on our voting equipment earlier this week, and all the numbers came out perfectly. We also posted notice of and performed our public test, and all the numbers came out correctly for that, as well.

Eliza Link, Clerk, informed the board members that Robin Aston, candidate for Vermilion School Board, withdrew her candidacy. We will post notice of that in all the polling locations where people vote for Vermilion School Board. We will also include a notice in all absentee ballots mailed out for people who live in the Vermilion School District. Ms. Salyers stated that she informed Dave Stambol in Lorain County of Ms. Aston's withdrawal, and she also informed the Secretary of State's Office.

Next, Ms. Salyers talked about the possibility of buying office supplies from Sam's Club. She stated that typically, we order supplies from either OSupplies or Seagate. However, she has found that some supplies are much cheaper at Sam's Club. For example, a stenopad from our usual vendor costs about \$6.00. However, she can order a pack of 12 stenopads from Sam's for the same price. Ms. Salyers asked if she should obtain prior authorization from the board, and then get reimbursed.

Mr. Smith asked where we ever got with the office credit card issue. Ms. Salyers responded that we didn't get anywhere with it. Ms. Salyers also stated that the previous director always bought water for the poll workers for the training classes. Would it be all right for her to purchase the water at Sam's and then get reimbursed?

Mr. Krabill replied that's your call if you want to do it. He thinks it's reimbursable, because it's a legitimate expense of operating. Also, anytime you can save money, it's a good thing. Mr. Monaghan asked what we do on Election Day for the precincts regarding water. Mr. Krabill stated that typically the poll workers bring their own food and beverages. Ms. Salyers stated that buying water for Election Day wouldn't cost much; however, it would be one more thing for the head VLMs to lug around.

Mr. Krabill told Ms. Salyers that when she does purchase supplies for the office at Sam's Club to put them on a separate receipt from her personal purchases. Ms. Salyers stated she would do that. She also asked if there needed to be a motion regarding Sam's Club purchases. Mr. Monaghan stated he didn't think so.

Next, Ms. James gave an update on an alleged campaign finance violation on Kelleys Island. An anonymous person stated that about two years ago, some council members on Kelleys Island wrote a letter to the registered voters there, urging them to vote a certain way on an issue. The anonymous person was concerned, because the letter did not say who paid for it, and the council members did not file campaign finance reports. The board had asked Ms. James to contact the SOS office regarding this issue. The legal department at the SOS office stated that the anonymous individual would need to contact the Ohio Elections Commission if they wanted to launch a complaint. The legal department also stated that if the board has any questions or wishes to pursue this issue further, they would need to consult with the county prosecuting attorney. The board members decided that they did not wish to pursue the issue further.

Next on the agenda was discussion of a Vermilion polling location. There were some complaints about the Vermilion Veterans Field House as a polling location, so Ms. Salyers checked with the Vermilion mayor to see if we could use the Vermilion fire station instead. The mayor agreed that the Field House was not the best location, and asked if we could go to Vermilion High School, instead. Ms. Salyers stated that we were already there once, and they wanted us out, and that's why we moved to the Field House. The mayor stated he would need to check into a few things, and then get back to her. Mr. Krabill stated that we were getting down to the wire. Ms. Salyers stated that it was too late for this election, and that this election we would remain at the Field House. The fire station, if we can use it, would be the location for May 2022.

Ms. Salyers then spoke about Acrobat Adobe reader. We sometimes receive forms from the SOS office to fill out, but we get error messages because we do not have the latest version that the SOS has. The updated version would be about \$400 per computer, and we have five computers. Mr. Smith asked if we have talked to Tim in I.T. about this. Ms. Salyers responded no, because he's not our I.T. person anymore; Netpoint is. Ms. Salyers also stated that we need to go into these PDFs and fill in the blanks, but we can't do that.

Mr. Monaghan asked if we should call the SOS office and see if they can foot the bill. Mr. Krabill asked if this was regarding fillable PDFs. Ms. Salyers confirmed that it was, and stated that sometimes we can't even open the PDFs. Mr. Krabill stated he would contact the SOS office to make sure they are aware of the issue. Mr. Smith asked what the government price was on the newest version of Acrobat Adobe reader. Ms. Salyers stated she was not sure. Mr. Monaghan asked Ms. Mullen if she could check with the SOS office. Ms. Mullen stated she was sending an email to the SOS office right now regarding this issue.

Mr. Smith stated that for the Supreme Court of Ohio, some forms are in both PDF format and Word format. He questioned if the SOS office could do that as well. Mr. Krabill stated that the security problem with that is that in a Word document, anything can be changed. With a fillable PDF, though, you can only change so much. He also stated that when he was a school board member, computer software was cheap, because the software companies wanted the schools to be using their products. He stated that there might be a government discount available, and that it was worth checking into. Ms. Salyers stated she could do that.

Next, Ms. James spoke on the tentative board meeting schedule for next year. She stated that Alicia from the third floor wanted a schedule so she could reserve the rooms. Ms. James stated that each board member had a tentative schedule in their folders, and that the meetings highlighted in yellow would only occur if there was an August special election. Ms. James then asked the board members if there were any dates on there that they absolutely could not make. The board members agreed that the schedule looked fine. Motion to adopt the schedule was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Ms. Salyers then asked a question regarding an unaffiliated person who wants to be a poll worker. She moved here from Tennessee late last year and registered to vote, but because she moved here after the primary, she is not currently declared. However, she really wants to work the polls. If she were to verbally declare as either a Democrat or a Republican, could we use her?

Mr. Monaghan stated to make sure you have contacted all the D's and R's first. Ms. Salyers stated she had four open spots, while Ms. James stated she had two. Mr. Krabill stated he thinks it's great if this person wants to work. We need more people like her. He said to take help where it's offered.

Ms. Grubbe then stated that she and a friend haven't received any phone calls to work, but both are willing. Ms. Grubbe also stated she had a question about the dropbox. Are the board members going to go upstairs to talk with the commissioners about placing the box?

Mr. Monaghan reminded Ms. Grubbe that at the last meeting, there was a motion to hire outside counsel regarding the dropbox, but it didn't receive a second. Ms. Grubbe replied that all you have to do is go upstairs.

Ms. Salyers stated that she spoke with Gery Gross of the prosecutor's office earlier this week. He is going to talk to the commissioners and let her know what happens. She is just waiting to hear from him. He has been very busy lately, and was unable to attend today's meeting. Mr. Krabill stated, so we are reaching out to the commissioners; we are just doing it through the prosecutor's office.

Ms. Salyers then stated that she composed a letter to the commissioners, and asked the board members if they would sign it. The letter is as follows:

“Dear Gentlemen,

The Erie County Board of Elections is currently in possession of a drop box that needs to be located outside of our office for afterhours drop off of documents for the office such as ballots, registrations, and applications for absentee ballots.

I have forwarded the findings of the ADA specialist from the Secretary of State's office, Brett Harbage, who determined in his findings that the north side of the building is best suited for this drop box as it meets all the ADA requirements within the law. It also has a limited amount of traffic so it is safer for individuals wishing to utilize the drop box at their convenience.

The cost to place this drop box at the north end of the building is the most cost effective compared to the east or south sides of the building for surveillance purposes.

The placement of the drop box at the north side of the building will allow us to use HAVA funds to pay for the drop box. If placed at any other location, funds will have to be reimbursed from the general fund of the county and subsequently returned to the Secretary of State's office because the box will no longer be ADA compliant.

The Board would appreciate your immediate consideration in this matter so that we can place the drop box immediately outside and the building can once again be locked and not left open to the current drop box located in the foyer of this building for this and future elections held in Erie County.”

Ms. Salyers stated that she had signed it, and the board members can, too. Then, she will hand deliver it to the commissioners. Mr. Monaghan stated that sounds like a great idea. Mr. Krabill stated that he wants to get the box installed, but he thinks the letter is a short road to nowhere. Ms. Grubbe stated that nobody has gone up to the commissioners' meeting, and that is what they've asked for. She stated, "You need to put your egos aside and go up there and talk to them." Mr. Monaghan stated, "Amy, you've made your point. I think we all need to sign this letter." Mr. Smith stated, "I didn't write that letter. I'm not signing it today." He did, however, say he would review it.

Mr. Krabill stated that we have been down this path. He has talked to the commissioners personally. It's not for a lack of effort on his part. We have received counsel from the SOS office, and that information has been forwarded to the commissioners. The commissioners' opinion has not changed. We are not the owners of this property. The commissioners are. They make the call on this.

Mr. Monaghan replied that this building is in the county commissioners' name, but it's owned by everyone in Erie County. He stated we risk people not being able to vote because the commissioners are not letting us put the box where it needs to go. Mr. Monaghan also stated that he hasn't heard a good reason why they wouldn't let us put the box where we want it.

Mr. Smith stated he felt ambushed by Ms. Salyers' letter. He also stated that at the last meeting, he thought we decided to talk to the commissioners about making the east side where they want the box ADA compliant. He stated he doesn't have a problem with the east side; it just needs to be made accessible. There are options; let's explore them.

Ms. Salyers stated she did not write the letter to ambush anyone. Mr. Smith stated it would have been nice to know about the letter beforehand. Ms. Salyers replied that she wrote the letter because someone informed her that the commissioners stated they were never officially asked about the placement of the dropbox. She considers this letter to be an official ask. She did not write the letter to ambush anyone or usurp anyone's power.

Ms. Link suggested that the letter could be revised to ask the commissioners if they are willing to make the east side ADA compliant. Mr. Monaghan suggested that Ms. Salyers send the letter upstairs to the commissioners, but without the board members' signatures. Ms. Salyers replied that she did not want to do anything without the board's okay.

Mr. Monaghan asked if there was a "nay" on Ms. Salyers sending the letter to the commissioners. Mr. Smith replied, "As it's currently written, yes." He wants the opportunity to review it first, and then make any changes he thinks are necessary. Mr. Smith also stated that we need to speak in a unified voice, and right now, we're not. Mr. Monaghan replied that he wants every elector in Erie County to have the opportunity to vote, whether they have a disability or not.

Mr. Smith asked, "Are you opposed to the east side if it's made ADA compliant?" Ms. Salyers stated she was not. Mr. Smith then stated that we need to explore that option. Mr. Monaghan replied that we are getting to kickoff in about a week. Mr. Smith said he was talking about for the May 2022 election.

Mr. Krabill stated he did not anticipate any of this coming back up again. He thought we were leaving it in the hands of the commissioners to decide. Ms. Salyers asked, "So what do you want us to do?" Mr. Krabill replied, "Hand the situation over to the commissioners and let them install it where they will." Ms. Link asked, "Even if it's not ADA compliant?" Mr. Monaghan remarked that you don't want to install it somewhere where it's not ADA compliant. Mr. Krabill's response was, "Then we're on the other side between a rock and a hard place with the SOS office."

Ms. Grubbe stated, "This board is not the first board that has had any type of conflict or personality difference with the county commissioners. And they've gone up and talked to them so they could get things done. You guys haven't done everything. You have not gone up and been to one of their meetings. You haven't sent a letter with one of your signatures on it. You've just been kicking this down the road."

Mr. Monaghan responded, "Amy, we've already gone through this. Do you have anything else other than the dropbox? Diane, do you have anything?" Ms. Schaefer replied, "Not other than the dropbox."

Mr. Krabill then asked Ms. Mullen if she could ask Columbus what their recommendation is. We need direction. On the one hand, the SOS office says we are out of compliance with the box we currently have. So now we must place a new box somewhere else, and we have elected officials saying they're going to decide where the new box goes. Mr. Krabill also asked Ms. Mullen that the reply from Columbus not be, "Talk to your local prosecutor."

Mr. Monaghan then asked the board if they wanted to go into executive session. Mr. Krabill made the motion to go into executive session to discuss personnel, employee benefits, and pay. Mr. Smith seconded the motion. A roll call vote was taken.

Mr. Monaghan- yes

Mr. Smith- yes

Mr. Krabill- yes.

Motion carried. Board went into executive session at 9:32 a.m.

Motion to return to regular session was made by Mr. Krabill, seconded by Mr. Smith.

Motion carried. Board returned to regular session at 9:44 a.m.

Mr. Smith stated that based on our discussion in executive session, he would make a motion to sign a letter to Erie County Auditor Rick Jeffrey regarding vacation time. The letter is as follows:

"Dear Auditor Richard Jeffrey,

This letter is to inform you that the Erie County Board of Elections will not be following the guidelines set forth in the Erie County Personnel Policies County Commissioners' Department Handbook on Page 49 under Benefits:Vacation with Pay, beginning on page 48. The policy reads that an accumulation of vacation time cannot be carried over or paid out.

Due to the nature of the business of the Board of Elections there are times when this policy is not feasible to our department and therefore the Board will permit the accumulation of vacation time beyond the guidelines set forth by the County Commissioners. The employees will attempt to use vacation when at all possible.

Please make note of this so employees of the Board of Elections will not show a loss of vacation time in the future under these circumstances.

Thank you for your time and attention in this matter.

Sincerely,
Erie County Board of Elections"

Mr. Krabill seconded the motion. Motion carried.

Mr. Smith stated that for the second motion, they have had the opportunity to review pay, specifically for Clerk Eliza Link. We have also looked at our budget. Mr. Smith made a motion that starting with the first possible pay period from today's date, we increase Ms. Link's pay from \$16.06 an hour to \$18.18 an hour. Mr. Krabill seconded the motion. Motion carried.

Mr. Smith stated that additionally, in the form of a motion, the board directs Ms. Salyers to work with human resources to create a policy regarding step increases in pay for employees based on longevity and job duties. Mr. Krabill stated he would add to the motion to include in our policy about step raises that we continue with the probationary period for new employees. Mr. Krabill asked Mr. Smith if he accepted that addition to the motion. Mr. Smith stated he did. Mr. Krabill then seconded the motion. Motion carried.

Mr. Monaghan then asked if there was anything else. Ms. Salyers stated that she just wanted to say on the record that she is sorry if anything she did in the letter to the commissioners offended the board members. That was not her intent.

Motion to adjourn was made by Mr. Smith, seconded by Mr. Krabill. Motion carried. Board adjourned at 9:47 a.m.

Lori J. Salyers, Director

Attest:

Thomas M. Ferrell, Chairman