

The regular monthly meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Thursday, October 20th, 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	came in late but present

Guests in attendance: Jason Hinnners from Prosecutor’s Office

Motion to approve the minutes from the September 23rd and October 11th meetings was made by Mr. Monaghan, seconded by Mr. Smith. Motion carried.

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

Adrienne James, Deputy Director, gave an update on early and absentee voting. She stated it has been very busy but that is good because it will lessen the burden on our poll workers on Election Day. So far, we have had 1,106 people vote early, in-person. We have mailed 6,204 ballots and have received 1,290 of them back. We have processed 33 hand-carries. We have 114 nursing home applications, and our bipartisan nursing home team will be going out next week to assist those voters. We have also sent 33 UOCAVA ballots for voters who are in the military or living overseas. Ms. James stated she and Ms. Salyers would start scanning but not tabulating the mail-in ballots this weekend. She also stated that they performed the public test earlier this week and the numbers came out perfectly.

Jason Hinnners from the Erie County Prosecutor’s Office spoke on the proposed Sandusky City Charter Amendment. He stated that the issue went to the Ohio Supreme Court, who ordered a limited writ. The limited writ ordered the city to provide an ordinance to the Board of Elections to put the issue on the ballot. The city filed a motion for reconsideration and the citizens group wanting the charter amendment filed a response. At this point, we’re just waiting for a ruling. Mr. Hinnners also stated that the Board of Elections reviewed the signatures on the petitions in August and let the city know how many valid signatures there are. Now we must wait for the city to provide the ordinance telling us to place the issue on the ballot.

Lori Salyers, Director, stated that once the city provides us with the ordinance, we have 60 to 120 days to hold the election. She stated that staff was thinking about holding the election on February 7th. Mr. Smith stated that since the issue is tied up, the election might get pushed back. He then asked when the primary would be next year. Ms. Salyers stated it would be in May, but we don’t know if Erie County will have a primary.

Next, Ms. James stated that the Board of Elections received a letter from Huron City regarding the annexation of Sawmill Creek Resort. Mr. Hinnners stated that the city is annexing Sawmill Creek and the golf course from the township. They were required by statute to inform the BOE after they approved the annexation, which will become effective November 10th. However, there are no houses included in the annexation, so no voters will be impacted.

Next on the agenda was “any other matters to come before the board.” Ms. Salyers stated that Keith Cunningham from Knowink gave her quotes on buying versus leasing new iPads, with leasing being a little less expensive. She has some additional questions for Mr. Cunningham but hasn’t been able to get ahold of him yet. Knowink is offering to buy back the old iPads for \$13 apiece, but Ms. Salyers thinks we can do better than that. She proposed placing the old iPads on GovDeals and starting the bidding at \$20 apiece. Mr. Krabill thought we “couldn’t do any worse” than the \$13 apiece Knowink is proposing.

Ms. Salyers also informed the board members that a voter fell in the early voting area this week, and that she completed an accident report for a non-employee with HR. She also stated that UPS delivered our election day ballots.

Next, Mr. Krabill commented on the recent conversations he had with the county commissioners, county administrator Hank Solowiej, and HR. In addition to discussing paying out Ms. Salyers' comp time, they discussed the Board of Elections moving to the county budget policies and the county HR policies.

Mr. Krabill stated he was a little unclear on the county's policy on comp time, so he spoke with Matt Wilson in HR. Mr. Krabill's understanding is that the county's policy is you can accrue up to 120 hours of comp time and you must use it within 120 days. After that, the comp time starts to roll off. Mr. Krabill asked Mr. Wilson if that applied to all four positions (the Director, Deputy Director, and the two clerks). Mr. Wilson stated he believes it does.

Ms. Salyers stated she has no skin in this game because she is retiring soon, but urged the board to think very carefully. She reminded them that if Sandusky City has an election in February, we will have had four elections in nine months. There is no way for us to use up our comp time due to these back-to-back elections.

Mr. Smith stated that Sue Brown, formerly of the prosecutor's office, said that the county's position is that the Director and Deputy Director would not be entitled to comp time, if not for the resolution that the Board of Elections passed in 2009. Mr. Hinnners stated that the Director and Deputy Director are exempt. You can still grant them comp time; you just aren't required to.

Mr. Krabill stated that Mr. Wilson is making the distinction between classified and non-classified. Mr. Krabill then stated Mr. Wilson's position as of this morning is that all four BOE positions (Director, Deputy Director, and two clerks) are the same regarding comp time. Mr. Krabill also stated he thinks the commissioners will not proceed with Ms. Salyers' payout until we get this settled. Next, Mr. Krabill stated that Mr. Wilson completed a study on salary adjustments for the Director and Deputy Director position and gave it to Mr. Solowiej. Mr. Krabill said he would obtain the study from Mr. Solowiej after the meeting and give it to the other board members.

Ms. Salyers stated she knows how hard the BOE employees work and the hours they put in. She thinks the board will have a tough time keeping people in these positions.

Mr. Hinnners stated that if an employee is non-exempt and we provide them comp time in lieu of overtime, but they are over the 120 hours and over 120 days pass, then they must be paid out. He stated this comes from the Fair Labor Standards Act. Mr. Ferrell asked what if you don't have the money for paying overtime in your budget. Mr. Hinnners indicated that was a discussion to be had, but from a legal perspective they must be paid.

Mr. Krabill stated that Mr. Wilson said that after 120 hours of comp and 120 days the comp time starts to roll off. However, Mr. Hinnners is saying that in that situation, the employees must be paid. He thinks that legal counsel and HR need to have a conversation. Mr. Ferrell stated we will need to adjust our budget to reflect what this will cost us. Mr. Smith stated he thinks we are getting closer to solving this issue. Mr. Krabill stated he agreed, because there was a time when we weren't even talking with the commissioners.

Mr. Ferrell stated we need some notification in writing from the commissioners regarding PEO pay. The only communication we have from them is that they disapproved of us raising PEO pay, but the legal department at the SOS office said we don't need their permission. Ms. Salyers asked the board if there was something else they wanted her to write to the commissioners regarding the proposed pay increase for PEOs. The board members stated no. Mr. Smith stated to put the proposed pay increase for PEOs in next year's budget. Mr. Krabill stated that the letter Ms. Salyers originally wrote was simply a notification to the commissioners, and they got ahead of themselves by voting it down. Mr. Ferrell again stated that the commissioners should rectify that mistake in writing to the board.

Next, Mr. Krabill discussed what the board would do regarding advertising an open position. Mr. Smith stated it is not an open position; it is a new position. Mr. Krabill agreed and said it was a temporary new position. Mr. Smith stated it would end February 28th. Mr. Smith also noted that Ms. Salyers suggested hiring two new clerks but stated he doesn't think that is in our budget.

Mr. Krabill stated that what is immediately before us is Ms. Salyers' resignation, effective February 28th. Mr. Smith stated we can bring someone in to start learning, and Mr. Krabill added that the commissioners are willing to pay for it. Mr. Ferrell commented that we have two candidates in the office already. Mr. Smith reminded Mr. Ferrell that at the reorganization meeting anything can happen. Mr. Ferrell stated that the reorganization is not until March. What happens before then? Mr. Smith stated that the person coming in would just be a clerk. He also said that there are no guarantees. The person coming in might be here a week and hate this place.

Mr. Monaghan asked if we would bring this person in as a clerk or as a potential director. Mr. Smith responded "potential anything." He also stated that anyone is a potential director come March 1st. He stated that we know we're losing the Director, who is a Republican. That is a fact. We also know we'll need a new person in the office who is a Republican. The new position Mr. Smith and Mr. Krabill are proposing would be a new Republican clerk spot from December 1st to February 28th.

Mr. Ferrell commented that then the office would have an unequal number of Republicans and Democrats. Mr. Smith stated the other option is to do nothing and then we have a person come in with no experience after Ms. Salyers leaves. Ms. Salyers asked the board to please not do that to someone. Mr. Ferrell asked what if we hired another Democrat? How would the Republican board members feel going to their party meetings and telling everyone there were more Democrats than Republican in the office? Ms. Salyers stated she couldn't care less what people's party affiliations are. Mr. Ferrell stated he understands that but that's not the facts of life.

Mr. Monaghan questioned how much we would pay the person in this temporary position. He also commented on the two current clerks being paid an unequal amount. Mr. Smith stated he thought we would rectify that at the beginning of the year. He also stated that he imagines the salary for the temporary position would be similar to other starting salaries of clerks in our office. Mr. Smith then stated he understands the political pressure the Democrats would face but there is a practical reason for hiring for this temporary position. He then asked if it matters if the office is off balance. Ms. Salyers stated she would check with the SOS office and let the board members know.

Mr. Smith then talked about helping with supply drop-off on Election Night. Ms. Salyers stated she bought reflective vests for everyone. She also stated she would like the board members to attend some of our poll worker training sessions and that she would email everyone our training schedule.

Motion to adjourn was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried. Board adjourned at 9:45 a.m.

Lori J. Salyers, Director

Attest:

Thomas M. Ferrell, Chairman