

The pre-election meeting of the Erie County Board of Elections was called to order by Board Member William Monaghan on Monday, November 7<sup>th</sup>, 2022 at 4:07 p.m.

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

Guests in attendance: Rachel Ruffer from SOS office, Jason Hinners from Erie County Prosecutor's office, Andy Ouriel, Caleb Stidham, and Amy Grubbe

Adrienne James, Deputy Director, reviewed numbers for early and absentee voting. She stated that we had 4,712 early, in-person voters. We mailed 6,831 ballots, and of those, we have received back 5,976. We processed 75 hand-carries, and of those, we have received back 62. We processed 102 nursing home applications and have received back 100. We mailed 15 UOCAVA ballots and have received back 14. We emailed 32 UOCAVA ballots and have received back 14. Mr. Monaghan asked how turnout compared to other elections. Ms. James stated that so far, turnout is at about 21 percent.

Next, Ms. James stated the board would need to review overvoted ballots. She started with ballots that were true overvotes. She stated that she and Director Lori Salyers interpreted 22 ballots to be true overvotes. She stated if the board members agreed with their interpretation, they would run those ballots through the high-speed scanner, but set the scanner so that it doesn't count the races that are true overvotes. The board members took a few minutes to review the ballots.

Mr. Smith made a motion that the 22 ballots are true overvotes and to run them through the high-speed scanner with the overvote tabulation on so that the overvoted races do not count. Mr. Monaghan seconded the motion. All board members present voted yes; motion carried.

Ms. James stated that the next category consists of 51 ballots that are not true overvotes. However, the high-speed scanner would not read these ballots due to issues such as hesitation marks, torn ballots, or timing marks. Ms. James and Ms. Salyers remade these ballots and asked the board to review them, which they did.

Mr. Smith stated that after reviewing the ballots, he believes staff remade the ballots as the voters intended, and he moved to accept the staff's revisions. Mr. Krabill seconded. All board members present voted yes; motion carried.

Ms. James stated there was one more ballot for the board to review that she and Ms. Salyers had not remade yet. She stated that earlier today, before we had a part-time employee stationed at the early voting scanner, a voter left their ballot on top of the scanner without feeding it through. The voter colored in the oval for Tim Ryan and colored in the write-in oval and wrote "Tim Ryan." Mr. Smith stated we have had situations like this before. He made a motion for staff to remake the voter's ballot with a vote for Tim Ryan. Mr. Monaghan seconded the motion. All board members present voted yes; motion carried.

Mr. Monaghan mentioned the certificate of appointment for observers and asked if there was anything we needed to do for that. Ms. James stated no. The Board of Elections has already received the certificate via email and knows who to expect. Mr. Monaghan then stated the next item on the agenda is to recess until tomorrow at 7:00 p.m.

Mr. Krabill stated he would like to bring up several administrative matters and said if the board does not act, then the staff will probably miss a paycheck. Mr. Hinners stated before we start, he wants to make sure we're following what the agenda says. He asked if there was a stated purpose that went out, or if this is deemed to be a regular meeting. Ms. James stated it is a pre-election meeting. Mr. Krabill stated it has been scheduled all year.

**Mr. Krabill stated that the payroll budget is short. He also stated that the county auditor has an attorney general's opinion that when money is short, he can't keep advancing money to pay salaries. Therefore, we as a board need to take action, followed by the county commissioners, so that our budget is adjusted and staff can be paid. Mr. Krabill stated that the last pay period of the budget year comes up on the 27<sup>th</sup>, and it covers the period from November 27<sup>th</sup> to December 10<sup>th</sup>.**

**Mr. Monaghan stated that this has happened before, with both our department and others. He said that in the past, the county has moved money around, such as moving money from supplies to payroll.**

**Mr. Krabill stated that he knows money was moved, or is going to be moved, to accommodate a comp time payout. He also stated that from a budgetary standpoint we're short, and payroll won't be issued. He then stated this harkens back to several conversations he and Mr. Ferrell have had with the county commissioners, County Administrator Hank Solowiej, and County HR Director Matt Wilson. They want us to come into alignment with the county budget and county HR policies. Mr. Krabill also indicated there are consequences that flow from that. For example, any shortfall on the comp time payout would be made up by the commissioners.**

**Mr. Monaghan stated that Mr. Krabill is talking about matters that aren't on the agenda. He also stated this is the first time he is hearing about us being short on payroll. He then indicated that in the past, money has been moved around to accommodate shortfalls. Mr. Krabill stated he does not believe the commissioners are willing to do that. Mr. Monaghan stated the commissioners should have said something to us, and again indicated this is the first time he is hearing about this issue. He then asked when the next payroll is.**

**Mr. Smith replied it is his understanding that it is the last pay period of the year that we will have insufficient funds. The period runs from November 27<sup>th</sup> until December 10<sup>th</sup>. He stated we are short by about \$5,400. We need to make a supplemental request to the commissioners soon to have that money approved.**

**Mr. Monaghan asked if we could put that on the agenda for tomorrow. Ms. James indicated that tomorrow would be very busy. She stated that she and Ms. Salyers would be scanning the last of the absentee ballots and then transmitting Election Day results. Mr. Monaghan then suggested holding a special meeting later this week.**

**Mr. Smith asked what our limits are in terms of the agenda and what we can do. Mr. Hinnners stated that if it's a regular meeting, then you technically don't need an agenda, or you can add items to the agenda. However, this meeting is billed as a pre-election meeting. Adding additional items goes beyond the scope of that.**

**Mr. Monaghan again suggested holding another meeting at the end of this week. Mr. Hinnners stated that would be a special meeting and reminded the board that they would need to give sufficient notice to the media and the public. Mr. Smith gave Mr. Hinnners a copy of our 2022 meeting schedule to review. Mr. Hinnners commented that today's meeting is indicated as a pre-election meeting, versus other meetings on the schedule that are indicated as "regular meetings."**

**Mr. Smith asked if we conduct business outside that then what is the issue. Mr. Hinnners replied that there is a notice issue. If you have a special meeting and it has a purpose to it, and then you go to that meeting and add to it, then you've gone beyond the scope of what that meeting is for. Therefore, any motion or resolution the board adopts could technically be challenged.**

**Mr. Monaghan asked if we need to have a meeting to move money around within our budget. Mr. Hinnners stated he did not know. Mr. Krabill commented that it's late enough in the year that much of our budget has already been spent.**

Ms. Salyers stated she had a question. If we call a special meeting, and the special meeting is for, say, budget issues, then can we discuss only that? Or can we have on the agenda “any other new business to come before the board”? Mr. Hinnners replied that for a special meeting, it can only be for the specific purpose indicated.

Mr. Smith motioned to take a five-minute recess. Mr. Krabill seconded the motion. All board members present voted yes; motion carried. Board recessed at 4:44 p.m.

Mr. Smith made a motion to reconvene, with Mr. Krabill seconding. All board members present voted yes; motion carried. Board reconvened at 4:47 p.m.

Mr. Krabill stated he hears what Mr. Hinnners is saying, but this is not a special meeting. It is a regularly scheduled meeting of this board. Mr. Hinnners stated that it shows on our calendar as a pre-election meeting. Mr. Krabill replied that that is the title of the meeting. However, he does not think that moves it into the category of special meeting. Mr. Monaghan stated that Mr. Hinnners is our attorney. He then said, “You’re not our attorney, Jeff.”

Mr. Krabill replied that he does not want to delay these matters any longer. He stated he has been pressing to have these matters dealt with, and it has been a series of delays and non-responses. He knows that the original agenda for this meeting included these matters, but they were removed. He also stated that the second version of the agenda had “old business and new business” but that was removed as well. He thinks these are intentional acts to prevent these matters from coming forward. He said these are strictly administrative matters and we need to deal with them for this office to function under the rules and guidelines of the county.

Mr. Monaghan stated that none of this is on the agenda. Mr. Krabill replied, “I know.” He then moved forward with the following motion. He stated, “This motion is to adopt the Erie County personnel policy effective March 1<sup>st</sup>, 2023. This motion would reverse all prior personnel policies created by this board. In further, the board can pass amendments to this policy before March 1<sup>st</sup> as needed.” Mr. Monaghan stated he thinks the motion is out of line. Mr. Smith seconded the motion.

Mr. Monaghan stated he wants to hear what our attorney has to say. Can Mr. Krabill make a motion on this being it’s not on the agenda? Mr. Hinnners replied that at this point, the motion has been made and seconded. As to it not being on the agenda, Mr. Hinnners stated he has already provided his opinion, but ultimately, it’s a board decision.

Mr. Monaghan stated he has seen Mr. Smith and Mr. Krabill do this to him before when Mr. Ferrell was absent. He said it is totally out of line. Mr. Krabill stated he rejects those comments. His intent to have this vote is very clear and it was in the original agenda. He also had no idea Mr. Ferrell would be absent today. Mr. Monaghan stated, “The agenda I see is right here.” Mr. Krabill commented that that is the third version of the agenda. He then asked Ms. Salyers to call the roll.

Ms. Salyers asked, “Mr. Monaghan?” Mr. Monaghan didn’t say anything. She then polled Mr. Smith and Mr. Krabill, both of whom voted yes. Ms. Salyers asked Mr. Monaghan if he would like to say how he votes. Mr. Monaghan responded, “No.” The motion carried.

Mr. Krabill then made a second motion. The second motion is per the ORC, Section 3501.17, he moves the board adopts and abides by budget policies set forth by the county commission. Mr. Smith seconded the motion. Ms. Salyers took a roll call vote. She said, “Mr. Monaghan?” Mr. Monaghan didn’t say anything. Ms. Salyers asked, “Do you abstain?” A few seconds passed; Mr. Monaghan still didn’t say anything. Ms. Salyers said, “I’ll take that as a yes.” She then polled Mr. Smith and Mr. Krabill, both of whom voted yes. The motion carried.

Mr. Krabill then made a third motion. He stated, "I move to create a position of a temporary Republican clerk at the rate of \$19 per hour from December 1<sup>st</sup>, 2022 through March 3<sup>rd</sup>, 2023. The position shall be advertised for one week by HR from November 14<sup>th</sup> to the 18<sup>th</sup>." Mr. Monaghan asked Mr. Krabill to say the motion again. Mr. Krabill did so. Mr. Monaghan then asked what we are paying our current clerks. Ms. Salyers stated she didn't know off the top of her head, but she could find out. Mr. Krabill asked if there was a second to the motion. Mr. Smith seconded. Mr. Monaghan stated that before we vote, he wants to know what our current clerks are paid.

Mr. Smith said we would table the motion, then said he wanted to make a motion. He motioned that the director, by no later than November 14<sup>th</sup>, make a supplemental budget request to the county commissioners in the amount of \$5,309 so that we can make payroll. Mr. Krabill seconded the motion. All board members present voted yes, so the motion carried.

Ms. Salyers then provided the board with information regarding the current clerks' salaries. Clerk #1 makes \$18.73 an hour, and clerk #2 makes \$17.20 an hour. Mr. Krabill amended his motion so that the position he is proposing would pay \$17.20 an hour. Mr. Smith seconded the amendment. Mr. Krabill also stated we know there's a vacancy coming up due to a Republican member of the staff retiring, so whomever fills that vacancy must be a Republican.

Mr. Monaghan commented on how the current Republican clerk is paid more than the current Democrat clerk. Mr. Smith and Mr. Krabill stated we are working on making their salaries equal, but we must go through the budget process for that. Mr. Monaghan then commented on Mr. Krabill's amendment regarding the potential new clerk's salary. He stated he has been through many budget and salary discussions, and he has never seen a salary come down that quickly.

The board members then voted on the amendment. All board members present voted yes, so the amendment carried. Next, the board voted on the motion to hire a temporary Republican clerk. Ms. Salyers called the roll.

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

The motion carried.

Mr. Smith made a motion to recess, with Mr. Krabill seconding. All board members present voted yes, so the motion carried. Board recessed at 5:03 p.m.

On Tuesday, November 8<sup>th</sup>, the board reconvened. The following board members were present: Mr. Ferrell, Mr. Monaghan, and Mr. Smith. Mr. Krabill was absent. Guests present were observers Florence Murray and Amy Grubbe. Mr. Monaghan made the motion to reconvene with Mr. Smith seconding. All board members present voted yes, so the motion carried. Board reconvened at 7:02 p.m.

Ms. James stated there are two ballots for the board to review that she and Ms. Salyers interpreted to be true overvotes. The board members took a few moments to review the ballots. Mr. Smith made a motion that they are true overvotes and to run them through the high-speed scanner with the overvote tabulator on so that the overvoted races are not counted. Mr. Monaghan seconded the motion. All board members present voted yes, so the motion carried.

Next, Ms. James stated there are seven ballots for the board to review that are not true overvotes but could not be read due to hesitation marks, rips, or timing marks. The board members took a few minutes to review those ballots. Mr. Smith motioned to accept the ballots as staff remade them and to run them through the high-speed scanner. Mr. Monaghan seconded. All board members present voted yes, so the motion carried.

**Mr. Smith made a motion to recess with Mr. Monaghan seconding. All board members present voted yes, so the motion carried. Board recessed at 7:07 p.m.**

**Later, with all four board members now present, Mr. Krabill made a motion to reconvene. Mr. Monaghan seconded. All board members voted yes, so the motion carried. Board reconvened at 7:32 p.m.**

**Mr. Smith stated there is one true overvote that the board reviewed. Mr. Smith made a motion to run that ballot through the high-speed scanner with the overvote tabulator on so that the overvoted race is not counted. Mr. Krabill seconded the motion. All board members voted yes; motion carried.**

**Mr. Smith then stated the board reviewed three additional ballots with problems such as hesitation marks and rips. He motioned to accept the remakes that staff created and to count the remade ballots. Mr. Monaghan seconded the motion. All board members voted yes; motion carried.**

**Mr. Smith made a motion to recess with Mr. Krabill seconding. All board members voted yes; motion carried. Board resumed recess at 7:33 p.m.**

**Mr. Smith made a motion to reconvene with Mr. Monaghan seconding. All board members voted yes; motion carried. Board reconvened at 9:59 p.m.**

**Ms. James stated that we have transmitted all our unofficial results to the Secretary of State's office; we just need the board members to sign the paperwork. The four board members, Ms. Salyers, and Ms. James then signed.**

**Mr. Smith made a motion to adjourn with Mr. Monaghan seconding. All board members voted yes; motion carried. The board adjourned at 10:00 p.m.**

**Lori J. Salyers, Director**

**Attest:**

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**Thomas M. Ferrell, Chairman**