

The official canvass meeting of the Erie County Board of Elections was called to order by Board Member William Monaghan on Monday, November 15<sup>th</sup>, 2021 at 9:01 a.m.

<b>Roll Call:</b>	<b>(D) Thomas M. Ferrell, Chairman</b>	<b>Absent (excused)</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: Gery Gross from Prosecutor's office and Amy Grubbe

Adrienne James, Deputy Director, stated that the board would need to review absentee ballots received after the election. Thirty-three of them are eligible to be counted because they fall into one of three categories:

- Postmark or barcode of November 1<sup>st</sup> or earlier
- 11-S form turned in on time
- UOCAVA ballot received within 10 days of the election.

The board members took a few minutes to review these ballots. Motion to count the ballots was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

Ms. James then stated there were eight absentee ballots that are not eligible to be counted because they fall into one of two categories:

- Late return and no postmark and/or barcode
- Late return with a postmark or barcode, but the postmark or barcode is November 2<sup>nd</sup> or later.

The board members took a few minutes to review these ballots. Motion to reject the ballots was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Eliza Link, Clerk, then reviewed provisional ballots. The first two provisional ballots fell under the "invalid address" category. Ms. Link stated she looked up the address the two voters put on their provisional envelopes, but she could not find it. On the auditor's website, the address is just a cornfield. Ms. Link contacted Mark from the auditor's office, who confirmed with her that there is no house at the address the two voters listed. Ms. Link then showed the board members a copy of her email correspondence with Mark. She also stated that she mailed blank voter registration forms to the voters at their old address. Motion to reject the two ballots was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

The next three provisional ballots fell under the "registration cancelled/not eligible" category. All three were deleted from the system due to list maintenance. Ms. Link noted that in some cases, voters deleted due to list maintenance are still eligible to have their provisional ballots counted due to the APRI exception. However, none of these three ballots fell under that exception. The first ballot was from a voter who was deleted in 2005, and the APRI exception is only for 2011 onward. The second ballot was from a voter who was deleted in 2015, but because they are in a completely different precinct, they are not eligible for the exception. The third ballot was from a voter who was deleted in 2021, but they are also in a completely different precinct, so their ballot is not eligible to be counted. Mr. Krabill asked if we contact these voters and ask them to fill out a voter registration form. Ms. Link replied that if they do not fill one out on Election Day, then she mails them one. Motion to reject these ballots was made by Mr. Smith, seconded by Mr. Krabill. Motion carried. Ms. James pointed out that the yellow provisional envelopes the voters fill out serve as voter registration forms as well.

The next three provisional ballots were not eligible to be counted because the yellow provisional envelopes were blank. Per the Elections Official Manual, you must have a printed name, signature, and address. Two of them had signatures and nothing else, while the other was completely blank. Mr. Krabill asked if it was the voter's responsibility to fill out the yellow envelope. Ms. Link stated yes, but that we also tell the poll workers to check to make sure the envelopes are completed. Mr. Krabill stated we needed to do some poll worker training on that. Director Lori Salyers responded that she does remind the VLMs in her class to make sure the yellow envelopes are completed. Motion to reject these ballots was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

The next provisional ballot was not eligible to be counted because the voter did not provide a signature. Motion to reject the ballot was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

The next seven provisional ballots were not eligible to be counted because they were not registered to vote anywhere in the state of Ohio. Ms. Link stated she checked this on the statewide portal, and she had Ms. James double-check. Motion to reject these ballots was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Next, Ms. Link stated there were three provisional ballots that are pending. For the first one, the voter is registered to vote in Huron County and did not vote there. On the identification section of the yellow provisional envelope, he wrote a North Carolina driver's license number, which we cannot accept. Ms. Link stated she called this voter to see if he wanted to come in to correct it, but he was not able to do so. However, Ms. Link stated that the EOM states that if the board can verify the identity of the voter without the ID section, they could count the provisional ballot. Ms. Link printed out the voter's information from the statewide portal. His signature and his birthdate on the portal match exactly with his signature and birthdate that he provided on the yellow provisional envelope. The board members took a few minutes to review the information Ms. Link provided. Motion to count the ballot was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

The last two pending provisional ballots consisted of voters who voted in the right jurisdiction but the wrong ballot. This was perhaps a mistake on the part of the poll workers. For the first one, the voter voted a Vermilion Township #3 ballot, but should have voted Vermilion Township #4. For the second one, the voter voted a Huron D ballot, but should have voted Huron F. Motion to count these ballots was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

Ms. Link stated that the last group of provisional ballots are all eligible to be counted. The majority of them are either address changes within Erie County or name changes. Some of the provisional ballots were from voters who were registered in other Ohio counties, but they did not vote in those other counties. Some of the provisional voters were sent an absentee ballot, but they voted on Election Day, and they did not return their absentee ballot. Finally, two of the provisional ballots were eligible to be counted due to the APRI exception. Motion to count these ballots was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

Motion to recess while staff members open and scan eligible absentee and provisional ballots was made by Mr. Smith, seconded by Mr. Krabill. Motion carried. Board recessed at 9:28 a.m.

Motion to return to regular session was made by Mr. Krabill, seconded by Mr. Smith. Motion carried. The board returned to regular session at 10:26 a.m.

Ms. Salyers stated that two of the provisional ballots were missing their stubs. When absentee ballots are missing their stubs, we are not allowed to count them. Ms. Salyers then asked the board how they would like us to proceed. Mr. Smith asked if the stubs were in the provisional envelopes, and Ms. Salyers stated no. Motion to reject the ballots was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

**Motion to return to recess was made by Mr. Smith, seconded by Mr. Krabill. Motion carried. Board returned to recess at 10:28 a.m.**

**Motion to return to regular session was made by Mr. Krabill, seconded by Mr. Smith. Motion carried. Board resumed regular session at 11:15 a.m.**

**Ms. James stated that after scanning all the eligible absentee and provisional ballots, she followed the formulas set forth by the SOS office to determine if there will be any automatic recounts. Despite what was previously reported in the local newspaper, there will be no recounts for the Huron School Board or Bayview Village Council. However, there will be a recount for the Kelleys Island Village Police Levy. The number of “for” votes was 119, and the number of “against” votes was 120, for a difference of one vote. The total number of votes was 239.  $239 \times 0.005 = 1.195$ . Because 1 is less than 1.195, there will be an automatic recount.**

**Mr. Monaghan asked what the unofficial results were for the Kelleys Island Policy Levy. Ms. James stated it was 118 for and 110 against, which was not enough of a difference to require an automatic recount.**

**The board members then took some time to discuss the dates of the official certification and the recount. After reading through the Elections Official Manual and the directive from the SOS, the board decided to move their official certification from Wednesday, November 17<sup>th</sup> at 8:00 a.m. to Friday, November 19<sup>th</sup> at 1:00 p.m. They also decided to schedule the recount for Monday, November 29<sup>th</sup> at 9 a.m. Ms. James stated she would update the website to reflect these new times.**

**Mr. Smith asked board staff to verify with Gery and Sue at the prosecutor’s office that conducting the recount on the 10<sup>th</sup> day after the official certification was okay. Mr. Monaghan asked board staff to contact the SOS office to ask if anyone can cancel a recount if it is for a levy.**

**Motion to adjourn was made by Mr. Smith, seconded by Mr. Krabill. Motion carried. Board adjourned at 11:33 a.m.**

**Lori J. Salyers, Director**

**Attest:**

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**Thomas M. Ferrell, Chairman**