

The official canvass meeting of the Erie County Board of Elections was called to order by Chairman Ferrell at 9:00 a.m. on Monday, November 16th, 2020.

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	Present

Guests in attendance: Gery Gross, Shomore Deniro, Amy Grubbe

Ms. James, Deputy Director, stated that we would start with absentee ballots. There were 67 absentee ballots that were received after the election, but they either had a postmark of November 2 or earlier, or they had an 11-S form that was turned in on time. Therefore, these ballots are eligible to be counted. Motion to count these ballots was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.

Ms. James stated that there were 10 UOCAVA ballots that were received between November 3 and 13, so they are also eligible to be counted. Motion to count these ballots was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.

Ms. James stated that there were 30 absentee ballots that had a postmark of November 3 or later, so they are not eligible to be counted. She stated that Shomore Deniro from the SOS office came to the office with her barcode scanner and confirmed that the postmarks were all too late. Motion to reject these ballots was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.

Ms. James stated that there were five ballots that voters voted on Election Day, but they were unable to feed them through the scanner because the scanner had run out of report paper. Those ballots were locked in the auxiliary bin, and then when the scanners were replenished, a bipartisan team attempted to feed those ballots through the scanners. However, when they did that, the scanner would not read them. Ms. Salyers and Ms. James remade those five ballots exactly how the voters voted them. Motion to count these remade ballots was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.

Ms. James stated that there was one absentee ballot that was received from an individual who died on October 7, and the identification envelope was dated October 7. It was received in the dropbox on October 25. Ms. James emailed Gery Gross at the prosecutor's office, who recommended that the board count it. The voter in question died at 9:35 p.m., so it is possible that he could have voted the ballot earlier in the day before he died. Also, the signature on the identification envelope matches what the Board of Elections office has on file. Motion to count this ballot was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

Next, Ms. Link, Clerk, reviewed provisional ballots. She stated that there were 142 provisional ballots where the voter was registered in another Ohio county, but did not vote in the other county, so those ballots are eligible to be counted. Motion to count these ballots was made by Mr. Monaghan, seconded by Mr. Smith. Motion carried.

Ms. Link stated that there were 220 provisional ballots where the voter requested an absentee ballot by mail, but they decided to vote in-person on Election Day, so they had to vote provisionally. Ms. Link checked, and none of these voters returned their absentee ballots, so their provisional votes are all eligible to be counted. Motion to count these ballots was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated that there was one provisional ballot where the voter did return their absentee ballot; however, they did not sign the absentee ID envelope. We sent them an 11-S form, but they never returned it. Motion to count this ballot was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated that there were two voters who requested an absentee ballot, but then decided they wanted to vote in person on Election Day. They returned their blank, unvoted ballots to our office for tracking purposes, and we noted that in our voter registration system. Because they returned their unvoted ballots, they actually did not need to vote a provisional ballot. Motion to count these two ballots was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated that there were 15 provisional ballots where the voters did not need to vote provisionally, but they did either due to phones being down on Election Day, or due to confusion of part-time workers. Motion to count these ballots was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated that there were 28 people who had to vote provisionally because they were in provisional status due to an undeliverable acknowledgement notice. However, now that they have filled out their provisional ID envelope, they are in active status. Motion to count these ballots was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated that there were 53 provisional ballots that fell under the APRI exception. These voters were deleted in the “purge” in either 2011, 2013, 2015, 2017, or 2019. However, when they came to vote in this election, they were either in the same address or same precinct that they were at when they were deleted. Therefore, per the EOM, these ballots are eligible to be counted. Motion to count these ballots was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

Ms. Link stated that there were 41 people who voted provisionally because they had a name change. Motion to count these ballots was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried. She also stated that there were 205 people who voted provisionally because they had an address change within the county. Motion to count these ballots was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

Next, Ms. Link moved on to provisional ballots that were likely to be rejected by the board. The first one the voter did not write their street address on the affirmation envelope. Ms. Link read from the EOM, which states that a provisional voter must provide their address on the envelope. Motion to reject the ballot was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

Ms. Link stated that there were two provisional ballots where the voters wrote down addresses that were not valid, according to the Erie County Auditor’s office. One was just an empty lot, and another did not exist, according to the auditor’s office. Ms. Link showed the board members the relevant email correspondence with the auditor’s office. Motion to reject these ballots was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

Ms. Link stated that there were three provisional voters who wrote out of county addresses on their 12-B envelopes, and wrote out of county addresses on their registration forms. Ms. Link stated that these all occurred when the phones were down. Had the VLMs called the Board of Elections, we would have advised them that the voters needed to go to their home counties. Mr. Ferrell suggested that perhaps the voters just inverted their old addresses with their new. The board took a few minutes to discuss. Motion to reject these ballots was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried. However, Mr. Ferrell opposed the motion.

Ms. Link stated there were nine provisional ballots where the voters were not registered anywhere in Ohio, and they were removed from our rolls due to being in prison. Motion to reject these ballots was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated there were 21 provisional ballots where the voters were not registered anywhere in the state of Ohio due to them being removed as part of the “purge” process. However, the address that they wrote on their 12-B envelope is a different precinct than before. Therefore, they are not eligible to be counted under the APRI exception. Mr. Smith inquired if filling out the 12-B gets the people registered to vote for the future, and Ms. Link informed him yes. Motion to reject these 21 ballots was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated that there were four provisional voters who did not fill out their 12-B envelopes at all, not even a name or signature. Motion to reject these ballots was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

Ms. Link stated that there was one provisional ballot where the person did not write their date of birth on the 12-B envelope. Motion to accept this ballot was made by Mr. Monaghan, seconded by Mr. Smith. However, Mr. Gross then read from a section of the Ohio Revised Code, which states that if the space provided for the date of birth is blank, then the ballot cannot be counted. Motion to withdraw the previous motion and reject the ballot was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated that there were four provisional voters who previously cast ballots during early voting, and those early votes were counted. Motion to reject these four provisional ballots was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried. Mr. Krabill asked whether these cases needed to be referred to the prosecutor’s office. Mr. Ferrell asked for what reason. Mr. Smith responded to see if someone is trying to double vote. Mr. Gross stated he didn’t have a problem if we wanted to refer them. Mr. Smith stated he didn’t think that was necessary. Mr. Ferrell stated he didn’t think it was necessary, either.

Ms. Link stated that there were 10 provisional ballots where the voters wrote an invalid form of ID on their 12-B envelope- either they didn’t write anything at all, or what they wrote was incorrect. Mr. Gross stated that it was a board decision whether to accept the ballots. Mr. Monaghan made a motion to accept the ballots, but there was no second. The board took a few minutes to review the envelopes. Mr. Monaghan withdrew his motion. Mr. Smith made a motion to accept the four ballots where the voters at least tried (i.e. they put some information in the ID portion), but to reject the six ballots where the voters didn’t put anything at all in the ID section. Mr. Gross stated that he concurred. Mr. Monaghan seconded. Motion carried.

Ms. Link stated that there was one provisional ballot where the person failed to sign the 12-B envelope. Motion to reject this ballot was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated that there were 102 provisional ballots where the people were not registered to vote in Ohio at all. She stated that this was both checked and double-checked on the statewide voter registration system. Mr. Smith stated that now, these people will be registered, and Ms. Link confirmed yes. Motion to reject these ballots was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. Link stated that there were 38 provisional ballots where the people voted the wrong ballot due to the phones being down. Thirty-six of them were just minor issues, such as a person voting in the right location but the wrong precinct. Two of them were more serious issues. Someone voted in Castalia Village but should have voted in Margaretta Township 2, and someone voted in Vermilion 3-A, but should have voted in Vermilion Township 1. Motion to accept the 36 was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried. Mr. Smith made a motion that for the remaining two, those ballots be remade so that their votes count for all races that are countywide, but not for the races that are subdivision specific. Mr. Monaghan seconded the motion. Motion carried.

Motion to go into recess was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried. The board went into recess at 9:48 a.m. so that staff could open up the envelopes, flatten out the ballots, tear the stubs off the ballots, and run the ballots through the high-speed scanner.

Motion to resume regular session was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried. Board went back into regular session at 11:50 a.m. for reviewing over-voted absentee ballots.

On the first ballot, the person colored in the circle next to “Biden/Harris” and also colored in the write-in circle and wrote “Biden/Harris.” Motion to remake the ballot with a vote for Biden/Harris was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

On the second ballot, it was a true overvote for president. The person colored in the oval for both Joe Biden and Jo Jorgensen, with no discernible difference. Motion to remake this ballot without a vote for president was made by Mr. Krabill, seconded by Mr. Smith. Motion carried.

On the third ballot, there was a possible over-vote for 89th House Representative. The person colored in the oval next to Alexis Miller and the oval next to D.J. Swearingen, but the oval next to Miller’s name was darker. The board took a moment to review the ballot. Motion to remake the ballot with a vote for Miller was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

Motion to go back into recess so that the staff could run these ballots, and then run provisional ballots, was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried. Board went back into recess at 11:53 a.m.

Motion to resume regular session was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried. Board returned to regular session at 1:15 p.m. so that they could review over-voted provisional ballots.

Ms. James stated that there were three provisional ballots that were not true overvotes. They just had timing marks off-center or the ballots were torn. Motion to accept these ballots as remade was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

Ms. James stated that there were six provisional ballots where the person colored in the oval next to one candidate’s name, but then colored in the write-in bubble and wrote the candidate’s name there. The board took a few moments to look at these ballots. Motion to accept these ballots with a vote for the candidates was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.

Ms. James stated that there were seven provisional ballots that were either true over-votes or hesitation marks. The board members took a few minutes to review each ballot individually. On the first one, motion to accept the ballot as Ms. Salyers and Ms. James remade it was made by Mr. Smith, seconded by Mr. Monaghan. Motion carried.

On the second ballot, motion to accept the ballot as remade by Ms. Salyers and Ms. James, but with a vote against the two issues, was made by Mr. Krabill, seconded by Mr. Monaghan. Motion carried.

On the third ballot, there was a hesitation mark on the State Senate Second District race. Motion to remake the ballot with a vote for Theresa Gavarone was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

On the fourth ballot, there was a true overvote for president. Motion to remake the ballot without a vote for president was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

On the fifth ballot, there was another true overvote for president. Motion to remake the ballot without a vote for president was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried.

On the sixth ballot, there was an overvote for president and a possible hesitation mark on Kevin Baxter's name for prosecuting attorney. Motion to remake the ballot without a vote for president but a vote for Kevin Baxter was made by Mr. Smith, seconded by Mr. Krabill. Motion carried. Mr. Monaghan abstained because Mr. Baxter is his brother-in-law.

On the seventh ballot, there was an overvote for president. Motion to remake the ballot without a vote for president was made by Mr. Smith, seconded by Mr. Krabill. Motion carried.

Ms. Salyers, Director, then stated that she received a request from a reporter at the Sandusky Register, asking for the names of the "joke" write-ins. Ms. Salyers asked if she had to provide that. Mr. Ferrell stated no, because voting wasn't a joke. Mr. Krabill stated that we are required to provide reports, but not generate them. Mr. Ferrell asked if there was a motion to adjourn, but Ms. Grubbe stated that she had a couple of questions.

Ms. Grubbe stated that she had a report of outstanding absentee ballots, and wanted to know what "refused" at the nursing homes meant. Ms. James stated that when the bipartisan team went to the nursing homes to vote the residents, either some of the residents were asleep or they changed their minds and refused to vote. Ms. Link stated that there were 13 that refused.

Ms. Grubbe then stated that one voter in particular could not vote because his signature did not match, so she wanted to know what the protocol was for checking signatures. Ms. Salyers explained that if a signature does not match, we call the person or send them a letter, and once we get a matching signature, then the person is able to vote absentee. Ms. Salyers also stated that often we get a second opinion from someone else in the office. Ms. Grubbe asked if it was the clerks making the determination. Ms. Salyers stated yes, it was whoever is checking the document at the time. Ms. Grubbe stated it needed to be a bipartisan team, with either the Director or Deputy Director and two board members. Mr. Ferrell stated that we could look into that.

Ms. Grubbe then asked about the status of the dropbox. Mr. Ferrell stated that it would be staying where it is. Mr. Smith asked if Ms. Grubbe was asking if there would be a different location for the dropbox, and Ms. Grubbe stated that was her next question. Mr. Smith stated that we were always looking at other options, but we take our direction from the Secretary of State. Mr. Krabill stated that it could be a logistical challenge if we had more than one dropbox at different locations throughout the county. If it's just a matter of putting another dropbox out by the curb, though, that is a different story. He also stated that we take our lead from the Secretary of State and from the Ohio legislature.

Ms. Grubbe then made a comment about the phones being down for part of the time on Election Day. She stated it was an issue and everybody was well aware of it. She stated that when she was here observing, it didn't seem to be a real concern. She also stated that, with the Board of Elections being on the countywide phone system, if someone called the Board on Columbus Day, it said the office was closed, even though it was not. Ms. Grubbe stated that there didn't seem to be a back-up plan for the phones going down on Election Day, and that it wasn't fair to the precinct election officials.

Ms. Salyers stated that she thought the issue of the phones was going to be addressed during Wednesday's meeting. She also stated that on Election Day, our switch was burned out due to so many calls. Mr. Krabill stated that the commissioners are looking into getting us a separate switch. Mr. Krabill also stated that, as far as a back-up plan, he saw two things happen on Election Day that were useful. First, he saw that we moved to a default provisional ballot if the VLMs were in any way unsure about the person's eligibility to vote. Second, he noticed that staff started using their personal cell phones. Ms. Salyers confirmed this. She stated that we could see the numbers on the caller ID, and that we would write the numbers down, and then call them on our personal cell phones to address whatever the issue was. She also stated that there were 1,278 calls on Election Day. Mr. Ferrell stated that perhaps we could look into the possibility of getting burner phones for Election Day. Mr. Krabill stated that he also learned of two other options from other Boards of Elections. One was having small radios just for Election Day, to facilitate communication between the office and the polling locations during emergencies. The second option was ham radio operators.

Mr. Ferrell asked if Ms. Grubbe had any more questions, and she stated no. Motion to adjourn was made by Mr. Monaghan, seconded by Mr. Krabill. Motion carried. Board adjourned at 1:40 p.m.

Lori J. Salyers, Director

Attest:

Thomas M. Ferrell, Chairman