

The official canvass meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Monday, November 21st, 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	Present

Guests in attendance: Nettie Cox, Mary Ann Groot, Amy Grubbe, Florence Murray, and Debra Nickoloff

Adrienne James, Deputy Director, stated there are 48 absentee ballots received after the election that are eligible to be counted. 30 are regular absentee ballots with a postmark of November 7th or earlier. Six are UOCAVA ballots that were received in the mail within 10 days of the election. 12 are absentee ballots with a supplemental 11-S form received on time. The board members took a few minutes to review the ballots. Mr. Smith made a motion to open and count the 48 eligible absentee ballots, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Ms. James stated there are 17 absentee ballots not eligible to be counted because they either had a post mark of November 8th or later, or they did not have a postmark, but we scanned the barcode and determined it was mailed November 8th or later. The board members took a few minutes to review the ballots.

Mr. Smith stated that some of the ballots have a postmark of November 8th in Cleveland. He asked how we know that the voters didn't turn their ballots in to Sandusky on November 7th. Mr. Ferrell stated that is a good point. Mr. Smith commented that our rules state the envelope must be postmarked by November 7th. He asked if we know what time in Cleveland the ballots were handled. Director Lori Salyers responded no; the barcode simply gives us a date.

Mr. Krabill asked isn't the key when the ballot is postmarked? Mr. Smith stated he thinks we're constrained but this is an issue we must address. Mr. Ferrell suggested contacting the Sandusky postmaster. Mr. Krabill stated that perhaps the voters dropped off their ballots in Cleveland on November 8th. Mr. Ferrell asked why the voters would go to Cleveland to do that. Mr. Krabill stated that maybe they work in Cleveland. He then asked how many ballots fall into this category. Mr. Smith responded that of the 17, 15 are ballots that have a November 8th Cleveland postmark. He then reiterated that this is an issue we should address. Mr. Ferrell asked if we need to answer this question today. Mr. Smith said yes and suggested contacting the SOS office for clarification when we go into recess.

Ms. James stated there are two more absentee ballots for the board to vote on individually. She stated she contact the SOS legal department for clarification on these two ballots, but the board has the final decision. The first one is an absentee ballot that was received at the Lorain County BOE. Lorain County mailed the ballot to Huron County on November 7th, and Huron County mailed it to us on November 10th. Ms. James thinks Lorain County originally mailed it to Huron County because the voter lives in Huron City. Ms. James stated that according to Jeff Hobday at SOS legal, the voter needs to drop their ballot off at the correct county Board of Elections; however, if it is USPS error, that is a different matter. She contacted Lorain County and spoke with Tim, who said it was USPS error. Therefore, Ms. James thinks the ballot is eligible to be counted. Mr. Monaghan made a motion to count the ballot, with Mr. Krabill seconding. All board members voted yes; motion carried.

Ms. James stated the second ballot was received via priority mail from the Cuyahoga County BOE. It had a postmark of November 8th. She contacted the Cuyahoga County BOE and spoke with Matt, who stated the voter dropped the ballot off in the Cuyahoga County dropbox around noon on Election Day. It was not a USPS error because the return envelope had no postmark or barcode. Mr. Smith made a motion to not count the ballot, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Eliza Link, Clerk, presented the provisional ballots to the board. She stated there were 486 provisional ballots cast this election. 112 were cast in our office during early voting. 51 were cast on Election Day in our office. 323 were cast on Election Day at the various polling locations.

Ms. Link stated that the first category of provisional ballots is “Pending Review.” One ballot is in this category, and it was cast at the Sandusky Firehouse, which hosts the precincts Sandusky B and C. The voter moved but went to their old precinct. They waited in line and were told they were in the wrong location and that their new precinct is Sandusky N. However, by this time, it was after 7:30 p.m., and the polls had closed. Because of the circumstances, we gave the VLM permission to let the voter cast a provisional ballot. The voter cast a provisional ballot for Sandusky C, but they live in Sandusky N. Mr. Smith asked if there is a difference between the Sandusky N and Sandusky C ballots. Ms. Link stated no. Mr. Smith stated he thinks it was an honest error and moved to count the ballot. Mr. Krabill seconded the motion. All board members voted yes; motion carried.

Ms. Link stated the next category is “Status Rejected: Registration Cancelled.” Eight ballots are in this category. These voters were either merged out of the county, or they were cancelled in list maintenance and did not fall under the APRI exception. They are not registered anywhere else in Ohio. Mr. Smith asked if by filling out a provisional ballot envelope if that registers them. Ms. Link stated yes. Mr. Monaghan moved to not count the eight ballots, with Mr. Krabill seconding. All board members voted yes; motion carried.

Ms. Link stated the next category is “Status Rejected: No signature.” She stated there is one ballot in this category, and the voter left the provisional ID envelope completely blank. Mr. Krabill motioned to not count the ballot, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Ms. Link stated the next category is “Accepted.” There are 417 in this category. Some of them include voters who were registered in another Ohio county. We contacted the other counties to verify the voters were registered there and did not vote there. 60 of the acceptable provisionals were voters who requested an absentee ballot be sent to them, but they did not vote it and instead voted on Election Day. Three of the acceptable provisionals were voters who fell under the APRI exception. This means they were deleted due to list maintenance, but they live at the same address or precinct where they were previously registered. 19 provisional voters had no ID, but they completed their provisional ID envelope correctly, and the ID they provided on the envelope matched the ID in the state-wide voter registration database. 21 were name changes. Seven were both name changes and address changes. 14 voted provisionally because they were in provisional status due to an undeliverable acknowledgement notice. Finally, 275 acceptable provisional ballots were due to address changes within the county. Mr. Smith made a motion to count the 417 acceptable provisional ballots, with Mr. Krabill seconding. All board members voted yes; motion carried.

Ms. Link stated the next category is “Rejected: Voter Not Registered.” There are 58 ballots in this category. Ms. Link checked the state-wide voter registration database to verify these voters are not registered anywhere in the state, and had another employee double-check her. Mr. Krabill asked if they would become registered after this; Ms. Link stated yes. Mr. Krabill made a motion to not count these ballots, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Ms. Link stated the last category is “Rejected: No ID in allotted time.” There is one ballot in this category. Voters with insufficient ID have seven days after the election to come into the office to correct their ID, but this voter did not. Mr. Monaghan made a motion to not count this ballot, with Mr. Krabill seconding. All board members voted yes; motion carried.

Mr. Smith made a motion to recess. He stated that while in recess, staff should open and scan eligible absentee and provisional ballots and research the issue with the late postmarks on 17 absentee ballots. Mr. Monaghan seconded the motion. All board members voted yes; motion carried. Board recessed at 9:23 a.m.

Mr. Monaghan made a motion to reconvene, with Mr. Krabill seconding. All board members voted yes; motion carried. Board reconvened at 9:53 a.m.

Ms. Salyers stated that she spoke on the phone with the Sandusky postmaster. The postmaster informed her that starting the Saturday before the election, postal employees encourage people who take their ballots into the post office to drop the ballots off at the Board of Elections. Ms. Salyers also stated that any ballots placed in a USPS box cannot be postmarked before the pickup time that is posted on the USPS box. She stated that any ballots that are placed in a USPS box are postmarked in Cleveland, while any ballots brought into the post office building are postmarked there.

Mr. Ferrell stated he thought we had an agreement with the postmaster that any ballots in the USPS boxes Monday would be brought to us, or we could pick them up. Ms. Salyers replied that the people who collect the mail from USPS boxes then transport the mail to Cleveland. Mr. Smith asked if a ballot is placed in a USPS box by November 7th at 5:15 p.m., if the ballot goes to Cleveland that night to get stamped. Ms. Salyers said “Absolutely.” She also said that Cleveland does not stop stamping until they’ve processed everything that has come through that day.

Mr. Ferrell asked how the ballots are transported. Ms. Salyers stated they’re transported by truck in a bag and are taken straight to Cleveland. Mr. Ferrell asked if the post office hires an outside firm for that. Ms. Salyers stated she didn’t ask the postmaster that question. Mr. Ferrell commented that our post office doesn’t stamp anything. Ms. Salyers stated they don’t unless the voter comes in the building with their ballot and asks them to stamp it.

Mr. Krabill asked to try to determine what it means if a ballot is stamped November 8th. Ms. Salyers stated that means the ballot didn’t come in until after Cleveland was finished sorting everything that came in on November 7th. The ballot instead came in on the 8th. Mr. Ferrell commented that any ballot placed in a USPS box after 5:15 p.m. on November 7th doesn’t arrive in Cleveland until November 8th. Ms. Salyers said the postmaster said they make that very clear to people. Mr. Smith stated he thinks we can’t count the 17 ballots in question and suggested contacting the affected voters.

Mr. Monaghan asked if we had a conversation with the post office during this election cycle. Ms. Salyers replied that we spoke to them about pick up and drop off the Saturday before the election. Mr. Monaghan suggested contacting the post office before every election.

Mr. Ferrell commented on sorters working in the back of the post office to send mail to different distribution centers. Ms. Salyers stated that if the Sandusky sorters find ballots, then they stamp the ballots in Sandusky. However, ballots retrieved from USPS boxes do not go to Sandusky sorters; they are transported directly to Cleveland.

Mr. Smith stated that to solve this issue, we could ask the post office to pull mail once more on Election Day when the polls close. Mr. Ferrell stated he thought we had that agreement already with the post office. Ms. Salyers stated she didn’t recall that.

Mr. Krabill stated that going forward, we need to have a conversation with the local post office to overcome this problem. He suggested posting signs on USPS boxes to inform people that if they're dropping off a ballot after 5:15 p.m. the day before the election, they should instead take the ballot directly to the BOE to be counted. Ms. Salyers stated we have a laminator to laminate the signs.

Mr. Smith commented that this could have happened at any USPS box in the city. Ms. Salyers asked if we should drive around and place a sign on every USPS box. Mr. Ferrell stated he doesn't know if the post office will let us do that. Ms. Nickoloff stated that the postmaster in Milan puts signs on USPS boxes in Milan. Ms. Murray suggested that perhaps the post office employees could post the signs on boxes as they're doing their last collections the day before the election.

Mr. Smith made a motion to not count the 17 absentee ballots with late postmarks, with Mr. Krabill seconding. Mr. Monaghan, Mr. Smith, and Mr. Krabill voted in favor of the motion, while Mr. Ferrell opposed it. The motion carried.

Mr. Smith motioned to return to recess, with Mr. Krabill seconding. All board members voted yes; motion carried. Board resumed recess at 10:07 a.m.

Mr. Smith motioned to reconvene, with Mr. Monaghan seconding. All board members voted yes; motion carried. Board reconvened at 11:24 a.m.

Ms. Salyers stated there are two ballots the board must review. The first one has a hesitation mark and the second one is a cut ballot. The board members took a few moments to review the ballots.

Mr. Krabill made a motion to approve the remade ballots. Mr. Monaghan seconded. All board members voted yes; motion carried.

Mr. Smith motioned to return to recess. Mr. Krabill seconded. All board members voted yes; motion carried. Board resumed recess at 11:25 a.m.

Mr. Krabill made a motion to reconvene, with Mr. Smith seconding. All board members present voted yes; motion carried. Board reconvened at 12:42 p.m. Mr. Ferrell stated that for the record, Mr. Monaghan had to leave.

Ms. James stated there are several more ballots for the board to review. Staff interpreted the first three ballots to be true overvotes. The board took a few moments to review the ballots. Mr. Smith made a motion to run the ballots through the high-speed scanner with the overvote tabulator on so that the scanner does not count the overvoted races. Mr. Krabill seconded the motion. All board members present voted yes; motion carried.

Ms. James stated there are 10 ballots for the board to review that are not true overvotes. However, the scanner would not read the ballots due to issues such as hesitation marks or folds. The board took a few moments to review these ballots. Mr. Smith made a motion to accept the ballots as staff remade them. Mr. Krabill seconded the motion. All board members present voted yes; motion carried.

Mr. Krabill motioned to return to recess, with Mr. Smith seconding. All board members present voted yes; motion carried. Board resumed recess at 12:46 p.m.

Mr. Krabill motioned to reconvene, with Mr. Smith seconding. All board members present voted yes; motion carried. Board reconvened at 1:13 p.m.

Ms. James stated that turnout moved from 53.54% to 54.41%. She stated that the board would meet on Wednesday at 9 a.m. to certify the official results and sign the paperwork. She also stated the board would have its regular monthly meeting after that. Ms. Grubbe asked about results by precinct. Ms. James stated that would be posted on the website on Wednesday after the certification meeting.

Mr. Krabill made a motion to adjourn, with Mr. Smith seconding. All board members present voted yes; motion carried. Board adjourned at 1:15 p.m.

Lori J. Salyers, Director

Attest:

Thomas M. Ferrell, Chairman