

The official certification and regular monthly meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Monday, November 23rd, 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: Rachel Ruffer from SOS Office, Gery Gross from Erie County Prosecutor's Office, Erie County Administrator Hank Solowiej, Caleb Stidham, Mary Ann Groot, and Amy Grubbe

Mr. Ferrell stated that we are here to certify the results of the election. Lori Salyers, Director, passed around the relevant paperwork for the board members to sign.

Mr. Ferrell stated that the next item on the agenda is to decide on the date and time of the post-election audit. Adrienne James, Deputy Director, stated that according to the EOM, if there is no recount, "The audit may start six days after the official results are declared and must be completed by the 21st day after that declaration." She stated the earliest we can conduct the audit is Tuesday, November 29th, and latest we can conduct it is Wednesday, December 14th. The board members decided to schedule the audit for Wednesday, November 30th at 8:00 a.m.

Ms. James stated that we need to audit at least five percent of the votes cast, which is 1,467 ballots. The board members randomly chose DS200 flash drives from a box to determine which voting machines to audit. The first flash drive chosen was Sandusky Cultural Center, which hosts Sandusky H and I. There were 383 ballots cast there. The second flash drive chosen was Perkins Township Service Facility, which hosts Perkins Township #8 and #9. There were 522 ballots cast there. The third flash drive chosen was Castalia United Church of Christ, which hosts Margaretta Township #3 and #4. There were 607 ballots cast there. In total, there were 1,512 ballots cast at these three locations, which is above the five percent minimum.

Mr. Smith made a motion to approve the minutes from the October 20th board meeting, with Mr. Krabill seconding. All board members voted yes; motion carried.

Mr. Monaghan made a comment on the minutes from the November 7th/8th meeting. Reading from the bottom of page 3, he 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. Monaghan said he thinks that's a little ambiguous.

Lori Salyers, Director, explained she was asking Mr. Monaghan how he voted on Mr. Krabill's second motion. She called Mr. Monaghan's name and he didn't say anything. She then asked Mr. Monaghan if he was abstaining, and when he still didn't respond, Ms. Salyers said, "I'll take that as a yes." Mr. Monaghan suggested that the minutes say, "I'll take that as a yes for abstention." Ms. Salyers stated that's not what she said. Mr. Krabill stated he took it to mean "yes for abstention." Mr. Monaghan stated he would let it go.

Mr. Smith stated that Ms. James sent out two versions of the November 7th/8th minutes and asked which one we should vote to approve. Mr. Monaghan made a motion to approve the first version, with Mr. Krabill seconding. All board members voted yes; motion carried.

Next on the agenda was to pay the bills. Ms. Salyers stated we are returning the May UOCAVA and August grant monies to the SOS office. She also stated we have some deficits. She has asked the commissioners to move money from the part-time account to the contract services account to pay for poll workers. She also stated she has Then and Now Certificates for the board to sign for returning of grant monies and for poll workers. She is not sure if we need the Then and Now Certificates, but she is trying to cover all her bases.

Ms. Salyers stated she asked the commissioners to move \$4,000 from the part-time account to the full-time account to accommodate the \$1,000 bonuses the commissioners are granting full-time employees. She then stated there are some other bills we have yet to pay, such as Knowink and ES&S for Election Day support. She stated we would have to either move money around or pay them next year. Ms. Salyers also said she wished the commissioners had asked her where to move money from.

Mr. Ferrell asked Ms. Salyers how much she anticipates being short at the end of December. Ms. Salyers stated she was not sure. Mr. Smith stated that we have chargeback money coming to us. Ms. James stated that we do not receive chargeback money from November elections; instead, the county receives it.

Ms. Salyers stated we've been told that the fees for ES&S will go up next year. Mr. Smith stated we would need to put that in our budget. He then asked Mr. Solowiej when the budget proposal is due. Mr. Solowiej replied that they pass the budget at the end of March, but they are already starting to work on the budget with county departments. He also stated that Ms. Salyers should have a copy of the budget policy.

Mr. Smith made a motion to pay the bills, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Next on the agenda was a discussion of the upcoming special election in Sandusky City. Ms. Salyers stated office staff spoke on the phone with law director Brendan Heil, finance director Michelle Reeder, and interim city manager John Orzech. Their biggest concern is cost. Ms. Salyers told them it would cost between \$25,000 and \$50,000. They want her to narrow that down, and she said she could do that within two weeks.

Mr. Smith asked what the city is responsible for. Ms. Salyers stated everything. Mr. Smith stated the city would not be responsible for paying salaries of the four full-time BOE staff members. Ms. Salyers stated no, but we are going to ask the city to pay any overtime we earn so as not to accrue comp time. Ms. Salyers also stated we have some questions for the SOS legal department, such as do we have to stay open until 9 p.m. the day before early voting starts. She stated that Ms. James sent an email to the SOS office and we are awaiting a response.

Ms. Salyers stated the city would like to have the election March 14th, but she told them that was not a good day for us. The city indicated the soonest they could hold the election is February 27th or 28th, because they must mail something to all the registered voters in the city regarding the election. Ms. Salyers stated we would prefer February so that when she retires on March 1st, the election is all finished except the official certification.

Mr. Krabill asked if we have any say in what date the election is. Mr. Gross stated that the best reading of the Supreme Court's decision is that the city is required to set the election date. He said it would have been common courtesy for the city to call us and ask what a good date is, but they did not. The city has a 60-to-120-day window to put on the election, and the March 14th is the 120th day. Mr. Krabill stated it would be ideal if the election were a little closer to mid-February.

Mr. Gross stated that may be an issue for the city. They had to pass an ordinance which says the election is March 14th. Mr. Smith asked if the city already passed the ordinance. Mr. Gross stated yes and indicated the city would need to amend the ordinance if the date is different. Mr. Smith stated he thinks February 28th is the ideal date for the election. Ms. Salyers stated we would relay that to the city.

Mr. Gross advised that if we need to hire extra help for the election, then that is a legitimate expense to bill to the city. Ms. Salyers stated she already started a spreadsheet to keep track of the cost of this election. Mr. Krabill stated that any projections we are making are great in terms of helping the city plan, but we will not know the exact cost until the election is over. Ms. Salyers stated that we told the city this.

Next on the agenda was executive session to discuss imminent litigation. Mr. Monaghan made a motion to go into executive session, with Mr. Smith seconding. A roll call vote was taken.

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

The motion carried. Board went into executive session at 9:32 a.m.

Mr. Smith made a motion to leave executive session and return to regular session, with Mr. Monaghan seconding. All board members voted yes; motion carried. Board resumed regular session at 10:54 a.m.

The next item on the agenda was “any other matters to come before the board.” Ms. Salyers stated that the winter conference will be January 12th and 13th. She does not feel it would be beneficial for her to go, but it is already paid for. She then asked if it would be okay for Eliza Link to go in her stead. Mr. Monaghan stated he thinks that is a great idea. Mr. Monaghan made a motion to allow Ms. Link to attend winter conference, with Mr. Smith seconding. All board members voted yes; motion carried.

Mr. Solowiej then spoke to the board about the budget. He said there were some tough issues, such as comp time payouts and pay increases that did not follow the Board of Commissioners’ policy. However, we have addressed all those issues. The issues probably would have resulted in staff layoffs had we not addressed them. Mr. Solowiej also acknowledged that in adjusting in the budget, the commissioners knew it would cause issues with other line items.

Ms. Salyers asked if we need to make the commissioners aware how much we are short. Mr. Solowiej said yes and that they would take care of it. He also stated that moving forward, we will start working on the 2023 budget.

Mr. Ferrell asked about pay raises for the director and deputy director if the BOE accepts the county’s policies starting March 1st. Mr. Solowiej stated that would be factored into the budget. Mr. Krabill stated those new salaries would be effective March 1st. Mr. Smith stated he thinks the new salaries for the director and deputy director would start on March 1st, but the new clerk salaries would start in January.

Mr. Solowiej spoke about anticipating the new director coming in before Ms. Salyers retires. He stated we would adjust the payroll so there are funds to accommodate both Ms. Salyers and the new employee. Ms. Salyers asked if she needed to figure in the three percent raises. Mr. Solowiej stated he could give her those numbers.

Mr. Ferrell asked when the November 9th commissioner meeting minutes would be ready. Mr. Solowiej stated he was not sure; Erin does those.

Mr. Gross stated he had a question. He mentioned how when the policy of the three percent raise came out, there was something in there about how departments not under the Board of Commissioners had to apply for the extra funds by November 30th. Mr. Solowiej replied that is regarding the bonuses. Mr. Gross asked if that had happened yet. Ms. Salyers stated yes; she applied yesterday.

Mr. Ferrell asked if the transfer of funds for the shortfall had been completed. Mr. Solowiej stated yes. Mr. Ferrell also asked for a copy of the budget resolution from Erin when she has it.

Mr. Smith made a motion to adjourn, with Mr. Monaghan seconding. All board members voted yes; motion carried. Board adjourned at 11:00 a.m.

Lori J. Salyers, Director

Attest:

Thomas M. Ferrell, Chairman