

The regular monthly meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Friday, December 16th, 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, Jason Hinnners from Erie County Prosecutor's Office, Caleb Stidham, Nancy McKeen, Lisa Crescimano, MaryAnn Groot, and Amy Grubbe

Mr. Smith made a motion to approve the minutes from the November 21st, November 23rd, November 30th meetings. Mr. Monaghan seconded the motion. All board members voted yes; motion carried.

Lori Salyers, Director, passed around the bills for the board members to sign. She stated there are three Then and Now certificates for bills over \$5,000. She also stated that she had asked for some money to be moved around because we were short.

Mr. Monaghan asked how much we requested and how much we were given. Ms. Salyers stated she was not sure off the top of her head, but she knows that in salaries alone, she asked for about \$212,000, and we received about \$175,000. She stated that she mentioned in March that we were short. She also stated that she was working on next year's budget.

Adrienne James, Deputy Director, presented the November 2022 election chargebacks to the board. She stated that since this is an even year, we can only charge back for the cost of ballots and advertising. The form we used to use, SOS form 75, is no longer on the SOS website. Ms. James stated she spoke with Matthew Tlachac at the SOS office, who suggested recreating the form in Excel. Mr. Krabill made a motion to sign the chargeback paperwork to submit to the county auditor's office. Mr. Monaghan seconded the motion. All board members voted yes; motion carried. Ms. Salyers noted that our office would not receive any of the chargeback money; it would all go to the county.

Next on the agenda was a discussion of the Sandusky city special election. Ms. Salyers stated she had been in contact with Sandusky city. The earliest they will permit the election is February 28th. Mr. Smith asked if that was Ms. Salyers' recommendation; she stated yes. Mr. Smith made a motion to conduct the election on February 28th, with Mr. Monaghan seconding. All board members voted yes; motion carried. Ms. Salyers stated she would inform Sandusky city and that we would start preparing for the election.

Ms. James stated that for voting equipment allocation, we would like to have one DS200 and one Expressvote per polling location, and one electronic pollbook per precinct. Mr. Krabill made a motion to approve this allocation of equipment, with Mr. Monaghan seconding. All board members voted yes; motion carried.

Next, Ms. Salyers asked about closing the office at noon on December 23rd, because we had to work half a day on Veterans' Day. Mr. Krabill suggested closing the office for the whole day. Mr. Ferrell agreed since we probably won't do much business that day. Ms. Salyers stated we would notify the media and update our website. She stated our last day in the office will be December 22nd, and our first day back will be January 3rd.

Ms. James then spoke on the board reorganization. She stated we received an email from the SOS office that the board reorganization must take place between March 2nd and 6th, 2023. Mr. Monaghan made a motion to conduct the reorganization on Friday, March 3rd, 2023 at 9:00 a.m. Mr. Smith seconded the motion. All board members voted yes; motion carried.

The next item on the agenda was “any other matters to come before the board.” Ms. Salyers stated that winter conference is coming up and that she will not be going, but that Eliza Link would be going in her stead. She also stated that Kimberly Barnum would be attending as well. Ms. Salyers stated it is beneficial to have everyone attend the conference, not just the director and deputy director.

Next, Ms. Salyers spoke on raises for part-timers, poll workers, precinct support, and election night workers. Currently our part-time workers are paid \$10 an hour. However, next year Ohio minimum wage will be \$10.10 an hour. Ms. Salyers stated that she would like all part-timers to be paid \$12.50 an hour. Mr. Ferrell asked if there were any objections from the board. Mr. Krabill stated we would need to make sure the commissioners were on board. Mr. Ferrell stated it would be reflected in our budget.

Ms. Salyers then spoke on raising poll worker pay from \$110 a day to \$130 a day. Mr. Smith stated he thought we already voted on this. Ms. Salyers stated that we did; she is just bringing it to the board’s attention again. Mr. Ferrell mentioned the letter we wrote to the commissioners informing them of our intent to raise poll worker pay next year. Mr. Krabill stated to put it in the budget.

Next, Ms. Salyers gave her recommendations for raises for precinct support and election night workers. Currently we have five precinct support people who are paid \$140 a day. Ms. Salyers would like to raise that to \$150 a day. Election night workers who unload cars are paid a flat rate of \$60; Ms. Salyers would like to raise that to a flat rate of \$75. Mr. Monaghan stated that was a good idea. Mr. Ferrell asked if anyone had any objections; no one did.

Ms. Salyers then spoke on the issue of comp time. She stated she spoke with Matt Wilson in H.R., Jason Hinnners from the prosecutor’s office, and county administrator Hank Solowiej. There has been talk of eliminating comp time for the director and deputy director, while the two clerks would be paid overtime. Ms. Salyers also stated that she spoke with the clerks, and they would like to leave 40 hours of comp on the books. Then, if they don’t use that, they could be paid out at the end of 2023 or the beginning of 2024.

Mr. Krabill stated that we are under the county’s HR policies, and he doesn’t think we can arbitrarily change the rules. Ms. Salyers asked Mr. Hinnners if there are other county offices that pay overtime. Mr. Hinnners replied that is the way it should be in every office except for non-exempt employees. Mr. Ferrell asked, “Aren’t the clerks exempt?” Mr. Hinnners replied that the clerks are non-exempt, which means overtime applies to them.

Mr. Ferrell asked when the policy goes into effect. Mr. Hinnners replied March 1st. Mr. Ferrell stated that he is asking because he thinks the budget probably will not be passed until March 31st, and we were already shorted this year. So instead of running out of money in December, we’ll run out in August. Ms. Salyers stated she would reflect the overtime in the budget. Mr. Ferrell stated he understands that. He wants to make sure that if we’re going to adhere to the county policy, then our budget will reflect that.

Mr. Krabill stated that the county policy is that you can accumulate comp time for some period of time, and that you don’t use it, you lose it. Mr. Krabill indicated he thinks the county policy is at odds with Mr. Hinnners’ opinion. Mr. Hinnners replied that he has spoken with Mr. Wilson twice now, and they are on the same page. The county comp time policy applies to exempt employees only, such as the director and deputy director. It does not apply to the clerks. This has been determined by outside counsel and the county prosecutor’s office. They found in their opinion that the director and deputy director are exempt from overtime under the FLSA.

Mr. Smith stated that the fact our clerks have been accumulating comp time is problematic. Mr. Hinnners replied that we have our own policy now, but that changes on March 1st. Mr. Smith asked if under the new policy, clerks would fall under the overtime policy. Mr. Hinnners stated that was correct.

Mr. Ferrell indicated that since the director and deputy director will no longer earn comp time as of March 1st, our budget should reflect an increase in salary for them. He also stated that Mr. Wilson conducted a survey of other county BOEs. Mr. Monaghan suggested looking at the hours the director and deputy director have been working. He said that during a presidential year they work a lot of overtime, but not so much in off years. We need to add it together and find the average. Mr. Ferrell suggested conducting an executive session regarding this matter sometime in January.

Ms. Salyers stated she needs to know how the board members want to proceed so she can work on the budget. Mr. Krabill stated that if the law and county policy states clerks are paid overtime, then that is what we should budget for. Ms. Salyers asked what about what is on the books already? Should we be paid that out by February 28th? Mr. Krabill stated it was an interesting question. Mr. Smith asked how much comp time we can use between now and then. Ms. Salyers pointed out that we are planning another election. Mr. Krabill asked for the report from the auditor's office that details the existing comp time on the books.

Mr. Ferrell stated that Mr. Monaghan made a good point a few meetings ago about creating disparity in a four-person office. He stated there could be animosity when two people are receiving comp time and two people are not. Mr. Krabill replied that is why we will make an adjustment in salary to the two positions that do not receive comp time. Mr. Monaghan pointed out that the per hour rate in a presidential year will be much less than the per hour rate in a non-presidential year.

Mr. Hinnens stated, just to break it down in simple form, the clerks will be paid overtime. Your director and deputy director may receive comp time, but it must be approved by the supervisor. Mr. Ferrell stated he thinks what Mr. Monaghan is referring to is that if the salary increase for the director and deputy director is not significant enough, then you have clerks making more than the director and deputy director, and that is what creates animosity. Mr. Hinnens stated, "I don't disagree with that."

Next, Ms. Salyers spoke regarding an office walk-through she did with someone at the SOS office several months ago. According to the representative from the SOS office, we need dummy doorknobs on a few of our doors. Ms. Salyers spoke with Gary Weilnau in facilities, who spoke with Mr. Solowiej, but nothing has been done regarding this. Ms. Salyers also mentioned that a substitute cleaner was able to come in the office twice with a master key.

Mr. Ferrell stated to enumerate the security costs in the budget. Ms. Salyers stated we have a \$10,000 grant that will cover some of the security upgrades. However, this is just a matter of turning a doorknob around. Mr. Smith asked why Mr. Weilnau needs Mr. Solowiej's permission. Ms. Salyers stated she did not know. Mr. Ferrell said he and Mr. Krabill talked with Mr. Solowiej, and it was his understanding that Mr. Solowiej did not have a problem with it. Ms. Salyers stated she would talk to him because we need to get this done.

Mr. Ferrell mentioned hiring more part-timers due to security rules. Ms. Salyers agreed and mentioned the rule that two people, a Democrat and a Republican, must be in the room with any voting equipment. Mr. Krabill stated that would need to be reflected in the budget, although that is more difficult to reflect.

Next, Ms. Salyers mentioned that President's Day is February 20th; however, due to the special election, we will have to work that day. She wanted to know if we could take another day off in lieu of President's Day. The board decided to close the office on January 3rd for President's Day. Ms. Salyers said we would put that on the website.

Mr. Ferrell asked if there were any questions from the audience. Ms. Grubbe asked about campaign signs. She said there used to be a form that was attached to the paperwork given to candidates which explained the political sign regulations for the subdivisions. She asked if that form could be found and updated. Mr. Ferrell stated he thinks that is a good suggestion.

Mr. Hinnners stated that the prosecutor's office has had discussions and training on this. The difficulty is that the way the courts have interpreted it, there is no cap on how early you can put out a sign because it is political speech. There may be a cap at the end of the election, but he does not know if that is the case anymore. He also said regulations on signs must be content neutral, not content based. Whether it is a garage sale sign or political sign, they must be treated the same way. He also mentioned that signs cannot be in the right-of-way.

Ms. Grubbe asked if it was possible to obtain a copy of the salary report the board mentioned. Mr. Ferrell stated to contact Matt Wilson in HR.

The next item on the agenda was to go in executive session for personnel matters per R.C. 121.22(G)(1) to discuss compensation of employees. Mr. Monaghan made a motion to do so. No one seconded, so the motion died.

Mr. Smith made a motion to adjourn, with Mr. Krabill seconding. All board members voted yes, so the motion carried. Board adjourned at 9:39 a.m.

Lori J. Salyers, Director

Attest:

Thomas M. Ferrell, Chairman