

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting
4/1/2024**

Attending:

Henry F Curtis, IV, Chairman
Terence M. McCafferty, Board Member
Lisa M. Stickan, Board Member
Anthony Perlatti, Director
Tony Kaloger, Deputy Director
Mark R. Musson, Assistant Prosecutor, Cuyahoga County

Mary Bejjani, Clerk to the Board
Skip White, Clerk to the Board

The Cuyahoga County Board of Elections Meeting began at 9:30 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Curtis noted that all Board Members were in attendance.

Agenda Item 1: Approval of the minutes from the March 15, 2024, board meeting

Chairman Curtis moved to approve the minutes from the March 15, 2024, board meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 2: Acknowledgment of Secretary of State Memorandum 2024-02: Organizational Meeting of Major Political Party County Central Committee

Chairman Curtis moved to acknowledge the Secretary of State Memorandum 2024-02: Organizational Meeting of Major Political Party County Central Committee. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 3: Authorization to pursue judicial declaration of the CCBOE's rights to dispose of certain records exceeding their retention period

Board Member Davis Chappell asked if the agenda item had to do with any pending court proceeding. Assistant Prosecutor Musson stated it is not an existing litigation matter, but it is seeking the ability to initiate litigation on the Board's behalf. Board Member Davis Chappell clarified that the issue does not arise out of ongoing litigation. Mr. Musson said no. Director Perlatti stated there was a public records request for documents related to the August 2021, Special Congressional Primary Election, which involved 13 pallets of items. The CCBOE solicited bids from vendors to copy the materials because, in addition to the ballots, the requester wanted copies of all the scanner tapes. The CCBOE informed the original requester the three quotes the CCBOE solicited were around \$20,000 to copy the materials. The original requester communicated back and forth with the CCBOE, wanting to come to the CCBOE and scan the documents themselves. The CCBOE responded by explaining how the process would work, as the CCBOE is the custodian of these records. Director Perlatti said the CCBOE reached a point in time where

Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

it advised the requester of a need to make a determination or the CCBOE was going to go ahead and move forward with destroying these documents, which were past the retention period. The CCBOE then received a public records request from a different person to inspect these records. The CCBOE communicated back and forth with this individual on setting terms. The CCBOE advised the individual that they could inspect the documents, but the time would need to be scheduled as the CCBOE needs staff to unpack, pack, keep everything orderly, and monitor the inspection. The person who requested the inspection said they could not have people at the CCBOE for many months. Board Member Davis Chappell stated there are two competing interests. There is public interest in the records, and the CCBOE must ensure compliance with the Sunshine Laws about allowing the public to access the records. Still, there is the competing requirement and obligation that the CCBOE complete the preservation of documents, and the CCBOE needs to destroy the documents because of space constraints. She stated it is better for a court to decide.

Chairman Curtis moved to authorize to pursue judicial declaration of the CCBOE's rights to dispose of certain records exceeding their retention period. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 4: Determination of the validity of provisional ballots and authorization to count provisional ballots from the March 19, 2024, Presidential Primary Election

Hasani Wheat, Registration Department Manager, presented the March 19, 2024, Presidential Primary Election Provisional Report to the Board, as provided in the meeting materials. Mr. Wheat stated two voters were flagged to vote provisionally due to being registered at commercial post office boxes. Those two individuals did cast provisional ballots, which will not be counted. Director Perlatti stated the CCBOE sent out notices at the beginning of 2024 to individuals registered at a UPS store mailbox, which individuals can not be registered at. A post office box can be used as a mailing address but not as a residential address. The CCBOE also provided those individuals with a registration card to update their address information and return the card. The deadline provided in the notice to update their voter registration was February 20, 2024, the close of registration. He said one individual did update their voter registration. The individuals who did not update their address were placed in a "must vote provisional" status. Two individuals of the individuals voted provisionally on election day and wrote in a post office box as their residential address. The address listed is not valid; therefore, their provisionals have been listed as rejected. Director Perlatti said one of the individuals did contact the CCBOE Registration Department and discussed the matter. The individual now understands that a post office box is not a residential address and has updated her voter registration listing a residential address and listed the post office box as her mailing address. For the May 7, 2024, board meeting, Mr. Wheat will file residency challenge forms against all the other individuals to have residency hearings. The Board will then make a determination. Board Member Davis Chappell asked how the CCBOE can be more proactive in preventing individuals from registering at post office boxes. Mr. Wheat stated that typically, commercial addresses are flagged, and their voter registrations are not processed. Director Perlatti stated there will be additional training regarding individuals using a post office box as a residential address. He added that the Registration Department will conduct regular voter registration system reviews for individuals who list a post office box. Deputy Director Kaloger stated these addresses were discovered during the January reports review. He said that after the May 7, 2024, board meeting, the address would be blocked in the voter registration system by individuals attempting to register at that address.

Mr. Wheat stated that Norma King, whose residency was challenged and canceled twice in the voter registration database, had voted provisionally in the March 19, 2024 Primary Election. Ms. King listed 1735 Elsinor Ave, East Cleveland, as her residential address. She is currently listed in the provisional module as "not registered" and the provisional ballot will not be counted. Director Perlatti stated Norma

King is not registered at the 1725 Elsinor address, and the provisional ballot will be rejected. He said that, per the Secretary of State, the CCBOE needs to register her at the Elsinor address, which is the address on the provisional ballot. Mr. Wheat will file a residency challenge, and the Board will have a third hearing. Director Perlatti stated that Deputy Director Kaloger contacted the SOS Public Integrity Division and the Attorney General's office investigator and advised them of the ongoing voting pattern at that address. A third referral will likely be forthcoming. Board Member Davis Chappell asked if the CCBOE records and the testimony at the Board hearing show that Ms. King does not reside at the 1735 Elsinore address. Director Perlatti said, correct. The provisional envelope is not only a ballot but also considered a registration card. When Ms. King votes provisionally she updates the registration, and puts the same address again. Mr. Wheat will file a voter residency challenge based on the history that, within the last 12 months, the CCBOE has had two hearings regarding this specific address. The CCBOE will send her a hearing notice. Director Perlatti clarified that Ms. King's provisional ballot will be rejected as not a registered voter. Board Member McCafferty asked if voters are made aware that their provisional ballots were not counted. The Board discussed what determines if a notice is sent to a provisional voter and for the different notification categories be shared with the Board.

Chairman Curtis moved to approve the determination of the validity of provisional ballots and authorization to count provisional ballots from the March 19, 2024, Presidential Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 5: Acknowledgment of resignation from, and appointment to elected office

Chairman Curtis moved to acknowledge the resignation from, and appointment to elected office, as provided in the board packet. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 6: Approval of an update to the Cuyahoga County Board of Elections Petition Protocols

Chairman Curtis moved to approve an update to the Cuyahoga County Board of Elections Petition Protocols. The Board discussed the updates and determined the CCBOE should include additional disclaimer information. Chairman Curtis withdrew the motion. The Petition Protocols will be updated with additional disclaimers and presented at the April 9, 2024, Board Meeting.

Agenda Item 7: Approval of the personnel agenda

Chairman Curtis moved to approve the personnel agenda, as provided in the board packet. Board Member Davis Chappell seconded. The motion passed unanimously.

NEW BUSINESS

March 19, 2024, Presidential Primary Election Update

Deputy Director Kaloger gave an update on the March 19, 2024, Presidential Primary. He stated the Election Support Department has completed the supply bag cleanout, and today, Berman's Moving and Storage will pick up and return equipment from the remaining voting locations. The Election Officials Department is completing the final round of proofing for the poll worker payroll. The payroll file will be sent to the County Fiscal Department later in the week. The CCBOE will complete the poll worker payroll within the four to six-week window. The Ballot Department has been rescanning the election day paper ballots, verifying the number of sheets scanned matches the number of sheets recorded from the voting machine's USBs. On April 5, 2024, the Ballot Department completed the post-election public test. The public is notified and able to attend the public test. The Registration Department will begin voter history once the provisional opening is completed. The department will also be entering voter registration cards

received since election day. Each department will conduct a lessons learned session to determine what can be improved for the next election. Board Member Davis Chappell asked if the scanning of the ballot images was completed. Director Perlatti stated the election night process went well and that the Ballot Department has been able to merge all ballot images with the numeric results. The CCBOE will house and retain the ballot images. Director Perlatti stated that the CCBOE may conduct one automatic recount for the Brooklyn City School District Issue. There is currently a six-vote difference, and the provisional ballots and post-election absentees will be included at the certification at the April 9, 2024 board meeting. Should an automatic recount be needed, an additional board meeting would be necessary on the week of April 22, 2024.

Cleveland Magnet School Election Day Update

Director Perlatti provided an update regarding Cleveland Magnet School, located on Chester Avenue in Cleveland, which is the voting location for Ward 7, Precincts S and T. On Election Night, the Ballot Department ascertained that no Precinct 7S ballots had been voted. However, there were voters who checked in on the electronic poll books (EPBs) for precinct 7S. The CCBOE discovered the issue on election night when going through the due diligence of checks and balances and comparing electronic check-ins to ballot scans. Precinct 7S had 43 EPB Check-ins, but zero election-day ballots were scanned. The CCBOE pulled the ballot box and discovered none of the ballot packets for Precinct S, Democratic, Republican, or unaffiliated had been opened. The Ballot Department had the memory stick and could balance the election results between the EPB check-ins and ballots voted in 7T. The ballots for both Cleveland 7S and 7T were identical, and the vote totals will be correct. When the CCBOE publishes the final reports, no Election Day votes will be recorded for 7S. However, voter history will be accurate as that information comes from the EPBs. The CCBOE investigated the matter and found on election day, the poll workers were checking the voters into the electronic poll book, but when it came time to issuing the ballots, they only issued ballots from precinct T. When the poll worker would scan a 7T ballot for a voter in 7S an error message would appear on the EPB book. The poll workers looked to the voting location manager (VLM) to instruct them, and the VLM wrongly instructed them to hit the ADA button, which allows a ballot to be issued without scanning a barcode. The Election Officials Department determined that the two poll workers working at the EPB would again go through poll worker training before the November Election. The VLM will not be rehired for future elections.

PUBLIC COMMENT

There was no public comment

EXECUTIVE SESSION

There was no executive session

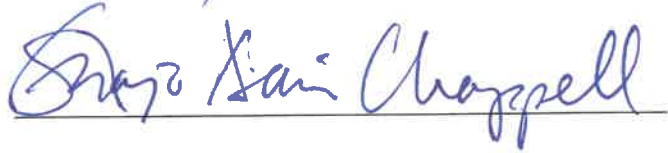
Chairman Curtis moved to recess the meeting at 10:25 a.m. Board Member Davis Chappell seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on April 1, 2024.

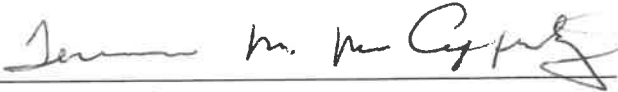
Henry F Curtis, IV, Chairman




Inajo Davis Chappell, Board Member



Terence M. McCafferty, Board Member



Lisa M. Stickan, Board Member



Anthony Perlatti, Director