

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting
12/8/2021

Attending:

Jeff Hastings, Chairman
Inajo Davis Chappell, Board Member
Lisa M. Stickan, Board Member
David Wondolowski, Board Member
Anthony W. Perlatti, Director
Tony Kaloger, Deputy Director

Mark R. Musson, Assistant Prosecutor, Cuyahoga County
Mary Bejjani, Clerk to the Board
Linda Walker, Clerk to the Board

The Cuyahoga County Board of Elections Meeting began at 9:34 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that all Board Members were in attendance.

Agenda Item 1: Approval of the minutes from the November 22, 2021, Board Meeting

Chairman Hastings moved to approve the minutes from the November 22, 2021, Board Meeting. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 2: Acknowledgment of Secretary of State Advisory 2021-06: Congressional Redistricting and State Legislative Redistricting

Chairman Hastings moved to acknowledge Secretary of State Advisory 2021-06: Congressional Redistricting and State Legislative Redistricting. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 3: Determination of the validity of provisional ballots and authorization to count provisional ballots from the November 23, 2021, Maple Heights Council District 6 Recall Election

Betty Edwards, Registration Department Manager, presented the Provisional Report to the Board as provided in the board meeting materials.

Chairman Hastings moved to approve the determination of the validity of provisional ballots and authorization to count provisional ballots from the November 23, 2021, Maple Heights Council District 6 Recall Election. Board Member Wondolowski seconded. The motion passed unanimously.

¹ Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

Agenda Item 4: Challenge of Right to Vote filed by David Sulik against Bonnie Shore

Chairman Hastings stated the Board received a Challenge of the Right to Vote filed by Mr. David Sulik against Ms. Bonnie Shore.

Betty Edwards, Registration Department Manager, acknowledged Mr. David Sulik was present to give testimony for the challenge, and Ms. Bonnie Shore was not present. Ms. Edwards stated a Challenge of the Right to Vote and Correction of Registration List, Secretary of State's Form 257, was filed by Mr. David Sulik. The challenge form alleges that Ms. Bonnie Shore has not lived at 2156 West 29th Street, Cleveland, Ohio, since 1994, and she votes using the 2156 West 29th Street address. The CCBOE Registration staff conducted an investigation into the voter registration record of Ms. Bonnie Shore. The following information was provided: 1) Ms. Shore initially registered to vote in Cuyahoga County on April 9, 1984, at 1354 West Boulevard, Apartment 8, Cleveland, Ohio, 44102. 2) In September 1999, Ms. Shore changed her address to 2156 West 29th Street, Cleveland, Ohio, Cuyahoga County 3) Property reports indicate Mr. Sulik purchased the property at 2156 West 29th Street in May 1994. Mr. Sulik contends Ms. Shore has not lived at the 2156 West 29th Street address since he purchased the property. Ms. Shore has regularly voted using the 2156 West 29th Street address and last voted on November 2, 2020. On October 10, 2021, Deputy Director Kaloger instructed Registration staff to flag Ms. Shore's voter registration as she must vote provisionally. Ms. Shore did not vote in the November 2, 2021, General Election. CCBOE staff tried to identify an address/contact information other than the 2156 West 29th Street address for Ms. Shore and no contact information was located. According to the Ohio Bureau of Motor Vehicles, Ms. Shore's Ohio Driver's license has expired and not renewed.

Chairman Hastings noted Ms. Shore had voted approximately 16 times. Ms. Shore has voted since 2004, and she is approximately 67 years old. The CCBOE staff also worked with the County Prosecutor's office using additional resources and could not locate Ms. Shore. The hearing notice was mailed to the 2156 West 29th Street address, which Mr. Sulik had in his possession, and he returned to the CCBOE.

Mr. Sulik testified he did not know Ms. Shore. In October of 1993, he stated he moved into a duplex located at 2156 West 29th Street, Cleveland, Ohio as a renter and subsequently purchased the house in 1994. Ms. Shore lived in one unit, and Mr. Sulik lived in the other unit. Mr. Sulik did not know Ms. Shore other than knowing she occupied the other unit. When Mr. Sulik purchased the home in 1994, Ms. Shore moved from her unit. Mr. Sulik has continued to receive the CCBOE voter information guide notices in the mail.

Chairman Hastings stated the only issue (despite the CCBOE's reasonable efforts) is Ms. Shore's due process rights since she has not been notified nor had an opportunity to be heard at this hearing. A complete transcript of this hearing can be obtained by contacting Board Clerk Mary Bejjani at mbejjani@cuyahogacounty.gov or 216.443.6430.

Chairman Hastings moved to cancel Ms. Bonnie Shore's registration based on the information and testimony from Mr. Sulik. Board Member Wondolowski seconded. The motion passed unanimously.

Chairman Hastings moved to refer this matter to the Prosecutor's office for further investigation. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 5: Certification of the official results of the November 23, 2021, Maple Heights Council District 6 Recall Election

Brian Cleary, Ballot Department Manager, presented information from the Board Packet concerning the certification of the official results from the November 23, 2021, Maple Heights Council District 6 Recall Election.

- Authorization to approve the remake of the optical scan ballots from the November 23, 2021, Maple Heights Council District 6 Recall Election.
Chairman Hastings moved to authorize to approve the remake of optical scan ballots from the November 23, 2021, Maple Heights Council District 6 Recall Election. Board Member Wondolowski seconded. The motion passed unanimously.
- Authorization to approve absentee ballots from the November 23, 2021, Maple Heights Council District 6 Recall Election
Chairman Hastings moved to authorize approval of absentee ballots from the November 23, 2021, Maple Heights Council District 6 Recall Election. Board Member Wondolowski seconded. The motion passed unanimously.
- Authorization to approve provisional ballots from the November 23, 2021, Maple Heights Council District 6 Recall Election
Chairman Hastings moved to authorize approval of provisional ballots from the November 23, 2021, Maple Heights Council District 6 Recall Election. Board Member Wondolowski seconded. The motion passed unanimously.
- Acknowledgment of the pre & post-test results of the vote tabulation system from the November 23, 2021, Maple Heights Council District 6 Recall Election.
Chairman Hastings moved to acknowledge the pre & post-test results of the vote tabulation system from the November 23, 2021, Maple Heights Council District 6 Recall Election. Board Member Wondolowski seconded. The motion passed unanimously.

Chairman Hastings moved to certify the official results of the November 23, 2021, Maple Heights Council District 6 Recall Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 6: Certification of the Recounts from the November 2, 2021, General Election for the following contests:

(Automatic Recounts)

- a. Berea CSD Board of Education Member**
- b. Lakewood Council at Large**
- c. University Heights. Council at Large**
- d. Maple Heights CSD Board of Education Member**
- e. Mayfield Heights Council at Large**

(Requested Recounts)

- f. Euclid Ward 02 Member of Council**
- g. Maple Heights District 05 Member of Council**

Jessica King, Ballot Department Assistant Manager, presented information from the board packet regarding the certification of recounts from the November 2, 2021, General Election. She stated recounts

for the November 2, 2021, General Election began on November 29, 2021. There were five automatic recounts and two requested recounts. The hand-counted votes of the selected precincts matched the results of the official canvas. The precincts were rescanned and tabulated using electronic voting equipment. When the electronic tabulation matched the hand count and official canvas results, the remaining precincts were then rescanned and tabulated using electronic voting equipment. The recount in the Berea CSD Board of Education Member resulted in a change in one vote in Brook Park 3C. The DS850 high-speed scanner read an oval differently than the DS200 scanner. After physical inspection by a bipartisan team, the ballot vote was changed from an undervote to a vote for a candidate. The change did not affect the outcome of the race, and all candidate positions remained the same. However, the official certification results for the November 2, 2021, General Election will be amended by one vote.

Chairman Hastings moved to Certify the Recounts from the November 2, 2021, General Election for Berea CSD Board of Education Member, Lakewood Council at Large, University Heights Council at Large, Maple Heights CSD Board of Education Member, Mayfield Heights Council at Large, Euclid Ward 02 Member of Council, and Maple Heights District 05 Member of Council. Board Member Wondolowski seconded. The motion passed unanimously.

Chairman Hastings moved to amend the official certified results from the November 2, 2021, General Election. The amendment is a result of the one vote change in the Berea CSD Board of Education Member Recount. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 7: Acknowledgment of resignations from and appointments to elected office

Board Member Stickan noted a correction to the board documents regarding the resignation of Ann M. D'Amico, Highland Heights City Council. Ms. D'Amico is resigning from Highland Heights City Council Representative Ward 4, effective December 31, 2021, as she was elected to the position of Highland Heights Council at Large in the November 2, 2021, General Election.

Chairman Hastings moved to acknowledge the resignations from and appointments to elected office. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 8: Early In-Person Voting PEO Performance Report

Steve Doell, Candidate and Petitions Services Supervisor presented a summary regarding the Early In-Person Voting PEO Performance Report from the board packet.

Chairman Hastings moved to acknowledge the Early In-Person Voting PEO Performance Report. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 9: Approval to Renew the Ballot Printing Contract with Midwest Direct, under subdivision (B) Article I., in the amount not-to-exceed \$593,466.70 for the First Renewal Period January 1, 2022, through August 1, 2022

Board Member Wondolowski noted a correction to the agenda to indicate "the amount not to exceed as \$593,469.70."

Chairman Hastings moved to approve to renew the Ballot Printing Contract with Midwest Direct, under subdivision (B) Article I., in the amount not-to-exceed \$593,469.70 for the First Renewal Period January

1, 2022, through August 1, 2022. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 10: Approval of vouchers

Chairman Hastings moved to approve the vouchers. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 11: Approval of the personnel agenda

Chairman Hastings moved to approve the resignation of Kevin Zaremba. Board Member Wondolowski seconded. The motion passed unanimously.

Chairman Hastings moved to approve a two percent cost of living salary increase effective December 19, 2021, which will be reflected in the first 2022 pay date on January 7, 2022. The increase applies to all permanent employees on the Board payroll as of December 19, 2021. This adjustment was included as part of the 2022-2023 biennial budget. Board Member Wondolowski seconded. The motion passed unanimously.

Chairman Hastings stated that on November 23, 2021, the day of the Maple Heights Council District 6 Recall Election, it was determined a former CCBOE employee did not comply with the agency's Ballot Remake Policy by failing to remake 15 ballots in a bipartisan manner. Staff uncovered this CCBOE Ballot Remake Policy non-compliance while conducting quality assurance processes. The CCBOE staff determined that the absentee ballots were remade correctly and confirmed that all ballots cast were accurately tabulated for both the unofficial canvas, which took place on November 23, 2021, and the official canvass is taking place on December 8, 2021. Based on the investigations by Lori Acosta, Human Resources Manager, in conjunction with the Director and Deputy Director, information is being gathered for referral to the Cuyahoga County Prosecutor's Office.

Chairman Hastings moved to refer Mr. Kevin Zaremba to the Cuyahoga County Prosecutor's Office for appropriate follow-up with investigative information to be provided by the CCBOE staff. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 12: Acknowledgment of Cuyahoga County Council District boundary adjustments pursuant to Cuyahoga County Charter Section 3.04

Chairman Hastings moved to acknowledge the Cuyahoga County Council District boundary adjustments pursuant to Cuyahoga County Charter Section 3.04. Board Member Wondolowski seconded. The motion passed unanimously.

PUBLIC COMMENT

Reverend Pinkney Butts provided public comments regarding items on the agenda.

Director Perlatti provided updates to the Board on the following:

- Per an SOS Directive, the CCBOE is currently working on the voter cancellations which will take place on January 7, 2022.

- There will be an agenda item to approve Ward changes Euclid, Parma, and Bay Village at the next board meeting.
- There is a potential for a statewide petition to be filed with the Secretary of State next week, requiring staff to complete its review of the petitions by December 23, 2021.
- Director Perlatti stated there was also a group that circulated statewide petitions regarding mandating vaccines. When the CCBOE received the petitions from the Ohio Attorney General, the manner in which the petitions and associated paperwork for the petitions were compiled gave staff pause as to whether those who signed the petitions actually saw the text of what they were signing. The CCBOE inquired with other counties, and those counties experienced the same issue. The CCBOE processed the petitions and returned the petitions along with an explanation of the issue to the Ohio Attorney General. The CCBOE's conduct of processing and returning the petitions was consistent with other large counties.

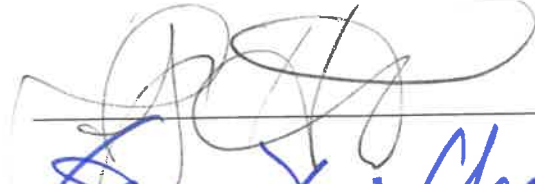
At 10:34 a.m. Chairman Hastings motioned to go into executive session for the purpose of discussing employee compensation and discipline. Board Member Wondolowski seconded, and a roll call was taken, and each Board Member voted in the affirmative.

At 11:01 a.m., after returning from the executive session, Chairman Hastings motioned to come out of the executive session. Board Member Wondolowski seconded, and a roll call was taken, and each Board Member voted in the affirmative.

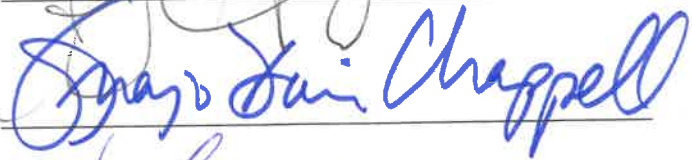
Chairman Hastings moved to adjourn the meeting at 11:13 a.m. Board Member Wondolowski seconded. The motion passed unanimously.

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 December 8, 2021.

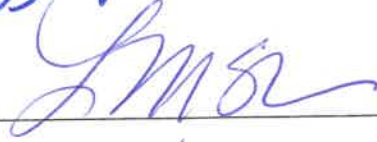
Jeff Hastings, Chairman



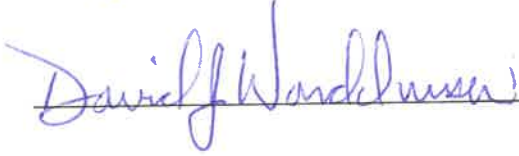
Inajo Davis Chappell, Board Member



Lisa M. Stickan, Board Member



David J. Wondolowski, Board Member



Anthony Perlatti, Director

