

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting
1/11/2022

Attending:

Jeff Hastings, Chairman
Inajo Davis Chappell, Board Member
Lisa M. Stickan, Board Member
David Wondolowski, Board Member
Anthony W. Perlatti, Director/via teleconference
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 9:31 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 December 8, 2021, Board Meeting

Chairman Hastings moved to approve the minutes from the December 8, 2021, Board Meeting. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 2: Acknowledgment of Secretary of State Advisory and Directives: Advisory 2022-01: Ohio Attorney General Opinion No. 2022-001; Directive 2021-21: Instructions Regarding the Review, Examination, and Verification of the Petition Proposing an Initiated Statute (An Act to Control and Regulate Adult Use Cannabis); Directive 2022-01: 2021 Annual Expense Report

Chairman Hastings moved to acknowledge Secretary of State Advisory and Directives: Advisory 2022-01: Ohio Attorney General Opinion No. 2022-001; Directive 2021-21: Instructions Regarding the Review, Examination, and Verification of the Petition Proposing an Initiated Statute (An Act to Control and Regulate Adult Use Cannabis); Directive 2022-01: 2021 Annual Expense Report. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 3: Preliminary approval of the ballot order for the May 3, 2022, Primary Election

Chairman Hastings moved to approve the preliminary ballot order for the May 3, 2022, Primary 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: Acknowledgment of the Post-Election Audit Summaries for the September 14, 2021, Primary Election; November 2, 2021, General Election; and November 23, 2021, Maple Heights Council District 6 Recall Election

Brian Cleary, Ballot Department Manager, reviewed and commented on information from the board packet concerning the post-election audits for the September 14, 2021, Primary Election; November 2, 2021, General Election; and November 23, 2021, Maple Heights Council District 6 Recall Election.

Chairman Hastings moved to acknowledge the Post-Election Audit Summaries for the September 14, 2021, Primary Election; November 2, 2021, General Election; and November 23, 2021, Maple Heights Council District 6 Recall Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 5: Acknowledgment of resignations from elected office

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

Agenda Item 6: Acknowledgment of intent to retire from elected office

Chairman Hastings moved to acknowledge the intent to retire from elected office. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 7: Acknowledgment of withdrawal of candidates from the May 3, 2022, Primary Election

Chairman Hastings moved to acknowledge the withdrawal of candidates from the May 3, 2022, Primary Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 8: Preliminary authorization for the allocation of voting booths for the May 3, 2022, Primary Election. Allocation quantities are based on social distancing and room size per polling location. A total of 4,613 voting booths will be allocated + 836 DS200 precinct scanners + 295 ADA AutoMark voting units and 1,131 Electronic Poll Books

Chairman Hastings moved to acknowledge the preliminary authorization for the allocation of voting booths for the May 3, 2022, Primary Election. Allocation quantities are based on social distancing and room size per polling location. A total of 4,613 voting booths will be allocated + 836 DS200 precinct scanners + 295 ADA AutoMark voting units and 1,131 Electronic Poll Books. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 9: Acknowledge receipt of ward boundary legislation from Bay Village, Euclid, Parma, and Parma Heights

Chairman Hastings moved to acknowledge receipt of ward boundary legislation from Bay Village, Euclid, Parma, and Parma Heights. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 11: Approval of the personnel agenda

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

Walk-On Agenda Item: Complaint from the Mayor of Newburgh Heights regarding petitions.

Chairman Hastings stated the CCBOE received a petition to recall the Mayor of Newburgh Heights. Upon receipt of the petition filing, Brent Lawler, Candidate and Petition Services Manager, contacted Director Perlatti and Deputy Director Kaloger. They reached out to Assistant Prosecuting Attorney Musson about the nature of the recall petition. Assistant Prosecutor Musson stated the CCBOE received the petition in mid-December 2021. In reviewing the petition, there was a question of whether the petitioners had the legal authority to petition for a recall according to the state law governing recall elections for Ohio Villages. The Village of Newburgh Heights ("Village") is a non-chartered statutory village. Mr. Musson commented that the Village follows the general plan of government that is provided for under the Ohio Revised Code, where there is no governing law for a village in Ohio to have the authority to recall elected officials. The Prosecutor's Office then reached out to the law director for Newburgh Heights for a legal opinion. The law director then issued his legal opinion concluding that that the Village does not have the authority to hold a recall election. Chairman Hastings confirmed the Board typically reaches out to the law director and has the law director interpret these matters, and then the Prosecutors office reviews the interpretation. Assistant Prosecutor Musson acknowledged that is the CCBOE's standard procedure. Assistant Prosecutor Musson concurred with the legal opinion of the Newburgh Heights law director and accordingly advised Director Perlatti, Deputy Director Kaloger, and Mr. Lawler. Assistant Prosecutor Musson then sent a letter to the petitioners stating there was no authority for a recall election, and the petitions were considered null or void. In the meantime, Mr. Lawler received a complaint from the subject of the recall petition alleging defects of certain signatures on the petitions and requesting an investigation into and referral to the prosecutor's office election falsification. In reviewing the complaint, Mr. Musson concluded since the petition was null or void, there cannot be election falsification because those signatures would not be checked or validated. Chairman Hastings asked if that was the advice Assistant Prosecutor Musson gave the Director, Deputy Director, and shared with Mr. Lawler. Mr. Musson stated yes. Mr. Lawler advised the subject of the complaint that the CCBOE would not refer this matter be no investigation. Chairman Hastings clarified that Mr. Lawler was responding to an email he received from the complainant, and he gave the appropriate answer, but the matter needed to come before the Board for determination. Chairman Hastings commented that the CCBOE generally does not conduct investigations of why an isolated address is written incorrectly. Board Member Davis Chappell stated it was necessary and important for the Board to be transparent about this matter and to have this matter discussed at a public hearing.

Chairman Hastings made a motion not to investigate this matter nor refer to the prosecutor's office the complaint by the Mayor of Newburgh Heights. Board Member Wondolowski seconded. The motion passed unanimously.

Chairman Hastings asked Assistant Prosecutor Musson to issue a letter to the Mayor of Newburgh Heights on the Board's behalf setting forth that the Board placed the matter of Mayor Elkin's complaint on today's agenda and the action the Board took.

Director Perlatti stated that the letter to be issued by Assistant Prosecutor Musson on behalf of the Board, along with the email already sent by Mr. Lawler, will bring additional clarity and conclusion to the matter.

NEW BUSINESS

Director Perlatti stated that the CCBOE is already preparing for the Primary Election on May 3, 2022.

Board Member Davis Chappell stated that she and Chairman Hastings, along with Director Perlatti, Deputy Director Kaloger, and CCBOE staff, participated in a call on January 10, 2022, with the Department of Justice (DOJ). The call was regarding the DOJ's notice the CCBOE receives approximately every five years. This Notice is sent as a result of data received by the DOJ from the Census Bureau for those jurisdictions that have bilingual programs in place. The CCBOE's bi-lingual program was started in 2010 and arose out of a consent decree implementing bilingual training, ballots, registration, interpreter services, bilingual staffing, and poll workers. The discussion included what the CCBOE has been doing and the CCBOE's commitment to continue to support Spanish-speaking voters in the County. The CCBOE collaborates with the DOJ to ensure an accurate count of voters with Hispanic surnames and requisite precincts. The call was productive, and the DOJ was receptive and appreciative of the collaboration between the CCBOE and DOJ.

Deputy Director Kaloger stated that the CCBOE is waiting for the submission of a petition to control and regulate cannabis. The group's initial petition was 13,000 signatures short, and the group has until Thursday, January 13, 2022, to submit additional signatures.

PUBLIC COMMENT

Jonathan A. Platt provided public comments regarding House Bills 110 and 272.

At 10:00 a.m. Chairman Hastings motioned to go into executive session for the purpose of discussing an employment matter. Board Member Wondolowski seconded, and a roll call was taken, and each Board Member voted in the affirmative.

At 10:13 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 10:13 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 January 11, 2022.

Jeff Hastings, Chairman

Inajo Davis Chappell, Board Member

Lisa M. Stickan, Board Member

David J. Wondolowski, Board Member

Anthony Perlatti, Director