

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting**  
**1/18/2023**

**Attending:**

Jeff Hastings, Chairman  
Inajo Davis Chappell, Board Member  
Terence M. McCafferty, Board Member  
Lisa M. Stickan, Board Member  
Anthony Perlatti, Director  
Tony Kaloger, Deputy Director

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 Hastings noted that all Board Members were in attendance.

---

**Agenda Item 1: Approval of the minutes from the December 14, 2022, and December 22, 2022, Board Meetings**

Chairman Hastings moved to approve the minutes from the December 14, 2022, and December 22, 2022, Board Meetings. Board Member Davis Chappell seconded the motion and abstained from approving the December 22, 2022, minutes. The motion passed unanimously.

**Agenda Item 2: Acknowledgment of Secretary of State (SOS) Directives: Directive 2023-01; United States Election Assistance Commission (“EAC”) Election Administration and Voting Survey; 2022 Annual Expense Report; Directive 2023-02; Instructions Regarding the Examination of a Petition to Form a Minor Political Party**

Board Member Davis Chappell asked if the CCBOE is expected to receive an SOS Directive regarding House Bill 458, which changes the voter’s photo identification requirements and the now shortened processing times. Once the Directive is received and there is an understanding of the impacts, the CCBOE will need to communicate these changes to the voters and manage expectations. Board Member Davis Chappell stated the changes are still being reviewed by the SOS to determine the impact on the voting process going forward. At the 2023 Ohio Association of Election Officials (OAEO) Winter Conference, there were large and small counties raising an issue that this law now creates a shortened time for boards of elections to process ballots and for voters to cure a ballot.

Director Perlatti stated the CCBOE anticipates receiving at least one, if not multiple, directives from the SOS. House Bill 458 changes several processes, including acceptable photo identifications, provisional ballots, and drop boxes. Director Perlatti stated that SOS is determining what changes can be made for the 2023 May Primary and beyond. The CCBOE staff is anxious to receive the SOS Directives as there

---

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

is a need to train poll workers and have an education plan for the public. The Board will continue to be updated.

Board Member Davis Chappell stated the OAEO Conference was a success, with a lot of good information shared. She did speak with Secretary of State LaRose regarding the 630 cases of voter fraud and asked how many cases were in Cuyahoga County if any. Secretary LaRose did say he would follow up and that the prosecutor's office would receive any referrals from the SOS. Board Member Davis Chappell would like to be in a position to say all those 630 were somewhere else or not that many in Cuyahoga County. The CCBOE should know the number of cases from the SOS to help identify if the CCBOE missed something in the numerous kinds of trip wire functions and flags that the CCBOE has in its processes. Secretary LaRose indicated that if there were any, the cases would likely be related to outside-the-state voters. Secretary LaRose was very agreeable and stated he would tell somebody on the staff. Board Member Davis Chappell asked Rachel Ruffer, SOS Liaison, to follow up on the CCBOE email inquiries requesting the information as the CCBOE staff and voters need to know if the CCBOE is doing a great job or if something is being missed.

Chairman Hastings moved to acknowledge the Secretary of State Directives: Directive 2023-01; United States Election Assistance Commission ("EAC") Election Administration and Voting Survey; 2022 Annual Expense Report; Directive 2023-02; Instructions Regarding the Examination of a Petition to Form a Minor Political Party. Member Davis Chappell seconded. The motion passed unanimously.

### **Agenda Item 3: Approval of vouchers**

Chairman Hastings asked why the CCBOE is now paying for election custodial services from the May 2022 Election. Director Perlatti stated there are three items on the voucher list pertaining to custodial charges from the Cleveland Municipal School District (CMSD). In the Ohio Revised Code (ORC), public buildings are not allowed to charge rent to utilize public buildings as polling locations. The ORC does allow to charge custodial fees that they incur for being a poll place on election days. Not every municipality, whether a school district or city invoices the CCBOE for those costs.

Previously, the Cleveland School District had billed the CCBOE regularly. In 2020 and 2021, the CCBOE did not receive any charges from the district, and then in 2022 a representative from the CMSD reached out to the CCBOE Fiscal Department and stated the CMSD had three years' worth of custodial charges to bill. The Fiscal Department responded that payment could not be made on three years of costs as the books had already been closed on the previous years. It appears there was a personnel change at CMSD, which caused the custodial charges to fall through the cracks at CMSD. When it came to the CCBOE's attention in 2022, Shaunquitta Walker, Fiscal Services Manager, worked with CMSD to accept the 2022 custodial charges, but no payment could be made on the older charges. Chairman Hastings clarified that CMSD delayed invoicing to the CCBOE, and the CCBOE does not inquire why bills have not been invoiced by organizations. Chairman Hastings asked if the money is encumbered in 2022. Director Perlatti stated Ms. Walker spoke with the County Office of Budget and Management (OBM) liaison. These costs will hit the CCBOE 2023 budget, and the OBM is aware if there is a shortfall in the CCBOE 2023 budget, an appropriation will be asked of County Council. There should not be any difficulties in getting the appropriation if necessary.

Director Perlatti stated the CCBOE would build in a safeguard to the polling location contracts. The CCBOE currently has a simple contract approved by Assistant Prosecutor Musson, which is sent to all entities. There is a private and public location version of the contract. The CCBOE will work to include verbiage regarding the required number of days the CCBOE must be invoiced.

Chairman Hastings moved to approve the vouchers set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 4: Preliminary approval of the ballot order for the May 2, 2023, Primary Election**

Director Perlatti stated the SOS requires the CCBOE to preliminarily allocate the ballot order ninety days or more prior to an election. For this preliminary approval, the CCBOE is assuming there may be a county-wide election and is only able to make a determination after the February 1, 2023, filing deadline. There is a good chance the May 2, 2023, Primary Election will not be county-wide, so when it is time for the final ballot order approval, which occurs 30 days before an election, the numbers will be reduced with the ballot orders and within other agenda items.

Chairman Hastings moved to approve the preliminary ballot order for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 5: Acknowledgment of resignations from and appointments to elected office**

Chairman Hastings moved to acknowledge the resignations from and appointments to elected office as provided in the meeting material. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 6: Acknowledgment of the PEO Performance Report for the November 8, 2022, General Election**

Marlene Robinson Statler, Election Officials Assistant Manager, presented information from the board packet regarding the Precinct Election Official (PEO) Performance Report.

Chairman Hastings asked about the significance of signing the zero tape summary reports, and if it was a security precaution. Ms. Robinson Statler stated yes, and to ensure a balance of the parties are reviewing the tapes. The CCBOE captures and reviews the tapes after they are returned to ensure each location does have the signatures. Chairman Hastings confirmed the tapes show how many people have voted at the location. Ms. Robinson Statler stated the CCBOE would be making changes in training and the packing of zero reports in special envelopes, which will improve the process overall.

Ms. Statler Robinson stated the changes from House Bill 458 would impact training and will be incorporated into the CCBOE training procedures. The provisional training process will also be reviewed, and changes will be implemented based on language changes resulting from House Bill 458.

Board Member Davis Chappell stated the report indicates, in terms of properly issuing provisional ballots, that 136 locations had one or more provisional ballots rejected due to PEO error, which is a 47.5% error rate based on PEO error. She asked if that was the same number it has always been. Ms. Robinson Statler referred to the report chart, which indicates the numbers are consistent with past elections. The comparables are the same. The errors can fall into several categories, including no name, missing address, or other incomplete information on the envelope. Board Member Davis Chappell asked why it is considered a PEO error if the voter needs to complete the information on the envelope correctly. Ms. Robinson Statler stated the PEOs at the Voter Assistance table have a template that overlays the envelope. The PEO should review the envelope to catch any errors the voter made. Chairman Hastings clarified that in these instances it is the voter that caused the error and it is the PEO that did not catch the error. Director Perlatti stated the CCBOE considers it a PEO error because it is catchable due to the overlay template.

While the PEO error rate is currently 47.5%, it should be noted that when the Registration Department reviews the provisionals for valid or rejected, the CCBOE is well over a 90% acceptance rate. However, this report helps identify areas where the PEOs need further training.

Chairman Hastings stated the wrong precinct/wrong location could be a PEOs error, not the voter's error. Director Perlatti said that was correct. Board Member Davis Chappell inquired why the electronic poll books did not fix the problem. Director Perlatti stated the wrong precinct/location should be avoidable, if the PEO uses the electronic poll book correctly. The poll book will pull up correct information and the PEO can print out a confirmation of the information to hand to the voter. There may be a few instances where voters are adamant about voting because they do not want to go to another location. However, there is a form that can be affixed which alleviates poll worker error. Chairman Hastings said the PEO could be missing the step of not affixing the label when they should be. Ms. Robinson Statler stated they do a precinct lookup by the location and enter the person's address to direct the voter to the correct place. Deputy Director Kaloger said the label is designed to be used when the voter is at the correct location but refused to get the correct precinct ballot. The PEOs are trained to affix it to the document indicating the person was at the wrong place or refused to go to the proper precinct. The label shows the PEO did attempt due diligence.

Board Member Davis Chappell asked if there was an overlap of problems at one or two locations or did these locations have multiple issues. Ms. Robinson Statler said no. There was a pattern in previous years, but no current consistent pattern exists.

Director Perlatti added that House Bill 458 definitely impacts the provisional process, and the CCBOE will have to see how it affects this report in the future. Previously, an individual could go into a poll place, and by putting the last four digits of their social security number or know their driver's license number, they could write it on the envelope, which would be considered valid identification for provisional voting. That has now changed where a person must now show photo identification at the polls and record the identification number on the provisional envelope. The CCBOE is waiting on SOS Directives regarding the provisional envelopes, as it is an SOS form that is affixed to an envelope. The CCBOE currently has approximately 70,000 provisional envelopes, but because of the changes caused by House Bill 458, these provisional ballots are outdated. The CCBOE will need to immediately print to replenish the stock or come up with a workaround to get through the May 2, 2023 Primary Election depending on the timeliness of information from the SOS. Additionally, the changes in what documents are permitted to be used for identification will be incorporated into the CCBOE's training.

The CCBOE will continue to make improvements leading to the 2024 Presidential Election. In the instance where an individual cannot show their identification, they can come down to the CCBOE to show identification. There used to be a seven-day post-election cure period. Now, it is four days. In the past, zero people came to the CCBOE because they knew the last four digits of the social security number. Now there will be more of a need for people to come to the CCBOE post-election. If they do not come down, it may be a reason to reject the provisional. Board Member Davis Chappell stated it is so concerning from a training and voter standpoint as a disenfranchisement issue. The CCBOE must have enough time to educate our poll workers and do some voter education. It is hard because there are different interpretations of the law, but the CCBOE must push to get definitive answers as quickly as possible. Board Member Davis Chappell emphasized her serious concerns about having enough time to address the new changes.

Board Member McCafferty commented on his past experience working the voter assistance table. The provisional process is confusing to the voter, and training should be emphasized to the voting location managers and deputies. Through his experience, the provisional voters should be gathered near the voter

assistance table, and the PEOs need to use the template to capture all the details correctly. Ms. Robinson Statler stated there would be the consideration to reinforce during training that the voting location deputy be present at the voter assistance table. In Board Member McCafferty's experience working the polls, it is necessary to monitor the provisional voters to assist them. Setting up a voting booth near the voter assistance table, making sure the ballot is placed back in the provisional envelope and sealed, and returning the ballot to the voter assistance table for a final check with the template to eliminate any mistakes.

Chairman Hastings moved to acknowledge the PEO Performance Report for the November 8, 2022, General Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 7: Approval to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the May 2, 2023, Primary Election**

Chairman Hastings moved to approve to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 8: Allocation of voting booths for the May 2, 2023, Primary Election. Allocation quantities are based on Social Distancing and room size per polling location. A total of 4,567 voting booths will be allocated + 721 DS200 precinct scanners + 286 ADA AutoMark voting units and 980 Electronic Poll books.**

Chairman Hastings moved to approve the allocation of voting booths for the May 2, 2023, Primary Election. Allocation quantities are based on Social Distancing and room size per polling location. A total of 4,567 voting booths will be allocated + 721 DS200 precinct scanners + 286 ADA AutoMark voting units, and 980 Electronic Poll books. Board Member Davis Chappell seconded. The motion passed unanimously.

**NEW BUSINESS**

**Voting Equipment Update**

Director Perlatti stated representatives from Clear Ballot were at the OAEO Winter Conference. CCBOE staff had an opportunity to meet with Clear Ballot and ensure they understand the CCBOE wants to keep the process moving and get it done. On a weekly basis, the CCBOE conducts an internal team meeting with CCBOE legal counsel to discuss documents and also meet with Clear Ballot and their legal counsel. Discussions are moving along slower than what was anticipated. Clear Ballot provided an initial version of their contract to their customers, and some of their other customers said the contract was good enough. However, that is not the Cuyahoga County standard. The document is being reworked, including the Master Service Agreement and the order for the Statement of Work; both require a few items to be finalized. Director Perlatti said the two legal representatives from Calfee, Halter & Griswold LLP have been a positive addition to the process with their knowledge of software contracts. There is also a cyber security agreement that the SOS requires all vendors and counties to engage in. Some counties purchased their equipment before the SOS cyber security directive. The CCBOE and Clear Ballot created a security agreement that the SOS modified and approved. Clear Ballot now has a template that all 88 counties can utilize.

The CCBOEs initial plan was to use the Clear Ballot equipment in the May 2, 2023, Primary Election, which will not happen. Since the CCBOE does not have a contract, the first time the CCBOE will use the Clear Ballot equipment will be the September 12, 2023, Primary, which is anticipated to be

approximately 100 precincts. There is a need to get the equipment delivered for acceptance testing, which is a battery of tests to ensure the equipment works properly. Once the testing is complete, notice is provided to the SOS, and the payment goes to the vendor. The CCBOE wants the testing process completed by the May 2, 2023, Primary. Half of the Halle Building will be used for testing while executing the May 2 Election. Currently, there are approximately 60 precincts involved in the May Election. Most of the CCBOE staff will not be trained until after the May Primary and will focus on in-depth knowledge to execute a successful September Election. Clear Ballot will be on site in September as well as the CCBOE is pre-purchasing service days so that Clear Ballot will remain here for the county-wide election on November 7, 2023.

The CCBOEs goal is to have the contract done and agreed to by all parties by January 31, 2023. The approval then goes to County Council to approve the purchase of voting equipment. The goal is to introduce the contract at the February 7, 2023, Council Meeting and then at the Council meeting on February 21, 2023, for final approval of the contract. A presentation will also be made by Director Perlatti to a County Council committee.

Board Member Davis Chappell stated the OAEO Conference allowed her an opportunity to speak with the CEO of Clear Ballot. While being only one Board Member, she felt very comfortable saying on behalf of Board that the CCBOE needs the contracts done. The CEO was very gracious in assuring there were just a few items to be completed. The CEO indicated they are committed to doing a great job, and he would make himself available to ensure the contract was completed.

Director Perlatti stated that Summit County also selected Clear Ballot equipment and will be implementing their Clear Ballot equipment in the May Primary. Several CCBOE staff will be visiting Summit County to observe the off-loading of equipment, which will help prepare for receiving the CCBOE's nine semis of equipment.

### **Cyber Security Update**

Director Perlatti stated SOS Directive 2022-38; Help America Vote Act ("HAVA") Funds, Security Improvements, and Vendor Contracts, was published on June 27, 2022 and had a December 30, 2022, deadline. Cuyahoga County was able to meet the deadline of December 30, 2022, on all items except for four items. The SOS has granted the CCBOE an extension in the following four areas. The first two include additional security cameras in the Hughes and Halle Buildings. The Halle camera installation has been completed, and the cameras will be installed by January 27, 2023. The third item is for software backup, which was purchased and needed to be configured and installed, which has also been completed. The fourth item is for enhancements to the Halle Building security system for an alternate partitioning plan of the zoning of the alarms. There will be some programming charges that will be incurred. The CCBOE has continued to reach out to the County, which oversees the vendor for the project. The CCBOE is in a good position regarding complying and continues to communicate with the SOS if further extensions are necessary.

### **National Change of Address Supplemental Process (NCOA)**

Director Perlatti stated the CCBOE is working on two of the NCOA processes. The first is from 2018 for the cancellation of the records from the mailing that occurred in 2018. In 2018, the CCBOE mailed out over 68,000 confirmation notices, and in the past four years, 12,890 people have not had any activity. The CCBOE is waiting for the SOS to give the go-ahead to cancel the records.

The 2022 NCOA process is now in the outbound mailing of confirmation notices in two parts. There is the NCOA compared to the Statewide Voter Registration Database compared to the United States

Postal Services (USPS) records of who has moved. The CCBOE has approximately 38,000 individuals who have notified the USPS they moved but did not update their voter registration. Those individuals will get a mailing. Then a supplemental mailing will go to approximately 29,000 individuals who have not engaged in voter activity within the past two years. There is a deadline of January 27, 2023, to have the notices in the mail. The CCBOE is working with a vendor to mail the notices to almost 70,000 individuals. The CCBOE has proofed the information and will begin to send the confirmation notices on January 25, 2023, and have all the notices mailed by the January 27, 2023 deadline.

Board Member Davis Chappell asked when the APRI exception ends for this voter maintenance registration. Director Perlatti said there is generally a notice in the unofficial/official certification directive for provisional processing, as that is when APRI is applied. Deputy Director Kaloger stated certain mailings qualify for the APRI exception. There was previously verbiage on mailings that the court found exceptions needed to be made for those people within those mailings. There was a point where the language was updated, and the number of people who would qualify for the APRI exception will be reduced.

### **Directive 2023-02; Instructions Regarding the Examination of a Petition to Form a Minor Political Party**

Director Perlatti stated that Directive 2023-02 is regarding the circulation and processing of a petition for the formation of a minor political party called the “No Labels Party.” The CCBOE has received the petitions, which includes 52,852 signatures that need to be reviewed by March 3, 2023, deadline. The CCBOE will be able to meet the deadline.

### **City of East Cleveland Recall Petitions**

The CCBOE was made aware that three recall petitions for East Cleveland Councilmembers were pulled in December 2022. The East Cleveland Charter states a 30-day window to collect signatures and turn in the petitions. When the petitions are received by the CCBOE, they will be verified.

Board Member Davis Chappell asked if the Directive 2023-01; Election Administration and Voting Survey; 2022 Annual Expense Report, creates additional work for the CCBOE. Director Perlatti stated the information is something the CCBOE has and anticipates reporting on an annual basis. There are two parts to the survey. In the first part, Peter James, the Election and Compliance Administrator, completes the survey due on Friday, January 20, 2023. The information includes voter registration numbers, the number of Vote-by-Mail applications, etc. The second part of the report is the Annual Expense Report and is more involved and is completed by Shaunquitta Walker and Patrick McAlea in the Fiscal Services Department. Fiscal knows the items that must be reported on and will build the information throughout the year.

### **PUBLIC COMMENT**

Korean C. Stevenson provided public comment regarding the acknowledgment of appointments to elected office for the City of East Cleveland.

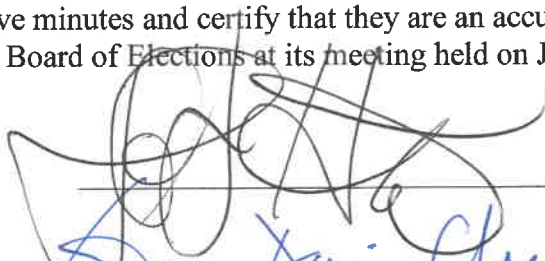
Reverend Pamela M. Pinkney provided public comment regarding items on the agenda.

### **EXECUTIVE SESSION**

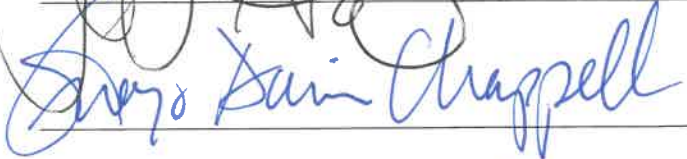
Chairman Hastings moved to adjourn the meeting at 10:21 a.m. Board Member Davis Chappell seconded. The motion passed unanimously.

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 January 18, 2023.

Jeff Hastings, Chairman



---



Inajo Davis Chappell, Board Member

Terence M. McCafferty, Board Member



Lisa M. Stickan, Board Member



Anthony Perlatti, Director

