

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting
3/6/2023

Attending:

Henry F Curtis, IV, 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.

Board Member Davis Chappell called the meeting to order. All Board Members were in attendance.

Board Member Davis Chappell administered the Oath of Office to Board Members Curtis and McCafferty.

Agenda Item 1: Reorganization of the Cuyahoga County Board of Elections pursuant to Ohio Revised Code §3501.09

Board Member Davis Chappell stated the Board would appoint a temporary chairperson for the purpose of the reorganization of the Board. Board Member McCafferty moved to appoint Board Member Davis Chappell as the temporary chairperson. Board Member Stickan seconded. The motion passed unanimously.

Chairperson Davis Chappell acknowledged the SOS appointments of Henry F Curtis, IV, and the reappointment of Terence M. McCafferty as Board Members of the CCBOE. Board Member Stickan moved to acknowledge the SOS appointment of Henry F Curtis, IV, and the reappointment of Terence M. McCafferty as Board Members of the CCBOE. Chairperson Davis Chappell seconded. The motion passed unanimously.

Chairperson Davis Chappell stated the Board would appoint a Director. Board Member McCafferty moved to appoint Anthony Perlatti as Director. Board Member Stickan seconded. The motion passed unanimously.

Chairperson Davis Chappell stated the Board would appoint a Deputy Director. Board Member Curtis moved to appoint Anthony N. Kaloger as Deputy Director. Board Member Stickan seconded. The motion passed unanimously.

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

Chairperson Davis Chappell stated the Board would nominate a permanent chairperson for the CCBOE. Board Member Stickman moved to appoint Henry F Curtis, IV as the permanent chairperson for the CCBOE. Chairperson Davis Chappell seconded. The motion passed.

Board Member Davis Chappell passed the floor to Chairman Curtis.

Chairman Curtis administered the Oath of Office to Director Perlatti and Deputy Director Kaloger.

Agenda Item 2: Approval of the minutes from the February 13, 2023, Board Meeting

Chairman Curtis moved to approve the minutes from the February 13, 2023, Board Meeting. Board Member Stickman seconded. Chairman Curtis abstained from approving the February 13, 2023, minutes. The motion passed.

Agenda Item 3: Acknowledgment of Secretary of Directives and Advisories: Updated Directive 2023-03: Substitute House Bill 458 (134th General Assembly); Directive 2023-04: Ballots for May 2, 2023, Primary/Special Election; Directive 2023-05: Data Collection, Notice, and Cancellation Procedures for Completion of 2019 National Change of Address (“NCOA”) Process; Advisory 2023-01: House Bill 487 and Changes Regarding Ballot Printing Requirements; Advisory 2023-02: Biennial Adjustment of Recount Charges/Campaign Contribution Limit Adjustment

Chairman Curtis moved to acknowledge Secretary of Directives and Advisories: Updated Directive 2023-03: Substitute House Bill 458 (134th General Assembly); Directive 2023-04: Ballots for May 2, 2023, Primary/Special Election; Directive 2023-05: Data Collection, Notice, and Cancellation Procedures for Completion of 2019 National Change of Address (“NCOA”) Process; Advisory 2023-01: House Bill 487 and Changes Regarding Ballot Printing Requirements; Advisory 2023-02: Biennial Adjustment of Recount Charges/Campaign Contribution Limit Adjustment. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 4: Approval of CCBOE Curbside Ballot Policy

Director Perlatti stated the CCBOE Curbside Ballot Policy was rooted out from the 2022 Election Officials Manual and that there were additional policies that the Board should adopt. The CCBOE has been conducting curbside voting for a long time, and this policy will define what will be done at the polls on Election Day or during Early In-Person voting when someone votes curbside. Previously, when the individual was curbside voting, the ballot would be placed into an envelope and transported to the CCBOE on Election Night for the CCBOE staff to process the ballot post-election. With the approval of the CCBOE Curbside Ballot Policy, Election Officials will now scan the ballot on Election Day. The difference now is when someone votes, instead of the ballot going into an envelope to go to the CCBOE, it will go into a secrecy sleeve and then scanned by a bi-partisan election officials team.

The front part of the process stays the same, where a bi-partisan team of poll workers goes out to the curbside voter with an electronic poll book, the voter signs in, and then given a ballot to complete. The bi-partisan election officials team will take the ballot into the polling location, which will be scanned through the ballot scanning equipment, allowing those vote totals to be captured for election night reporting. If, for some reason, those poll workers go to scan the ballot and the ballot does not scan, for example, if the ballot stub tears the bottom and the scanner will not read it, or if an individual overvotes a contest, the scanner will ask a question. The poll workers will not respond and remove the ballot, and then send the ballot to the CCBOE Ballot Department. The same processes are then

followed which are used for Vote-by-Mail and the Ballot Remake Procedures. Depending on the circumstances, the ballot will be scanned or remade. The CCBOE Curbside Ballot Policy states the CCBOE will scan curbside ballots when cast by the voter, whether voting Early In-Person or on Election Day.

Board Member Davis Chappell stated the policy addresses the manner in which the ballots are scanned. She asked how it is determined that a voter is physically unable to access the polling location. Director Perlatti stated the CCBOE would not make a determination of a person's physical ability. If a person indicates they need to use curbside voting, the voter's indication is sufficient. Election Officials will be trained accordingly.

Chairman Curtis moved to approve the CCBOE Curbside Ballot Policy. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 5: Approval of Midwest contract extension

Shaunquitta Walker, Fiscal Services Manager, stated the current contract with Midwest is through May 1, 2023. The CCBOE is requesting an extension of the Midwest contract to expire on May 31, 2023, to include printing services required for the May 2, 2023, Primary Election cycle. The CCBOE will soon accept bids for a new contract, which will commence on a date after the election cycle versus right before an election. Director Perlatti stated the new bid for printing would be for a two-year window. The Board acknowledged Advisory 2023-01, which speaks to changes in ballot printing. Also, the new CCBOE voting equipment will require different specifications, which will be included in the bid.

Chairman Curtis moved to approve the Midwest contract extension. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 6: Approval of vouchers and resolutions

Ms. Walker stated the resolutions allow the Fiscal Department to approve a contract and to also make the payment to the vendor, which improves the vendor payment process. Ms. Walker presented the vouchers and resolutions summary from the board materials.

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

Agenda Item 7: Approval to send the Voter Information Guide to all active voters in Cuyahoga County for the May 2, 2023, Primary Election

Director Perlatti stated the Voter Information Guide for the May 2, 2023, Primary Election will state that voter identification is now required to vote at the polls, and a list of all acceptable forms of identification will be listed. The guide will also indicate the polling location, and any change in a polling location will have an indication alert. The Voter Information Guide will include the CCBOE website, the new Early In-Person voting hours, and the deadline dates for vote-by-mail will also be referenced.

The voter information guide for Warrensville Heights will be produced separately, pending confirmation of new polling locations. Director Perlatti stated Warrensville Heights recently advised the CCBOE that the one polling location is no longer available due to construction. New locations

should be secured by the end of the week. Warrensville Heights voters will receive the voter information guide and will also be notified by letter of the polling location changes.

Chairman Curtis moved to approve to send the Voter Information Guide to all active voters in Cuyahoga County for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 8: Acknowledgment of resignation from and appointment to elected office

Chairman Curtis moved to acknowledge the resignations from, and appointments to elected office, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 9: Certification of candidates and issue for the May 2, 2023, Primary Election

Prior to the certification of candidates, Brent Lawler, Candidate and Petition Services Manager, stated the filing deadline for Berea Council at Large was Friday, March 10, 2023. Candidate Anthony Leon Alexander filed a nominating petition for Berea Council at Large. Upon CCBOE's review of the petition, it was determined the candidate failed to complete the Acceptance of Nomination as required by the Berea City Charter. The CCBOE attempted to contact the candidate to return to the CCBOE and complete the Acceptance of Nomination and left a voice message. The CCBOE contacted Barbara Jones, the Berea Law Director, who confirmed in an email that the candidate should not be certified due to his failure to complete and sign the Acceptance of Nomination, as required in the City's Charter.

Anthony Leon Alexander addressed the Board and stated he overlooked that portion of the petition when he filed and did not hear the CCBOE voice message until after the filing deadline. Chairman Curtis thanked Mr. Alexander for availing himself for public service. However, the CCBOE is bound by the laws of the State of Ohio and the municipality. Chairman Curtis stated he would support the recommendation of the staff not to certify Mr. Alexander.

Board Member Stickan stated when city charters are involved, it is important candidates are familiar with the requirements of the charter as the distinctions can vary from the requirements of the Ohio Revised Code.

Chairman Curtis moved not to accept the certification of Anthony Leon Alexander to the ballot for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Chairman Curtis moved to certify the candidates and issue for the May 2, 2023, Primary Election as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 10: Certification of Berea Candidates nominated without Primary Election to the November 7, 2023, General Election (primaries eliminated per ORC 3513.02)

Chairman Curtis moved to certify the Berea Candidates nominated without Primary Election to the November 7, 2023, General Election (primaries eliminated per ORC 3513.02), as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 11: Authorizing the adjustment of Recount Charges to the maximum amount of \$70.00 per precinct for requested (non-automatic) recounts pursuant to Ohio Secretary of State Advisory 2023-02

Chairman Curtis moved to authorize the adjustment of Recount Charges to the maximum amount of \$70.00 per precinct for requested (non-automatic) recounts pursuant to Ohio Secretary of State Advisory 2023-02. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 12: Approval of the personnel agenda

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

NEW BUSINESS

Capital Projects

Director Perlatti stated that Cuyahoga County Public Works Director Michael Dever met with the landlord at the Halle Building to discuss the replacement of the freight elevator, and the funding for the replacement elevator has been secured. Public Works will begin obtaining permits and determine if a temporary construction elevator could be used on the side of the Halle building to access the first and second floors as a safeguard to use before the permanent elevator is replaced. For the May 2023 Primary, the CCBOE does have access to a secondary passenger elevator if needed.

Director Perlatti and Deputy Director Kaloger had an introductory meeting with County Executive Ronayne. Director Perlatti stated that one of the items discussed was the CCBOE buildings, how the staff is separated, and the issues with the dated buildings and elevators. County Executive Ronayne was of the mindset that the CCBOE should operate under one location that is sufficiently sized with limited reliance on an elevator other than for humans to go to an office, and there needs to be ample parking for voters.

Tentatively, on Friday, March 10, 2023, Public Works will release a Request for Proposal (RFP) to the real estate and commercial development environment. The RFP will state the amount of space needed at ground level, the area required for additional floors for office space, and for ample parking. The architecture firm that was going to rehabilitate the Hughes building is now determining a space allocation for the Hughes, all the areas the CCBOE uses in the Halle building, and what is stored at Berman's Moving and Storage. The space required will be part of the RFP, which the CCBOE will review before it is released. The bids received will be inclusive of any build-outs the CCBOE requires for offices, storage, etc.

Director Perlatti stated this is a process and does not know how long it will take. It is not realistic for the CCBOE to be in one building for the 2024 Presidential Election unless it is the perfect property. The first goal would be to find a new location, and make Early In-Person voting available there in 2024 and then integrate other departments into the property. There is a chance the CCBOE could go from two to three buildings for a short term and then down to one. There is a lot of support for a new property, and the Board will be provided updates.

Chairman Curtis asked if the new equipment was the same size or smaller than the current equipment. Director Perlatti said the primary precinct scanner is almost identical in size. The ADA unit, called Clear Access, is a slightly bigger and self-contained unit on casters where the lid opens with one cord

and is ready for use. The units can be stacked two high if needed. The CCBOE has received four semis of equipment so far and has stacked units to maximize available space. Two more semis are delivering equipment this week.

Director Perlatti stated on Tuesday, February 28, 2023, the CCBOE did go before the County Council Committee and presented the recommendations for Clear Ballot. The County Council members were very supportive of the CCBOE's selection and voted it out of committee to the full body, which was the second reading, and March 14, 2023, will be the third and final reading.

PUBLIC COMMENT

There was no public comment

EXECUTIVE SESSION

At 10:08 a.m. Chairman Curtis moved to go into an executive session for the purpose of discussing personnel issues (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official) and disputes involving the public body that are subject of pending or imminent court action. Board Member Davis Chappell seconded, a roll call was taken, and each Board Member voted in the affirmative.

At 11:15 a.m., after returning from the executive session. Chairman Curtis motioned to come out of the executive session. Board Member Davis Chappell seconded, a roll call was taken, and each Board Member voted in the affirmative. The Board was then in public session.

Director Perlatti stated the CCBOE would be posting an internal job posting for an Assistant Manager in the Candidate and Petition Services Department. There is currently a manager and no assistant manager in the department. The posting will only be eligible for the three supervisors in Candidate and Petitions Services Department. Whoever desires to apply will go through the interview process. A recommendation will come forward, and that individual will be re-classified from supervisor to assistant manager. Therefore, the CCBOE is not increasing the size of the agency or department.

Director Perlatti noted that the new election laws require that the Provisional Board Meeting be moved from thirteen days after the election (May 15, 2023) to eight days after the election, which is Wednesday, May 10, 2023. The Board canceled the meeting scheduled for Monday, May 15, 2023, and rescheduled to meet at 9:30 a.m. on Wednesday, May 10, 2023. The Certification of the Election will remain on May 23, 2023.

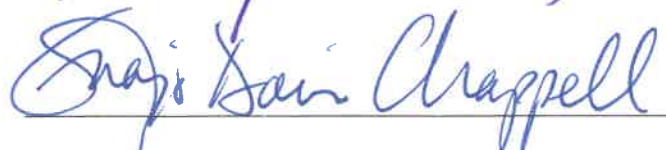
Chairman Curtis moved to adjourn the meeting at 11:19 a.m. Board Member Davis Chappell seconded. The motion passed unanimously.

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 March 6, 2023.

Henry F Curtis, IV, Chairman

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Inajo Davis Chappell, Board Member

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Terence M. McCafferty, Board Member

Handwritten signature of Terence M. McCafferty in blue ink, written over a horizontal line.

Lisa M. Stickan, Board Member

Handwritten signature of Lisa M. Stickan in blue ink, written over a horizontal line.

Anthony Perlatti, Director

Handwritten signature of Anthony Perlatti in blue ink, written over a horizontal line.