

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting  
5/23/2023**

**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

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The Cuyahoga County Board of Elections Meeting began at 9:35 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Curtis noted that all Board Members were in attendance.

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**Agenda Item 1: Approval of the minutes from the April 28, 2023, Board Meeting**

Chairman Curtis moved to approve the minutes from the April 28, 2023, Board Meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 2: Acknowledgment of Secretary of State Directive 2023-07: August 8, 2023, Special Election for Statewide Ballot Issue**

Director Perlatti stated that based on the addition of the August 8, 2023, Special Election and recent changes in the law, additional board meetings will need to be added to the schedule. The first addition is June 8, 2023, at 9:30 a.m. The second meeting will be on August 16, 2023, at 9:30 a.m., and the third on September 20, 2023, at 9:30 a.m. The Board Members agreed to the additional meeting dates.

Chairman Curtis moved to acknowledge Secretary of State Directive 2023-07: August 8, 2023, Special Election for Statewide Ballot Issue. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 3: Acknowledgment of the disposal of 135 ES&S AutoMark Ballot Marking devices**

Chairman Curtis asked Director Perlatti for an update on the user acceptance of the Clear Ballot equipment. Director Perlatti stated that 135 ES&S AutoMark Ballot Marking devices are considered dead units used for parts and will now be destroyed. At the next meeting, the CCBOE will ask the Board for permission to destroy the rest of the working ES&S voting equipment, which can now be done because the CCBOE has recently completed user acceptance testing of all the ClearBallot equipment. Testing was completed on the Election Day scanners, the ADA units, the high-speed

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

central count scanners, and ballot-on-demand printers, and four output units. The printers used in Early-in-Person were also tested and successfully passed. The CCBOE also performed "Load Tests," which replicates the volume of processing done on Election Night. The upload process with the ClearBallot system performed faster than the ES&S equipment. The Director and Deputy Director can now sign the SOS form stating the CCBOE has successfully completed user acceptance testing. The form is sent to the SOS, which works with Administrative Services to process payment to ClearBallot. Director Perlatti stated the staff did an excellent job testing the equipment while also executing the May Primary Election.

Chairman Curtis moved to acknowledge the disposal of 135 ES&S AutoMark Ballot Marking devices. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 4: Certification of the official results of the May 2, 2023, Primary Election**

Brian Cleary, Ballot Department Manager, presented information from the Board Packet regarding the certification of the official results from the May 2, 2023, Primary Election. Mr. Cleary stated there are no automatic recounts for this Election. The request for a recount deadline is Tuesday, May 30, 2023, at 4:00 p.m.

- **Authorization to approve the remake of the optical scan ballots from the May 2, 2023, Primary Election**

Chairman Curtis moved to authorize to approve the remake of the optical scan ballots from the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

- **Authorization to approve absentee ballots from the May 2, 2023, Primary Election**

Chairman Curtis moved to authorize to approve the absentee ballots from the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

- **Authorization to approve provisional ballots from the May 2, 2023, Primary Election**

Chairman Curtis moved to authorize to approve the provisional ballots from the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

- **Acknowledgment of the pre & post-test results of the vote tabulation system from the May 2, 2023, Primary Election**

Chairman Curtis moved to acknowledge the pre & post-test results of the vote tabulation system from the May 2, 2023, Primary Election. Board Member Stickman seconded. The motion passed unanimously.

Chairman Curtis moved to certify the official results of the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 5: Acknowledgment of the date, time, and place of the post-election audit for the May 2, 2023, Primary Election**

Brian Cleary, Ballot Department Manager, stated the post-election audit will be on Wednesday, May 31, 2023, at 9:00 a.m. at the Halle Building. The race to be audited was selected from the eligible contests written on sheets of paper and placed in a bin. Chairman Curtis selected the Brooklyn Zoning Amendment GB Zoning (Issue 10) for the post-election audit.

Chairman Curtis moved to acknowledge the date, time, and place of the post-election audit for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 6: Preliminary approval of the ballot order for the August 8, 2023, Special Election**

Chairman Curtis moved to approve the preliminary ballot order for the August 8, 2023, Special Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 7: Approval to outsource the printing and mailing of Vote-by-Mail ballots for the August 8, 2023, Special Election**

Chairman Curtis moved to approve to outsource the printing and mailing of Vote-by-Mail ballots for the August 8, 2023, Special Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**AGENDA ITEMS 8 – 12**

*A transcript of the hearings can be obtained by contacting Mary Bejjani, CCBOE Clerk to the Board at 216-443-6430/mbejjani@cuyahogacounty.gov.*

The Board received a Motion to Recuse Board Member Stickan, filed by Attorney Charles Tyler on behalf of the King family. Board Member Stickan stated being in a photo with Mr. Brewer or being part of the same party does not mean she cannot be fair and impartial, and she would be impactful in the matter. Board Member Stickan said she would follow the advice of Counsel and hear the evidence and information fairly. Chairman Curtis asked Assistant Prosecutor Musson if there was any further advice from Counsel. Mr. Musson said no.

Chairman Curtis moved to dismiss the Motion to Recuse Board Member Stickan. Board Member Davis Chappell seconded. The motion passed.

**Agenda Item 8: Challenge of voter residency filed by Eric Brewer against Stephanie Marie McCarroll-King**

Chairman Curtis stated the Board received a Motion to Dismiss the Challenge against Stephanie McCarroll-King as the voter filed an updated voter registration with the CCBOE. The challenged voter was registered at 1735 Elsinore Avenue, East Cleveland, Ohio, 44112, and has since updated her voter registration and is no longer a registered voter at that address.

Chairman Curtis moved to dismiss the Challenge to Ms. McCarroll King's voter registration at 1735 Elsinore Avenue, East Cleveland, Ohio, 44112. Board Member Stickan seconded. Board Member Davis Chappell asked if the Board would take any arguments for or against the motions. Chairman Curtis stated there would be no need to argue because of the updated registration, and he yielded to Counsel. Mr. Musson said that was correct, as Mr. Brewer, through his Counsel, submitted arguments contrasting the dismissal, but the Board can also approve a spontaneous dismissal. Board Member Davis Chappell said the Challenges before the Board primarily involve whether the voters are registered at their residence, given the legal standard. The primary issue is the voter registration and where they are currently living. Even though there has been an update on Stephanie McCarroll-Kings voter registration, there is still an issue that was raised in the documents submitted of Ms. McCarroll-King having voted from 3837 East Anistale Rd, South Euclid address after the sale of the residence.

Board Member Davis Chappell questioned whether this was the time for that issue or if further investigation was needed, but the documents raised an ancillary issue. Board Member Davis Chappell stated concern about doing a flat-out dismissal. She then asked Chairman Curtis to repeat the motion. Chairman Curtis said the motion is to dismiss the specific Challenge to Ms. McCarroll-King's registration at 1735 Elsinore Avenue, East Cleveland, Ohio, 44112, based on Ms. McCarroll-King's having updated her registration to a new address. Mr. Musson confirmed the motion was correct. Mr. Musson further stated the Motion to Dismiss the challenged voter's registration is not referring to voter conduct in prior elections. It is about the CCBOE records and whether the records are accurate based on the facts. Board Member Stickan said the remedy would have been to cancel the registration, which Ms. McCarroll-King had already completed. Board Member Davis Chappell asked if it is arguably moot for the purposes of the inquiry today? Mr. Musson said it is a Challenge to her prior registration, which has been updated, there is no longer anything to challenge, so the Challenge is now moot. Board Member Stickan asked for clarification if mooting does not move to question other prior issues? Mr. Musson said no, the hearing today is if the CCBOE records are correct. Board Member Davis Chappell stated with the clarification; she can support the motion. Chairman Curtis said that does not negate the Board's pursuit of its duty if the information brought before the CCBOE can be looked into outside this Challenge. The motion passed unanimously.

Chairman Curtis stated there was also a Motion to Strike Extraneous, Immaterial Documents filed on behalf of the King family. The Motion argues that Mr. Brewer's submittal concerning the King's right to vote in prior elections and the submittals are not authenticated under The Rules of Evidence. Chairman Curtis asked Mr. Brewer and his Counsel to respond to the Motion to Strike Extraneous, Immaterial Documents and to speak specifically to that Motion. Attorney Ken Myers, Counsel for Mr. Brewer, spoke against the Motion to Strike. Assistant Prosecutor Musson stated what is relevant and what the Board should consider is what the statute describes, and RC 3503.02 discusses how residency is determined for voting purposes. He said if materials in the documents go off track, the Board can quash the material at that time. He recommended letting the hearings proceed, and as the evidence is presented, the Board can be considered if it is relevant. Board Member Davis Chappell said normally, parties introduce the evidence they want to make part of the record and identify those exhibits as the hearings go along. Board Member Stickan agreed that it is a legal standard that the authenticity and relevance of the information can be established during hearings. Board Member Davis Chappell stated the Board is not bound by the Rules of Evidence as the Board is quasi-judicial, so there is leeway and flexibility that would be given to both sides in presenting their case. Mr. Musson recommended the Board deny the motion to quash with limiting instruction to keep the presentation on track.

Chairman Curtis moved to deny the request for a Motion to Strike Extraneous, Immaterial Documents. The conversation will be constrained to the evidence concerning whether or not the challenged voters reside at the location of their registration. Board Member Davis Chappell seconded. The motion passed unanimously. Board Member Davis Chappell made a friendly amendment to deny the Motions to Strike filed by Mr. Alexander on behalf of the King Family as to each individual person. For the same rationale that the Board has already discussed. The Board will authenticate the records and bring in the relevant exhibits as the Board moves through the process and moves through hearing each case. Board Member Stickan seconded the friendly amendment. The motion passed unanimously.

#### **Agenda Item 9: Challenge of voter residency filed by Eric Brewer against Brandon King**

Hasani Wheat, Interim Assistant Manager in the Registration Department, presented the Challenged Voter Packet for Brandon King, as set forth in the board materials.

Board Member Davis Chappell made a motion to the separation of witnesses as it is appropriate and will lend itself towards greater fairness. Board Member Stickan seconded. The motion passed unanimously.

Board Member Davis Chappell moved to deny the Challenge of Voter Residency against Brandon King, and there be no change to the registration record. Chairman Curtis seconded. The motion passed unanimously.

#### **Agenda Item 10: Challenge of voter residency filed by Eric Brewer against Norma King**

Hasani Wheat, Interim Assistant Manager in the Registration Department, presented the Challenged Voter Packet for Norma King, as set forth in the board materials.

Board Member Davis Chappell made a motion that the Challenge of Voter Residency be upheld along with a directive to cancel the current voter registration of Norma King based on the testimony that was given unequivocally that Mrs. King lives at 5156 Austen Lane, Richmond Heights, Ohio and has lived there for 33 years. Board Member Davis Chappell stated this case is different from the prior case because there was unequivocal testimony that Mrs. King did not currently live at the address of 1735 Elsinore Street, East Cleveland, Ohio. For that reason, the Challenger has sustained the evidentiary burden required, and the Challenge should be upheld and direct the CCBOE that Mrs. King's voter registration be canceled. It is incumbent upon Mrs. King to refile her voter registration at the correct residence. Chairman Curtis seconded. The motion passed unanimously.

#### **Agenda Item 11: Challenge of voter residency filed by Eric Brewer against Cecil King, Jr.**

Chairman Curtis noted for the record that Mr. Cecil King, Jr., was not present for the hearing.

Hasani Wheat, Interim Assistant Manager in the Registration Department, presented the Challenged Voter Packet for Cecil King, Jr., as set forth in the board materials.

Board Member Davis Chappell moved to uphold the Challenge of Voter Residence against Mr. Cecil King, Jr. and a directive to cancel the voter registration for Cecil King, Jr. Board Member Stickan seconded. Board Member Davis Chappell said the evidence of Norma King, his mother is something the Board can rely on and was unequivocal. The fact that Mr. King was subpoenaed and did not appear, it becomes difficult to do anything other than uphold the Challenge. Mr. King would need to refile his voter registration. She further stated there is no evidence to rebut what has been presented by the Challenger. Board Member Stickan stated there is sufficient evidence including the information in the message from Cecil King, Jr. Additionally, the testimony from Mrs. King, his mother and Mr. King was not present to rebut the testimony. There was sufficient evidence to uphold the motion. The motion passed unanimously.

#### **Agenda Item 12: Challenge of voter residency filed by Eric Brewer against Norman King**

Hasani Wheat, Interim Assistant Manager in the Registration Department, presented the Challenged Voter Packet for Norman King, as set forth in the board materials.

Board Member Davis Chappell motioned to uphold the Voter Challenge based on the testimony of Mrs. King and the other information heard today, along with a motion to cancel Norman King's voter registration. If Mr. Norman King wished to re-register at his current residence, that would be his

choice. Board Member Stickman seconded. Board Member Stickman noted that the attorneys entered an appearance on behalf of all the King Family defendants, so there was notification and also entry by Counsel in the matter. Additionally, the mother's testimony that he lives in Richmond Heights and other information submitted as part of the board packet. Board Member Stickman supported the motion. The motion passed unanimously.

**Agenda Item 13: Acknowledgment of resignation from and appointment to elected office**

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

**Agenda Item 14: Certifications of independent candidates to the November 7, 2023, General Election**

Chairman Curtis moved to certify the independent candidates for the November 7, 2023, General Election, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 15: Approval to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the August 8, 2023, Special Election**

Chairman Curtis moved to approve to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the August 8, 2023, Special Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 16: Preliminary authorization for the allocation of voting booths for the August 8, 2023, Special Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 5,072 voting booths will be allocated + 782 ClearCast Go scanners + 287 ADA ClearAccess voting units, and 980 Electronic Poll Books**

Chairman Curtis moved to approve the preliminary authorization of the allocation of voting booths for the August 8, 2023, Special Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 5,072 voting booths will be allocated + 782 ClearCast Go scanners + 287 ADA ClearAccess voting units, and 980 Electronic Poll Books. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 17: Approval of contract**

Shaunquitta Walker, Fiscal Services Manager, presented the contract as set forth in the board materials.

Chairman Curtis moved to approve the contract and the associated resolution, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 18: Approval of vouchers**

Shaunquitta Walker, Fiscal Services Manager, presented the vouchers and resolutions summary, as set forth in the board materials.

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

## **Agenda Item 19: Approval of the personnel agenda**

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

### **NEW BUSINESS**

Director Perlatti stated the Board had certified the May 2, 2023, Primary Election and will complete the post-election audit. The August 8, 2023, Special Election is now in the forefront. The CCBOE has sent out contracts to all the voting locations, and some location contracts have been returned. The CCBOE will continue to follow up with the outstanding sites. Poll worker training is scheduled to begin on June 10, 2023. The Election Officials Department has been working very hard to put together the training. The training must be in person because it involves the new voting equipment and will start with the returning workers. Training will be held in the Hughes Building until Early In-Person voting which begins in July. The CCBOE will also use the County's Harvard Garage in Newburgh Heights for training. ClearBallot will provide in-person training for CCBOE staff, which is part of the contract.

### **PUBLIC COMMENT**

Patricia Blochowiak provided public comment regarding the voter challenges.

Board Members discussed the CCBOE's duty to follow up on the voter challenges irregularities. The Board will defer to the CCBOE staff to conduct investigations into the matters and report back to the Board.

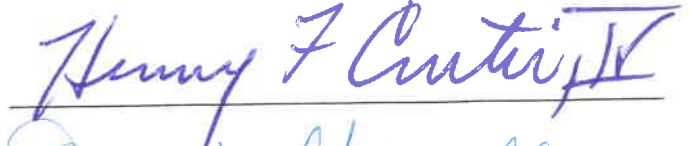
### **EXECUTIVE SESSION**

There was no executive session

Chairman Curtis moved to adjourn the meeting at 2:17 p.m. Board Member McCafferty 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 May 23, 2023.

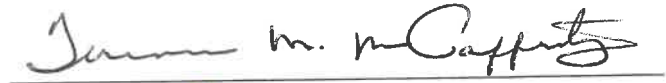
Henry F Curtis, IV, Chairman



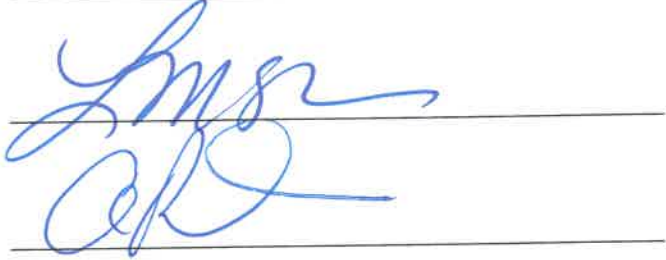
Inajo Davis Chappell, Board Member



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Lisa M. Stickan, Board Member



Anthony Perlatti, Director

