

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting
8/29/2023**

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 9:37 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Curtis noted that all Board Members were in attendance.

Agenda Item 1: Approval of the minutes from the August 7, 2023, Board Meeting

Chairman Curtis moved to approve the minutes from the August 7, 2023, Board Meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 2: Acknowledgment of Secretary of State Advisory 2023-03: Acquiring Electronic Pollbooks with State Funding

Chairman Curtis moved to acknowledge the Secretary of State Advisory 2023-03: Acquiring Electronic Pollbooks with State Funding. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 3: Approval of the Ballot Adjudication and Remake Policy

Brian Cleary, Ballot Department Manager, presented the Ballot Adjudication and Remake Policy to the Board, as provided in the meeting materials.

Chairman Curtis moved to approve the Ballot Adjudication and Remake Policy. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 4: Certification of the official results of the August 8, 2023, Special Election

Mr. Cleary presented information from the Board Packet regarding the certification of the official results from the August 8, 2023, Special Election. Mr. Cleary stated there are no automatic recounts for this election, and the requested recount is Tuesday, September 5, 2023.

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

- **Authorization to approve the remake of the optical scan ballots from the August 8, 2023, Special Election**
Chairman Curtis moved to authorize to approve the remake of the optical scan ballots from the August 8, 2023, Special Election. Board Member Davis Chappell seconded. The motion passed unanimously.
- **Authorization to approve absentee ballots from the August 8, 2023, Special Election**
Chairman Curtis moved to approve absentee ballots from the August 8, 2023, Special Election. Board Member Davis Chappell seconded. The motion passed unanimously.
- **Authorization to approve provisional ballots from the August 8, 2023, Special Election**
Chairman Curtis moved to approve the provisional ballots from the August 8, 2023, Special Election. Board Member Davis Chappell seconded. The motion passed unanimously.
- **Acknowledgment of the pre & post-test results of the vote tabulation system from the August 8, 2023, Special Election**
Chairman Curtis moved to acknowledge the pre & post-test results of the vote tabulation system from the August 8, 2023, Special Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Chairman Curtis moved to certify the official results of the August 8, 2023, Special 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 August 8, 2023, Special Election

Chairman Curtis moved to acknowledge the date, time, and place of the post-election audit for the August 8, 2023, Special Election as Wednesday, September 6, 2023, at 9:00 a.m. at the CCBOE Halle Building. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Items 6 – 18

A transcript of the hearings for agenda items 6 – 18 can be obtained by contacting Mary Bejjani, CCBOE Clerk to the Board at 216-443-6430/mbejjani@cuyahogacounty.gov.

Agenda Item 6: Protest hearing filed by Jeffrey Mixson regarding the number of petition signatures required for Jeff Johnson, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election

Agenda Item 7: Protest hearing filed by Jeffrey Mixson regarding the number of petition signatures required for Sheila Turner McCall, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election

Agenda Items 6 and 7: Chairman Curtis moved to deny the protests filed by Jeffrey Mixson regarding the number of petition signatures required for Jeff Johnson, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election, and Sheila Turner McCall, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 8: Protest hearing filed by Jeffrey D. Johnson regarding residency requirements for Mark R. Majer, candidate for Cleveland Municipal Court Judge, for the November 7, 2023, General Election

Board Member Stickan moved to deny the protest hearing filed by Jeffrey D. Johnson regarding residency requirements for Mark R. Majer, candidate for Cleveland Municipal Court Judge, for the November 7, 2023, General Election. Board Member Davis Chappell seconded and made a friendly amendment to make all the documents part of the record. Board Member Davis Chappell stated she appreciated Mr. Johnson's and Mr. Mixson's advocacy. Chairman Curtis noted that, as mentioned in the testimony, these cases have pressed the Board to ask better questions to help and guide the Board in the future. Board Member Stickan stated the Cleveland Charter passed in 2019, and there were elections in 2021 and now in 2023. Regarding the point that the legal opinion provided that Section 5 of the City Charter does not apply and to the other point if the Board is interpreting "the city," it would exclude Bratenahl, and this is not just a Cleveland municipal office, this is a court district which includes multiple cities. Board Member Davis Chappell stated that the Board has this on the other Euclid protest where a Charter Commission Review is pending. Board Member Davis Chappell stated she would encourage municipalities to get the charters reviewed and looked at, and whatever amendments need to be made to incorporate express language will help the Board; it will allow for some of these nuances, maybe the City of Cleveland Charter needs to be amended to obviously to specifically call out the four offices because it just makes the Boards job difficult. Board Member Davis Chappell said she would support the motion because the Board tends not to deviate from the opinion of the law directors who are interpreting counsel. If their opinions are in error, the CCBOE will leave it to the respective municipal bodies to address. For the reasons discussed, she would rely on the legal opinion of the CCBOE legal council and the City of Cleveland Law Director in supporting the motion. The motion passed unanimously.

Agenda Item 9: Protest hearing filed by Mariah Crenshaw regarding the number of petition signatures required for Sydney Strickland Saffold, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election

Board Chairman Curtis recognized Ms. Mariah Crenshaw and stated Ms. Crenshaw came before the Board to protest several candidates regarding the number of petition signatures required. For the record, those candidates are Sydney Strickland Saffold, Joseph F. Russo, Heather McCollough, Martin Sweeney, Earle B. Turner, and for Jocelyn Conwell, the same issue with the number of petition signatures, as well as the residency requirement of which the Board had deliberated on.

Agenda Items 9 – 14:

Chairman Curtis moved to deny the protests filed by Mariah Crenshaw regarding the number of petition signatures required for Sydney Strickland Saffold, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election; Joseph F. Russo candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election; Heather McCollough, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election; Martin Sweeney, candidate for Cleveland Clerk of Courts, for the November 7, 2023, General Election; Earle B. Turner, candidate for Cleveland Clerk of Courts, for the November 7, 2023, General Election; and Jocelyn Conwell, regarding for the number of petition signatures and residency requirement challenge for candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election. Board Member Davis Chappell stated those would be Agenda Items 9 – 14. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 10: Protest hearing filed by Mariah Crenshaw regarding the number of petition signatures required for Joseph F. Russo, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election

Agenda Item 11: Protest hearing filed by Mariah Crenshaw regarding the number of petition signatures required for Heather McCollough, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election

Agenda Item 12: Protest hearing filed by Mariah Crenshaw regarding the number of petition signatures required for Martin Sweeney, candidate for Cleveland Clerk of Courts, for the November 7, 2023, General Election

Agenda Item 13: Protest hearing filed by Mariah Crenshaw regarding the number of petition signatures required for Earle B. Turner, candidate for Cleveland Clerk of Courts, for the November 7, 2023, General Election

Agenda Item 14: Protest hearing filed by Mariah Crenshaw regarding the number of petition signatures required, residency requirement and challenge for Jocelyn Conwell, candidate for Judge, Cleveland Municipal Court, for the November 7, 2023, General Election

Agenda Item 15: Protest hearing filed by Christopher Litwinowicz regarding each part petition needs to have written acceptance for Kirsten Holzheimer Gail, candidate for City of Euclid Mayor

Brent Lawler, Candidate and Petition Service Manager, stated Christopher Litwinowicz, candidate for the City of Euclid Mayor, has protested candidates for the City of Euclid Mayor: Kirsten Holzheimer Gail, Daniel Burns, Taneika Hill, and Marcus Epps. Mr. Litwinowicz contends that every acceptance of nomination on every part petition needs to be signed. Mr. Lawler said there was a legal opinion from the City of Euclid Law Director on all four challenges, and the same legal opinion was provided to the CCBOE in 2015 and 2019. In both of those instances, the Board unanimously denied both of those protests from Mr. Litwinowicz. Mr. Lawler said everything has stayed the same in the Charter, and nothing has changed in State Law. The acceptance of nomination is not part of state law; it is a Charter home rule requirement. Chairman Curtis noted the documents from the law director were in the board packet. Mr. Litwinowicz, Kelley Sweeney, City of Euclid Law Director, and Daniel Burns addressed the Board. Assistant Prosecutor Musson stated the Cuyahoga County Prosecutor's office concurs with the legal opinion of the City of Euclid.

Agenda Item 16: Protest hearing filed by Christopher Litwinowicz regarding each part petition needs to have a written acceptance by the nominee and petition circulator must be from the City of Euclid, for Daniel J. Burns, candidate for City of Euclid Mayor

Agenda Item 17: Protest hearing filed by Christopher Litwinowicz regarding each part petition needs to have a written acceptance by the nominee and the petition circulator must be from the City of Euclid, for Taneika L. Hill, candidate for the City of Euclid Mayor

Agenda Item 18: Protest hearing filed by Christopher Litwinowicz regarding each part petition needs to have a written acceptance by the nominee, for Marcus Epps, candidate for the City of Euclid Mayor

Board Member Davis Chappell acknowledged that the Board received all the documents for the protests by the protestor and the respondents. The Board has all the information related to the protests regarding the written acceptance and the circulator issue. Board Member Davis Chappell stated the Board needs to be deferential to the law director and the opinion of the law director of the municipalities when it comes to interpretations of their charters. With respect to the acceptance of the nomination issue, the Board has heard and ruled on this in prior years.

Agenda Items 15-18:

Board Member Davis Chappell moved to deny the protests. Chairman Curtis stated the motion in order to deny the protests filed by Christopher Litwinowicz regarding each part petition needing to have written acceptance for the following candidates: Kirsten Holzheimer Gail, candidate for the City of Euclid Mayor; Daniel J. Burns, candidate for the City of Euclid Mayor; Taneika L. Hill candidate for the City of Euclid Mayor; and Marcus Epps candidate for the City of Euclid Mayor, each running for the November 7, 2023, General Election, covering Agenda Items 15 – 18. Board Member McCafferty seconded. The motion passed unanimously.

Agenda Item 19: Acknowledgment of candidate withdrawals from the November 7, 2023, General Election

Chairman Curtis moved to acknowledge the candidate withdrawals from the November 7, 2023, General Election, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 20: Approval to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the November 7, 2023, General 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 November 7, 2023, General Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 21: Approval of the vouchers for FIS-V-A) Midwest Direct, Voter Information Guide; FIS-V-B) Weekley's Mailing Services

Shaunquitta Walker, Fiscal Services Manager, provided information on the Fiscal vouchers and contracts, as provided in the meeting materials.

Chairman Curtis moved to approve to the voucher FIS-V-A) Midwest Direct, Voter Information Guide. Board Member Davis Chappell seconded. The motion passed unanimously.

Chairman Curtis moved to approve to the voucher FIS-V-B) Weekley's Mailing Services. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 22: Approval of the contracts for FIS-C-A) Midfitz, Inc. dba Berman Moving and Storage, and FIS-C-B) Mid-West Presort Mailing Services, dba Midwest Direct

Chairman Curtis moved to approve to the voucher FIS-C-A) Midfitz, Inc. dba Berman Moving and Storage. Board Member Davis Chappell seconded. The motion passed unanimously.

Board Member Davis Chappell asked the total amount of the August 8, 2023, Special Election, with the additional costs. Ms. Walker stated that the number is not available yet. Board Member Davis Chappell asked that the Board be sent that information and to confirm that the CCBOE is being reimbursed for the August 8th Election costs. Ms. Walker said the State has already given the CCBOE a check for \$2.1 million. Board Member Davis Chappell asked if that would cover all the costs. Ms. Walker stated the CCBOE would have an itemized cost once all the invoicing is received. Ms. Walker will provide the Board with a total cost. Director Perlatti said the State has given the CCBOE different deadlines. Ms. Walker stated that September 13, 2023, is the deadline to return unused funds, and October 13, 2023, is the deadline for a complete list of itemized costs.

Chairman Curtis moved to approve the voucher FIS-C-B) Mid-West Presort Mailing Services, dba Midwest Direct. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 23: 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

Biennial Budget Update

Director Perlatti stated all County agencies must prepare a biennial budget for 2024-2025. The CCBOE is currently preparing the budget and should be able to provide the biennial budget recommendation at the September 11, 2023, Board Meeting, then at the September 20, 2023, Board Meeting, ask the Board to approve the budget. The Director, Deputy Director, and Fiscal Services Manager have had one meeting with the Director of the Office of Budget and Management (OBM), and the CCBOE was given a base number to start with, which looks back at elections that took place four years ago and includes inflationary measures, wage increases, and other costs. Director Perlatti stated the CCBOE is at a good starting point with the initial amount that OBM has given the CCBOE to work with. The CCBOE will ask for some initial new initiatives. The last cycle was aggressive to include increases in poll worker and temporary employee wage increases and other equipment. The CCBOE will want to carry some of those things forward and continue to fund those items. Director Perlatti stated a few new items will go above and beyond this two-year cycle. The CCBOE wants the new operation center, which will be costly and is the main goal in this cycle. The CCBOE will also ask for another Agilis inbound mail ballot machine for the Ballot Department to use in processing Vote-by-Mail. The CCBOE purchased the first unit in 2020, and it has streamlined more accurate and manageable processes. Board Member Davis Chappell asked what the cost was for the machine. Director Perlatti stated it is about \$350,000 for the machine with the pockets. The current unit the CCBOE has now has 40 output trays; the proposed machine will only have 12 output trays and can be built onto over time; this would give the CCBOE enough to help increase productivity.

Director Perlatti stated there are proposed temporary employee wage increases. Last cycle, the CCBOE went from \$11.50/per hour to \$15.00/per hour. The next budget reflects modest increases, which includes a quarter per hour in 2024 and another quarter per hour in 2025, just a little under a 2% increase each year. The CCBOE would like to give an increase on an annual basis to avoid a significant salary gap over several years and then need to catch up. Board Member Davis Chappell asked if other counties were doing the same type of increases. Director Perlatti stated he did not know. Board Member Davis Chappell asked Director Perlatti to inquire with other Boards and advise the Board Members.

Director Perlatti stated the budget includes an amount for pollbook upgrades. The recent SOS Advisory 2023-03, Acquiring Electronic Pollbooks with State Funding, does give the CCBOE 85% of the costs for

the legislature; the remaining 15% will need to be approved by the County. The bill for the equipment will come in 2024. The State would provide funding for approximately \$850,000, and the County would need to provide about \$250,000. Board Member Davis Chappell asked if the new upgraded pollbooks have gone through a certification process? Director Perlatti said the pollbook vendors are Election Systems & Software (ES&S), KNOWiNK, and Tenex Software Solutions are certified and approved equipment.

For County-wide Elections over the next two years, the CCBOE is asking the first five hours of overtime worked to be at straight rate pay versus accruing compensation or exchange hours for permanent staff, which is what the CCBOE did this year and in 2020. It would be limited to three pay periods during County-wide Elections: the 2024 March Presidential Primary, the 2024 November General Election, and the 2025 November General Election. If the Board were to approve, there would now be a funding source. This straight rate pay helps manage compensation time.

Electronic Pollbook Replacement

Deputy Director Kaloger stated there is a new Advisory to purchase Electronic Pollbooks (EPBs). The last time the CCBOE purchased EPBs was in 2017 from Tenex, which has been a good partner with a good product. Tenex made the necessary modifications for the CCBOE as a paper-based County to help make things more efficient in verifying information, including scanning the ballot to show the city, ward, and precinct. The current iPad minis have run their course. As the CCBOE receives security patches from Apple, Tenex has worked with Apple to create customized patches. House Bill 45 allocated \$7.5 million statewide and developed a formula, and based on the number of registered voters, Cuyahoga County would receive \$821,449 in reimbursement from the State. There is a June 30, 2024 deadline. All the paperwork, the memorandum of understanding, and a copy of the invoice must be provided to the State by May 1, 2024. The CCBOE would be purchasing the new iPad 10th Generation. Some advantages to purchasing the units include a larger screen, 20% to 25% larger, which would benefit the voter to see a larger screen to verify the information and allow more space for their signature. The larger screen will also help pollworkers. All the information will be the same in the new pollbooks, as only the hardware is being upgraded, not the software. Board Member Davis Chappell asked what the total cost of the upgrade? Deputy Director Kaloger stated CCBOE staff would be meeting to determine how many pollbooks will need to be ordered. The CCBOE will also need to purchase new stands, protective carrying cases, etc., so the total cost has yet to be determined. Director Perlatti stated the CCBOE has been holding on because the SOS office was working with the Department of Administrative Services to obtain state-term pricing, similar to what was done with voting equipment. The State published pricing was released this week, and the CCBOE will be reviewing the vendor pricing. Deputy Director Kaloger stated the SOS does say an EPB should be purchased for each precinct, which would be at least 967. The CCBOE previously purchased 1,200 EPBs to include units for backup and training purposes. Additionally, the new pollbooks will be helpful on Election Day. When using the Clear Access ADA units, the pollworker must manually input the city, ward, and precinct to create the ballot. The new pollbooks will be able to print off a QR code tied to a voter's registration and then scan the QR code into the Clear Access ADA unit, which will then bring up the correct ballot. With the new pollbooks, the CCBOE Information Systems Department will be able to do faster uploads of the information and better sideways communication between the EPBs at the polling locations and receive all of the updates and patches as they are released. Board Member Davis Chappell asked if there is a salvage value to the other units. Deputy Director Kaloger stated that salvage value is something the CCBOE will be looking at. The CCBOE may also be able to use the old units within the agency. The CCBOE hopes to be able to implement the new units for the 2024 March Presidential Primary. Board Member Davis Chappell asked if the EPB purchase amount was included in the budget. Director Perlatti stated it is one of the initiatives included in the budget.

Director Perlatti stated the CCBOE will be meeting this week with Berman's Moving and Storage regarding issues with the delivery of equipment to voting locations for the August 8, 2023, Special Election.

PUBLIC COMMENT

Gilder Malone provided public comment regarding items on the agenda.

EXECUTIVE SESSION

There was no executive session

Chairman Curtis moved to adjourn the meeting at 12:05 p.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 August 29, 2023.


Henry F Curtis, IV, Chairman



Inajo Davis Chappell, Board Member



Terence M. McCafferty, Board Member



Lisa M. Stickan, Board Member



Anthony Perlatti, Director