

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting**  
**9/27/2023**

**Attending:**

Henry F Curtis, IV, Chairman  
Lisa M. Stickan, Board Member  
Terence M. McCafferty, 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 9:33 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Curtis noted that Board Members McCafferty and Stickan were in attendance. Board Member Davis Chappell was excused from today's meeting.

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**Agenda Item 1: Acknowledgment of Secretary of State Directive 2023-18: Revised Form of the Ballot for the November 7, 2023, General Election**

Chairman Curtis moved to acknowledge the Secretary of State Directive 2023-18: Revised Form of the Ballot for the November 7, 2023, General Election. Board Member McCafferty seconded. The motion passed unanimously.

**Agenda Item 2: Certification of the official results of the September 12, 2023, Primary Election**

Brian Cleary, Ballot Department Manager, presented information from the Board Packet regarding the certification of the official results from the September 12, 2023, Primary Election. The request for a recount deadline is Monday, October 2, 2023, at 4:00 p.m.

- **Authorization to approve the remake of the optical scan ballots from the September 12, 2023, Primary Election**

Chairman Curtis moved to authorize to approve the remake of the optical scan ballots from the September 12, 2023, Primary Election. Board Member McCafferty seconded. The motion passed unanimously.

- **Authorization to approve absentee ballots from the September 12, 2023, Primary Election**

Chairman Curtis moved to approve absentee ballots from the September 12, 2023, Primary Election. Board Member McCafferty seconded. The motion passed unanimously.

- **Authorization to approve provisional ballots from the September 12, 2023, Primary Election**

Chairman Curtis moved to approve the provisional ballots from the September 12, 2023, Primary Election. Board Member McCafferty seconded. The motion passed unanimously.

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

- **Acknowledgment of the pre & post-test results of the vote tabulation system from the September 12, 2023, Primary Election**

Chairman Curtis moved to acknowledge the pre & post-test results of the vote tabulation system from the September 12, 2023, Primary Election. Board Member McCafferty seconded. The motion passed unanimously.

Chairman Curtis moved to certify the official results of the September 12, 2023, Primary Election. Board Member McCafferty seconded. The motion passed unanimously.

**Agenda Item 3: Acknowledgment of the date, time, and place of the post-election audit for the September 12, 2023, Primary Election**

Chairman Curtis randomly rolled a di to determine which race would be audited. An odd-numbered roll would signify Garfield Heights, Council Ward 2; an even-numbered roll would signify Maple Heights, Council Ward 6 would be audited. The roll of the di resulted in a four (even) which determined that Maple Heights, Council Ward 6 contest would be audited.

Chairman Curtis moved to acknowledge the the post-election audit for the September 12, 2023, Primary Election will be done in conjunction with the post-election audit for the November 7, 2023, General Election. Board Member McCafferty seconded. The motion passed unanimously.

**Agenda Item 4: Acknowledgment of the Ballot Proofs for the November 7, 2023, General Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting**

Chairman Curtis moved to acknowledge the Ballot Proofs for the November 7, 2023, General Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting. Board Member McCafferty seconded. The motion passed unanimously.

**Agenda Item 5: Acknowledgment of candidate withdrawal from the November 7, 2023, General Election**

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

**Agenda Item 6: East Cleveland Charter Issue #48 Discussion**

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

Chairman Curtis stated the Board would engage in a discussion relative to East Cleveland Charter Issue #48. Director Perlatti provided background information regarding the Charter Issue. Director Perlatti stated that the East Cleveland Clerk of Council, Eric Brewer, had timely filed a resolution with the CCBOE certifying the Issue be placed on the November 7, 2023 General Election ballot. The CCBOE processed the filing and worked with the Secretary of State's office to finalize the ballot language. The CCBOE presented this Charter Amendment, along with other charter amendments, in an open meeting; the Board certified the Issue to the November 7, 2023, General Election ballot. As part of the CCBOE's operational process, once the proofing is completed of the ballot language, the Ballot

Department's staff sends emails to the various municipalities for the Charter Issues to verify everything is in line with the resolution or legislation. The CCBOE staff was notified by Willa Hemmons in East Cleveland that the Mayor of East Cleveland actually vetoed this Issue. The documentation presented and timely filed with the CCBOE did not indicate that. Director Perlatti stated the Charter Amendment Issue #48 language is on the ballot. There was a UOCAVA voter in East Cleveland, to which the CCBOE mailed a ballot when UOCAVA opened on Friday, September 22, 2023. Based on the information filed with the CCBOE, the information was in order, which is why the CCBOE proceeded. Director Perlatti said this new piece of information has now been brought to light, and that is why the Board will have a discussion. The Board heard from Assistant Prosecutor Musson, Eric Brewer, Mayor King, and Willa Hemmons.

Chairman Curtis moved to end the discussion of East Cleveland Chart Issue #48, with the understanding that with no action from the Board, Issue 48 will remain on the ballot as it currently is. Board Member McCafferty seconded. The motion passed unanimously.

**Agenda Item 7: Certification of the East Cleveland Mayoral Recall Election Issue and establishing said recall election on December 5, 2023**

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

Director Perlatti stated the CCBOE received notification from Eric Brewer that individuals per the City of East Cleveland's Charter pulled petitions from the Clerk's office. The petitions were circulated and returned to the Clerk's office. Then, the Clerk, pursuant to the City Charter, reviewed those petitions for compliance and sufficiency with the terms of the Charter. Eric Brewer provided notice pursuant to the Charter to Mayor King, who is the subject of the recall petitions, the notice period of five days of opportunity to resign. The CCBOE was copied on the letter dated September 20, 2023, from Eric Brewer to Mayor King. After the five-day window expiration, on September 26, 2023, the CCBOE did receive other documentation from Eric Brewer stating Mayor King did not submit a resignation and, pursuant to the Charter, filed a report. Per the City of East Cleveland's Charter, the CCBOE then sets the date of the election per the parameters in the Charter within a 90-day window. The CCBOE determined that December 5, 2023, is the day the CCBOE can conduct a successful election within the window of the Charter, and the Board is afforded to now go ahead and certify that Issue for a December 5, 2023, Recall Election. Mr. Musson stated that the Board's role is purely ministerial; no discussion is involved, and the Board needs to act based on the certification provided.

Chairman Curtis moved to certify the East Cleveland Mayoral Recall Election Issue and establishing said recall election on December 5, 2023. Board Member McCafferty seconded. The motion passed unanimously.

**Agenda Item 8: Acknowledgment of the PEO Performance Report for the August 8, 2023, Special Election**

Rebecca Brake, Election Officials Manager, presented information from the board packet regarding the Precinct Election Official (PEO) Performance Report.

Chairman Curtis moved to acknowledge the PEO Performance Report for the August 8, 2023, Special Election, as set forth in the board materials. Board Member McCafferty seconded. The motion passed unanimously.

**Agenda Item 9: Approval of the voucher and resolution for FIS-V-A) Clear Ballot Group, Inc., for imprinters**

Shaunquitta Walker, Fiscal Services Manager, presented information regarding the voucher and resolution for Clear Ballot Group, as provided in the board materials.

Chairman Curtis moved to approve the voucher and resolution for FIS-V-A) Clear Ballot Group, Inc., for imprinters. Board Member McCafferty seconded. The motion passed unanimously.

**Agenda Item 10: Authorization for the Director to enter into a Memorandum of Understanding with the Secretary of State's Office (SOS) and County Council and County Executive for the purchase of Tenex Software Solutions electronic pollbook systems pursuant to SOS Advisory 2023-03 and approval of corresponding Resolution**

Ms. Walker stated the CCBOE would receive money from the SOS to purchase new electronic pollbooks (EPBs). The CCBOE has contacted the approved vendors that the SOS had identified. Tenex Software Solutions is the CCBOE vendor of choice as there is a current relationship with the CCBOE's current EPBs. Tenex provided the CCBOE with a quote for the cost, and a cost of \$1,046,283.00 has been determined. The CCBOE needs to proceed with the procurement of obtaining the pollbooks and getting the Memorandum signed. The CCBOE wants to start the process with Tenex as there is a lead time to prepare the software and equipment. The CCBOE will need to have the purchase approved by the County Executive and County Council, which are in the process of year-end close out. The purchase approval needs to be on the agenda to start the process of placing the order this year and pay for it in 2024. Director Perlatti stated that Tenex has been a good partner for EPBs. The software will stay the same, but the hardware will be new, and the EPB screen will be almost three inches larger. With the larger EPBs, there will need to be new stands, carrying cases, and protective foam. The pricing goes through the Ohio Department of Administrative Services (ODAS) and is certified equipment by the Voting Machine Examiners and the SOS office. The three vendors participating submitted their bids to ODAS, who came up with set pricing, which sets the ceiling for the items. When the CCBOE originally purchased the pollbooks, a ten-year maintenance and licensing agreement with Tenex was made, and there are still three years of renewal. The contract extends over the purchase through 2027 as it is the same software. It takes about 90 days to order and manufacture the equipment. When the equipment is delivered to the CCBOE, Tenex will come in and put the equipment together. Director Perlatti stated there is a process of going through the County Council and Executive, which all takes time. The CCBOE is putting together the Memorandum of Understanding, which is boilerplate language from the SOS, which all 88 counties have, and the CCBOE does not negotiate. There are changes to the Memorandum that Assistant Prosecutor Musson will make along with the Law Director. Director Perlatti said the CCBOE does have the oldest pollbooks in the State. The new pollbooks will help with the security profile, as the current pollbooks are iPads that cap out at iOS version 12, and the new pollbooks will be iOS 16. The CCBOE is requesting authorization so the CCBOE can work with the County Administration to go through the process.

Chairman Curtis moved to authorize the Director to enter into a Memorandum of Understanding with the Secretary of State's Office (SOS) and County Council and County Executive for the purchase of Tenex Software Solutions electronic pollbook systems pursuant to SOS Advisory 2023-03 and approval of corresponding Resolution. Board Member McCafferty seconded. The motion passed unanimously.

## **Agenda Item 11: Approval of the 2024-2025 Recommended Biennial Budget**

Ms. Walker stated at the last Board meeting the 2024-2025 Recommended Biennial Budget was presented to the Board for review. Ms. Walker opened the floor to the Board for questions and to seek approval of the budget. Chairman Curtis stated there was a comprehensive overview of the budget at the last meeting, and the Board has had time to review the document. Director Perlatti updated the Board that since the previous meeting, the OBM has informed the CCBOE that the County Executive wants some of the numbers to be less than what the CCBOE has in the recommended budget. However, the CCBOE is not changing the numbers. Director Perlatti asked the Board to approve the Recommended Biennial Budget numbers. As is standard practice, Director Perlatti will go before the County Council with a presentation to explain why the numbers are needed. Director Perlatti said the County Council does have a say, and the Council does not rubber-stamp what the County Executive puts forward. When it comes to the budget process, the Council engages in an objective process and ensures that agencies have what is needed to do the job. In addition, the CCBOE was told that none of the new initiatives would be presented with funding in the Executive's budget. The new initiatives will remain in the budget. Director Perlatti stated the CCBOE would make sure that there is enough money for operating and, after that, fight for those handfuls of initiatives that are smart and good initiatives.

Chairman Curtis moved to approve the 2024-2025 Recommended Biennial Budget. Board Member McCafferty seconded. The motion passed unanimously.

## **Agenda Item 12: Approval of the personnel agenda**

Chairman Curtis moved to approve the personnel agenda, as provided in the board meeting materials. Board Member McCafferty seconded. The motion passed unanimously.

### **NEW BUSINESS**

Deputy Director Kaloger stated that because of all the new developments around the CCBOE main building, it has become increasingly challenging for the CCBOE to get sufficient parking spaces for voters during Early In-Person (EIP) voting. The CCBOE is working with the County to get a new facility to alleviate the current parking situation. For the November 7, 2023, General Election, the CCBOE is fortunate that the former Bryant and Stratton Building is currently between usages. The CCBOE is working with the County, who made arrangements for the CCBOE to utilize the Bryant and Stratton parking facility for a limited period of time to help supplement the parking for Early In-Person voting for the November 7, 2023, General Election. The contract is currently being finalized. In addition, the County has worked with Campus International to utilize their parking lot to use it for EIP as well. Their teachers will park at Bryant and Stratton, opening up space for EIP. The CCBOE is also working with the County regarding proper signage so voters know where parking is available. The CCBOE will also inform voters of the parking through FaceBook Live, the website, and Community Outreach will be communicating to voters. Security cameras will be on the lot, and the highway message signs will also direct voters. The CCBOE parking lot will be utilized for ADA voters, candidates filing finance reports, and access to the ballot dropbox. The Euclid Avenue entrance will be used for voters to access the building, and a tent will be put up along Euclid Avenue from the entrance door to East 30th Street. Deputy Director Kaloger stated the core issues with the current facility are increasingly challenging. That is why the CCBOE is looking forward to continuing to work with the County to proceed with a new facility.

Board Member Stickan stated there is new legislation at the State House with respect to the Cleveland Ballot Initiative concerning the budget. She asked how that impacts the CCBOE with respect if it passes, would the CCBOE be affected? Mr. Musson stated he did not believe so. If the State passes legislation in

an attempt to undermine a Charter Amendment, the Charter Amendment would still be on the books. Still, its validity or enforceability would be under question. Mr. Musson stated assuming the legislation is adopted and the State passes an Act.

Director Perlatti stated that the Ohio Redistricting Commission passed the Ohio House and Ohio Senate district maps on Tuesday, September 26, 2023. Regarding the next steps, the SOS will give the CCBOE guidance on what needs to be done. The filing deadline for the March 19, 2024 Primary is December 20, 2023, and the maps are relevant to that Election. The CCBOE will need to update the system to validate petition signatures and other processes.

Director Perlatti stated that the CCBOE will have a Board Meeting on January 2, 2024, to certify candidates for the March 19, 2024, Primary Election.

#### **PUBLIC COMMENT**

There was no public comment

#### **EXECUTIVE SESSION**

There was no executive session

Chairman Curtis moved to adjourn the meeting at 10:48 a.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 September 27, 2023.

Henry F Curtis, IV, Chairman



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Inajo Davis Chappell, Board Member

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Terence M. McCafferty, Board Member



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Lisa M. Stickan, Board Member



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Anthony Perlatti, Director



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