

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting  
12/18/2023**

**Attending:**

Henry F Curtis, IV, Chairman  
Inajo Davis Chappell, Board Member  
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 9:30 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: Determination of the validity of provisional ballots and authorization to count provisional ballots from the December 5, 2023, East Cleveland Recall Election**

Hasani Wheat, Registration Department Manager, presented the December 5, 2023, East Cleveland Recall Election provisional ballot report, as provided in the meeting materials.

Chairman Curtis moved to approve the determination of the validity of provisional ballots and authorization to count provisional ballots from the December 5, 2023, East Cleveland Recall Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 2: Approval of the minutes from the November 20, 2023, board meeting**

Chairman Curtis moved to approve the minutes from the November 20, 2023, board meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 3: Additional discussion on alleged voters who voted twice in the November 7, 2023, General Election**

Deputy Director Kaloger stated that at the November 20, 2023, board meeting, the board discussed two provisional voters who were questionable double voters. At the time, the Board voted not to count those two individuals' provisional ballots. The Board did ask for additional information on the two voters. The first voter, Cynthia Renee Barron, voted at the polls on Election Day and realized after scanning her ballot that she made a mistake and wanted to vote differently. The poll workers correctly informed her that she could not obtain another ballot since her ballot had been fully processed. The voter then came to the CCBOE on Election Day complaining that she had mismarked her ballot and

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

was denied the opportunity to recast it at the polling location. The CCBOE staff reported that they explained to the voter that the polling location correctly advised her that the second ballot could not be issued since the first ballot was counted. The voter demanded to cast a second ballot. The CCBOE staff reported that the encounter lasted only a few minutes. In accordance with the Secretary of State (SOS) de-escalation training, it is against rushing to involve law enforcement and only to call law enforcement if there is a safety concern of an individual or others are in jeopardy. CCBOE staff determined that the best path to de-escalation was to allow the voter to cast a provisional ballot, knowing that the election day ballot would be counted and the provisional ballot would, therefore, be rejected. The second voter, Timothy George Jacobs, has been a regular voter in Ottawa County since 2020 and cast an absentee ballot in Ottawa County on October 20, 2023. On November 1, 2023, the voter came to the CCBOE to vote Early In-Person. The voter updated his registration address when he cast a provisional ballot. As part of the provisional verification process, the CCBOE contacted Ottawa County BOE to see if he had voted in Ottawa County, and the CCBOE was informed that he had voted an absentee ballot in Ottawa County. The CCBOE Board Members voted not to count his provisional ballot on November 20, 2023. The CCBOE did not have an email address or valid phone number for the voter, so on November 21, 2023, the CCBOE sent a letter requesting that he contact the CCBOE regarding the provisional ballot and did not respond. On December 5, 2023, the CCBOE sent a second letter warning him if he did not respond to our inquiry, his case may be referred for investigation. To date, he has not responded to either of the letters. Board Member Davis Chappell stated as a practical matter, the voter did update his registration, so going forward, he would be considered a Cuyahoga County voter. The Board discussed both matters. Chairman Curtis moved to refer Timothy George Jacobs to the SOS for further investigation. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 4: Certification of the Recounts from the November 7, 2023, General Election**

Director Perlatti presented information from the board packet regarding the certification of recounts from the November 7, 2023, General Election.

Chairman Curtis moved to acknowledge the Certification of the Recounts from the November 7, 2023, General Election. Board Member Davis Chappell seconded. The motion passed unanimously.

#### **Agenda Item 5: Preliminary approval of the ballot order for the March 19, 2024, Presidential Primary Election**

Director Perlatti stated that 90 days before an election, the CCBOE is required to approve a preliminary ballot order. The ballot order for a primary election differs from that for a general election. In a primary election, the CCBOE is looking at the number of registered Democrats and Republican voters and will order 200% of active Republicans and Democrats in each Precinct. For nonpartisan voters, the CCBOE will order 50% of nonpartisan voters. Director Perlatti said in Ohio, there is a primary system in which anyone who appears at the polls on Election Day, regardless of their party, can request any of the ballot styles available. The Board will also approve a final ballot order about 30 days before the Election. Board Member Davis Chappell asked if the 200% is an increase from prior elections. Director Perlatti stated the CCBOE has used between 150% to 200%. For the March 19, 2024, Presidential Primary, the partied ballots will be 200%, and the non-party (issues only) ballot order will be 50%.

Chairman Curtis moved to approve the preliminary ballot order for the March 19, 2024, Presidential Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 6: Approval to outsource the printing of Vote-by-Mail ballots for the March 19, 2024, Presidential Primary Election**

Chairman Curtis moved to approve to outsource the printing of Vote-by-Mail ballots for the March 19, 2024, Presidential Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 7: Certification of the official results of the December 5, 2023, East Cleveland Recall Election**

Brian Cleary, Ballot Department Manager, presented information from the board packet regarding the certification of the official results from the December 5, 2023, East Cleveland Recall Election.

- **Authorization to approve the remake of the optical scan ballots from the December 5, 2023, East Cleveland Recall Election**  
Chairman Curtis stated there were no remakes of the optical scan ballots from the December 5, 2023, East Cleveland Recall Election, and there was no need to approve the authorization of any remakes.
- **Authorization to approve absentee ballots from the December 5, 2023, East Cleveland Recall Election**  
Chairman Curtis moved to authorize the approval of absentee ballots from the December 5, 2023, East Cleveland Recall Election. Board Member Davis Chappell seconded. The motion passed unanimously.
- **Authorization to approve provisional ballots from the December 5, 2023, East Cleveland Recall Election**  
Chairman Curtis moved to approve the provisional ballots from the December 5, 2023, East Cleveland Recall Election. Board Member Davis Chappell seconded. The motion passed unanimously.
- **Acknowledgment of the pre & post-test results of the vote tabulation system from the December 5, 2023, East Cleveland Recall Election**  
Chairman Curtis moved to acknowledge pre & post-test results of the vote tabulation system from the December 5, 2023, East Cleveland Recall Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Chairman Curtis moved to acknowledge the certification of the official results of the December 5, 2023, East Cleveland Recall Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 8: Acknowledgment of the date, time, and place of the post-election audit for the December 5, 2023, East Cleveland Recall Election**

Brian Cleary, Ballot Department Manager, indicated the post-election audit for the December 5, 2023, East Cleveland Recall Election will be on January 8, 2024, at 9:00 a.m.

Chairman Curtis moved to acknowledge the date, time, and place of the post-election audit for the December 5, 2023, East Cleveland Recall Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 9: Acknowledgment of the Early In-Person Voting PEO Performance Report from the November 7, 2023, General Election**

Steve Doell, Candidate and Petition Services Supervisor, presented a summary regarding the Early In-Person PEO Performance Report from the November 7, 2023, General Election.

Chairman Curtis moved to acknowledge the Early In-Person Voting PEO Performance Report 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 10: Acknowledgment of intent to retire from, resignation from, and appointment to elected office**

Chairman Curtis moved to acknowledge the intent to retire from, 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 11: Acknowledgment of withdrawals of Republican County Central Committee Candidates from the March 19, 2024, Presidential Primary Election**

Chairman Curtis moved to acknowledge the withdrawals of Republican County Central Committee Candidates from the March 19, 2024, Presidential Primary Election, as set forth in the board materials. Board Member Davis Chappell seconded. Chairman Curtis recused himself from the vote pertaining to himself. The motion passed unanimously.

**Agenda Item 12: Approval to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the March 19, 2024, Presidential Primary 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 March 19, 2024, Presidential Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 13: Preliminary authorization for the allocation of voting booths for the March 19, 2024, Presidential Primary Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 4,842 voting booths will be allocated + 705 ClearCast Go scanners + 289 ADA ClearAccess voting units and 915 Electronic Poll Books**

Chairman Curtis moved to approve the preliminary authorization for the allocation of voting booths for the March 19, 2024, Presidential Primary Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 4,842 voting booths will be allocated + 705 ClearCast Go scanners + 289 ADA ClearAccess voting units and 915 Electronic Poll Books. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 14: Approval of the voucher and resolution for FIS-V-A) Weekley's Mailing Service, Voter Information Guides for the March 19, 2024, Presidential Primary Election**

Shaunquitta Walker, Fiscal Services Manager, presented the information from the board materials pertaining to the voucher and resolution for Weekley's Mailing Service for the Voter Information Guides for the March 19, 2024, Presidential Primary Election.

Chairman Curtis moved to approve the voucher and resolution for FIS-V-A) Weekley's Mailing Service, Voter Information Guides for the March 19, 2024, Presidential Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

### **Agenda Item 15: Approval of the personnel agenda**

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

### **NEW BUSINESS**

#### **General Assembly Redistricting Update**

Deputy Director Kaloger provided an update on the General Assembly Redistricting. He stated this was a continuation of the redistricting process that began after the 2020 census. After several well-publicized maps and court cases, the redistricting committee passed bipartisan maps in September 2023. On September 29, 2023, the Secretary of State issued Directive 2023-2024 with the 2020 census plots. The CCBOE staff created and entered the precinct information into the DIMS voter registration database. Through the process, ten new precinct splits were created. However, the CCBOE consolidated 14 previous splits, resulting in a net of four fewer splits. The Deputy Director presented the website updates to the Board.

#### **Voter Registration Cancellation Update**

Director Perlatti provided an update on the voter registration cancellation. He stated the cancellation is associated with the 2019 National Change of Address (NCOA) process. The Secretary of State (SOS) issued a Directive in 2023, and one portion of the cancellation was to be conducted in July 2023. Due to the August Special Election, the cancellation was postponed because of the proximity to the close of the registration for the August 8, 2023 Special Election. The SOS then postponed the cancellation until September 2023. There were then September Primary Elections in Cuyahoga and two other counties, Summit and Lucas. Cuyahoga could not cancel voter registrations in September because of the Primary. The SOS then instructed the cancellation date was to be determined. Initially, they had indicated that it would happen after the March 2024 Primary, and then the SOS came back on November 30, 2023, and said the cancellation needed to be done on December 18, 2023. Director Perlatti explained there are two parts to the NCOA and the supplemental. This only deals with the NCOA process. He further detailed that in 2019, the SOS received a list of address changes filed with the United States Postal Service. The list was compared to the Statewide voter registration database, and any matches of individuals were then identified for NCOA. In 2019, the CCBOE sent 31,342 individuals a notice, that if in four years they do not engage in any activity, their record would be canceled. In the four years since 2019, the CCBOE looks back to see if there voter activity, meaning did they vote, sign a petition, or even submit a vote by mail application, or update their registration. If they did not have activity, those individuals now meet the criteria for cancellation. When the first Directive came out in March 2023, the CCBOE sent notices to those who were on the list to be canceled. On December 15, 2023, the CCBOE submitted a file to the Secretary of State's office. From the initial 31,342 individuals, there were 3,566 who had no activity in the last four years. The SOS will give the CCBOE approval to make any adjustments based on their review, and then the CCBOE will cancel those individuals in the voter system on December 18, 2023. The CCBOE will have a final list of canceled voters eligible for public records requests. Typically, the political parties request the list to see who was canceled. The CCBOE will not make any supplemental cancellation as it is not part of this cancellation. This cancellation is strictly for those individuals who updated with the post office but did not update their voter registration with the Board of Elections and now have not had any activity since 2019. The CCBOE did send out a press release regarding the upcoming voter cancellation. Board Member McCafferty asked how the CCBOE tracks people who sign petitions. Director Perlatti stated that the CCBOE compares the petition information to the voter database when a petition is processed. As the petition is reviewed, indications are made. For example, rejections are tracked

if a signer is not registered, not matching address or signature, etc., there is a record. The CCBOE can then pull the voter activity and produce the petition reports to show how an individual petition was or was not validated. Board Member Davis Chappell asked what would happen if any of the 3,566 individuals who were part of this maintenance were removed and then showed up to vote in the Presidential Primary. She said many individuals will want to be active for the Primary coming up in March. Director Perlatii stated those individuals are eligible to re-register at any time. However, to vote in the Presidential Primary, they must register between now and the close of registration, February 20, 2024, to be able to vote on a regular ballot in March 2024. If they appear at the polls and did not re-register, they would be given a provisional ballot, which would re-register them. Still, their ballot would not count for the Presidential Primary, but their registration would be updated for the November 5, 2024, General Election. Board Member Chappell said the CCBOE is obligated to manage the voter roles and that this is part of that process, but it is concerning that people may not know these deadlines. Director Perlatti said the County Parties can also follow up. Board Member Stickan said it could be part of the social media push when the CCBOE advertises the upcoming deadline dates that if people have not voted in a while, they may have been canceled and to please note the deadlines. Board Member Chappell agreed and said it is important for the CCBOE to continue to inform the public. Deputy Director Kaloger stated the CCBOE website is a great tool to check voter registration information and also directs voters to their polling location.

### **2024 Election Administration Plan (EAP) Update**

Peter James, Elections and Compliance Administration, presented the Election Administration Plan (EAP) updates. He stated the SOS requires all Boards of Elections to produce an EAP at least 60 days before a presidential primary election or 120 days before a general election. Therefore, the CCBOE will come back again in the summer of 2024 with the updated EAP for the presidential general election. The SOS provides a template of the categories (table of contents), which is helpful in terms of gathering and organizing the EAP content. It is a large document comprising 258 pages that almost every department had input on. The EAP was built upon previous plans, and the previous work helped get a solid product. The CCBOE made a few changes to this Plan, including updating the 2022 poll worker section. The curbside voting process was also updated to reflect that in 2023, curbside ballots are now scanned at the polling location versus previously; the ballots were returned to the warehouse and tabulated. Under Resource Allocation, the CCBOE updated the ballot order formula. Specifically, the March primary election is based on the number of registered voters in each Precinct and the number of nonpartisan voters. He stated that under the CCBOE Pre-Election Day and Election Day Communication Plan, the polling location change process has been transitioned to a Smartsheet, a work management tool. With the Smartsheet, any staff member who needs to take action can see where the agency is in the process at any time. The Master Calendar is also on a Smartsheet. It is a giant task calendar containing departmental actions from large to small tasks, with deadline dates and responsible staff, and the sheet will generate automatic email reminders to take action. Board Member Davis Chappell asked if other counties use Smartsheet. Deputy Director Kaloger stated the CCBOE has shared the template with other boards of elections because it is a great tool. He said it is like having a checklist that reminds departments of a task to be completed. Deputy Director Kaloger noted many of the CCBOE's steps are the same for every election, and Peter James can take the template of some 1,337 tasks and create upcoming election task calendars that all departments can build on. The SOS had something similar, but they were using a different technology, and the CCBOE found that the Smartsheet was much more user-friendly. Smartsheet is also something people can work on simultaneously versus Excel, where only one person can access it at a time; many individuals can access and update Smartsheet at the same time. Mr. James added that the Election Support Department has recently added technology and moved from sending postcards to polling locations and drop-off locations for facility agreements. Election Support is also moving towards utilizing email more effectively to return signed contracts. He said that under the Contingency and Continuity Planning, the previous steps were updated replacing the AutoMark and DS200, with the Clear Ballot equipment. Board Member Davis Chappell stated she noted that Mr. James indicated the SOS added back in a

section around Personal Protective Equipment (PPE). She asked if the CCBOE had taken that out or if the CCBOE was still providing PPE. Mr. James responded that ahead of the 2022 Gubernatorial election, the SOS template did not have the PPE in it. Since the SOS removed that section from their template, the CCBOE did not include it. The SOS brought it back this year; it was the only subsection different from last year. The Board discussed the current PPE protocols for items including masks, hand sanitizer, pens, and rubbing alcohol. Mr. James stated that the Absentee Ballots section was updated regarding details around the early in-person (EIP) voting process, including the number of EIP processing stations and privacy stations, how many voters can be processed in an hour, etc. More importantly, the details behind the Clear Ballot printout and a ballot-on-demand system have been added because the CCBOE did not previously have that ability. Also included was under Accessibility was the flat rental fee that the CCBOE pays private polling locations has increased from \$300 to \$500. Under pre-election testing, the Ballot Department updated the approval to prints and L&A process. Ballot compiled a comprehensive checklist for both processes. The CCBOE included screenshots of the checklist so the SOS can see precisely how the CCBOE completes those processes. Mr. James said these were some of the fundamental changes to the EAP.

Mr. James also presented key changes to the SOS Election Official Manual (EOM). He said the majority of the updates were around House Bill 458, which, with the directives and other communications from the Secretary of State this past year, the CCBOE had already implemented those changes into CCBOE processes. Director Perlatti stated the EOM is a set of permanent directives. While it deals with House Bill 458, it came out at this point because there are timelines and parameters on how far away from an election it can be published. Director Perlatti said this year, the CCBOE has been dealing with the changes in the law through temporary directives, which will now be permanent directives.

Board Member Davis Chappell asked to discuss the requirement that the CCBOE have to take photo images of the ballot, which has caused some delay in the election results. She stated she is anticipating that if the CCBOE does not get any relief from that requirement, it will have significant delays as it deals with the presidential election cycle. The Board discussed the CCBOE continuing to work with the SOS and Clear Ballot to meet the statutory obligations while providing election results in a timely manner.

#### **PUBLIC COMMENT**

Maria Melinis addressed the Board regarding election integrity.

Allen Porter addressed the Board regarding voter integrity and ballot harvesting.

#### **EXECUTIVE SESSION**

There was no executive session

Chairman Curtis moved to adjourn the meeting at 10:59 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 December 18, 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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