

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting
3/15/2024**

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
Mark R. Musson, Assistant Prosecutor, Cuyahoga County

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.

Chairman Curtis noted that all Board Members were in attendance.

Agenda Item 1: Approval of the minutes from the January 23, 2024, and February 20, 2024, board meetings

Chairman Curtis moved to approve the minutes from the January 23, 2024, board meeting and noted that Chairman Curtis, Board Members McCafferty, and Davis Chappell were present at that meeting. Board Member Davis Chappell seconded. The motion passed. Chairman Curtis moved to approve the minutes from the February 20, 2024, board meeting and noted that Chairman Curtis, Board Members McCafferty and Stickan were present at that meeting. Board Member Davis Chappell seconded the motion and abstained from the vote. The motion passed.

Walk-on Agenda Item: Acknowledgement of Secretary of State Directive 2024-04: 2023 Annual Expense Report

Chairman Curtis moved to acknowledge Secretary of State Directive 2024-04: 2023 Annual Expense Report. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 2: Acknowledgment of removal from, resignation from, and appointments to elected office

Chairman Curtis moved to acknowledge the removal from, resignation from, and appointments to elected office, as provided in the Board Materials. Board Member Davis Chappell seconded. The motion passed unanimously.

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

Agenda Item 3: Acknowledgment of candidate withdrawal from the March 19, 2024, Presidential Primary Election

Chairman Curtis moved to acknowledge the candidate withdrawal from the March 19, 2024, Presidential Primary Election, as provided in the Board Materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 4: Challenge of voter residency filed by Steven J. Scullen against Patrick B. Scullen

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

Hasani Wheat, Registration Department Manager, presented the challenged Voter Packet for Patrick B. Scullen, as set forth in the board materials. Challenger Steven J. Scullen provided a statement regarding the challenge. Board Member Davis Chappell asked the challenger if Patrick Scullen lived at 1149 Webb Road, Lakewood, Ohio, and if he had any belongings or resided there. Steven Scullen stated Patrick Scullen lived there many decades ago but did not currently reside there or have permission to use the 1149 Webb Road address. Chairman Curtis said the date on the voter registration card for Patrick B. Cullen was January 18, 2024, and asked the challenger if Patrick Scullen had spent the night or been at the address listed since that date. Steven Scullen said no. The Board and Assistant Prosecutor Musson discussed the challenge. Chairman Curtis noted that neither Patrick B. Scullen nor legal counsel representing him were present for the hearing.

Board Member Davis Chappell stated given the testimony and the documentation received in the board materials and moved that the CCBOE cancel the registration of Patrick Scullen and make permanent any activity of his voter registration at the Webb Road address because it is clear from the testimony and the law that it is not his fixed place of habitation or settled abode. Patrick Scullen could not have an intent to return, as he has no right to be there in the first instance. Board Member Stickan seconded. The motion passed unanimously.

NEW BUSINESS

March 19, 2024, Presidential Primary Election Update

Deputy Director Kaloger provided an update on the March 19, 2024, Presidential Primary Election. He stated the March 19, 2024, Presidential Primary is a countywide election with 967 precincts and 290 polling locations. There are 406 candidates and 26 issues, including one countywide issue and five school levies. The CCBOE anticipates a 30% to 40% voter turnout on Election Day. The Election Officials Department will have the last poll worker training on Saturday, March 16, 2024. The CCBOE will have over four workers on average for each precinct, and there are 91 standby workers in place for any no-shows. There are 60 attorneys who will be working at the polls, and they will be able to earn continuing education credits for serving at the polls. Additionally, 117 Cuyahoga County workers are participating in the County Poll worker program, an increase of 30% from the November 2023 General Election. Deputy Director Kaloger said Early-in-Person (EIP) voting has had 5,941 voters. EIP voting hours are until 7:30 p.m. on March 15, 2024, and 8:00 a.m. to 4:00 p.m. on Saturday, March 16, 2024. EIP voting ends on Sunday, March 17, 2024; the hours will be from 1:00 p.m. until 5:00 p.m. Voter parking is available in the rear lot behind the CCBOE building and at Campus International. There will be no EIP voting on Monday, March 18, 2024, and voters must go to their polling locations to vote on Tuesday, March 19, 2024. The days and hours of voting will be repeated through press releases, social media, and at a press conference on Monday, March 18, 2024. If voters are unsure of their polling location, they can call the CCBOE and receive the information through an automated system or speak to an operator. They can also go to the website at www.443vote.com. Election Day voting hours at the polls will be 6:30 a.m. until 7:30 p.m.

Voters are reminded to bring photo identification: driver's license, state ID, passport or passport card, US military ID, Ohio National Guard ID, or US Department of Veterans Affairs ID. The Ballot Department has processed over 62,000 vote-by-mail applications, and 42,000 have been returned. Voters can check the status of vote-by-mail ballots by going on the CCBOE website or calling the Board. The Election Support Department and Berman's are on schedule with the final deliveries of voting location equipment. The Electronic Poll Books will be updated after Sunday's close of EIP voting. He stated the CCBOE did have eight polling location changes in five municipalities, and those voters were notified in December and January, in addition to an extra message on their Voter Information Guide. The Outreach Department has also worked with the local mayors to get the changes out to the voters in the impacted municipalities, which include Maple Heights, Mayfield Heights, North Randall, North Royalton, and Walton Hills.

Director Perlatti stated that an unknown online entity published that the CCBOE website was allegedly hacked, which is not true. The entity said that sensitive information was obtained. However, the information they obtained is publicly available through self-serve features or from a public records request for voter registration information name, address, and voter history. That information is publicly available not only on the CCBOE website but also on the Secretary of State's website. Mike West, Community Outreach Manager, said at the bottom of the story it stated it is not credible news, like clickbait. The Board discussed the matter. The CCBOE is ready to respond to any inquiries and has communicated with the SOS office.

Director Perlatti clarified that the withdrawal of a candidate from a contest is different than that of a candidate who suspends their candidacy. For a candidate who withdraws, votes are suppressed and not reported on Election Night. When a candidate suspends their campaign, those votes are tallied, and the results are reported on Election Night.

March 19, 2024, Election Administration Enhancements

Director Perlatti spoke on six election administration enhancements. He stated after each election, the CCBOE takes the lessons learned and proactively develops and prepares for the upcoming election. The first enhancement is how the election night tabulation is completed. In the November 2023 election, the results took double the time anticipated because the ballot images were being simultaneously saved on election night. The CCBOE worked with Clear Ballot and the SOS and agreed that the numeric results would be uploaded on election night and the ballot scans would be uploaded after election night. The enhancement has been tested by both the CCBOE and Clear Ballot. He also explained how the Democratic race for Ohio State Representative District 20 had two write-in candidates, and those images would be uploaded on election night so the results could be reported. That district includes 148 precincts with 52 polling locations and 105 memory sticks. The second enhancement is the scanning of Vote-by-Mail (VBM) applications. He explained how scanning the VBM applications will increase output and provide reports, which staff proofs for accuracy. Scanning will also allow the CCBOE to capture images of the applications for easier reference when needed. Thirdly, he stated that this is the first countywide election in which the CCBOE will use the new electronic poll books, which run on the same application as the previous poll books. The new poll book units are larger and easier for poll workers and voters to read, allowing a larger area for signatures. The units also have the latest processors and cameras, so when the poll worker scans voter identification or the ballot bar code, the new units easily scan the information. Director Perlatti stated the fourth enhancement is a series of videos now available on the CCBOE website. The Community Outreach Department created informational videos for voters explaining how to: "Track Your Vote-By-Mail Ballot," "Find Your Polling Location Online," and "The Proper Way to Cast Your Ballot". There is also a video created by Clear Ballot on "How to Mark Your Ballot Using Clear Access (ADA)" and an SOS video on "Changes to Ohio Voting Laws Starting in 2023." Director Perlatti said Cuyahoga County is one of the only counties that have multiple page ballots. While scanning the ballots, voters need to pause a few seconds between each ballot page to allow the scanner to process the

information. Director Perlatti said the fifth enhancement is providing the polling locations with an additional ballot bag for return of voted ballots on election night. The additional bag will help distribute the weight of returning ballots versus excessive weight in one bag. The sixth enhancement is regarding the distribution of additional ballots on Election Day. The CCBOE has ordered plenty of ballots for the polling locations. The ballot bags for the locations will be packed to hold 35 pounds of ballots. The additional ballot packs for the polling locations are then inventoried, organized, and packed in bins. The ballot bins will be centralized at the six field zone stations for distribution. The CCBOE has created an extensive Excel spreadsheet that will track ballot issuing by utilizing the electronic poll books system data. Peter James, the Election Compliance Administrator, will track the data. The CCBOE can then monitor through the system where the precincts are at with their ballot inventory. If a location runs low, the CCBOE will email the Zone captain and instruct them which ballot type to pull and transfer the ballots to the polling location. Director Perlatti said the CCBOE has plans to print ballots at the Hughes Building's first floor and deliver ballots to the polling location. Previously, the CCBOE was beholden to Midwest Direct, but now the CCBOE has more control over providing additional ballots to the polling location. Midwest will also be able to print ballots, but the CCBOE will utilize them as a last tier. Board Member Davis Chappell stated the CCBOE did have ballot shortages at a couple of locations in the November 2023 election. She said the CCBOE needs to make sure there is a chain of custody and security in place. Director Perlatti stated the CCBOE has a multi-layered system to secure and track the ballots. He said the CCBOE has ordered over 600,000 ballots for election day, equating to about 1.2 million sheets of paper, which the CCBOE will store for 22 months. Board Member McCafferty asked if there were instances where the voter received the wrong precinct ballot. Director Perlatti stated that should not happen and explained how the precinct is determined when scanning identification or manually retrieving the information. Prior to giving out the ballot the barcode is scanned to verify it matches the voter information. If there is a mismatch, the poll book will give a message as a safeguard, and the poll worker can provide the correct ballot. Deputy Director Kaloger stated the wrong precinct wrong location would be during the provisional process, which does not use the electronic poll books.

Board Member Davis Chappell commented on the positive election administration enhancements that resulted from the lessons learned. She said it is good to know that the CCBOE takes all that information and comes up with ways to make things more efficient and will benefit the voters. Chairman Curtis thanked the staff for preparing the CCBOE for the March 19, 2024, Presidential Primary Election.

PUBLIC COMMENT

Maria Melinis provided public comment regarding election integrity.

EXECUTIVE SESSION

Director Perlatti requested a motion to go into executive session to share information and consider the purchase or acquisition of property for public purposes since the disclosure of the information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest, and also to discuss pending legal litigation issues. Board Chairman Curtis moved to go into executive session at 10:34 a.m. Board Member Davis Chappell seconded, a roll call vote was taken, and each Board Member voted in the affirmative.

At 11:29 a.m., after returning from the executive session, Chairman Curtis stated the Board had come out of the executive session and returning to open session.

Chairman Curtis moved to recess the meeting at 11:29 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 March 15, 2024.

Henry F Curtis, IV, Chairman

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Inajo Davis Chappell, Board Member

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Terence M. McCafferty, Board Member

Terence M. McCafferty

Lisa M. Stickan, Board Member

Lisa M. Stickan

Anthony Perlatti, Director

Anthony Perlatti