

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting

7/21/2021

**THIS MEETING WAS HELD VIA TELECONFERENCE IN ACCORDANCE WITH
H.B. 197, 133rd G.A. §12 (2020)**

Attending:

Jeff Hastings, Chairman
Inajo Davis Chappell, Board Member
Lisa M. Stickan, Board Member
David Wondolowski, Board Member
Anthony W. Perlatti, Director
Tony Kaloger, Deputy Director

Mark R. Musson, Assistant Prosecutor, Cuyahoga County
Mary Bejjani, Clerk to the Board
Linda Walker, 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 Hastings noted that all Board Members were in attendance.

Agenda Item 1: Approval of the minutes from the June 28, 2021, board meeting.

Chairman Hastings moved to approve the minutes from the June 28, 2021, Board Meeting. Board Member Stickan seconded. The motion passed unanimously.

Agenda Item 2: Acknowledgment of Secretary of State Memorandum and Directive: Memorandum 2021-02: Responsibilities of Sheriffs and Chiefs of Police in the 2021 Special Congressional Primary Election (NOTICE: Pursuant to R.C. 149.433, this document is not subject to disclosure as a public record); Directive 2021-17 - Unofficial and Official Canvass Directive for August 3, 2021, Special Congressional Primary Election in the 11th and 15th Congressional Districts.

Chairman Hastings moved to acknowledge the Secretary of State Memorandum and Directive: Memorandum 2021-02: Responsibilities of Sheriffs and Chiefs of Police in the 2021 Special Congressional Primary Election (NOTICE: Pursuant to R.C. 149.433, this document is not subject to disclosure as a public record); Directive 2021-17 - Unofficial and Official Canvass Directive for August 3, 2021, Special Congressional Primary Election in the 11th and 15th Congressional Districts. Board Member Wondolowski seconded. The motion passed unanimously.

¹ Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

Agenda Item 3: Acknowledgment of the Ballot Proofs for the August 3, 2021, Special Congressional Primary Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting.

Chairman Hastings moved to acknowledge the Ballot Proofs for the August 3, 2021, Special Congressional Primary Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 4: Final approval of the ballot order for the August 3, 2021, Special Congressional Primary Election.

Chairman Hastings moved to approve the final ballot order for the August 3, 2021, Special Congressional Primary Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 5: Preliminary approval of the ballot order for the November 2, 2021, General Election.

Chairman Hastings moved to approve the preliminary ballot order for the November 2, 2021, General Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 6: Protest Hearing filed by Shalira Taylor regarding Tawayne L. McGee's petitions for Cleveland City Council Ward 12

The transcript of proceedings from this discussion is incorporated by reference into the minutes and is available for review upon request.

Board Member Davis Chappell made a motion to accept the 200 petition signatures and to deny the protest. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 7: Acknowledgment of candidate withdrawal from the September 14, 2021, Primary Election.

Chairman Hastings moved to acknowledge the candidate withdrawal from the September 14, 2021, Primary Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 8: Acknowledgment of candidates and issues withdrawals from the November 2, 2021, General Election.

Chairman Hastings moved to acknowledge the candidates and issues withdrawals from the November 2, 2021, General Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 9: Certification of candidates nominated without primary election (September 14th Primary Canceled).

Chairman Hastings moved to certify the candidates nominated without primary election (September 14th Primary Canceled). Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 10: Acknowledgment of resignation from elected office.

Chairman Hastings moved to acknowledge the resignation from elected office. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 11: Authorization to pay: 158 Voting Location Managers x \$200 = \$31,600; 173 Voting Location Deputies x \$200 = \$34,600; 1,679 Precinct Election Officials x \$172.10 = \$288,955.90; 158 Sanitation Officials x \$200 = \$31,600; 75 Election Substitute Officials x \$100 = \$7,500, for the August 3, 2021, Special Congressional Primary Election.

Chairman Hastings moved to authorize to pay: 158 Voting Location Managers x \$200 = \$31,600; 173 Voting Location Deputies x \$200 = \$34,600; 1,679 Precinct Election Officials x \$172.10 = \$288,955.90; 158 Sanitation Officials x \$200 = \$31,600; 75 Election Substitute Officials x \$100 = \$7,500, for the August 3, 2021, Special Congressional Primary Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 12: Authorization to process payment in the amount not-to-exceed \$15,575.00 for 55 private voting locations being used for the August 3, 2021, Special Congressional Primary Election.

Chairman Hastings moved to authorize to process payment in the amount not-to-exceed \$15,575.00 for 55 private voting locations being used for the August 3, 2021, Special Congressional Primary Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 13: Final authorization for the allocation of voting booths for the August 3, 2021, Special Congressional Primary Election. Allocation quantities are based on social distancing and room size per polling location. A total of 2,319 voting booths will be allocated + 460 DS200 precinct scanners + 157 ADA AutoMark voting units and 632 Electronic Poll books.

Chairman Hastings asked if any of these voting locations were where voters experienced long lines in the 2020 Election due to social distancing and reduced electronic poll books. Director Perlatti stated yes, and actions have been taken to increase the number of poll books and reduce the number of voting booths to make accommodations for the additional poll books. The longest delay is at the check-in table to vote, not at the voting booths. Board Member Davis Chappell asked if there were any changes to curbside voting. Director Perlatti stated there are not any issues anticipated regarding curbside voting. In 2021, there has been an increase in curbside voting from previous years, but not to the extent of the 2020 General Election. Director Perlatti further stated there has been increased training on curbside voting for poll workers, and more poll books are available for processing voters and the polling locations are better prepared. Board Member Wondolowski asked if there should be a change in the mask mandate and if the CCBOE is ready with supplies to be sent to the voting locations. Director Perlatti answered yes, working with other county agencies the CCBOE is prepared for a mask mandate.

Chairman Hastings moved to authorize the allocation of voting booths for the August 3, 2021, Special Congressional Primary Election. Allocation quantities are based on social distancing and room size per polling location. A total of 2,319 voting booths will be allocated + 460 DS200 precinct scanners + 157 ADA AutoMark voting units and 632 Electronic Poll books. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 14: Approval for the Voter Information Guide to all active voters for the September 14, 2021, Primary Election.

Chairman Hastings moved to approve the Voter Information Guide to all active voters for the September 14, 2021, Primary Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 15: Approval of voucher

Chairman Hastings moved to approve the voucher. Board Member Wondolowski seconded. The motion passed unanimously.

NEW BUSINESS

Update on August 3, 2021, Special Congressional Primary Election

Director Perlatti stated the vote-by-mail process is going well. The return of vote by mail (“VBM”) ballot application are exceeding earlier CCBOE projections. When a ballot application is mailed, the voter is provided with instructions on correctly completing the application, including choosing either a Democratic or Republican ballot. The most common error on the applications for this election is not selecting a party affiliation. Without a party being selected, the CCBOE cannot send out a ballot. If a phone number or email address is listed on the application, the CCBOE is contacting the voter to resolve the issue. Otherwise, a new application and a letter requesting a ballot type be selected are mailed to the voter. To address this matter the CCBOE continues to work with community partners and the media. The information is regularly posted on social media to inform voters to indicate a party when requesting a ballot. As of today, over 5,600 ballots have been returned to the CCBOE, which is 28%. The CCBOE anticipates a 90% return rate for ballots mailed to voters. Early in-person voting is going well, to date, there has been over 1,400 voters for the early in-person voting. The CCBOE has hired 110% of the required amount of poll workers, with the focus on getting people into the training. There are 73% of poll workers trained, and the CCBOE has a goal of training 100 potential poll workers per day through Sunday, July 25th. Board Member Davis Chappell asked what percentage of poll workers were new. Director Perlatti stated approximately 25% would be new poll workers. Voting equipment is currently being delivered to the voting locations by Berman's Moving. Electronic Poll Books are going through final testing and being prepared for distribution to the polls on Monday, August 2nd. There is a need for election night workers, and Director Perlatti requested assistance from the board members in identifying possible resources for Election Night.

Biennial Budget

Director Perlatti provided information on the timeline required for approval of the CCBOE biennial budget and the projected items to be included in the budget. In addition to the operations budget, funding proposals will be ongoing for maintenance costs on equipment purchased through the CTCL Grant. The budget will consist of a cost-of-living wage increase for CCBOE permanent employees, an hourly wage increases for temporary employees and increasing the pay for poll workers. Other items include extending the rental of a backup generator during election cycles, higher postal costs, and increasing the amount private polling locations are paid. Additional initiatives include purchasing new voting equipment and ancillary supplies needed, devices, and support needed for cybersecurity. Also included in the biennial budget are capital projects and ongoing maintenance for building issues, as well as the cost of replacing the CCBOE Poll Books due to enhanced cybersecurity measures.

Update on investigation regarding petitions for Justin Bibb

Director Perlatti stated that Justin Bibb was certified to the ballot as a candidate for the City of Cleveland Mayoral race. During the certification process, CCBOE staff found several part petitions with one or more addresses crossed off, and a new address written. The new address was not initialed, and the penmanship did not match the circulator or the voter signatures. Assistant Prosecutor Musson stated the Prosecutors office worked with the campaign and obtained six affidavits from the circulators indicating that the strike-offs were not on the petitions when the circulators turned in the petitions to the campaign. The campaign also provided an affidavit describing their process for collecting the petitions and indicated there was only one individual who had sole custody of the petitions prior to filing the petitions with the CCBOE. There is an inference that the one individual with the campaign crossed checked the addresses with the CCBOE voter registration system and allegedly struck out incorrect addresses and wrote the correct addresses that matched the voter's registration address. Board Member Wondolowski asked when a person writes their signature on the petition is someone else allowed to fill out the rest of the information. Assistant Prosecuting Attorney Musson stated the law says that the signer needs to enter their address. There is a Supreme Court case citing that if the signer leaves information blank, the signer is giving "implied or expressed consent" for someone else to enter the address unless there is something that contradicts the "implied consent." The petitions for Justin Bibb have the signers writing their addresses, then at a later date, somebody else striking it out and writing a different address that matches the voter registration system. Therefore, there is no indication of implied consent to alter the signer's address. Chairman Hastings stated that Mr. Ryan Puentes, Campaign Manager for Justin Bibb, provided an affidavit stating that Mr. Kenn Johnson was responsible for collecting and verifying petition signatures. Chairman Hastings asked if anyone from the CCBOE had spoken with Mr. Johnson. Assistant Prosecuting Attorney Musson indicated no. Chairman Hastings stated that for a complete investigation to occur, the CCBOE should issue a subpoena and require Mr. Johnson to come to the next CCBOE Board Meeting.

Chairman Hastings made a motion to subpoena and request Mr. Johnson to attend the August 16th Board meeting. Board Member Sticker seconded. The motion passed unanimously.

Director Perlatti asked the Board Members to approve that the unaltered address of a registered voter that signed a part petition containing the altered address of another individual be given voter activity by CCBOE staff. Chairman Hastings asked Assistant Prosecutor Musson if there is any reason why the CCBOE should not update the voter activity for those registered voters whose addresses were not altered. Mr. Musson stated that the remedy for when you strike an improper signature from a petition is to count the remaining valid signatures.

Board Member Davis Chappell made a motion not to deny people that actively participated in the process to get credit for having signed a petition and be given credit for having voter activity. Chairman Hastings seconded. The motion passed unanimously.

Public Comment

Ohio Secretary of State Frank LaRose made a public comment to thank the CCBOE staff for all the great, professional, and hard work done every day. Chairman Hastings thanked Secretary of State LaRose for his leadership and helped recruiting poll-workers for the November 2020 election. Secretary of State LaRose stated the five-poll worker recruiting programs implemented in 2020 were all suggestions from the election officials throughout the state that resulted in 56,000 poll workers state-wide, a record-breaking number. Board Member Davis Chappell extended her thanks for the Secretary of State's Mentorship Program, allowing board members from across the state to interact and connect with peers.

Agenda Item 16: Approval of the personnel agenda.

Chairman Hastings made a motion to go into executive session for the purpose of discussing employment of a public employee at 11:05 a.m. Board Member Stickan seconded, and a roll call vote was taken, and all Board Members voted in the affirmative. The motion passed unanimously.

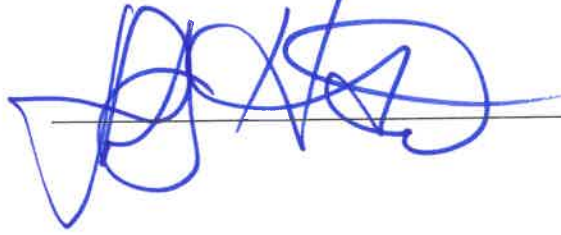
At 11:26 a.m., after returning from Executive Session, Chairman Hastings made a motion to come out of the executive session. Board Member Wondolowski seconded, and a roll call vote was taken, and all Board Members voted in the affirmative.

Chairman Hastings moved to approve the personnel agenda as presented in the Board packet. Board Member Wondolowski seconded. The motion passed unanimously.

Chairman Hastings moved to recess the meeting at 11:28 a.m. Board Member Wondolowski 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 **July 21, 2021**.

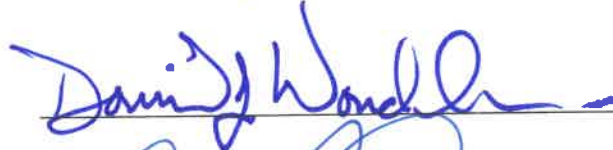
Jeff Hastings, Chairman



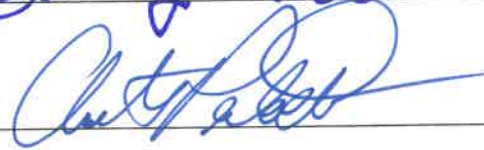
Inajo Davis Chappell, Board Member



Lisa M. Stickan, Board Member



David J. Wondolowski, Board Member



Anthony Perlatti, Director