

The regular monthly meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Friday, August 16<sup>th</sup>, 2024 at 9:00 a.m.

Roll Call:	(D) Thomas M. Ferrell, Chairman	Present
	(R) Lisa M. Crescimano, Member	Present
	(D) MaryAnn Groot, Member	Present
	(R) John C. Adams, Member	Present

Guests in attendance: Rachel Ruffer from Ohio Secretary of State's office, Jason Hinners from Erie County Prosecutor's Office, and Amy Grubbe

Ms. Crescimano motioned to approve the minutes from the July 26<sup>th</sup> regular meeting, with Ms. Groot seconding. All board members voted yes; motion carried.

Under New Business was review of petitions filed for the November 2024 General Election. Four establishments submitted petitions for local liquor options. The staff reviewed them and determined they had enough valid signatures. Ms. Crescimano motioned to approve the petitions, with Ms. Groot seconding. All board members voted yes; motion carried. The petitions approved are:

- Local Liquor Option, Pipe Creek Warf, Sunday Sales
- Local Liquor Option, Sandusky Book Bar, Sunday Sales
- Local Liquor Option, Lake Erie Arms, Sunday Sales
- Local Liquor Option, Mulberry Creek Winery, Sunday Sales

Two subdivisions submitted paperwork to place charter amendments on the ballot. Ms. Crescimano motioned to approve the issue filings as listed, with Ms. Groot seconding. All board members voted yes; motion carried. The four issues approved are:

- City of Huron, Charter Amendment, To Remove the Section regarding Allotments
- City of Huron, Charter Amendment, To Update the Duties of City Manager
- City of Huron, Charter Amendment, To Clarify the Duties of City Council
- Village of Castalia, Charter Amendment, To Raise the Minimum for Competitive Bidding

Alex Jones, Director, presented the August bills to the board. The biggest expense is a re-up of our postage with Pitney Bowes. We have about \$8,000 in postage, but it will cost almost \$1 to mail a ballot, and we are anticipating mailing between 10,000 and 13,000 ballots this fall. We have not replenished the account since December 2022. The money will come from our printing and advertising line item. Ms. Crescimano motioned to approve the August bills, with Ms. Groot seconding. All board members voted yes; motion carried.

For the Director's Report, Mr. Jones stated the counter renovation is almost finished. We are excited to see how it will speed up the early voting process in the fall. He also noted that all board members and staff are required this year to take fraud training from the Auditor of State.

Today is our last day for shooting poll worker training videos. We received a grant from the state that will cover it. These videos will be a supplement to the regular training. All poll workers are required to attend in-person training this year. Mr. Jones also asked the board members to be on the lookout for anyone interested in working the polls. The state's goal is for us to hire 115% of the workers we need, which comes out to about 285.

Adrienne James, Deputy Director, presented the proposed board meeting calendar for 2025. Ms. Crescimano motioned to adopt the 2025 calendar, with Ms. Groot seconding. All board members voted yes; motion carried.

Under Old Business was Policy Amendments and Revisions. Mr. Jones sent a list of revisions that Ms. Groot presented to the staff. He thinks it accurately reflects the changes Ms. Groot thinks would be good for our office. Ms. Groot asked Ms. James if she had any thoughts. Ms. James stated there are some amendments she agrees with and some she disagrees with.

Mr. Adams stated he thinks some are good and others he's not too sure. He stated we have an agreement with the county commissioners that we will not change our employee manual without their okay. Mr. Ferrell asked where Mr. Adams sees that agreement. Mr. Adams replied that was what the commissioners told him.

Mr. Hinnars stated he is not aware of any discussions between the commissioners and the board. There is not a written agreement that he is aware of. You can certainly work with the commissioners, though. Mr. Adams said he hates to start a war with them.

Ms. Groot said, what I hear you saying is we need to 100% adhere to county policy until such time as you feel they would accept these amendments, starting Monday. So that means the office would be open from 8:00 a.m. until 4:30 p.m. Ms. Crescimano stated that is not county policy. Mr. Ferrell replied that is what Matt Wilson told him.

Mr. Hinnars stated that perhaps your discussion starts with what you as a board are comfortable with. It doesn't mean you have to adopt the policies today, but you can make a motion to bring these proposed amendments to the commissioners for their review. Mr. Adams said he would be okay with that.

Mr. Ferrell commented that we have been working on this for three months. Ms. Groot said it was over three months. She then asked what happens if the commissioners say no. Then what? Do we go back to the drawing board? Ms. Crescimano stated we would jump that hurdle when we have to.

Mr. Ferrell asked what the commissioners said. Mr. Adams replied that they said we had an agreement that nothing was to be changed. Mr. Ferrell stated he does not remember that agreement. He also said that for this board to meet with the commissioners, it has to be a Republican and a Democrat, and that never occurred.

Ms. Crescimano motioned to present a draft policy to the commissioners for their review and comment. Ms. Groot seconded the motion. All board members voted yes; motion carried.

Ms. Crescimano asked Ms. James what proposed amendments she had a problem with. Ms. James read the proposed text of "Staff hours must be between half hour before the opening of the office and half hour after the close of the office." Under normal circumstances that's fine, but last summer we had to check thousands of signatures for state-wide issues. We were sometimes here until 5:00 or 6:00 p.m. If we had been following this rule last summer, we wouldn't have been able to check all the signatures in a timely manner.

Ms. Groot replied that she is talking about regular times. What Ms. James is talking about is a different situation that would involve overtime for the clerks. The proposed amendment does not refer to election time. Ms. James replied that when you're checking petitions, it's not necessarily election time. Mr. Ferrell suggested adding a line about "extenuating circumstances."

Ms. Crescimano commented on the proposed amendment regarding requests for reimbursement. The Auditor does not reimburse us for taxes. It's in the county handbook. Ms. Groot replied that the proposed amendment says you should always seek to utilize tax exempt forms. It doesn't say you have to.

Ms. Crescimano stated she has another problem with the proposed amendment on cell phone usage. She thinks it creates a hostile work environment because it's so limiting. Mr. Ferrell asked what the county commissioners' policy is on cell phones. Ms. Crescimano stated she doesn't know it word for word, but it's not as restrictive as this.

Mr. Hinners stated there is some consideration that cell phones are used differently now than they were 20 years ago. If there's an emergency, people call cell phones. He read from the county policy: "Non-work related activity including that on an employee's own device is restricted to unpaid lunch and/or break times." There is a provision in place, but if there's an emergency, he doesn't think anyone would have an issue. To him, it's a management issue. If someone is on their cell phone too much, the director or deputy director would take care of that.

Mr. Ferrell asked what Ms. Groot's proposed amendment reads. Ms. Groot read, "Use of personal cell phones during election period shall be limited to official business pertaining to emergency situations regarding the safety of office personnel and PEOs and potential interference with regular duties of the board." Mr. Ferrell suggested adding the phrase "and personal emergencies." Mr. Hinners stated that non-work related activity is going to apply in an election period or not. Mr. Adams stated it's redundant.

Mr. Hinners stated when it comes to ultimately approving this, his preference would be that you say, "To add the following." In one motion, he thinks the intent is to replace. You need to indicate whether the proposals are to replace or add to the county policy.

Mr. Adams stated he thinks the telephone motion is redundant. He also thinks the travel request and reimbursement motion is not necessary. Ms. Groot stated she thinks it is necessary. Mr. Ferrell asked if there was any further discussion. Mr. Hinners stated the question is, what do you want to provide to the Board of Commissioners? He thinks you want to provide them with what you as a board are comfortable with. Otherwise it's a waste of their time.

Mr. Ferrell stated he thinks Ms. Groot is trying to prevent people from scrolling on Facebook or Tik Tok. You see it everywhere, although he's not saying it happens here. Mr. Jones stated there's a social media section in the county policy. He doesn't know it word for word, but the intent is that personal use of social media is for unpaid lunch and breaks. Mr. Adams said if it's already spelled out, there's no need to be redundant.

Ms. Groot stated the county policy restricts personal cell phone use to lunch and breaks. We're saying that during the election period, we're allowing them to use their cell phones for the safety of office personnel and PEOs. So we're enhancing the policy. Mr. Hinners replied that that is work-related.

Mr. Ferrell stated we could have ironed all this out during the work session, but it never occurred. Mr. Adams indicated that was because at that time, we didn't have the ideas reduced down to the paper that Mr. Jones typed. Mr. Ferrell asked for Mr. Adams' suggestion. Mr. Adams replied, "What we're doing right now." He wants to make sure we're not doing anything to restrict our employees in ways that aren't good for them. He doesn't think there is any reason to rush this. He noted that we're heading into a Presidential Election, and that we are further along now than we were before.

Mr. Ferrell stated that we're not following the county policy at this point in time. Mr. Adams replied that apparently it hasn't been a problem. Mr. Ferrell stated that's not the point. Mr. Adams stated he wouldn't be opposed going to the commissioners and saying we're not following this—do we have a grace period until we get these things worked on?

Mr. Hinners stated that ultimately this is your policy. You don't necessarily need the commissioners' permission to follow the policy. This is your policy; it just happens to be the same policy as the county. Mr. Adams said if he understands it correctly, the agreement was to accept the county's policy manual.

Mr. Ferrell said you keep referencing an agreement. What agreement? Mr. Adams said the commissioners believe there is an agreement regarding the policy. Mr. Ferrell replied that he does not remember an agreement and that an agreement is not reflected in our minutes. Mr. Jones stated that you can call it an agreement or understanding, but the third floor has the understanding that the Board of Elections will adhere to county policy. This was in exchange for paying out the previous director's comp time balance.

Mr. Ferrell asked where that is journalized. It's not in the minutes upstairs. Mr. Jones replied it was his understanding that an understanding was reached in executive session. Mr. Ferrell asked where that was journalized. Mr. Jones replied that you don't journalize executive session. Mr. Ferrell stated he understands that, but for anything to happen, you have to come out of executive session and make a motion in regular session.

Mr. Adams stated there aren't any exigent circumstances that mean we have to get this done immediately, especially right before an election. Mr. Ferrell stated that we hold other county workers to the county policy, and he feels our employees should follow the county policy. He also stated Ms. Groot is trying to address some of the issues that the county policy does not fully address.

Mr. Adams stated that to Jason's point, if we're going to submit this to the commissioners, it needs to be in a fashion that we're all ready to say this is what we want to happen. Ms. Groot suggested another work session. Ms. Crescimano stated she was not available until after Labor Day.

Mr. Ferrell stated we need to follow county policy. Mr. Adams asked What does that mean? Ms. Crescimano stated to do what you're doing now. Mr. Ferrell replied that's not county policy. Ms. Crescimano stated that as far as she's concerned, they're creating a hostile work environment. Since November 2022, the office has been working together and everything's been going fine. Now all of a sudden it's wrong.

Mr. Adams asked what we have been doing the past two years that's wrong. Mr. Ferrell replied working through lunch, leaving early, and time sheets. There was no continuity on how hours were kept for part-time personnel. Mr. Hinners asked if that was in this document. Ms. Groot replied no, but we've had discussions on this before. Mr. Hinners stated that there are two items in play here. One is that there maybe needs to be some changes to reflect this office and then there are other items that because of past practice need to be cleaned up a bit.

Mr. Ferrell stated he thinks Ms. Groot's purpose is to journalize some things so that future boards have something to work with. Mr. Adams stated that what this group has done over the past two years has been stellar. Ms. Groot replied that we're not arguing about that. Mr. Adams stated there's a reason he's saying it. They've done a great job, so these things are not super important. Let's walk through them, not run through them. He's happy to continue making progress, he just doesn't think it's ready for a vote.

Mr. Ferrell asked for Mr. Adams, Ms. Groot, Mr. Jones, Ms. James, and Mr. Hinners to have a meeting to discuss. Mr. Jones said we would need to hurry, because the state is sending absentee requests the first week of September. Ms. Crescimano asked what is a couple more months? After some discussion, they decided to meet on Monday, August 26<sup>th</sup> at 10:00 a.m.

Ms. Crescimano motioned to adjourn, with Ms. Groot seconding. All board members voted yes; motion carried. Board adjourned at 9:53 a.m.

**Alexander W. Jones, Director**

**Attest:**

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**Thomas M. Ferrell, Chairman**