

The regular monthly meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Friday, February 23rd, 2024 at 10:00 a.m.

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

Guests in attendance: Jason Hinnars from Erie County Prosecutor’s Office, Amy Grubbe, and Stephen Lippert

Ms. Groot motioned to approve the minutes of the January 26th regular meeting. Ms. Crescimano seconded the motion. All board members voted yes; motion carried.

Alex Jones, Director, presented the February bills to the board. He stated that the first invoice is to be paid with money that was encumbered in 2023. We purchased replacement totems for our polling locations that are more durable. With the old totems, we were having to replace two or three each election. In total, we bought 38 new totems.

The board members took a few minutes to review the February bills. Ms. McKeen motioned to pay the bills, with Ms. Groot seconding. All board members voted yes; motion carried.

For the Director’s Report, Mr. Jones stated we are preparing for the March election. Early voting has already started and we have mailed about 850 ballots.

Ms. Crescimano stated she heard from someone that an individual was sitting by the scanner and felt the person was interrupting their personal space. Ms. Groot replied that she was there on Wednesday to assist voters but she wasn’t trying to look at ballots. Mr. Jones stated this is the first time we’ve had an assistant at the scanner in a few elections. He also stated we moved the scanner because it was cramped in its old position.

Ms. Groot stated people were having a hard time. When the ballot prints, it comes out curved, and the voters were trying to put the ballot in the scanner with the curve up. She told the voters that if you flip the ballot over, the corners won’t stick.

Mr. Ferrell stated that we used to have someone by the scanner. Adrienne James, Deputy Director, stated that we had someone by the scanner for the General Election in 2020 and the Midterm Election in 2022.

Ms. Groot stated it was hard for some people to rip the stub off their ballot when they were standing at the scanner. She would recommend that they tear the stub off when they’re sitting, and then go over to the scanner.

Mr. Ferrell asked if there was anything else. Mr. Jones stated now that we’re finished with the annual campaign finance reporting season, we are referring nine committees to the O.E.C. (Ohio Ethics Commission.) Two committees accepted donations before filing their Designation of Treasurer, which is a violation. One committee filed their report after the annual report was due, and the other committees did not file anything in 2023. Once we refer the committees, it is up to the O.E.C. what happens.

Under “New Business” was adoption of a software management policy and physical security policy. Mr. Jones stated this is a re-up. Last year the Secretary of State’s office issued a new security directive. There is a potential for another security directive this year, although it could be pushed back to 2025. Both policies are policies the board has considered already; we are just re-upping them to ensure we are compliant with the 2023 directive.

Ms. Groot stated she has some questions on the office security plan. Under physical security at the board office, it says dual office keys shall only be issued to the Director and Deputy. She asked what that means.

Mr. Jones replied that to enter the office, everyone has their own electronic keycard that monitors who is coming in and out. To enter sensitive areas where we store equipment, such as scanners, requires dual keys. We have a place where we sign those keys out any time we access those areas. A Republican and Democrat need to sign the keys out. Usually it's Adrienne and Alex, but sometimes it could be Adrienne and the Republican clerk, or Alex and the Democratic clerk.

Ms. Groot said her question would be, doesn't the office hold sensitive information everywhere, and shouldn't that be a requirement to get in the office every day? Mr. Jones stated for the purposes of this, no. It's strictly the voting equipment we're securing by the dual access. Ms. Groot said maybe it should be in place for the office period. Ms. McKeen asked what other offices do. Mr. Jones replied that any office he's been to, to access general places, you can just use a regular key. Ms. Groot stated that to her, voter information is sensitive, and that's all in the general office.

Mr. Ferrell stated that in Cuyahoga County, you need to have a Democrat and a Republican to get in the front door. Ms. McKeen stated that Cuyahoga is a lot different than Erie County. Mr. Ferrell stated as long as we have cameras, we can see who is coming and going.

Ms. Groot stated her second question is regarding phones. What is the phone policy in voting areas? Mr. Jones stated that we post signs in precincts that phones should be put away. Also, the law states that you cannot take a picture of a voted ballot. Ms. Groot stated getting back to the person who thought she was too close, can't someone come in and snap a picture of the voters? Mr. Ferrell replied that is all public record. If you're in public, anyone can take your picture and there is nothing you can do about it. Mr. Ferrell also noted that you cannot take a picture of a ballot.

Ms. Crescimano moved to adopt the software management policy. Ms. Groot seconded. All board members voted yes; motion carried.

Ms. Groot moved to adopt the physical security plan. Ms. Crescimano seconded. All board members voted yes; motion carried.

Under "Old Business" was voting equipment allocation for the March 2024 Primary. Mr. Jones stated that a few meetings ago, the board voted to allocate one scanner and one expressvote per polling location. We would like to amend that to have two scanners at the Health Department. Ms. Crescimano moved to accept that allocation of equipment, with Ms. Groot seconding. All board members voted yes; motion carried.

For "Any other matters to come before the board," Ms. Groot requested to move the April 1st meeting to 9:30 a.m. The board members agreed that would be fine. Ms. James stated she would update the calendar.

Mr. Ferrell stated we need a motion for executive session regarding security. Ms. Groot motioned to go into executive session, pursuant to O.R.C. 121.22(G)(6), to consider details relative to security arrangements for a public office that if disclosed could reasonably be expected to jeopardize the security of the public office.

No one seconded the motion. Ms. Crescimano stated the last time we went into executive session, she was caught totally off guard. If she knew what we were going to discuss, or had received a courtesy phone call, which is not in violation of the Sunshine laws, then she would probably second the motion.

Mr. Ferrell stated she can step out in the hall and talk with Jason for a minute. Mr. Hinners stated we would probably need to recess the meeting and rescind the motion. Ms. Groot stated she rescinds her motion for executive session and moved to recess. Ms. Crescimano seconded. All board members voted yes; motion carried. The board recessed at 10:16 a.m.

Ms. Crescimano motioned to reconvene, with Ms. Groot seconding. A roll call vote was taken.

Mr. Ferrell- yes
Ms. Crescimano- yes
Ms. Groot- yes
Ms. McKeen- yes.

The motion carried. The board reconvened at 10:18 a.m.

Ms. Groot stated she moves to go into executive session, pursuant to O.R.C. 121.22(G)(6), to consider details relative to security arrangements for a public office that if disclosed could reasonably be expected to jeopardize the security of the public office. Ms. Crescimano seconded the motion. A roll call vote was taken.

Mr. Ferrell- yes
Ms. Crescimano- yes
Ms. Groot- yes
Ms. McKeen- yes.

The motion carried. The board went into executive session at 10:19 a.m.

The board reconvened at 10:58 a.m.

Mr. Ferrell asked if there were any questions before we adjourn. Ms. Grubbe asked about the political signs that were stolen and how it went in front of the grand jury. She said nothing was said about it and asked what we are going to do. Mr. Ferrell replied nothing because the grand jury failed to indict them. Ms. Grubbe asked the reason. Mr. Hinners replied that he was not privy to it, and he would not be privy to share it if he was.

Ms. Grubbe stated her other question is regarding security. Can anyone just come in the office? Have there been instances when one staff member has been in the office without both a Democrat and Republican present? Ms. James stated not that she was aware of. Ms. Groot mentioned Mr. Jones in the office during Christmas time. Mr. Jones asked if we were talking about the dual access areas. Ms. Grubbe replied no; just regular entry.

Mr. Jones stated that any time there are live ballots in the office, both parties need to be present. Once we certify the election, then we'll go back to normal practice, which is that we can all access the office at any point. However, during election time and in the sensitive areas, there needs to be both parties present.

Mr. Ferrell asked what if it is 11 o'clock on a Sunday and the alarm goes off? Does that go to the sheriff? Mr. Jones replied that there is an alarm that gets tripped. We set an alarm at the end of each day. If something happens, Mr. Jones is the first person called, and if he is not available, then they call Ms. James. The alarm company also notifies the Sheriff, so he will come in and clear the building. With every alarm that has gone off in the past year, it's either been due to a sensor that has been moved or a zone expander that became unplugged.

Ms. Grubbe stated that there should be a different key for the Republicans and Democrats. There are other counties our size that require two keys. Mr. Ferrell asked wouldn't that show up on camera? Mr. Jones stated yes. Ms. Grubbe asked who was watching the cameras. Mr. Ferrell stated, "the sheriff." Ms. Grubbe said, "But if he or she turns it off, then who cares?" Mr. Jones stated that the cameras run all the time.

Mr. Ferrell commented that everyone has the keypad code. Ms. Grubbe replied that there should be a keycode for the Democrats and a keycode for the Republicans. Mr. Ferrell stated that in all the years we've had alarms, he's not aware of having two different keycodes.

Ms. McKeen asked what small counties require two keys and stated we could check with them. Ms. Grubbe stated she thinks Geauga County does, plus a couple others. Mr. Ferrell said we could talk to Accurate about it. Mr. Jones stated that Accurate does the security system, while the county maintains the keycards. Ms. Grubbe stated that Gary in Facilities can provide two cards, one for the Republicans and one for the Democrats. Mr. Ferrell stated he doesn't think they can do that.

Mr. Jones stated that to be compliant with the state directive, we had to repurpose the access points for dual access. The mandate from the SOS office is that voting equipment rooms require bipartisan entry and video cameras. Mr. Ferrell asked who did that work. Mr. Jones said it was the county, but it was through Johnson Controls.

Mr. Ferrell stated that every time there is an incident, you would need to have two people come in the office. Mr. Jones stated that when there are no live ballots, there's a very diminished opportunity outside of those sensitive areas to do anything nefarious.

Ms. Groot stated that her concern is how often does something happen that you are called into the office? How many times has someone, either a Democrat or a Republican, come into the office on their own? Perhaps even during voting time?

Ms. James replied that during early voting, that does not happen. There is always one of each party. If it's the off-season, then there's usually a couple people in the office. However, let's say during the off-season, the two Republicans are in the office, one Democrat is on vacation, and the other Democrat is sick. Then what do you do? Close the office? Ms. James said that seems silly to her.

Mr. Jones stated that for one staff member, it makes sense with her schedule to get here a little earlier, so she is usually the first one here. Other times during the off-season, Mr. Jones is in the office later than everyone else. It's rare that only one person is in the office in any given day.

Mr. Lippert asked if we could start the meetings with the Pledge of Allegiance and a prayer. Mr. Ferrell replied that he doesn't do prayers and that we've never done it before. He also asked Ms. McKeen if we ever did the Pledge of Allegiance when she was on the County Commission. Ms. McKeen did not recall.

Ms. Groot motioned to adjourn, with Ms. Crescimano seconding. All board members voted yes; motion carried. The board adjourned at 11:10 a.m.

Alexander W. Jones, Director

Attest:

Thomas M. Ferrell, Chairman