

The official canvass meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Monday, November 20th, 2023 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) Nancy C. McKeen, Member	Present

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

Alex Jones, Director, stated that the board would need to review unassigned write-ins for the Huron Board of Education race. There are eight names that don’t conform to what was filed with us, but are close enough that we wanted the board’s decision. The names are Raber, Chris Hager twice, Hager, McAdams, and John Rager.

Ms. Groot asked what the correct names are. Mr. Jones replied they are John Adams and Chris Rager. Ms. Crescimano asked if the voters need to write the candidate’s full name. Mr. Jones stated that per the guidance from the Secretary of State’s office, we assigned the write-in to a candidate if the last name was correct or if there was clear intent. He also stated that some people wrote their own names.

The board members took a few minutes to discuss. Ms. Crescimano stated she thinks we should not accept any of them. She doesn’t feel we should try to analyze the voters’ intentions. Mr. Ferrell asked for the correct spelling of the candidates’ names, which Mr. Jones provided. Ms. McKeen noted that one person wrote Jon Rager, as if they were trying to combine the two candidates. She agrees with Ms. Crescimano that we should not assign these votes to either candidate. Ms. Crescimano motioned to assign the write-ins to an “uncertified” category, with Ms. Groot seconding. All board members voted yes; motion carried.

Adrienne James, Deputy Director, reviewed absentee ballots received after the election. She stated there are 54 that are eligible to be counted. 49 are absentee ballots that were postmarked November 6th or earlier and received by November 13th. Three are UOCAVA ballots that were received in the mail by November 13th. Two are absentee ballots that had a deficiency, but the voter returned the 11-S supplemental form by November 13th. The board members took a few moments to review those absentee ballots. Ms. Groot motioned to count the 54 eligible absentee ballots, with Ms. Crescimano seconding. All board members voted yes; motion carried.

Ms. James stated there are 16 absentee ballots that are not eligible to be counted. Four are absentee ballots with a postmark of November 6th or earlier, but they were received after November 13th. Nine are absentee ballots with a postmark of November 7th or later. One is an absentee ballot with no postmark and no barcode to scan. One is a UOCAVA ballot received in the mail after November 13th. One is an absentee ballot that had a deficiency, and the 11-s supplemental form was received after November 13th. The board members took a few moments to review the absentee ballots. Ms. Crescimano motioned to not count the 16 ineligible absentee ballots, with Ms. Groot seconding. All board members voted yes; motion carried.

Eliza Link, Clerk, reviewed provisional ballots, of which there were 400. She stated that 284 provisionals are eligible to be counted. 98 were from voters registered in another Ohio county. Ms. Link corresponded with the other counties to verify that the voters did not vote there. Ms. Crescimano asked if by voting provisionally in Erie County, that will register them here; Ms. Link stated yes. Five were provisionals due to no valid photo ID, but the voters showed their valid ID to Board of Elections staff by the deadline of November 13th. 17 were name changes where they were registered in Erie County but did not have proof of their legal name change. Three were both address and name changes. 17 were provisional due to being in provisional status due to an undeliverable acknowledgement notice. 16 were provisional due to requesting an absentee ballot by mail, but they did not return their absentee ballot. 128 were address changes within Erie County. Ms. Crescimano motioned to count the 284 eligible provisional ballots, with Ms. Groot seconding. All board members voted yes; motion carried.

Ms. Link stated that 111 provisional ballots are not eligible to be counted. However, if the voter completed the 12-B provisional ID envelope correctly, that will get them registered in Erie County. Three are provisionals where the voter did not sign the 12-B envelope, meaning we cannot accept it. 18 voted provisionally due to no valid photo ID, and they did not come into the Board of Elections by November 13th to present a valid ID. Three are provisionals who voted in the wrong precinct and wrong location. Per the SOS office, the board must reject those ballots. Nine provisional voters failed to complete the ID section, which is Section 5, on the 12-B envelope. Per the state, we must reject those. 77 were not registered to vote anywhere in the state of Ohio. Ms. Link stated she had Ms. James double check this. Per the Elections Officials Manual, if the voter was not registered in the state of Ohio at least 30 days before the election, the board must reject the provisional ballot. Of the 77 that were not registered anywhere in Ohio, 11 were removed this year due to no activity: 10 in March, and one in September. One voter wrote the incorrect address on their 12-B envelope, which caused them to vote the wrong ballot. Ms. Link verified with the legal department at the SOS office, and per them, we cannot count that ballot. Ms. Crescimano motioned to not count the 111 ineligible provisional ballots, with Ms. Groot seconding. All board members voted yes; motion carried.

Ms. Link stated there are five provisional ballots that are pending review. The first three were voters who did not need to vote provisionally but did so due to office error. The other two voted in the wrong precinct but correct location. One was for a voter whose new address is Sandusky E, and the poll workers gave them a Sandusky G ballot. The other was a voter whose new address is Vermilion 2-A, and the poll workers gave them a Vermilion 2-B ballot. Per the state, we are permitted to count those ballots. Also, Sandusky E and G ballots are the same, as are Vermilion 2-A and 2-B. Ms. Groot motioned to count the five pending provisional ballots, with Ms. Crescimano seconding. All board members voted yes; motion carried.

Ms. Crescimano motioned to recess, with Ms. Groot seconding. All board members voted yes; motion carried. Board recessed at 9:27 a.m. While in recess, bipartisan board staff opened and scanned eligible absentee and provisional ballots.

At 2:42 p.m., the board reconvened. Alex Jones, Director, stated that one provisional ballot needed to be remade. The high-speed scanner read Issue 2 on the ballot as an overvote, but the voter tried correcting it. Mr. Jones and Ms. James remade the ballot how they believe the voter intended. The board members reviewed the remade ballot. Ms. Groot motioned to count the remade ballot, with Ms. Crescimano seconding. All board members voted yes; motion carried.

Ms. Crescimano motioned to recess, with Ms. Groot seconding. All board members voted yes; motion carried. Board recessed at 2:44 p.m.

At 3:31 p.m., the board reconvened for the official certification and regular monthly meeting. All board members were present. Guests present were Jason Hinnners, Amy Grubbe, Richard Brady, John Orzech, and Brian Chase.

Ms. James reviewed the official results. She stated that voter turnout was 53.30%. We added 54 absentee votes and 289 provisional votes. There were two races that were very close: the Sandusky City Parks and Recreation levy, and the Edison Board of Education race. However, neither race triggered an automatic recount. The Parks and Recreation levy passed, while for the Board of Education race, the winners were Patricia Cuthbertson and Brian Chase.

Mr. Chase asked if the Huron County Board of Elections would meet to certify their results. Ms. James stated they would meet next Monday at 7:00 a.m. Mr. Brady thanked the board for their hard work in putting on the election. The board members, director, and deputy director signed the official certification of results form to submit to the Secretary of State's office. The board members also provided their signatures to order a new signature stamp.

Ms. James stated that per the EOM, the post-election audit can start six days after official results are declared, and must be complete by the 21st day. So, the earliest we can conduct the audit is Sunday, November 26th, and the latest is Monday, December 11th. The board members decided to conduct the audit on Wednesday, November 29th at 9:00 a.m. Ms. James stated we must audit at least five percent of the ballots cast, which is 1,421. The board members randomly chose sticks to determine which machines to audit. The first stick chosen was Ritter Public Library, which hosts Vermilion 1-A, 2-A, and 2-B. 999 ballots were cast there. The second stick chosen was Zion Lutheran Church, which hosts Sandusky H and I. 601 ballots were cast there. In total, we will be auditing 1,600 ballots, which is above the five percent minimum.

Ms. Crescimano motioned to approve the minutes from the October 20th and November 6th/7th meetings, with Ms. Groot seconding. All board members voted yes; motion carried.

Mr. Jones provided a financial report. He stated we need to return the unspent money from the August Special election to the state, which amounts to \$29,368.01. Ms. Crescimano motioned to return the unspent money, with Ms. Groot seconding. All board members voted yes; motion carried.

Ms. Grubbe asked how much the board received for August. Mr. Jones stated \$111,826.01. Ms. Grubbe asked what sort of items we could spend the money on. Mr. Jones stated we could spend it on poll workers, polling locations, ballots, advertising, part-time staff, full-time overtime, and vendor support. He also stated that for the November election, without the ballot-on-demand invoice in yet, we have spent about \$92,000. Most of the November bills can be charged back. Ms. Crescimano motioned to approve the regular November bills and the November Then and Now Certificate, with Ms. Groot seconding. All board members voted yes; motion carried.

For the Director's Report, Mr. Jones commented on some changes we would like to make to the layout of the office. During early voting, you can only fit one body at a time in the doorway to check voters in, and it becomes congested. Mr. Jones spoke with the commissioners to gauge their interest in extending our front counter out to the wall, which would allow us to place three workstations there. The front counter would be where voters check in for early voting, which would relieve congestion and make the process smoother for the voters.

Mr. Ferrell asked how we would secure the walkway. Mr. Jones stated there would no longer be a walkway. Mr. Ferrell asked if anyone had drawn up plans. Mr. Jones stated that we would work on it with Gary Weilnau in the Facilities Department. The counter would be extended from wall to wall, and the area in front would be for the public. A door with keycard access would need to be inserted.

Ms. Groot asked if it would be congested during non-voting times when people come in for general questions. Mr. Jones replied that we would ideally keep one window open for just general questions, such as campaign finance. There are still some schematics and rearranging that would need to be done. Both Ms. Groot and Ms. Crescimano stated they would like to see what it would look like. Ms. Crescimano asked if the commissioners were okay to pay for this; Mr. Jones stated yes.

Next, Mr. Jones stated that last week the commissioners made two amendments to the budget policy. The first is an amendment to the 2023 budget policy, which adds a one-time \$1,200 bonus to all county employees. The second amendment is to the 2024 budget policy, which increases the salary line by three percent. Mr. Jones stated he spoke with Holly in payroll, and they would like board approval of the three percent cost of living increase. It is supposed to go into effect the first pay of 2024, which starts the last full week of December.

Ms. Groot stated she would like to see the new numbers. Mr. Jones stated that for the director and deputy, the new salary would be \$72,010 a year. For the clerks, the new hourly rate would be \$19.87. In total, the salary line item for all four employees would be \$226,859. Ms. Crescimano motioned to raise the staff salaries three percent on the base according to the budget policy, and to include a \$1,200 bonus for each full-time staff member. Ms. Groot seconded the motion. All board members voted yes; motion carried.

Next, Mr. Jones commented on a situation at the Groton Township polling location of signs being taken on Election Day. The Sheriff's Office investigated, and a couple there admitted to taking the signs. The Sheriff's Office submitted their findings to the Prosecutor's Office, who is now asking for the board's input on whether to pursue charges.

Ms. Groot stated that if this is not taken care of, then it's going to happen all the time. She feels the people need to be prosecuted to set an example. Ms. McKeen asked about an individual who was caught taking signs several years ago. Mr. Hinnners stated that that individual was charged with receiving stolen property. Ms. Crescimano asked if it was a misdemeanor; Mr. Hinnners stated yes. Ms. Crescimano stated that taking down someone's sign is interfering with their constitutional right to say who they are supporting, and that she agrees with Ms. Groot.

Ms. McKeen commented that this has been going on for years. Ms. Groot stated that next year will be a very contested primary, and that the general election next year will be vicious. She again iterated that we need to set an example.

Ms. McKeen asked what happens to the people who are charged. Mr. Hinnners replied that it would be a first-degree misdemeanor. The person's history would play a part in what happens to them. Ms. Groot stated she looked it up, and it's a maximum \$1,000 fine and a maximum one year in jail.

Ms. McKeen asked how many signs were taken. Mr. Hinnners stated three. Ms. Groot asked if the people said why they took the signs. Mr. Hinnners replied that they were against the issue. Ms. Groot stated that when she arrived at the Groton Township Building on Election Day, there were no signs. The voting location manager told Ms. Groot that someone took both the Yes and No signs, and that he reported it to Adrienne. Ms. Groot then put out a Yes sign. Later in the afternoon, the poll workers observed someone take the second Yes sign, which they again reported to the office.

Ms. Crescimano stated that a polling place is sacrosanct. Signs shouldn't be stolen from anywhere, and especially not at a polling place. Ms. Groot stated she makes a motion to proceed further with the Prosecutor's Office. Mr. Hinnners stated it's already at the Prosecutor's Office. Ms. Crescimano stated it's not the board's decision and that the Prosecutor's Office just wanted our views. She thinks he knows how the board feels, now.

Under new business was the approval of issues for the March 2024 Primary Election. Ms. Crescimano motioned to approve the Erie Metro Parks renewal levy, with Ms. Groot seconding. All board members voted yes; motion carried.

Under “Any Other Matters to Come Before the Board,” Ms. Grubbe commented that the flow for voting at the office was a mess. She stated there used to be a check-in computer in the lobby and wondered why there wasn’t one anymore. Mr. Jones stated we would need to have a printer in the lobby, run cables, and secure that work station every night, which would be a challenge. Ms. Link stated she thought we could not have the check-in computer in the lobby anymore due to security concerns. Ms. James stated that we had the lobby check-in computer back when early, in-person voters were required to complete both an absentee ballot application and an absentee identification envelope. However, now early in-person voters simply present their ID and feed their ballots through a scanner. Ms. Crescimano stated the process now is a lot faster. Ms. James agreed.

Ms. Grubbe commented that the flow has been terrible for years. She stated that maybe someone can be in the lobby to direct people. She also stated that there was an issue on Election Day of part-time staff not asking voters the correct questions and sending them to the incorrect place to vote.

Ms. Groot motioned to adjourn, with Ms. Crescimano seconding. All board members voted yes; motion carried. Board adjourned at 4:14 p.m.

Alexander W. Jones, Director

Attest:

Thomas M. Ferrell, Chairman