

The regular monthly meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Friday, October 25<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: Jason Hinnners from Erie County Prosecutor's Office, David Lambros (Village Solicitor for Kelleys Island Village), Jean Feick, Amy Grubbe, and Elizabeth Wilber

Alex Jones, Director, presented the October bills to the board. He stated that two items are on a separate page because they are being paid for with grant money. Ms. Groot asked if there was anything unusual this month. Mr. Jones replied yes. The system that we use for our ballots and scanners has annually cost us \$13,510 for the past five years. Mr. Jones was unaware that when we signed the contract in 2019, the state picked up three quarters of the total cost. Now counties are responsible for the full cost, which is \$51,477. The county administrator and the county finance department are already aware of the situation. We have just enough money to cover it. Ms. Crescimano motioned to approve the bills, with Ms. Groot seconding. All board members voted yes; motion carried.

Adrienne James, Deputy Director, reviewed numbers for early and absentee voting. She stated that we have been very busy and are averaging about 500 early voters per day. As of last night, we have transmitted 14,164 absentee ballots. The breakdown is as follows:

- Five Accessible ballots
- 19 Curbside
- 70 Handcarry
- 6,493 In Office
- 7,301 Mail
- 143 Nursing Home
- 75 UOCAVA Email
- 58 UOCAVA Mail

Of those, we have received back 11,419 ballots.

Under New Business was a review of the Kelleys Island Village referendum petitions. Mr. Jones stated that the village submitted a zoning referendum petition last month. They had enough valid signatures, but the circulator did not place how many signatures they witnessed in the circulator's statement. Ms. Crescimano said it is state requirement for the number to be there. Mr. Hinnners stated it's ultimately the clerk of the village who makes that call. The Board of Elections validates the signatures, then the village certifies whether the petitions are valid to the board.

Mr. Ferrell asked how many signatures they needed. Mr. Jones stated it was either 25 or 26, and that they had 31 valid signatures. Mr. Jones also asked Mr. Hinnners if signing the petition counts as voter activity, since the petition was not valid. Mr. Hinnners stated he would check.

Ms. Groot asked if the person on the island was supposed to make sure the petition was correct. Mr. Hinnners stated the way the process works is the signatures are submitted to the village. The village then gives the petitions to the Board of Elections to validate the signatures. Then the petitions go back to the village for them to determine if the petitions are valid. If the petitions are valid, then the village would certify that to the Board and submit the question to appear on the ballot.

Mr. Lambros asked if the board could still determine the sufficiency of the petition. Mr. Hinners stated yes, but ultimately it's the village's call. Mr. Lambros stated that we agree that the petitions are not sufficient. Ms. Crescimano asked what the Kelleys Island Village council members think. Mr. Lambros replied it is their opinion to rely on his opinion. He stated he is just calling balls and strikes. The way the statute reads, it's a mandatory requirement to put the number of signatures witnessed in the circulator's statement.

Mr. Adams stated the onus is on the circulator. Ms. Crescimano stated she's known candidates in the past who did not put a number in the circulator's statement and they couldn't appear on the ballot. To her, it's the same thing.

Also under New Business was a review of overvoted and remade ballots. Mr. Jones said we would start with ballots the staff has remade. The top copy is what the voter submitted, but the scanner would not read it. The staff remade the ballots in a way that reflect the voters' intentions but that the scanner will read. There are five ballots like this. The board members took a few minutes to review. Ms. Crescimano motioned that the replacement ballots be approved as submitted. Ms. Groot seconded the motion. All board members voted yes; motion carried.

Mr. Jones stated the next batch consists of 33 true overvotes. If the board agrees with the staff that these are true overvotes, then we will run them through our high speed scanner with the overvote counter on. The race where the voter overvoted will not count, but all other races will. The board members took a few minutes to review the ballots. Ms. Groot motioned to accept the overvoted ballots as is, with Ms. Crescimano seconding. All board members voted yes; motion carried.

Mr. Ferrell asked if there were any other matters to come before the board. Ms. Grubbe stated she would be here observing on Election Day. She also stated that some people have been standing in line with ballots to be returned. Hopefully that has been corrected. Mr. Jones replied that when it gets really busy, we'll send someone out in the lobby to do a sweep of the line so that if people don't have to stand in line, they don't. Ms. Grubbe also stated there were some people wearing political hats and hopes that has been addressed, too. Mr. Jones said there are signs posted regarding campaign attire.

Ms. Wilber shared her concerns with the board regarding a disabled family member who voted. The individual lives at the Meadows, and she is his guardian. Ms. Wilber stated that the individual told her that he voted. However, the individual is not competent; that is why he is under guardianship. Ms. Wilber believes someone at the nursing home filled out the paperwork to allow him to vote. She further explained that a guardian has to go through the court system. It is not like a Power of Attorney, which can be taken away.

Ms. Feick stated that the individual is not competent and has dementia. She also stated that the individual's photo ID has expired. Mr. Ferrell stated that the Meadows is under the purview of the county commissioners. However this happened, he thinks they need to discuss it with the county administrator and commissioners.

Mr. Hinners stated that he and Ms. Wilber spoke on Wednesday. There is a provision in the statute that allows a person to be deemed incompetent by a probate court judge for purposes specifically related to voting. In the directive from the Secretary of State's office, in Chapter 4 on voter registration, it states, "The determination of a physician or other medical professional, caretaker, or family member or the delegation or assignment of certain duties under a power of attorney is insufficient basis alone for a Board of Elections to cancel a voter's registration for incompetency. A probate court must adjudicate or judge a person incompetent."

Ms. Wilber stated the individual is judged incompetent but it has to say incompetent for voting, and there's nothing on the doctor's form that talks about voting. Mr. Hinners stated the provision in the statute is for civil rights. We know there is a heightened right to vote versus other certain rights we have. He stated he can reach out to the Meadows if there is a policy as it relates to guardianship.

**Ms. Crescimano asked if you can use an expired ID to vote. Mr. Jones replied that to vote absentee, you can provide the last four digits of your social security number. Mr. Hinnens stated that was what was provided on the form for the individual. The form also has the individual's mark on it. He showed a copy the form to the board members. Ms. Wilber stated it was just wrong. Mr. Ferrell thanked her for bringing the matter to the board's attention.**

**Ms. Groot motioned to adjourn, with Ms. Crescimano seconding. All board members voted yes; motion carried. Board adjourned at 9:40 a.m.**

**Alexander W. Jones, Director**

**Attest:**

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**Thomas M. Ferrell, Chairman**