

The official canvass meeting of the Erie County Board of Elections was called to order by Chairman Thomas Ferrell on Monday, November 18th, 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 Hinnars from Erie County Prosecutor's office, Jonathan Gormley from Ohio Secretary of State's office, and Amy Grubbe

Alex Jones, Director, reviewed two Election Day ballots. In the Village of Milan, there was an issue with the scanner. Per our training, the Voting Location Manager (VLM) had the voters place their voted ballots in the locked auxiliary bin so that when the scanner was functional again, a bipartisan team could scan them. Two of the ballots got torn and the machine would not accept them. It is our recommendation that these two ballots be remade and scanned today as part of the official canvass. Ms. Crescimano motioned to accept the two remakes, with Ms. Groot seconding. All board members voted yes; motion carried.

Adrienne James, Deputy Director, reviewed absentee ballots received after the election. There are 69 absentee ballots received after the election that are eligible to be counted. They are as follows:

- 59 regular absentee ballots postmarked by the day before the election or earlier and received within four days of Election Day.
- Seven absentee ballots that had a deficiency, but the voter returned their 11-S supplemental form within four days of Election Day.
- Three UOCAVA ballots mailed by Election Day and received within four days of Election Day.

Ms. Crescimano motioned to accept these 69 absentee ballots, with Ms. Groot seconding. All board members voted yes; motion carried.

Ms. James stated that 20 absentee ballots received after the election are not eligible to be counted. They are as follows:

- 10 regular absentee ballots postmarked by the day before Election Day or earlier but received after four days after Election Day.
- Six regular absentee ballots with a late postmark or no postmark.
- Three UOCAVA ballots mailed by Election Day but received after four days after Election Day.
- One UOCAVA ballot with insufficient ID information.

Ms. Crescimano motioned to not accept these 20 absentee ballots, with Ms. Groot seconding. All board members voted yes; motion carried.

Eliza Link, Clerk, presented provisional ballots to the board. There were 848 provisional ballots this election: 247 during early voting, two mailed due to the voter completing a Form 11-I, 70 in office on Election Day, and 529 at the polling locations on Election Day. Out of the 848, four were scanned by accident- one during early voting, and three on Election Day. All four would have been eligible for counting.

257 provisionals were due to address changes within the county, and the voter did not update their address within 30 days of Election Day. Ms. Link verified that none of the voters voted in their old precincts. Ms. Groot motioned to count the 257 ballots, with Ms. Crescimano seconding. All board members voted yes; motion carried.

30 provisionals were due to name changes. The voter did not update their name within 30 days of Election Day and did not provide proof of their name change. All 30 are eligible to be counted, and their names will be updated after this election. Ms. Groot motioned to count the 30 ballots, with Mr. Adams seconding. All board members voted yes; motion carried.

10 provisionals were due to both name changes and address changes. Ms. Link verified that none of the voters voted in their old precinct. Ms. Groot motioned to count the 10 ballots, with Ms. Crescimano seconding. All board members voted yes; motion carried.

33 provisionals were due to the voter being in provisional status. When someone registers to vote or updates their registration, we send them an acknowledgement notice. Per the Election Official Manual, if the acknowledgement notice is returned as undeliverable, then we must place the voter in provisional status. All 33 are eligible for counting. Ms. Groot motioned to count the 33 ballots, with Mr. Adams seconding. All board members voted yes; motion carried.

51 provisionals were due to the voter already being mailed an absentee ballot but deciding to instead vote on Election Day. We verified after the 5:00 p.m. deadline on November 9th that none of them returned their absentee ballots for counting. All 51 are eligible for counting. Ms. Groot motioned to count the 51 ballots, with Mr. Adams seconding. All board members voted yes; motion carried.

167 provisionals were due to the voter being registered in another Ohio county. Ms. Link corresponded with the other counties to verify that the voters are registered there and did not vote there. All 167 are eligible for counting. Ms. Groot motioned to count the 167 ballots, with Mr. Adams seconding. All board members voted yes; motion carried.

Five provisionals were due to the voter not having a valid photo identification. These five voters visited the Board of Elections by the 5:00 p.m. deadline on November 9th to present valid photo ID to BOE staff members. Therefore, their provisionals are eligible to be counted. Ms. Groot motioned to count the five ballots, with Mr. Adams seconding. All board members voted yes; motion carried.

Seven people voted provisionally who did not need to. We usually have one or two each election, but since this was such a high volume year, we had a few more. Ms. Groot motioned to count the seven ballots, with Mr. Adams seconding. All board members voted yes; motion carried.

202 provisionals were due to the person not being registered anywhere in the state of Ohio at least 30 days before the election. Ms. James double checked this on the statewide voter registration database. None are eligible to be counted, but as long as they completed their provisional envelope correctly, they will be registered to vote after this election.

Ms. Groot asked if any of them came in the office. Mr. Jones stated we had a lot come in the office. Many appeared to be first time voters, some young, some old. Ms. Groot motioned to not count the 202 ballots, with Mr. Adams seconding. All board members voted yes; motion carried.

31 provisionals were due to the voter not having a valid photo identification, and they did not return by the 5:00 p.m. deadline on November 9th to present valid photo ID. One voter did present his ID, but it was on November 12th. Mr. Adams motioned to not count the 31 ballots. Ms. Groot asked if the person who came in on November 12th did not know. Ms. Link stated that she showed the voter the 12-H form, which is also given to provisional voters at the polls. She stated that the form seemed familiar to the voter, but he was not aware of the deadline. She thinks there was perhaps a miscommunication. Ms. Groot seconded the motion to not count the 31 ballots. All board members voted yes; motion carried.

Ms. Link stated the next category consists of 32 people who voted provisionally for various reasons, but they did not complete their provisional envelope completely. They either left Section 5 or 6 blank, or they did not write down the correct form of ID. Since the envelopes are not complete, the ballots are not eligible for counting.

Ms. Groot asked what Section 5 and 6 consists of. Ms. Link said that it is the identification section of the provisional envelope. Ms. Groot asked if the poll workers are supposed to check to make sure everything is filled out. Ms. Link responded yes; they are trained to do that.

Ms. Groot pointed out that on one provisional envelope, it is circled "Yes" for ID shown. Ms. Link responded that the poll worker circled that; it's then up to the voter to complete the yellow provisional ID envelope. Ms. Groot stated it is our job to make sure the form is filled out correctly, and that she feels these ballots should be counted. Mr. Adams asked for Mr. Hinners' opinion. Mr. Hinners noted that in the statement the voter signs, it says, "I understand that if the information I provide on the provisional ballot is not fully completed and correct, my provisional ballot will not be counted."

Mr. Hinners asked what the process is. Mr. Jones replied that the voter presents their ID, then the signature judge determines if they need to vote regularly or provisionally. Mr. Jones also stated that when he processes provisional voters in the office, he explains what sections of the form they need to complete, and that the driver's license number to write is two letters followed by six numbers.

Ms. Groot stated that generally the poll worker is there with the voter, and that we dropped the ball. Mr. Ferrell said he agreed with Ms. Groot--- the voter is assuming the poll worker did their job. He asked Mr. Hinners to research it and provide his opinion after recess. Mr. Adams stated he would not have a problem with counting the ballots as long as we are in the parameters of the law.

Ms. Link stated that all poll workers received mandatory in-person training this election. She also noted it was a very busy day. Mr. Adams stated he's been a VLM before, and that provisionals are the most difficult part of Election Day. He also stated that perhaps we can discuss this more in an after-action review.

Eight provisional voters left their provisional identification envelope blank, or they did not sign it. Two of the eight did not have a complete address on the envelope. Ms. Groot motioned to not count the eight ballots, with Ms. Crescimano seconding. All board members voted yes; motion carried.

One provisional voter voted absentee by mail. We received their absentee ballot on October 21st and it was valid. The voter then voted provisionally on Election Day. Ms. Groot motioned to not count the provisional ballot, with Ms. Crescimano seconding. All board members voted yes; motion carried.

Four provisional voters were accidentally given a ballot for the wrong precinct. The first one was done in office during early voting. The voter lives on Fox Street, which is in Sandusky H, but was given a ballot for Fox Road, which is in Huron Township #3. Ms. Groot asked if we could remake the ballot for the correct precinct since it was our error. The other board members were fine with that. Ms. Groot motioned to remake and count the ballot, with Ms. Crescimano seconding. All board members voted yes; motion carried.

The next ballot was done on Election Day. The voter was issued a ballot for Sandusky C, but should have been issued a ballot for Sandusky B. Ms. Groot motioned to remake and count the ballot, with Ms. Crescimano seconding. All board members voted yes; motion carried.

The next ballot was also done on Election Day. The voter was issued a ballot for Sandusky O, but should have been issued a ballot for Sandusky M. Ms. Groot motioned to remake and count the ballot, with Ms. Crescimano seconding. All board members voted yes; motion carried.

The last ballot was also done on Election Day. The voter was issued a ballot for Sandusky O, but should have been issued a ballot for Sandusky J. Ms. Groot motioned to remake and count the ballot, with Ms. Crescimano seconding. All board members voted yes; motion carried.

Ten provisional voters wrote their date of birth incorrectly. Some of them wrote their birth year as 2024, while others transposed numbers. However, if the board finds by a vote of at least three that the voter has met all other requirements on the provisional envelope, then the board can count the ballot. Ms. Link printed the information from the statewide portal for these voters to compare their signatures. The board members took a few minutes to review. Ms. Groot motioned to count the ten ballots, with Ms. Crescimano seconding. All board members voted yes; motion carried.

Ms. Link noted that, pending Mr. Hinnners' opinion on the 32 outstanding provisionals, we have a total of 574 accepted provisional ballots.

Ms. Crescimano motioned to recess until 2:15 p.m., with Ms. Groot seconding. All board members voted yes; motion carried. Board recessed at 9:48 a.m. While in recess, board staff opened and scanned eligible ballots.

At 2:15 p.m., Ms. Groot motioned to reconvene, with Ms. Crescimano seconding. All board members voted yes; motion carried. Guests present were Jason Hinnners with the Erie County Prosecutor's Office, Jonathan Gormley from the Ohio Secretary of State's office, and Amy Grubbe.

Mr. Jones noted that while scanning ballots, we found six true overvotes. The board members took a few minutes to review. Ms. Crescimano motioned to accept the ballots as true overvotes, with Ms. Groot seconding. All board members voted yes; motion carried.

Mr. Jones noted that there are eight additional ballots to review individually. The first three had various hesitation and stray marks, so we remade them. On the fourth one, the voter voted for one candidate, and then wrote the same candidate's name in the write-in spot. We remade it for a vote for the candidate they wrote in. The board can either accept the remake or treat the ballot as a true overvote.

Ms. Crescimano and Mr. Adams indicated they did not have a problem accepting the remake. Ms. Groot stated she had an issue. She remembers reviewing overvotes at the last meeting, and a voter voted for Harris for president and wrote Harris as a write-in candidate, and the board said it was an overvote. In her opinion, this ballot is also an overvote and should not be counted. Ms. Crescimano and Mr. Jones stated they did not remember that. Ms. Groot stated she remembered because she spoke up about it. Mr. Jones said the board could vote on this ballot separately.

The last four ballots Mr. Jones presented all had various hesitation and stray marks, so we remade those, as well.

Mr. Ferrell asked when the overvote situation with Harris took place. Ms. Groot stated it was at the last meeting. Mr. Ferrell said that it should be on the recorder what the discussion and resolution was.

Ms. Groot motioned to accept the remakes for the seven ballots with stray marks, with Ms. Crescimano seconding. All board members voted yes; motion carried.

Ms. Crescimano motioned to accept the ballot where the person wrote in and voted for the same person, with Mr. Ferrell seconding. Mr. Ferrell, Ms. Crescimano, and Mr. Adams voted in favor of the motion. Ms. Groot voted against the motion. The motion carried.

Mr. Hinnners discussed the 32 provisional ballots which did not include the driver's license number. It is his opinion that these ballots cannot be counted. His opinion is based on statute, directive, and what is on the language of the affirmation itself.

Mr. Hinnners reviewed ORC 3505.183 B3. Sub section D goes over photo ID. It explains that if the individual provides an Ohio driver's license or state identification card or interim ID, the individual must write the individual's driver's license number or state identification number contained in the statewide voter registration database.

ORC 3505.183 B4 discusses when a provisional ballot cannot be counted. Mr. Hinnners noted it says "shall not be counted," which is mandatory, rather than may, which is permissive. One of the reasons is that the individual failed to provide photo ID or failed to provide their driver's license or state ID card number if they chose that form of ID.

Mr. Hinnners stated that ORC 3505.183 provides an exception for date of birth. If the voter has a placeholder date of birth of 1-1-1800 or their date of birth does not match the voter registration database, the provisional ballot can still be counted if at least three members of the board determine that everything else on the provisional affirmation is fine. However, it does not provide an exception for ID issues.

Mr. Hinnners stated that Directive 2023-28 has the same language as statute. It is also noted in Step 2 of the mandatory step-by-step process for examining provisional ballots that the voter must write their form of ID.

Mr. Hinnners stated that on the provisional ballot affirmation, Section 5 indicates that identification is required. It states that you must show ID and must write your full driver's license number or state ID number. In Section 7 of the provisional ballot affirmation, it states, "I understand that if the information I provide on the provisional ballot affirmation is not fully completed and correct, my provisional ballot will not be counted." Mr. Hinnners stated that after he came to his opinion, he called Sarah Huffman at the Secretary of State's office, and she confirmed the same.

Mr. Ferrell asked if these people are notified their ballot is not sufficient. Ms. James stated no. Ms. Groot asked if they would be updated in the system. Ms. Link responded that if they do not fill out their ID, their registration cannot be updated, but we send them a notice of that to correct it.

Mr. Hinnners indicated it is the voter's responsibility. It is similar to petitions. If someone asks you if their petition is good, you technically shouldn't be looking at it, but if you do and say everything looks great, and there is a deficiency, then the board will still reject the petition because of the deficiency.

Mr. Hinners asked of all the provisional ballots, how many did not complete their provisional envelope. Ms. Link stated 40 out of 848. Mr. Hinners stated that if it was a systemic issue of people not writing their driver's license number because of the sticker on the envelope, then maybe we look at whether we put the sticker on the envelope because it's confusing to voters. But sometimes, there's only so much you can do.

Ms. Groot motioned to not count the 32 provisional ballots, based on the recommendation of legal counsel. Ms. Crescimano seconded the motion. All board members voted yes; motion carried.

Ms. Groot stated there were 15 different locations where these ballots came from. The biggest offenders were in Vermilion and Huron. She thinks in poll worker training, we need to remind the workers to review the provisional ID envelopes before the voter leaves. Mr. Ferrell suggested placing signs up at the polling locations. Ms. Crescimano noted that some voters don't even wait. They walk out and you don't have a chance to stop them. Ms. Groot said she feels bad for these voters and doesn't want them to be discouraged from voting. She also suggested having a completed sample provisional ID envelope in the supplies. The other board members agreed that was a good idea. Mr. Jones stated that the VLMS receive step-by-step instructions for processing provisionals and an If, Then chart.

Ms. Groot motioned to adjourn, with Mr. Adams seconding. All board members voted yes; motion carried. Board adjourned at 2:44 p.m.

Alexander W. Jones, Director

Attest:

Thomas M. Ferrell, Chairman