



Jeff Hastings, Chairman

Anthony W. Perlatti, Director

Inajo Davis Chappell, Board Member

Anthony Kaloger, Deputy Director

Terence M. McCafferty, Board Member

Lisa M. Stickan, Board Member

MEETING AGENDA

September 12, 2022

9:30 a.m.

THE PLEDGE OF ALLEGIANCE

ADMINISTRATIVE

1. Approval of the minutes from the August 15, 2022, Board Meeting

BALLOT

2. Acknowledgment of Post-Election Audit Summary for the August 2, 2022, Primary Election

CANDIDATE AND PETITION SERVICES

3. Acknowledgment of the Early In-Person Voting PEO Performance Report from the August 2, 2022, Primary Election
4. Discussion regarding Brandon King's recall affidavit
5. Certification of the East Cleveland Member of Council Ward 04 Recall election issue and establishing said recall election at the November 8, 2022, General Election
6. Certification of issues for the November 8, 2022, General election

ELECTION OFFICIALS

7. Acknowledgment of the PEO Performance Report from the August 2, 2022, Primary Election

FISCAL

8. Recommendation of voting equipment ancillary items and funding request

HUMAN RESOURCES

NEW BUSINESS

- November 8, 2022, General Election Update
- Confidential SOS Directive 2022-38 Update

PUBLIC COMMENT¹

EXECUTIVE SESSION

Discussion of personnel issues (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official) and disputes involving the public body that are the subject of pending or imminent court action.

Video of this meeting can be viewed at <https://www.youtube.com/CuyahogaCountyBOE>

¹ Please email mbejjani@cuyahogacounty.gov or dwhite1@cuyahogacounty.gov with your name and the nature of your comment so we can fully assist you.

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

2022 Board Meeting Schedule

September 2022

Monday, September 12th @ 9:30AM

Certification of remaining issues and charter amendments for the November 8, 2022 General Election

October 2022

Wednesday, October 12th @ 9:30AM

October Board Meeting

November 2022

Friday, November 4th @ 9:30AM

Meeting for the November 8, 2022 General Election

Tuesday, November 8th

November 8th General Election

Monday, November 21st @ 9:30AM

Provisional verification for the November 8, 2022 General Election

Tuesday, November 29th @ 9:30AM

Certification of the November 8, 2022 General Election

December 2022

Wednesday, December 14th @ 9:30AM

December Board Meeting

Agenda Item

#1

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting
8/15/2022

Attending:

Jeff Hastings, Chairman
Inajo Davis Chappell, Board Member
Terence M. McCafferty, Board Member
Lisa M. Stickan, Board Member
Anthony Perlatti, Director
Tony Kaloger, Deputy Director

Mary Bejjani, Clerk to the Board
Skip White, Clerk to the Board

The Cuyahoga County Board of Elections Meeting began at 9:31 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that all Board Members were in attendance.

Agenda Item 1: Approval of the minutes from the July 13, 2022, Board Meeting

Chairman Hastings moved to approve the minutes from the July 13, 2022, Board Meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 2: Acknowledgment of Secretary of State Directives and Advisory: Directive 2022-41: Preparation for the Statewide Mailings of Absentee Ballot Applications for the November 8, 2022, General Election; Directive 2022-42: Designation of Districts for State Board of Education; Advisory 2022-03: House Bill 377 and Changes to Election Worker Exclusion from PERS

Chairman Hastings moved to acknowledge the Secretary of State Directives and Advisory: Directive 2022-41: Preparation for the Statewide Mailings of Absentee Ballot Applications for the November 8, 2022, General Election; Directive 2022-42: Designation of Districts for State Board of Education; Advisory 2022-03: House Bill 377 and Changes to Election Worker Exclusion from PERS. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 3: Lois and Robert Ellzey voting investigation update

Deputy Director Kaloger presented a summary from the board meeting materials regarding the investigation of voting irregularities of Louis and Robert Ellzey. The CCBOE Director and Deputy Director recommended forwarding the investigation results to the Cuyahoga County Prosecutor's Office and notifying the Secretary of State's Elections Council of the incident and corresponding referral.

Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

Chairman Hastings moved to refer the matter of the investigation of voting irregularities to the Cuyahoga County Prosecutors Office. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 4: Determination of the validity of provisional ballots and authorization to count provisional ballots from the August 2, 2022, Primary Election

Betty Edwards, Registration Department Manager, presented the Provisional Report to the Board as provided in the meeting materials.

Chairman Hastings moved to approve the determination of the validity of provisional ballots and authorization to count provisional ballots from the August 2, 2022, Primary Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 5: Preliminary approval of the ballot order for the November 8, 2022, General Election

Chairman Hastings moved to approve the preliminary ballot order for the November 8, 2022, General Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 6: Acknowledgment of resignations from elected office

Chairman Hastings moved to acknowledge the resignations from elected office as provided in the meeting materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 7: Acknowledgment of candidate and issues withdrawals

Chairman Hastings moved to acknowledge the candidate and issues withdrawals as provided in the meeting materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 8: Certification of candidates and issues for the November 8, 2022, General Election

Prior to the certification of candidates

Brent Lawler, Candidate and Petition Service Manager, stated that staff determined that there were three petitions to be heard by the Board.

James A. Williams filed a part-petition for Cleveland Heights Council UET 12/31/2023. The number of valid signatures required was 232, and 234 signatures were filed, one signature was valid, and the petition was short 231 signatures. The candidate was notified by email and voice mail that his petitions were insufficient, encouraged him to withdraw the petitions, and advised him of the time and place of the August 15, 2022, Board Meeting. The CCBOE will investigate to determine why 137 of the signatures were "Not Genuine" and 65 signatures were "Not Registered at the address stated on the petition" and report the findings and recommendations to the Board. The candidate does not have the qualifying minimum valid signatures and should not be certified for the November 8, 2022, General Election.

Chairman Hastings moved to not certify the petitions for James A. Williams Cleveland Heights Council UET 12/31/2023. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Platform Brewery filed a four part-petition for a Local Liquor Option for Cleveland Ward 14, Precinct 1. The petition required 50 valid signatures and 82 signatures were filed, of which 42 were valid. The petitioner was notified, advised the petition was insufficient and encouraged to withdraw the petition. Platform Brewery was also advised of the August 15, 2022, Board Meeting. CCBOE staff recommends due to the petition not having the qualifying minimum valid signatures, it should not be certified for the November 8, 2022, General Election.

Chairman Hastings moved not to certify the petition Platform Brewery for Local Liquor Option; Cleveland Ward 14, Precinct 1. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Mr. Lawler presented information from the Board Materials regarding Local Liquor Option; Broadview Heights Ward 01, Precinct B – Broadview Brewing Company. The staff is recommending the petition be rejected due to the petition missing required language.

A transcript of this hearing can be obtained by contacting Mary Bejjani, CCBOE Clerk to the Board at 216-443-6430/mbejjani@cuyahogacounty.gov.

Board Member Davis Chappell made a motion not to certify the petition for Local Liquor Option; Broadview Heights Ward 01, Precinct B – Broadview Brewing Company. Board Member Stickan seconded the motion. The motion passed unanimously.

Chairman Hastings moved to certify the candidates for the November 8, 2022, General Election as provided in the meeting materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Chairman Hastings moved to certify the issues for the November 8, 2022, General Election as provided in the meeting materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 9: Approval to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the November 8, 2022, General Election

Chairman Hastings moved to approve to appoint not less than two precinct election officials for each precinct pursuant to ORC §3501.22 for the November 8, 2022, General Election. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 10: Preliminary authorization for the allocation of voting booths for the November 8, 2022, General Election. Allocation quantities are based on social distancing and room size per polling location. A total of 4,554 voting booths will be allocated + 819 DS200 precinct scanners + 288 ADA AutoMark voting units and 796 Electronic Poll Books

Chairman Hastings moved to acknowledge the preliminary authorization for the allocation of voting booths for the November 8, 2022, General Election. Allocation quantities are based on social distancing and room size per polling location. A total of 4,554 voting booths will be allocated + 819

DS200 precinct scanners + 288 ADA AutoMark voting units and 796 Electronic Poll Books. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 11: Approval to Amend current contract with CLERAC, Inc. dba Enterprise Rent-A-Car, to rent various cargo vans and minivans to conduct elections for the period April 1, 2021, through May 5, 2023, to add the unplanned August 2, 2022, Special Primary Election van rentals for the additional amount of \$29,254.50 for a total amended contract amount not-to-exceed \$227, 650.50

Board Member Davis Chappell asked if the amended contracts the Board is being asked to approve due to unplanned additional costs of the August 2, 2022, Primary Election would be considered competitively advantaged. Assistant Prosecutor Musson stated when the CCBOE originally bid as requirement contracts with undefined quantities. The contracts stated a “not to exceed” amount to certify and have a set amount of funds to allocate the contract. Today's amended contracts are to revise the “not to exceed amount.” The CCBOE is in good standing from the competitive bid standpoint.

Chairman Hastings moved to approve to amend the current contract with CLERAC, Inc. dba Enterprise Rent-A-Car, to rent various cargo vans and minivans to conduct elections for the period April 1, 2021, through May 5, 2023, to add the unplanned August 2, 2022, Special Primary Election van rentals for the additional amount of \$29,254.50 for a total amended contract amount not-to-exceed \$227, 650.50. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 12: Approval to amend current contract with Midfitz, Inc. dba Berman Moving and Storage, for the delivery and return of voting equipment for all elections occurring from May 16, 2021, through December 31, 2022, to add the unplanned August 2, 2022, Special Primary Election for the additional amount of \$49,945.50 for a total amended contract amount not-to-exceed \$150,744.00

Chairman Hastings moved to approve to amend current contract with Midfitz, Inc. dba Berman Moving and Storage, for the delivery and return of voting equipment for all elections occurring from May 16, 2021, through December 31, 2022, to add the unplanned August 2, 2022, Special Primary Election for the additional amount of \$49,945.50 for a total amended contract amount not-to-exceed \$150,744.00. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 13: Approval of vouchers

Chairman Hastings moved to approve the vouchers set forth in the board materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Agenda Item 14: Approval of the personnel agenda

The Board Members recognized Ms. Kendra Zusy with a resolution for her retirement from the CCBOE. Mr. Henry Curtis, Statewide Minority Affairs Coordinator for the Secretary of State Frank LaRose also presented a commendation to Ms. Zusy on her retirement.

Chairman Hastings moved to approve the personnel agenda as provided in the meeting materials. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

NEW BUSINESS

Director Perlatti shared the CCBOE Petition Protocol procedures with the Board Members.

Director Perlatti stated petitioners filed petitions for Berea Recall Ward 01 Councilperson. The City of Berea Clerk was notified the petition had sufficient signatures. Per the Berea Charter, the recalled Councilperson was notified and given five days to resign from the city council. Should the individual not resign, the matter will be heard at the Berea City Council meeting, and an Election Day will be set. The CCBOE has recommended the Berea Ward 01 Recall Election be scheduled for September 13, 2022. The Berea City Clerk will notify the CCBOE on August 16, 2022, of the Election date, and the CCBOE Board will acknowledge the election date on August 22, 2022. Berea Ward 01 consists of two precincts and two polling locations. Midwest Direct will print the ballots, and the CCBOE will mail the ballots.

Petitions were circulated in the City of East Cleveland to recall Mayor King. There were sufficient signatures for a recall election. Per the City of East Cleveland Charter, notice to resign was served to Mayor King. Should Mayor King not resign, the election for the recall of Mayor King would be on the November 8, 2022, ballot.

The Board Members recognized Elia Burgos, Community Outreach Coordinator, for the award from the Young Latino Network Noche De Guayabera! / Democracy Builder Award.

PUBLIC COMMENT

There was no public comment

Chairman Hastings moved to recess the meeting at 10:48 a.m. Board Member Davis Chappell seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on August 15, 2022.

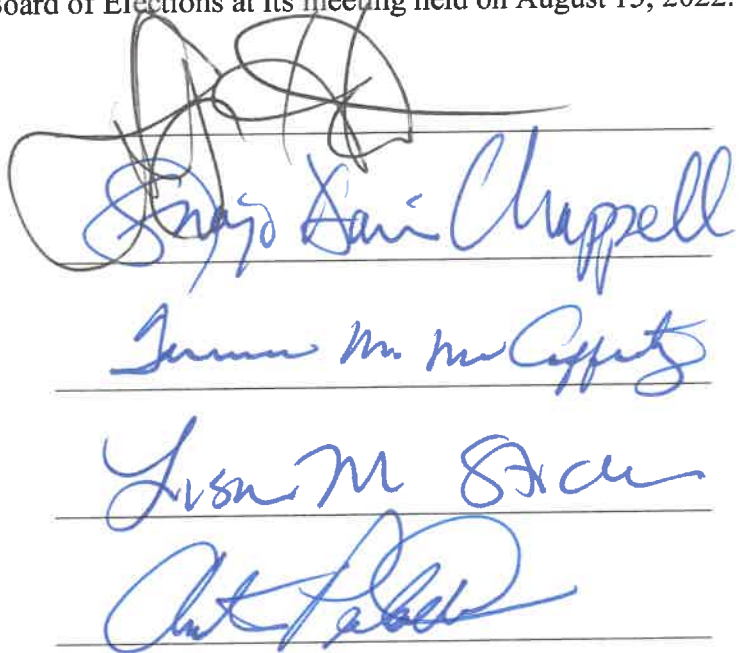
Jeff Hastings, Chairman

Inajo Davis Chappell, Board Member

Terence M. McCafferty, Board Member

Lisa M. Stickan, Board Member

Anthony Perlatti, Director



The image shows five handwritten signatures in blue ink, each written over a horizontal line. The signatures are: 1. A large, stylized signature at the top. 2. Inajo Davis Chappell. 3. Terence M. McCafferty. 4. Lisa M. Stickan. 5. Anthony Perlatti.

Agenda Item

#2

Post-Election Audit Summary

August 2, 2022 Primary Election

Dem - State Central Committee District 23 - Woman

Rep - State Central Committee, District 24 - Man

There were 92,042 total ballots cast in the August 2, 2022 Primary Election. A hand count was conducted of 3,284 ballots cast in the audited contests. The accuracy rate for the post-election audit is 100%.

Beginning on September 6, 2022, the Ballot Department conducted two Risk-Limiting Post-Election Audits for the August 2, 2022 Primary Election. Audited race and batch details are provided below:

RACE	TOTAL BALLOTS CAST	UNIQUE BATCHES AUDITED	TOTAL BALLOTS AUDITED	NUMBER OF PRECINCTS IN CONTEST
DEM - State Central Committee District 23 - Woman	14,709	100	2,861	292
Rep - State Central Committee, District 24 - Man	13,072	10	423	264
Total	27,781	110	3,284	

Our Risk-Limiting Audits were based upon the Kaplan-Markov method as explained by Philip B. Stark and Mark Lindeman. Auditing best practices recommend we split up the total ballots cast by precinct into multiple batch types. We utilized six batch types each consisting of one single ballot type category: Vote-by-Mail, Election Day, Early In-Person, Provisional, Post Vote-by-Mail, and Post Election Day.

A master spreadsheet was created for each contest with statistical formulas to determine the number of batches that must be audited in order to reach a 90% confidence level. This confidence level means the audit has at least a 90% probability of leading to a full recount if the apparent outcome is incorrect.

We used a "Probability Proportional to Error Bound with Replacement" selection method. We assigned numbers ranging from 00000 through 99999 for each batch within each contest. Unique ranges of numbers were allocated to specific batches based upon their error bound - i.e. the greater the possibility of a miscount within a batch, the more numbers assigned, and the more likely it is to be selected. For example, if a single batch has a high probability of a miscount, multiple numbers would be assigned to that single batch, making the random selection of that batch more likely during the audit. Each of those individual numbers might be randomly selected and included in the overall batch audit requirement, but the single batch to which those numbers are assigned would need to be audited only once. To obtain the precinct batch number we rolled differently colored dice numbered 0 - 9, each one of the colored dice representing one digit of the batch number.

Dem - State Central Committee District 23 - Woman

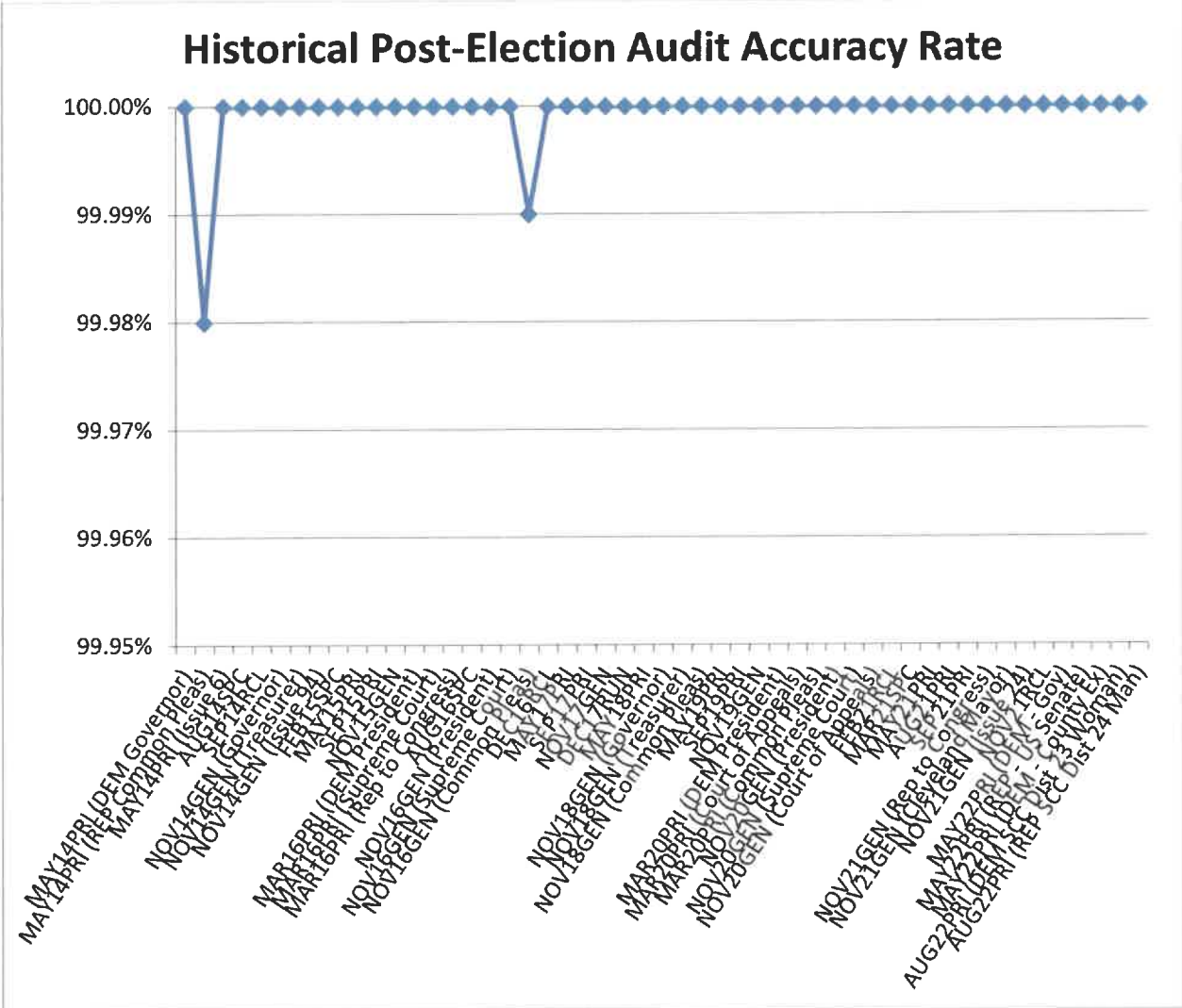
PRECINCT NAME	NUMBER OF TIMES SELECTED	SELECTED BATCH TYPE	OFFICIAL BALLOTS CAST	AUDIT HAND COUNT	DIFFERENCE
BRATENAHL -00-A	1	Election Day	98	98	0
CLEVELAND -03-C	1	Election Day	65	65	0
CLEVELAND -03-D	1	Election Day	94	94	0
CLEVELAND -03-E	1	Vote-by-Mail	14	14	0
CLEVELAND -03-I	1	Early In-Person	10	10	0
CLEVELAND -03-J	1	Post VBM	1	1	0
CLEVELAND -03-J	1	Election Day	14	14	0
CLEVELAND -03-O	1	Election Day	54	54	0
CLEVELAND -03-P	1	Election Day	29	29	0
CLEVELAND -03-Q	1	Election Day	21	21	0
CLEVELAND -03-S	1	Election Day	12	12	0
CLEVELAND -05-C	1	Election Day	10	10	0
CLEVELAND -05-H	1	Vote-by-Mail	10	10	0
CLEVELAND -05-M	1	Election Day	16	16	0
CLEVELAND -07-A	1	Vote-by-Mail	7	7	0
CLEVELAND -07-P	1	Vote-by-Mail	14	14	0
CLEVELAND -08-D	2	Election Day	30	30	0
CLEVELAND -08-M	1	Vote-by-Mail	5	5	0
CLEVELAND -08-Q	1	Election Day	26	26	0
CLEVELAND -09-I	1	Vote-by-Mail	10	10	0
CLEVELAND -09-J	1	Vote-by-Mail	20	20	0
CLEVELAND -09-R	1	Election Day	38	38	0
CLEVELAND -09-R	1	Vote-by-Mail	30	30	0
CLEVELAND -10-F	1	Vote-by-Mail	8	8	0
CLEVELAND -10-P	1	Election Day	27	27	0
CLEVELAND -10-P	1	Vote-by-Mail	25	25	0
CLEVELAND -11-C	2	Vote-by-Mail	17	17	0
CLEVELAND -11-I	1	Vote-by-Mail	18	18	0
CLEVELAND -11-P	1	Election Day	29	29	0
CLEVELAND -14-F	1	Vote-by-Mail	21	21	0
CLEVELAND -15-A	1	Election Day	48	48	0
CLEVELAND -16-B	1	Vote-by-Mail	21	21	0
CLEVELAND -16-D	1	Election Day	10	10	0
CLEVELAND -16-G	1	Vote-by-Mail	12	12	0
CLEVELAND -16-P	1	Election Day	21	21	0
CLEVELAND -16-Q	1	Election Day	24	24	0
CLEVELAND -17-D	3	Vote-by-Mail	35	35	0
CLEVELAND -17-G	1	Election Day	18	18	0
CLEVELAND -17-H	1	Election Day	32	32	0
CLEVELAND -17-K	1	Election Day	44	44	0

CLEVELAND -17-M	1	Vote-by-Mail	22	22	0
CLEVELAND -17-N	1	Election Day	44	44	0
CLEVELAND -17-N	1	Vote-by-Mail	51	51	0
CLEVELAND -17-O	1	Election Day	57	57	0
CLEVELAND -17-O	1	Vote-by-Mail	29	29	0
CLEVELAND -17-P	1	Vote-by-Mail	28	28	0
CLEVELAND -17-Q	1	Election Day	67	67	0
CLEVELAND -17-R	2	Election Day	60	60	0
CLEVELAND -17-R	1	Vote-by-Mail	58	58	0
LAKEWOOD -01-A	1	Vote-by-Mail	19	19	0
LAKEWOOD -01-G	1	Vote-by-Mail	22	22	0
LAKEWOOD -01-I	1	Post VBM	4	4	0
LAKEWOOD -02-B	1	Election Day	61	61	0
LAKEWOOD -02-C	1	Election Day	57	57	0
LAKEWOOD -02-D	1	Election Day	60	60	0
LAKEWOOD -02-D	1	Vote-by-Mail	30	30	0
LAKEWOOD -02-E	2	Election Day	70	70	0
LAKEWOOD -03-A	1	Election Day	63	63	0
LAKEWOOD -03-B	1	Election Day	59	59	0
LAKEWOOD -03-F	1	Election Day	56	56	0
LAKEWOOD -04-B	2	Election Day	57	57	0
LAKEWOOD -04-B	1	Early In-Person	7	7	0
LAKEWOOD -04-D	1	Early In-Person	7	7	0
PARMA -01-D	1	Vote-by-Mail	28	28	0
PARMA -02-D	1	Vote-by-Mail	40	40	0
PARMA -02-E	2	Vote-by-Mail	39	39	0
PARMA -03-A	1	Election Day	32	32	0
PARMA -04-D	2	Vote-by-Mail	25	25	0
PARMA -05-B	3	Election Day	24	24	0
PARMA -05-D	1	Election Day	38	38	0
PARMA -06-B	1	Vote-by-Mail	43	43	0
PARMA -06-C	1	Election Day	38	38	0
PARMA -06-C	1	Vote-by-Mail	38	38	0
PARMA -06-D	1	Election Day	19	19	0
PARMA -06-F	1	Election Day	22	22	0
PARMA -07-B	1	Election Day	26	26	0
PARMA -07-E	1	Vote-by-Mail	48	48	0
PARMA -08-B	1	Vote-by-Mail	34	34	0
PARMA -08-D	1	Vote-by-Mail	39	39	0
PARMA -09-A	1	Early In-Person	1	1	0
PARMA -09-B	1	Vote-by-Mail	25	25	0
PARMA -09-E	1	Election Day	23	23	0
PARMA -09-F	1	Election Day	41	41	0
PARMA HEIGHTS -01-B	1	Election Day	41	41	0
PARMA HEIGHTS -02-B	1	Election Day	22	22	0

PARMA HEIGHTS -02-B	1	Vote-by-Mail	40	40	0
PARMA HEIGHTS -03-B	1	Election Day	39	39	0
PARMA HEIGHTS -04-B	1	Vote-by-Mail	25	25	0
PARMA HEIGHTS -04-C	1	Vote-by-Mail	45	45	0
	100		2861	2861	0

Rep - State Central Committee, District 24 - Man

PRECINCT NAME	NUMBER OF TIMES SELECTED	SELECTED BATCH TYPE	OFFICIAL BALLOTS CAST	AUDIT HAND COUNT	DIFFERENCE
BROADVIEW HEIGHTS -02-A	1	Election Day	46	46	0
STRONGSVILLE -01-A	1	Vote-by-Mail	53	53	0
WESTLAKE -04-A	1	Election Day	19	19	0
OLMSTED TOWNSHIP -00-E	1	Vote-by-Mail	15	15	0
BROADVIEW HEIGHTS -03-C	1	Vote-by-Mail	16	16	0
STRONGSVILLE -01-A	1	Election Day	62	62	0
BROADVIEW HEIGHTS -04-A	1	Election Day	91	91	0
WESTLAKE -01-A	1	Vote-by-Mail	32	32	0
ROCKY RIVER -01-B	1	Election Day	36	36	0
NORTH ROYALTON -02-C	1	Election Day	53	53	0
	10		423	423	0



Agenda Item #3

August 2, 2022 Primary Election Early In-Person Election Officials Performance Report

I. Opening and Closing EIP Voting Location

A. Initial setup (First Day of Voting)

On the first day of Early In-Person voting (July 6th), two DS200 were turned on and made ready for voting for the election. A zero report was generated to show the machines had no ballots that were scanned and tabulated for the election. At least one full-time staff member was part of a bipartisan team responsible for performing this operation. The team then signed off on the Zero Report and stored it with the respective security logbook. One DS200 was closed, but left active to serve as a back-up scanner in the event of malfunction of the primary scanner.

During the fourth week of EIP voting we kept two DS200 scanners operational in the room and a third scanner was opened and closed daily but kept the ballot room storage area so that it could be deployed immediately if needed.

B. Daily Opening and Closing of Polling Places

Unlike DS200s used at the polling locations on Election Day, the DS200s used at the EIP voting location are “opened” (turned on) and “closed” (turned off) each day, but technically polling did not close until 7:30 Election Night. Each day the BOE was open for voting during EIP, we reviewed the DS200 Audit Log for the opening and closing times of each DS200 used. Security seals and total votes were checked for discrepancies from closing the night before. There were never any discrepancies.

The voting machine was opened and ready for voters by 8:00 a.m. (except the Sunday before Election Day when voting started at 1:00 p.m.). For closing times, we first ensured that no machine was shut down prior to the prescribed SOS time of close.

Due to the unusual circumstances related to this election (Election date uncertainties, voter confusion and apathy, several unopposed contests, timing of the election in late summer...) turnout was unusually low for an even year primary election. Because of this we shifted our temporary staffing resources with fewer operators than we would normally have for a primary election. For the first two weeks of the election half of the staff worked four-hour shifts (10am-2pm) to cover the lunch surge. For the last two weeks we nine operators, but working split shifts mainly to cover the longer hours of the last week where we were open for voting for eleven hours each day.

C. Signing the Oath by the EIPEOs

Before Early In-Person voting began, a designee of the manager of CPS (Stephen Doell, Supervisor) administered the Oath to the EIPEOs orally and they, in turn, signed a written copy of the Oath.

D. Final close of Polls (Election Day 7:30 p.m.)

The final close of polls for the Early In-Person vote center was August 1st at 2:00 p.m. All machines were put through the nightly shut down process and emptied of the ballots. The machines were then sent to the Ballot Department on Election Day by a bipartisan team. The machines were completely shut down by Ballot Department staff at 7:30 p.m. election night and the vote tally memory sticks were removed and uploaded by the Ballot Department.

II. Self-Reporting of Problems

The EIPEOs are temporary employees hired to assist with the implementation of early voting and are directly supervised by full-time staff of the CCBOE at all times. In training, they are instructed to immediately inform the supervisors of any issues that arise. Therefore, after-the-fact reporting of incidents and ballot quantities by the temporary staff during Early In-Person Voting is not necessary.

III. Handling of Provisional Ballot

The EIP voting staff issued Provisional ballots to 61 voters encountering Registration issues throughout the election cycle. Eight of those voters were on Election Day.

Regarding Election Day, we accommodated 151 voters. Along with the eight provisional voters, 136 voters were active voters with up-to-date voting records and were instructed where to vote at their local polling location; four had Absentee issues to resolve; two were hospital voters; and one had a Polling location issue.

IV. Reconciliation After Polls are Closed – Delivering Ballots to the Ballot Department

A. Completing Reconciliation Duties

The number of ballots cast at the CCBOE Early In-Person voting center was 3,156; including 62 Take Away ballots.

B. Delivering Ballots to the Ballot Department

Because this election was smaller in scale to an all-county election it was agreed that just one delivery would be necessary. After closing the DS200 at the end of the EIP voting period the machine was emptied of ballots and sorted to precinct level. The ballots were delivered to the Ballot Department by Election Support staff along with the DS200s.

First Name	Last Name	Dependability	Assisting Voters	Processing Provisional Voters (Election Day)	DS200 (Opening and Closing)	General Customer Service	Employee Collaboration	Rehire
		(Attendance and Punctuality)	(Quality and Efficiency)			(Professionalism)	(Team Player)	(Yes or No)
Evette	Demore Ford	5	7	7	NA	7	7	Yes
Sandra	Frazer	6	7	7	7	8	7	Yes
Linda	Gersdorf	6	7	7	8	7	7	Yes
Leslie	Grabert	6	7	8	8	8	7	Yes
Linda	Harrington	6	8	7	7	8	8	Yes
Marsha	Love	6	8	6	NA	8	8	Yes
Patricia	Nelson	6	8	8	8	8	8	Yes
Fred	Smith	6	7	6	8	8	8	Yes
Alyson	Widen	6	7	7	NA	7	7	Yes
Grading Scale				3-4: Needs Improvement	5-6: Meets Expectations	7-8: Area of Strength	9-10: Exceeds Expectations	
				1-2: Unsatisfactory				

Agenda Item

#4

**Board of Elections Analysis of Challenge
East Cleveland Recall of Mayor Brandon King
September 12, 2022 Board Meeting**

Challenge Filed: September 2, 2022
Protest Filed By: Brandon King

Issue: Recall affidavit contains more than 200 words in violation of
ORC 705.92.

Election Date: November 8, 2022

Background

- On July 11, 2022, East Cleveland elector Charles N. Holmes, Sr. delivered a Recall Affidavit for Mayor Brandon King to the East Cleveland Clerk of Council. (Exhibit A)
- On July 11, 2022 the East Cleveland Clerk of Council issued to Mr. Holmes recall petitions for Mayor Brandon King. (Exhibit B)
- On August 9, 2022 the Clerk of Council submitted to the CCBOE thirty-four (34) Mayor King recall part-petitions for signature verification. (Exhibit C)
- On August 11, 2022 CCBOE Director Perlatti signed a Petition Certificate Form for the Mayor King recall petition certifying the number of valid and invalid signatures. (Exhibit D)
- On August 12, 2022 the Mayor King recall petition was returned to the East Cleveland Clerk of Council.
- On August 12, 2022 the East Cleveland Clerk of Council notified Mayor King that the recall petition contained sufficient number of signatures and per the charter the Mayor had five (5) days to resign or a special recall election would be requested. (Exhibit E)
- On August 16, 2022 Mayor King advised the Clerk of Council that he had no intention of resigning. (Exhibit F)
- On August 16, 2022 pursuant to the East Cleveland charter, the Clerk of Council submitted a letter to Director Perlatti instructing him to set a recall election for Mayor King. (Exhibit G)
- At the Board meeting on August 22, 2022 the Board certified the recall issue to the November 8, 2022 election.
- On September 2, 2022 Mayor King submitted a challenge of the recall issue to Director Perlatti. (Exhibit H)
- On September 2, 2022 staff requested and received from East Cleveland Law Director Hemmons a legal opinion as it relates to the issues stated in the challenge. (Exhibit I)
 - Ms. Hemmons conclusion (response in part)

- With reference to Mayor King's request to invalidate the excessively wordy Recall petitions' Affidavit, as can be seen from an examination of the East Cleveland Charter language, there is nothing in the City's Charter that addresses word limitations in a Recall petition's General Statement of grounds. It is silent on the issue.
- Since, the state statute ORC 705.92 does speak to the issue, limiting the number of words allowed on a Recall petition's general statement to 200, it is thereby controlling of Mayor King's question. Hence, a 500 word General Statement on a Recall petition violates the process and thus nullifies the subject Recall petitions.

CCBOE observations:

- The East Cleveland recall section of the charter does not limit the number of words that an affidavit may contain. There are communities, such as the Village of Woodmere, that specifically state in their charter statement not more than two hundred words.
- Reviewing East Cleveland recall petitions (regardless of if they were certified to the ballot), staff has determined since 2015 there have been thirteen (13) attempts to recall elected officials in East Cleveland. Of those thirteen (13), staff has found that seven (7) of the affidavits contain more than 200 words. (Exhibit J)
- The City of East Cleveland has a history of permitting affidavits in excess of 200 words, including permitting three (3) of the four (4) attempts in 2022 to exceed the 200-word threshold.
- Staff do not see the specific language in the Charter that incorporates the terms set forth in ORC 705.92 into the Recall Chapter within the Charter.
- Staff are unaware as to why the Clerk of Council did not reject the affidavit prior to issuing the petitions to the circulator, providing notice to the mayor, or prior to notifying the CCBOE to place the issue on the ballot.

Exhibits

- A - Recall Affidavit for Mayor Brandon King
- B – Mayor King recall petition sample
- C - Clerk of Council submission letter for signature verification
- D - Petition Certificate Form
- E - Clerk of Council advising King of five days to resign
- F - Mayor King letter of no intention of resigning
- G - Clerk of Council letter to Director authorizing election
- H - Mayor King challenge letter
- I - Law Director Hemmons legal opinion
- J - Staff analysis of recall affidavits
- K - East Cleveland Charter – Recall
- L – ORC 705.92 Recall

GENERAL AFFIDAVIT

Exhibit

A

Personally came and appeared before me, the undersigned Notary, the within named Charles Holmes, who is a resident of Cuyahoga County, State of Ohio, and makes this his statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his knowledge.

Reasons to Recall Brandon King:

- 1) The Mayor does not reside in the City of East Cleveland as the Charter requires.
- 2) The Mayor has spent money not appropriated by Council. This has been confirmed by the Fiscal Oversight Commission.
- 3) The Mayor has used City contractors for personal work (demolition of the home he received from the land bank) which he should have returned to the city when he did not rehab it.
- 4) The Mayor's spending is keeping the City of East Cleveland in debt. King's Administration has given away \$1.4 million in real estate to his friends with no payments to the City of East Cleveland. How is the City supposed to prosper and come out of debt? He doesn't care.
- 5) In a letter to State Representative Cupp and State Senator Hoffman, the State Auditor stated that he doesn't see East Cleveland coming out of fiscal distress within the near future.
- 6) Mayor King appointed Willa Hemmons as Law Director and Charles Iyehen as Finance Director, but has not brought them in front of City Council for approval as is required by the charter.
- 7) Mayor King has not been transparent and refuses to provide all contracts and related information to Council for storage in the Council office as is required by the Charter.
- 8) Mayor King forbids Mr. Iyehen, alleged Finance Director, to meet with Council members or other citizens except in Council meetings.
- 9) The Mayor is not transparent with regard to City finances and refuses to provide information requested by Council members.

10) The Mayor was given a grant application to obtain millions of dollars from the State of Ohio which would benefit the citizens of East Cleveland. King never submitted the application because it didn't fit into "his plans" and "what he wanted to do". He doesn't care.

Dated this the 9th day of July 2022

Chris on King 23

Signature of Affiant

Sworn to subscribed before me this 9th day July, 2022

Tristan Holmes

NOTARY PUBLIC

My Commission Expires: 9/27/22



TRISTIAN HOLMES
Notary Public
State of Ohio
My Comm. Expires
September 27, 2025

①

RECALL PETITION

Exhibit
B

In accordance with the provisions of Section 49 & 50 of the Charter of the City of East Cleveland, I Tracy L. Udrija-Peters, as Clerk of Council for East Cleveland City Council do hereby certify that on this 11th day of July 2022, have issued to **Charles N. Holmes, Sr.**, an elector of the City of East Cleveland, this document denominated as a RECALL PETITION.

Tracy L. Udrija-Peters
CLERK OF COUNCIL

We, the undersigned electors of the City of East Cleveland, hereby petition the Cuyahoga County Board of Elections to set a date in accordance with the provisions of Section 54 of the Charter of the City of East Cleveland for a recall election to remove **Brandon L. King**, from the office of the Mayor of the City of East Cleveland on the grounds of the **STATEMENT OF REASON FOR RECALL** (The reason for recall must be stated on petitions or attached in an affidavit for city, village, town, and school district officials. The reason must be related to the official responsibilities of the officeholder. General statement must be no more than 200 words.) See attached affidavit****

SIGNATURES	STREET	CITY	STATE	DATE
1. <u>Charles N. Holmes Sr.</u>	<u>441250</u>	<u>East Cleveland</u>	<u>OH</u>	<u>8/9/22</u>
2. <u>Shantel P. Smith</u>	<u>15832</u>	<u>Glynn Rd. E. Cleve</u>	<u>OH</u>	<u>8/9/22</u>
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

CERTIFICATION OF THE CIRCULATOR (Must be in Circulator's Own Handwriting)

William Fambrough
(PRINTED CIRCULATOR NAME)

DECLARES UNDER THE PENALTY OF ELECTION FALSIFICATION

that he/she is the circulator of the foregoing part petition containing 2 signatures; that to the best of his/her knowledge and belief each of the signatures contained thereon is the genuine signature of the person whose name it purports to be; that he/she believes that such persons are electors of the City of East Cleveland who voted in the last regular election of municipal officers in which the office of Mayor was contested, and that they signed such petition with knowledge of the contents thereof; that he/she witnessed the affixing of every signature.

William Fambrough
Signature of the Circulator

15832 GLYNN RD.
Address of Circulator

East Cleveland 44112
City and Zip-code of Circulator

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY
NOTICE - Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter, is liable to prosecution.

AUG 9 '22 11:47

COPY

34



THE CITY OF EAST CLEVELAND COUNCIL OFFICE

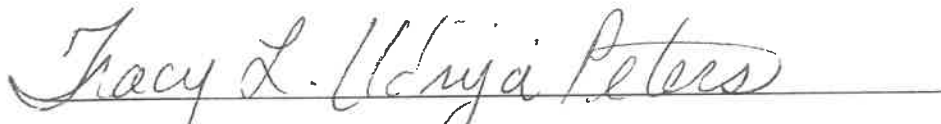
Exhibit
C

August 9, 2022

RE: Recall Petitions for Brandon King, Mayor of the City of East Cleveland

I, Tracy L. Udrija-Peters, hereby certify that I am the duly appointed, qualified Clerk of Council of East Cleveland city council and that on August 9, 2022, Mr. Charles Holmes submitted thirty-four (34) petitions to the Clerk of Council's Office and each page was duly time stamped.

The submitted petitions purport to contain five hundred and thirty one signatures (531) signatures for the purpose of removing Brandon King from the office of Mayor of the City of East Cleveland.


Tracy L. Udrija-Peters, Clerk Of Council



Jeff Hastings
Chairman

Inajo Davis Chappell
Member

Lisa M. Stickan
Member

Terence M. McCafferty
Member

Anthony W. Perlatti
Director

Anthony N. Kaloger
Deputy Director

CUYAHOGA COUNTY BOARD OF ELECTIONS

PETITION CERTIFICATION FORM

Political Subdivision: City of East Cleveland

Petition Received Date: August 9, 2022

Recall Petition Description: A petition to recall East Cleveland Mayor Brandon L. King.

On behalf of the Cuyahoga County Board of Elections, I hereby certify that the Board Staff has examined the enclosed part-petitions, and the number of valid and invalid signatures on the part-petitions are as follows:

	<u>PART – PETITIONS</u>	<u>SIGNATURES</u>
1. Number of valid part-petitions.....	34	
Number of valid signatures on valid part-petitions.....		322
Number of invalid signatures on valid part-petitions.....		190
2. Number of invalid part-petitions.....	0	
Number of signatures on invalid part-petitions.....		0
3. Total number of part-petitions received.....	34	
4. Total number of signatures on part-petitions.....		512

Signed: _____

Anthony W. Perlatti, Director

Date: 8/11/2022



CITY OF EAST CLEVELAND COUNCIL

14340 Euclid Avenue
East Cleveland, OH 44112
Phone: 216.681.2312
Fax: 216.681.5044

Nathaniel Martin
Council President

Ernest Smith
Council Vice-President

Juanita Gowdy
Councilor Ward 2

Patricia Blochowiak
Councilor at Large

Korean Stevenson
Councilor Ward 4

August 12, 2022

Mayor Brandon King
City of East Cleveland
14340 Euclid Avenue
East Cleveland, OH 44112

RE: Petition for Recall of Brandon King, Mayor of East Cleveland

Dear Mayor King,

I, Tracy L. Udrija-Peters, as the duly appointed, qualified Clerk of Council of the East Cleveland City Council, by the issuance of this letter, I am hereby officially notifying you that on August 9, 2022, Mr. Charles Holmes submitted thirty-four (34) petitions to the Clerk of Council's Office. Each petition was duly time stamped. The submitted petitions purported to contain five hundred and twelve (512) signatures for the purpose of removing you from the Office of Mayor of the City of East Cleveland.

On August 9, 2022, per Section 53 of the City Charter, said Petitions were hand-delivered to the Cuyahoga County Board of Elections for verification of the Electors' signatures. On the afternoon of Thursday, August 11, 2022, the Clerk of Council received a phone call from the BOE stating that the Recall Petitions were verified and ready to be picked up.

It is my duty, as the Clerk of Council, to officially notify you that the Elector Signatures on the Recall Petitions have been verified and validated by the Board of Elections. The Certification form from the Board of Elections has indicated that the Recall Petitions have garnered enough elector signatures to move forward with a recall election.

The total votes cast in the November 2021 last regular municipal election where the office of Mayor for the City of East Cleveland was on the ballot was 1,244. Therefore, twenty-five (25) percent must be at least 311 signatures.

Exhibit
E

Mayor Brandon King
Page 2

Please be cognizant of SECTION 54, as per the city of East Cleveland's Charter:

If you so choose, you have five days to submit a written notice of resignation, and the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact. If you do not, the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period the election authorities shall call a special recall election.

The **five-day** window is at the end of business day, **Thursday, August 18, 2022.**

Respectfully,



Tracy L. Udrija-Peters
Clerk of Council

Attachment (1) Board of Elections Certification Form

Cc: Nathaniel Martin, Council President
Ernest Smith, Council Vice President
Juanita Gowdy, Councilor Ward 2
Patricia Blochowiak, Councilor-at-Large
Korean Stevenson, Councilor Ward 4
Patricia Parker, Asst. Clerk/Secretary
Willa Hemmons, Law Director



Jeff Hastings
Chairman

Inajo Davis Chappell
Member

Lisa M. Stickan
Member

Terence M. McCafferty
Member

Anthony W. Perlatti
Director

Anthony N. Kaloger
Deputy Director

CUYAHOGA COUNTY BOARD OF ELECTIONS

PETITION CERTIFICATION FORM

Political Subdivision: City of East Cleveland

Petition Received Date: August 9, 2022

Recall Petition Description: *A petition to recall East Cleveland Mayor Brandon L. King.*

On behalf of the Cuyahoga County Board of Elections, I hereby certify that the Board Staff has examined the enclosed part-petitions, and the number of valid and invalid signatures on the part-petitions are as follows:

	<u>PART – PETITIONS</u>	<u>SIGNATURES</u>
1. Number of valid part-petitions.....	34	
Number of valid signatures on valid part-petitions.....		322
Number of invalid signatures on valid part-petitions.....		190
2. Number of invalid part-petitions.....	0	
Number of signatures on invalid part-petitions.....		0
3. Total number of part-petitions received.....	34	
4. Total number of signatures on part-petitions.....		512

Signed: _____


Anthony W. Perlatti, Director

Date: 8/11/2022



CITY OF EAST CLEVELAND

"REBUILDING EAST CLEVELAND TOGETHER"

August 17, 2022

Tracy Udrija-Peters, Clerk
East Cleveland City Council
14340 Euclid Ave.,
East Cleveland, Ohio 44112

Nathaniel Martin, President
East Cleveland City Council
14340 Euclid Ave.,
East Cleveland, Ohio 44112

RE: Charter Section 54 Mayor Recall Response of NO INTENTION to Resign

Dear City Council Clerk Udrija-Peters and Council President Martin:

On August 15, 2022, I received, a communication from the City Council Clerk advising me that I had until August 18, 2022 to notify of my intentions with regard to the Mayoral Recall petitions being accepted by the Board of Elections. I am writing this letter to hereby advise that I have NO INTENTION of resigning. Also, see below:

Chapter Section **§54**:

§ 54 RECALL ELECTION.

If a member or members of the Council, or any of them, designate in the petition, file with the Clerk of the Council within five days after said notice from the Clerk of the Council, his or their written resignation, the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact and the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period, the election authorities shall call a special recall election.

In addition, I am requesting that, pursuant to Section 54 of the East Cleveland Charter, that a Special Election on or about Tuesday, October 25, 2022, be held for the specific issue of the Mayor's Recall. This is due to the fact that we have received calls from the nursing homes and the mental health dedicated apartment complex that the citizens were misled when they signed the Recall petition. For example, they were told they were signing to receive an additional Stimulus check or other benefits in exchange for their signatures. Therefore, a Special Election is needed to ensure the integrity of the process as well as to clarify exactly the nature and consequences of the issue on the ballot. Thank you for your consideration of these concerns.

Sincerely,


Brandon L. King, Mayor



CITY OF EAST CLEVELAND COUNCIL

14340 Euclid Avenue
East Cleveland, OH 44112
Phone: 216.681.2312
Fax: 216.681.5044

Exhibit
G

Nathaniel Martin
Council President

Ernest Smith
Council Vice-President

Juanita Gowdy
Councilor Ward 2

Patricia Blochowiak
Councilor at Large

Korean Stevenson
Councilor Ward 4

August 16, 2022

Mr. Anthony W. Perlatti, Director
Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland, Ohio 44115

RE: Recall Election of Brandon King, Mayor of East Cleveland

Dear Mr. Perlatti,

I, Tracy L. Udrija-Peters, as the duly appointed, qualified Clerk of Council of the East Cleveland City Council, by the issuance of this letter, are hereby officially notifying you that on, as part of my lawful duty under the Charter, I personally notified Brandon King, Mayor of the City of East Cleveland as per the City Charter, SECTION 53 that the Elector Signatures on the Recall Petitions had been verified and validated by the Board of Elections.

I further notified him, as part of my lawful duty under the Charter, of SECTION 54. RECALL ELECTION, as per the city of East Cleveland's Charter which outlines two options available. The five-day window was at the end of business day, Thursday, August 18, 2022.

Mayor Brandon King has opted not to wait the five days and submitted a letter stating that he has "NO INTENTION" of resigning. As a part of my lawful duty under said Section of the Charter, I hereby order the Cuyahoga County Board of Elections to fix the day for holding a Special Recall Election for the removal of Brandon King as Mayor of East Cleveland, Ohio.

Respectfully,


Tracy L. Udrija-Peters, Clerk of Council

Attachments (2) Board of Elections Certification Form
Charter Section 54 Mayor Recall Response of NO INTENTION to Resign

Cc: Brent Lawler, Candidate & Petition Services
Brandon King, Mayor
Willa Hemmons, Law Director
Nathaniel Martin, Council President
Ernest Smith, Council Vice President
Juanita Gowdy, Councilor Ward 2
Patricia Blochowiak, Councilor-at-Large
Korean Stevenson, Councilor Ward 4
Patricia Parker, Asst. Clerk/Secretary



CITY OF EAST CLEVELAND

"REBUILDING EAST CLEVELAND TOGETHER"

Exhibit
H

September 2, 2022

Anthony W. Perlatti
Director
Cuyahoga County Board of Elections
aperlatti@cuyahogacounty.gov

Jeff Hastings
Board Chairman,
Cuyahoga County Board of Elections
jhastings@cuyahogacounty.gov

RE: Challenge to Mayor Brandon L. King Recall Petitions per ORC 705.92 for Procedural Violation - Limiting Petition General Statement to "not more than two hundred words"

Dear Director Perlatti and Board Chairman Hastings:

Please accept this correspondence as a challenge to the petitions seeking my Recall as Mayor of the City of East Cleveland submitted to the East Cleveland City Council Clerk on or about August 12, 2022; and, requesting the removal of said Recall language from the November 8, 2022, General Election Ballot for the reason set forth below.

ORC 705.92 prohibits more than 200 hundred words in the General Statement on the Petition Affidavit. However, the General Statement purporting to set forth the grounds for my Recall numbered more than 500 words.

For that reason, I hereby challenge the petitions seeking to allow voters to decide for or against my Recall on the basis of the aforesaid procedural violation and request that the Cuyahoga County Board of Elections declare such Recall petitions invalid so that it is not put before the voters on the November 8, 2022 General Election Ballot.

Sincerely,


Brandon L. King, Mayor

**LEGAL OPINION – ON WHETHER THE EAST CLEVELAND
MUNICIPAL CHARTER SUPERSEDES SECTION 705.92 OF THE OHIO
REVISED CODE**

To: Cuyahoga County Board of Elections September 2, 2022
From: Willa Hemmons, Law Director/s/wh
Re: Legal Opinion – On Whether the East Cleveland Municipal Charter
Supersedes Section 705.92 of the Ohio Revised Code

FACTS

Mayor Brandon L. King has entered a challenge to the validity of petitions collected for his Recall on the basis that the General Statement of the Affidavit of said petitions, setting forth the grounds for same, contained too many words. Section 705.92 limits the number of words contained in a petition's General Statement of the grounds for an elected public official's Recall to 200. Mayor King alleges that the number of words in the Affidavit's General Statement supporting his Recall were 500 in violation of ORC §705.92

The answer to that question requires a review of the Ohio Revised Code in conjunction with the East Cleveland Charter.

LAW

The Ohio Const. art. XVIII, § 3 grants municipalities the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations as are not in conflict with general laws. When a municipality exercises its home rule powers on a matter of local self-government, conflicting charter provisions prevail over parallel state laws. A threshold issue, therefore, is whether charter provisions conflict with state laws addressing the same subject matter. The rule of charter supremacy applies only where the conflict appears by the express terms of the charter and not by mere inference. *Carroll v. Vill. of Grafton*, 2014-Ohio-4534; Ohio App Ct , 9th Dist.; *Also see, State ex rel Lightfield v Indian Hill*, 69 Ohio St. 39 441, Ohio App Ct 8th Dist.

Where a charter is silent on a matter, state statutes control. *Fisher v. Amberly Vill.*, 2015-Ohio-2384; *State ex rel. Harris v. Rubino*, 155 Ohio St. 3d 123.

The East Cleveland Mayor's position can be distinguished from *State ex rel Murray v. Scioto County Bd of Elections*. 127 Ohio St 3d 280. In *Murray*, a mayor sought a *Writ of Prohibition* relating to a Recall petition that had been submitted to the Scioto County Board of Elections against him. However, unlike,

the City of East Cleveland, the subject municipality had a Charter provision that was directly on point as to that mayor's issue. Therefore, in *Murray*, the city's charter which spoke to the matter, prevailed over the state statute.

Mayor King's situation is also distinguishable from *In re L. of Ohio Ernest Smith v. Gowdy*, 2021-Ohio-1730 where the East Cleveland Municipal Code (ECMC) procedure, Rule of Order 23, governed the process over any state issued equitable forms of relief (ie., a *Writ of Mandamus*.)

The East Cleveland Charter reads:

THE RECALL

§ 49 RECALL PROCEDURE.

The procedure to effect the removal of any elected officer of the city shall be initiated by the filing of a petition, with the Clerk of the Council, demanding that the question of removing such officer or officers be submitted to the electors. Such petition shall be signed by the electors of the Municipality who voted in the last regular election of each municipal officer whose recall is sought, respectively, equal in number to at least twenty-five (25) percent of the total number voting at the last regular election of each such municipal officer in which his or her office is contested but all signatures to such petition need not be appended to one paper.

(Amended 11-7-00; Ord. 06-16, passed 7-19-2016)

§ 50 HOW PROCURED.

Petition papers shall be procured only from the Clerk of the Council, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided. Prior to the issuance of such petition papers, an affidavit shall be made by one or more qualified electors and filed with the Clerk of Council, stating the name of the member or members of the Council, whose removal is sought. The Clerk of the Council, upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his office, the name of the elector to whom issued, the date of such issuance and the number of papers issued and shall certify on each paper the name of the elector to whom issued and the date of issue. No petition paper shall be accepted as part of the petition unless it is so issued and bear such certificate and unless it be filed as provided herein.

§ 51 SIGNATURES, REQUIREMENTS OF.

Each signer of a recall petition shall sign his name in ink or indelible pencil and shall place after his name his place of residence by street and number. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition, and that each signature appended to the paper was made in his presence and is the genuine signature of the person whose name it purports to be.

§ 52 FILING.

All papers comprising a recall petition shall be assembled and filed with the Clerk of the Council, as one instrument, within thirty days after the filing with the Clerk of the Council of the affidavit stating the name of the member or members of Council whose removal is sought.

§ 53 NOTICE.

At the expiration of said period of thirty days, the Clerk of the Council shall certify upon such petition whether the signature of electors thereto amount in number to at least twenty-five (25) percent of the voters voting at the last regular municipal election of officers. If such signatures do amount to such percent, he shall at once serve notice of that fact upon the member or members of the Council designated in the petition, and also deliver to the election authorities a copy of the original petition with his certificate as to the percentage of voters voting at the last regular municipal election of officers who signed the same, and a certificate as to the date of his said notice to the member or members of the Council designated in the petition.

(Amended 11-8-77)

§ 54 RECALL ELECTION.

If a member or members of the Council, or any of them, designate in the petition, file with the Clerk of the Council within five days after said notice from the Clerk of the Council, his or their written resignation, the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact and the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period, the election authorities shall call a special recall election.

CONCLUSION

With reference to Mayor King's request to invalidate the excessively wordy Recall petitions' Affidavit, as can be seen from an examination of the East Cleveland Charter language, there is nothing in the City's Charter that addresses word limitations in a Recall petition's General Statement of grounds. It is silent on the issue.

Since, the state statute ORC 705.92 does speak to the issue, limiting the number of words allowed on a Recall petition's general statement to 200, it is thereby controlling of Mayor King's question. Hence, a 500 word General Statement on a Recall petition violates the process and thus nullifies the subject Recall petitions.

Exhibit
J

	Date	Officer	Office	Body of Affidavit # Sigs.
1	3/7/2015	Gary Norton	Mayor	154
2	4/17/2015	Gary Norton	Mayor	291
3	10/29/2015	Brandon King	Council at Large	201
4	10/29/2015	Gary Norton	Mayor	280
5	3/14/2016	Tom Wheeler	Council Ward 3	186
6	5/19/2016	Tom Wheeler	Council Ward 3	28
7	8/15/2016	Gary Norton	Mayor	96
8	8/3/2020	Guanita Gowdy	Council Ward 2	216
9	9/15/2021	Korean Stevenson	Council Ward 4	177
10	5/12/2022	Korean Stevenson	Council Ward 4	209
11	7/9/2022	Brandon King	Mayor	250
12	8/20/2022	Ernest Smith	Council Ward 3	177
13	8/15/2022	Korean Stevenson	Council Ward 4	203

3/7/15
MAYOR NORTON

[REDACTED]

STATE OF Ohio - Cuyahoga County - East Cleveland 7

Gerald O. Strothers Jr. PERSONALLY came and appeared before me, the undersigned Notary and state or affirm the following statement.

Gerald O. Strothers Jr. who is a resident of Cuyahoga County, State of Ohio, East Cleveland and makes this his/her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his/her knowledge concerning East Cleveland Ohio Mayor Gary A. Norton Jr.

MALFEASANCE - Intentionally doing something either legally or morally wrong which one had no right to do. It always involves dishonesty, illegality or knowingly exceeding authority for improper reasons.

MISFEASANCE - Management of a business, public office or other responsibility in which there are errors and an unfortunate result through mistake or carelessness, but without evil intent and/or violation of law.

Ohio Revised Code 2921.44 - Dereliction of duty - (B) (D) No public official of the state shall recklessly create a deficiency, incur a liability, or expend a greater sum than is appropriated by the general assembly for the use in any one year of the department, agency, or institution of the state with which the public official is connected.

(E) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

DATED this 7th day of March 2015


Gerald O. Strothers Jr.

SWORN to subscribed before me, this 7th day March 2015


NOTARY PUBLIC



NORLYNN R. JOHNSON
Notary Public, State of Ohio
My Comm. Expires Mar. 30, 2019

20
98
63
28
32
56
154
38

Body KSH

4/17/15
Mayor Norton

Recall Affidavit
(Section 50 – Charter of East Cleveland, Ohio)

State of Ohio – Cuyahoga County – East Cleveland 7

This affidavit shall serve as notice to the Clerk of East Cleveland council that I, Cassandra McDonald, a qualified elector of the City of East Cleveland, do hereby seek petitions to circulate among the qualified electors of the city to seek the removal of the following Mayor as specified in Section 50 of the Charter of East Cleveland, and desire to set forth the following question:

Shall Gary A. Norton, Jr. be removed from the office of Mayor? 12

Pursuant to Section 49 of the Charter of East Cleveland, ***“the procedure to effect the removal of any elected officer of the City shall be initiated by the filing of a petition, with the Clerk of the Council, demanding that the question of removing such officer or officers be submitted to the electors. Such petition shall be signed by the electors of the Municipality equal in number to at least twenty-five (25) percent of the total number voting at the last regular election of municipal officers in which the office of Mayor is contested but all signatures to such petition need not be appended to one paper.”*** 107 291

SECTION 50 of the Charter of East Cleveland sets for that, *“petition papers shall be procured only from the Clerk of the Council, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided.*

Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors and filed with the Clerk of Council, stating the name of the member or members of the Council, whose removal is sought.

The Clerk of the Council, upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his office, the name of the elector to whom issued, the date of such issuance and the number of papers issued and shall certify on each paper the name of the elector to whom issued and the date of issue.

No petition paper shall be accepted as part of the petition unless it is so issued and bear such certificate and unless it be filed as provided herein.” 172

As by my signature, and under penalty of law, I have sworn that I am a qualified elector of the City of East Cleveland, I submit this Affidavit in satisfaction of Section 50 of the Charter of East Cleveland, and do hereby seek petitions to effect the recall of the above-named elected “Mayor,” and to submit the question to the electors. 61

Signed

Date

4/17/15



BORIS KAGARLITSKIY
Notary Public, State of Ohio
My Commission Expires
August 22, 2015

Body 291

Council@Lg.
King 10/29/15

RECALL AFFIDAVIT

State of Ohio - Cuyahoga County - East Cleveland 7

750

This affidavit shall serve as notice to the Clerk of East Cleveland Council that I, Pecolia Standberry, a elector of the City of East Cleveland, do hereby request petitions for the recall of Brandon King, Councilman in the City of East Cleveland, Ohio.

43

The recall is requested because the citizens of East Cleveland, Ohio are dissappointed with Brandon Kings services and his dereliction in performing his duty as expressly imposed by law.

29

SECTION 50 of the Charter of East Cleveland sets for that, "petition papers shall be procured only from the Clerk of the Council, who shall keep a sufficient number of blank petitions on file for distribution as here in provided.

Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors and filed with the Clerk of Council, stating the name of the member or members of the Council, whose removal is sought.

The Clerk of Council, upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his/her office, the name of the elector to whom issued, the date of such issuance and the number of papers issued and shall certify on each paper the name of the elector to whom issued and the date of issue.

No petition paper shall be accepted as part of the petition unless it is so issued and bear such certificate and unless it be filed as provided herein."

172.
201.

As by my signature, and under penalty of law, I have sworn that I am a qualified elector of the City of East Cleveland, I submit this Affidavit in satisfaction of Section 50 of the Charter of East Cleveland; and do hereby seek petitions to effect the recall of the above-named elected "Councilman."

54

Signed Pecolia Standberry Date 10-29-2015

Notary Public, State of Ohio:

[Signature]

10/29/15



NORLYNN R. JOHNSON
Notary Public, State of Ohio
My Comm. Expires Mar. 30, 2019

SAMPLE
NOT FOR
OFFICIAL USE

261 Body

Norton 10/29/15

RECALL AFFIDAVIT
(Section 50 - Charter of East Cleveland, Ohio)

SAMPLE
NOT FOR
OFFICIAL USE

State of Ohio—Cuyahoga County—East Cleveland

This affidavit shall serve as notice to the Clerk of East Cleveland council that I, Pecolia Standberry, a qualified elector of the City of East Cleveland, do hereby seek petitions to circulate among the qualified electors of the city to seek the removal of the following Mayor as specified in Section 50 of Charter of East Cleveland, and desire to set forth the following question:

Shall Gary A. Norton, Jr. be removed from the office of Mayor?

Pursuant to Section 49 of the Charter of East Cleveland, THE PROCEDURE TO EFFECT THE REMOVAL OF ANY ELECTED OFFICER OF THE CITY shall be initiated by the filing of a petition, with the Clerk of the Council, demanding that the question of removing such officer or officers be submitted to the electors. Such petition shall be signed by the electors of the Municipality equal in number to at least twenty-five (25) percent of the total number voting at the last regular election of municipal officers in which the office of Mayor is contested but all signatures to such petition need not be appended to one paper."

SECTION 50 of the Charter of East Cleveland sets for that, "petition papers shall be procured only from the Clerk of the Council, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided.

Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors and filed with the Clerk of Council, stating the name of the member or members of the Council, whose removal is sought.

The Clerk of the Council, upon issuing any such petition papers to an elector shall enter in a record, to be kept in his/her office, the name of the elector to whom issued, the date of such issuance and the number of papers issued and shall certify on each paper the name of the elector to whom issued and the date of issue.

No petition paper shall be accepted as part of the petition unless it is so issued and bear such certificate and unless it be filed as provided herein."

AS by my signature, and under penalty of law, I have sworn that I am a qualified elector of the City of East Cleveland, I submit this Affidavit in satisfaction of Section 50 of the Charter of East Cleveland, and do hereby seek petitions to effect the recall of the above-named elected "Mayor," and to submit the question to the electors.

Signed

Pecolia Standberry

Date

10-29-2015

Notary Public, State of Ohio

10/29



NORLYNN R. JOHNSON
Notary Public, State of Ohio
My Comm. Expires Mar. 30, 2019

Body 280

3/14/16
Tom Wheeler Endorsed

RECALL AFFIDAVIT
(Section 50 - Charter of East Cleveland, Ohio)

State Of Ohio - Cuyahoga County - East Cleveland ;

* This affidavit shall serve as notice to the Clerk of East Cleveland council that I, Recolia Standberry, a qualified elector of the City of East Cleveland, do hereby seek petitions to circulate among the qualified electors of the city to seek the removal of the following Councilman THOMAS WHEELER, for being rudely derelict in performing his duty as expressly imposed by law. H

SECTION 50 of the Charter of East Cleveland sets for that, "petition papers shall be procured only from the Clerk of the Council, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided.

Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors and filed with the Clerk of Council, stating the name of the member or members of the Council, whose removal is sought.

The Clerk of the Council, upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his/her office, the name of the elector to whom issued, the date of such issuance and the number of papers issued and shall certify on each paper the name of the elector to whom issued and the date of issue.

No petition paper shall be accepted as part of the petition unless it is so issued and bear such certificate and unless it be filed as provided herein." 172.

As by my signature, and under penalty of law, I have sworn that I am a qualified elector of the City of East Cleveland, I submit this Affidavit in satisfaction of Section 50 of the Charter of East Cleveland, and do hereby seek petitions to effect the recall of the above-named elected "Councilman." Body 186.

Signed Recolia Standberry Date 3-14-2016

Signed N/A Date N/A

Notary Public, State Of Ohio: [Signature] Date 3/14/2016



NORLYNN R. JOHNSON
Notary Public, State of Ohio
My Comm. Expires Mar. 30, 2019

AFFIDAVIT

I Pecolia Standberry a resident of the City of East Cleveland, Ohio and a registered voter of the city requested petitions for the recall of Thomas Wheeler, counselorman in the City of East Cleveland, Ohio whose term expires on December 31, 2018. 42

The recall is requested because we the citizens of East Cleveland, Ohio are disappointed with Thomas Wheelers services and his dereliction in performing his duty as expressly imposed by law. 28

With respect as a public servant.

Pecolia Standberry
Pecolia Standberry

8-25-15
Date

I, D. J. Mays a Notary Public, do hereby certify that on this 25 day of August, 2015, personally appeared before me her, known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.

D. J. Mays
Notary Public, State of Ohio

Name, Typed or Printed: D. J. MAYS

My Commission Expires: 5-19-2016

Body 28

[Signature]
Signature of the Circulator

14125 ARDENHILL AVE.
Address of Circulator

East Cleveland OHIO 44112-3225
City State Zip

WHOEVER COMMITS ELECTION FALSIFICATION
IS GUILTY OF A FELONY OF THE FIFTH DEGREE

8-15-16.
Mayor Norton

Recall Affidavit

This affidavit shall serve as notice to the Clerk of Council that I, Devin Branch, do hereby seek petitions to circulate among the qualified electors of the City to seek the removal of Mayor Gary A. Norton Jr. as specified in Section 50 of the Charter of the City, for the following reasons: 53

- 1) For being negligent in carrying out his responsibilities as chief conservator of the peace within the City to see that all laws, resolutions and ordinances are enforced therein; 29
- 2) For exercising his powers as the contracting officer of the City in a manner that has led to the City incurring debts that the City has no capacity to pay, in keeping with the agreed upon terms; 38
- 3) For his initial failure to be forthright with the residents of the City concerning his support for the annexation of the City of East Cleveland by the City of Cleveland. 29

As by my signature, and under penalty of law, I have sworn that I am a qualified elector of the City of East Cleveland and that all matters set forth in this affidavit are true and correct to the best of my knowledge.



Devin B. Branch



Date

David Hunter
06-13-18

David Hunter
8-5-16

Body 96

8-3-20
Juanita Gowdy

Page

AFFIDAVIT

PETITION FOR RECALL OF COUNCILWOMAN JUANITA GOWDY, WARD 2

THIS AFFIDAVIT SHALL SERVE AS NOTICE TO THE CLERK OF COUNCIL THAT I, KELLY BRIGHT, DO HEREBY SEEK PETITIONS TO CIRCULATE AMONG THE QUALIFIED ELECTORS OF THE CITY TO SEEK THE REMOVAL OF COUNCILWOMAN JUANITA GOWDY, AS SPECIFIED IN SECTION 50 OF THE EAST CLEVELAND CITY CHARTER, FOR THE FOLLOWING REASONS.

WHEREAS, Mrs. Juanita Gowdy is the elected City Council Member for the City of East Cleveland, Ward 2.

WHEREAS, all members of the East Cleveland are ethically obligated to conduct themselves and represent the City of East Cleveland and its residents in a competent, positive manner and to promote the best interests of the City; and

WHEREAS, Mrs. Gowdy's documented voting record and slanderous statements published in her monthly newspaper abuse and undermine the City of East Cleveland's executive, legislative and judicial branches of government; by:

- Publishing slanderous accusations and falsified facts in an attempt to undermine the effectiveness of the City's executive branch of government;
- Ceaseless media attacks on the East Cleveland Police Department, in an attempt, to discredit the police on behalf of an accused murderer Martin Burrell, accused killer of Shaw High School student, Steve Swain.
- Poor community relations with residents.

WHEREAS, said public actions and statements have cast doubt on the ethical integrity and competence of the City of East Cleveland's administration and City Council's ability to govern;

WHEREAS, Mrs. Juanita Gowdy has been grossly negligent in her duties as Councilwoman, resulting in increase violent shootings and murders within Ward 2 since assuming office;

THEREFORE, the undersigned residents and voters of East Cleveland demand Mrs. Juanita Gowdy Resignation or Recall by election.

AS BY MY SIGNATURE, AND UNDER PENALTY OF LAW, I HAVE SWORN THAT I AM A QUALIFIED ELECTOR OF THE CITY OF EAST CLEVELAND AND THAT ALL MATTERS SET FORTH IN THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Kelly Bright
KELLY BRIGHT

8-3-2020
DATE

Body 2/4

8-3-20
Justin Goodp
P12.

STATE OF OHIO

COUNTY OF Cuyahoga

THE FOREGOING INSTRUMENT ACKNOWLEDGED BEFORE ME THIS 31st (DAY) OF August (MONTH), 2020
BY Kelly Bright (NAME).

HEATHER MCKENNAUGH, ATTY.
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Section 147.03 O.R.C.

NOTARY PUBLIC

Heather McKennaugh (PRINTED NAME)

MY COMMISSION EXPIRES:

Not Applicable

9-13-21
Morton Stevenson
P11

AFFIDAVIT

PETITION FOR RECALL OF COUNCILWOMAN KOREAN C. STEVENSON, WARD 4

THIS AFFIDAVIT SHALL SERVE AS NOTICE TO THE EAST CLEVELAND CLERK OF COUNCIL THAT I, DAVID W. RADCLIFFE, SR., DO HEREBY SEEK PETITIONS TO CIRCULATE AMONG THE QUALIFIED ELECTORS OF THE CITY OF EAST CLEVELAND TO SEEK THE REMOVAL OF COUNCILWOMAN KOREAN C. STEVENSON, AS SPECIFIED IN SECTION 50 OF THE EAST CLEVELAND CITY CHARTER FOR THE FOLLOWING REASONS:

WHEREAS, Ms. Korean c. Stevenson is the elected City Council Member for the City of East Cleveland, Ward 4; and 28

WHEREAS, all members of the East Cleveland City Council are ethically obligated to conduct themselves and represent the City of East Cleveland and its residents in a professional, competent, and positive manner and to promote the best interests of the City; and 41

WHEREAS, Ms. Stevenson's public actions and statements have cast doubt on the ethical integrity and competence of the City of East Cleveland's administration and City Council's ability to govern in a manner in the best interest of the residents and workers of the City of East Cleveland; and 48

WHEREAS, Ms. Stevenson continuously neglects her responsibility to address the needs and concerns of the residents of Ward 4; and 28

WHEREAS, Ms. Stevenson has repeatedly ignored phone calls, has given information to rectify problems that are in violation of City Charter that would have caused unnecessary and costly legal ramifications; and 31

WHEREAS, Ms. Stevenson lacks the ability to promote positive community relations with the residents of Ward 4; 17

NOW, THEREFORE, the undersigned residents and voters of East Cleveland demand that Ms. Korean C. Stevenson resign or be recalled by election as the East Cleveland City Council member for Ward 4.

AS BY MY SIGNATURE, AND UNDER PENALTY OF LAW, I HAVE SWORN THAT I AM A QUALIFIED ELECTOR OF THE CITY OF EAST CLEVELAND AND THAT ALL MATTERS SET FORTH IN THIS AFFIDAVIT ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



David W. Radcliffe, Sr.

9.15.2021

Date

Body 177.

COPY

9-15-21
Monahan Stevenson
Pg 2

STATE OF OHIO

COUNTY OF Lake

THE FOREGOING INSTRUMENT ACKNOWLEDGED BEFORE ME THIS 18th DAY OF September, 2021.

BY: [Signature]
DAVID W. RADCLIFFE, SR.

[Signature]
NOTARY PUBLIC

Victoria Hayes
PRINTED NAME

MY COMMISSION EXPIRES:



Victoria Hayes
Notary Public - Ohio
My Commission Expires 08-10-22

5-12-27¹⁴
Korean Stevenson

AFFIDAVIT

PETITION FOR RECALL OF COUNCILWOMAN KOREAN C. STEVENSON, WARD 4

THIS AFFIDAVIT SHALL SERVE AS NOTICE TO THE EAST CLEVELAND CLERK OF COUNCIL THAT I, DAVID W. RADCLIFFE, SR., DO HEREBY SEEK PETITIONS TO CIRCULATE AMONG THE QUALIFIED ELECTORS OF THE CITY OF EAST CLEVELAND TO SEEK THE REMOVAL OF COUNCILWOMAN KOREAN C. STEVENSON, AS SPECIFIED IN SECTION 50 OF THE EAST CLEVELAND CITY CHARTER FOR THE FOLLOWING REASONS:

WHEREAS, Ms. Korean C. Stevenson is the elected City Council Member for the City of East Cleveland, Ward 4; and

WHEREAS all members of the East Cleveland City Council are ethically obligated to conduct themselves and represent the City of East Cleveland and its residents in a professional, competent, and positive manner and to promote the best interests of the City; and

WHEREAS Ms. Stevenson's public actions and statements have cast doubt on the ethical integrity and competence of the City of East Cleveland's administration and City Council's ability to govern in a manner in the best interest of the residents and workers of the City of East Cleveland; and

WHEREAS Ms. Stevenson continuously neglects her responsibility to address the needs and concerns of the residents of Ward 4; and

WHEREAS Ms. Stevenson has repeatedly ignored phone calls, has given information to rectify problems that are in violation of City Charter that would have caused unnecessary and costly legal ramifications; and

WHEREAS Ms. Stevenson lacks the ability to promote positive community relations with the residents of Ward 4.

NOW, THEREFORE, the undersigned residents and voters of East Cleveland demand that Ms. Korean C. Stevenson resign or be recalled by election as the East Cleveland City Council member for Ward 4.

AS BY MY SIGNATURE, AND UNDER PENALTY OF LAW, I HAVE SWORN THAT I AM A QUALIFIED ELECTOR OF THE CITY OF EAST CLEVELAND AND THAT ALL MATTERS SET FORTH IN THIS AFFIDAVIT ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

David W. Radcliffe, Sr.

David W. Radcliffe, Sr.

5.12.2020

Date

Body 209

20

42

48

20

36

17

32

7-9-22
Brandon King Pg 1

GENERAL AFFIDAVIT

Personally came and appeared before me, the undersigned Notary, the within named Charles Holmes, who is a resident of Cuyahoga County, State of Ohio, and makes this his statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his knowledge.

Reasons to Recall Brandon King: 6

- 1) The Mayor does not reside in the City of East Cleveland as the Charter requires. 15
- 2) The Mayor has spent money not appropriated by Council. This has been confirmed by the Fiscal Oversight Commission. 18
- 3) The Mayor has used City contractors for personal work (demolition of the home he received from the land bank) which he should have returned to the city when he did not rehab it. 33
- 4) The Mayor's spending is keeping the City of East Cleveland in debt. King's Administration has given away \$1.4 million in real estate to his friends with no payments to the City of East Cleveland. How is the City supposed to prosper and come out of debt? He doesn't care. 49
- 5) In a letter to State Representative Cupp and State Senator Hoffman, the State Auditor stated that he doesn't see East Cleveland coming out of fiscal distress within the near future. 30
- 6) Mayor King appointed Willa Hemmons as Law Director and Charles Iyahan as Finance Director, but has not brought them in front of City Council for approval as is required by the charter. 32
- 7) Mayor King has not been transparent and refuses to provide all contracts and related information to Council for storage in the Council office as is required by the Charter. 29
- 8) Mayor King forbids Mr. Iyahan, alleged Finance Director, to meet with Council members or other citizens except in Council meetings. 20
- 9) The Mayor is not transparent with regard to City finances and refuses to provide information requested by Council members. 19

Boby 230

Brenden King
7-9-22
Pg 2

10) The Mayor was given a grant application to obtain millions of dollars from the State of Ohio which would benefit the citizens of East Cleveland. King never submitted the application because it didn't fit into "his plans" and "what he wanted to do". He doesn't care.

Dated this the 9th day of July 2022

Shirley A. King

Signature of Affiant

Sworn to subscribed before me this 9th day July 20 22

Tristian Holmes

NOTARY PUBLIC

My Commission Expires: 9/27/22



TRISTIAN HOLMES
Notary Public
State of Ohio
My Comm. Expires
September 27, 2023

8-2022:
Ernest Smith

GENERAL AFFIDAVIT

Personally came and appeared before me, the undersigned Notary, the within named Lateek Shabazz, who is a resident of Cuyahoga County, State of Ohio, and makes this his statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his knowledge.

Reasons to Recall Councilor Ernest Smith

1. Ernest Smith received a vehicle owned by the City of East Cleveland when he was appointed to Council by Mayor Brandon King. When Council passed a resolution telling Smith to return the vehicle, both Smith and Mayor King refused. 34
2. Ernest Smith uses the city vehicle for personal purposes. 9
3. Ernest Smith uses a City credit card to purchase (unlimited) gas for the city vehicle that he drives for personal purposes. No other Councilperson receives these benefits. 27
4. When the vehicle requires maintenance, repair or is damaged, it is at the City's expense. Ernest Smith has not provided a copy of his driver's license or proof of personal liability insurance to the Council office. 36
5. Ernest Smith was convicted of operating a "bar" without a liquor license. 12
6. Ernest Smith's city-owned vehicle has a child's seat for his preschool daughter. He usually brings her to the Council meetings. She sits at the desk with the Councilors and he attends to her needs instead of attending to the meeting and to the needs of the residents. 48

Dated this the ____15th____ day of August 2022

Signature of Affiant

Sworn to subscribed before me this ____ day of ____ 2022

NOTARY PUBLIC

My Commission Expires



Address of Circulator

East Cleveland 44112
City and Zip-code of Circulator

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter, is liable to prosecution.

AUG 22 '22 AM 8:11

21

8-15-22
Korean Stevenson

RECALL AFFIDAVIT - STATE OF OHIO - COUNTY OF CUYAHOGA

1. I, Donald Law who is a resident of Cuyahoga County, State of Ohio, East Cleveland, state to the best of my belief and personal knowledge that the following matters and facts set forth are true and correct to the best of my knowledge concerning Korean C. Stevenson, Councilwoman Ward 4 of the City of East Cleveland Ohio,
2. Korean C. Stevenson is the elected City Council Member for the City of East Cleveland, Ward 4. All members of the East Cleveland City Council are ethically obligated to conduct themselves and represent the City of East Cleveland and its residents in a professional, competent, and positive manner and to promote the best interests of the City.
3. Ms. Stevenson's public actions and statements have cast doubt on the ethical integrity and competence of the City of East Cleveland's administration and City Council's ability to govern in a manner in the best interest of the residents and workers of the City of East Cleveland.
4. Ms. Stevenson continuously neglects her responsibility to address the needs and concerns of the residents of Ward 4. Ms. Stevenson has repeatedly ignored phone calls, has given information to rectify problems that are in violation of City Charter that would have caused unnecessary and costly legal ramifications. Ms. Stevenson lacks the ability to promote positive community relations with the residents of Ward 4.
5. No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

57.

46.

63.

37.

DATED this the 15th day of August, 2022


DONALD LAW

SWORN to subscribed before me,
this 15th day of August, 2022


NOTARY PUBLIC

My Commission Expires: through the expiration

Body 203

THE RECALL

Exhibit
K

§ 48 APPLICATION.

(Editor's note: The provisions of Section 48 were repealed on November 7, 2000.)

§ 49 RECALL PROCEDURE.

The procedure to effect the removal of any elected officer of the city shall be initiated by the filing of a petition, with the Clerk of the Council, demanding that the question of removing such officer or officers be submitted to the electors. Such petition shall be signed by the electors of the Municipality who voted in the last regular election of each municipal officer whose recall is sought, respectively, equal in number to at least twenty-five (25) percent of the total number voting at the last regular election of each such municipal officer in which his or her office is contested but all signatures to such petition need not be appended to one paper.

(Amended 11-7-00; Ord. 06-16, passed 7-19-2016)

§ 50 HOW PROCURED.

Petition papers shall be procured only from the Clerk of the Council, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided. Prior to the issuance of such petition papers, an affidavit shall be made by one or more qualified electors and filed with the Clerk of Council, stating the name of the member or members of the Council, whose removal is sought. The Clerk of the Council, upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his office, the name of the elector to whom issued, the date of such issuance and the number of papers issued and shall certify on each paper the name of the elector to whom issued and the date of issue. No petition paper shall be accepted as part of the petition unless it is so issued and bear such certificate and unless it be filed as provided herein.

§ 51 SIGNATURES, REQUIREMENTS OF.

Each signer of a recall petition shall sign his name in ink or indelible pencil and shall place after his name his place of residence by street and number. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition, and that each signature appended to the paper was made in his presence and is the genuine signature of the person whose name it purports to be.

§ 52 FILING.

All papers comprising a recall petition shall be assembled and filed with the Clerk of the Council, as one instrument, within thirty days after the filing with the Clerk of the Council of the affidavit stating the name of the member or members of Council whose removal is sought.

§ 53 NOTICE.

At the expiration of said period of thirty days, the Clerk of the Council shall certify upon such petition whether the signature of electors thereto amount in number to at least twenty-five (25) percent of the voters voting at the last regular municipal election of officers. If such signatures do amount to such percent, he shall at once serve notice of that fact upon the member or members of the Council designated in the petition, and also deliver to the election authorities a copy of the original petition with his certificate as to the percentage of voters voting at the last regular municipal election of officers who signed the same, and a certificate as to the date of his said notice to the member or members of the Council designated in the petition.

(Amended 11-8-77)

§ 54 RECALL ELECTION.

If a member or members of the Council, or any of them, designate in the petition, file with the Clerk of the Council within five days after said notice from the Clerk of the Council, his or their written resignation, the same shall be irrevocable and the Clerk of the Council shall at once notify the election authorities of the fact and the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Such election shall be held not less than sixty nor more than ninety days after the expiration of the period of five days last mentioned, at the same time as any other general or special election held within such period; but if no general or special election be held within such period, the election authorities shall call a special recall election.

§ 55 ROTARY BALLOTS.

The ballots at such recall election shall conform to the following requirements: With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of Member of the Council by recall?" Immediately following each such question there shall be printed on the ballots the two propositions:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Provided that rotating ballots, as provided in Section 33, shall be used in such recall elections, in so far as the provisions of said Section 33 are applicable thereto.

Immediately to the left of each of the propositions shall be placed a square in which the electors, by making a cross mark (X), may vote for either of such propositions.

§ 56 FILLING OF VACANCIES.

In any such election, if a majority of the votes cast on the question of removal of any member of the Council are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the certification of the official canvass of that election to the Council and the vacancy caused by such recall shall be filled by the remainder of the Council according to the provisions of Section 6 of this Charter.

If, however, an election is held for the recall of more than three members of the Council, candidates to succeed them for their unexpired terms shall be voted upon at the same election, and shall be nominated by petitions signed, dated and verified in the manner required for petitions presenting names of candidates for regular municipal elections and similar in form to such petitions, and filed with the election authorities at least thirty days prior to such recall election. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for the recall, and any signatures thereon antedating such time shall not be counted.

§ 57 COUNTING THE VOTE.

Candidates shall not be nominated to succeed any particular member of the Council; but if only one member of the Council is removed at such election, the candidate at such election receiving the highest number of votes shall be declared elected to fill the vacancy; and if more than one member of the Council is removed at such election, such candidates receiving the highest number of votes equal in number to the number of members of the Council removed shall be declared elected to fill the vacancies; and among the successful candidates, those receiving the greater number of votes shall be declared elected for the longer terms.

§ 58 EFFECT OF RESIGNATIONS.

No proceedings for the recall of more than three members of the Council at the same election shall be defeated in whole or in part by the resignation of any or all of them, but upon the resignation of any of them the Council shall have power to fill the vacancy until a successor is elected, and the proceedings for the recall and the election of successors shall continue and have the same effect as though there had been no resignation.

§ 59 MISCELLANEOUS PROVISIONS.

Except as herein otherwise provided, no petition to recall any member of the Council shall be filed within six months after he takes office. No person removed by recall shall be eligible to be elected or appointed to the Council for a period of two years after the date of such recall. The Clerk of the Council shall preserve in his office all papers comprising or connected with a petition for a recall. The method of removal herein provided is in addition to such other methods as are, or may be, provided by general law.



Ohio Revised Code

Section 705.92 Procedure for removal of elective officer by recall.

Effective: April 6, 2017

Legislation: House Bill 463 - 131st General Assembly

Notwithstanding Section 38 of Article II, Ohio Constitution, or any other provisions in the Revised Code to the contrary, any elective officer of a municipal corporation may be removed from office by the qualified voters of such municipal corporation. The procedure to effect such removal shall be:

(A) A petition signed by qualified electors equal in number to at least fifteen per cent of the total votes cast at the most recent regular municipal election, and demanding the election of a successor to the person sought to be removed, shall be filed with the board of elections. A petition shall contain the required number of valid signatures upon submission to the board of elections. A petition is not valid after ninety days from the date of the first signature. A petition shall contain a general statement in not more than two hundred words of the grounds upon which the removal of the person is sought. The form, sufficiency, and regularity of any such petition shall be determined as provided in the general election laws.

(B) If the petition is sufficient, and if the person whose removal is sought does not resign within five days after the sufficiency of the petition has been determined, an election shall be held at the next primary or general election occurring more than ninety days from the date of the finding of the sufficiency of the petition. The election authorities shall publish notice and make all arrangements for holding the election, which shall be conducted and the result thereof returned and declared in all respects as are the results of regular municipal elections.

(C) The nomination of candidates to succeed each officer sought to be removed shall be made, without the intervention of a primary election, by filing with the election authorities, at least twenty days before the such special election, a petition proposing a person for each such office, signed by electors equal in number to ten per cent of the total votes cast at the most recent regular municipal election for the head of the ticket.

(D) The ballots at the recall election shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from the office of (name of office) by



recall?"

Immediately following each such question, there shall be printed on the ballots, the two propositions in the order set forth:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the left of the proposition shall be placed a square in which the electors may vote for either of the propositions.

Under each of the questions shall be placed the names of candidates to fill the vacancy. The name of the officer whose removal is sought shall not appear on the ballot as a candidate to succeed the officer's self.

In any recall election, if a majority of the votes cast on the question of removal are affirmative, the person whose removal is sought shall be removed from office upon the announcement of the official canvass of that election, and the candidate receiving the plurality of the votes cast for candidates for that office shall be declared elected. The successor of any person so removed shall hold office during the unexpired term of the successor's predecessor. The question of the removal of any officer shall not be submitted to the electors until such officer has served for at least one year of the term during which the officer is sought to be recalled. The method of removal provided in this section, is in addition to other methods of removal as are provided by law. If, at any such recall election, the incumbent whose removal is sought is not recalled, the incumbent shall be repaid the incumbent's actual and legitimate expenses for the election from the treasury of the municipal corporation, but such sum shall not exceed fifty per cent of the sum that the incumbent is by law permitted to expend as a candidate at any regular municipal election.

Agenda Item

#5



CUYAHOGA COUNTY BOARD OF ELECTIONS

Jeff Hastings
Chairman

Inajo Davis Chappell
Member

Lisa M. Stickan
Member

Terence M. McCafferty
Member

Anthony W. Perlatti
Director

Anthony N. Kaloger
Deputy Director

PETITION CERTIFICATION FORM

Political Subdivision: City of East Cleveland

Petition Received Date: August 29, 2022

Recall Petition Description: A petition to recall East Cleveland Ward 4 Council Person Korean C. Stevenson.

On behalf of the Cuyahoga County Board of Elections, I hereby certify that the Board Staff has examined the enclosed part-petitions, and the number of valid and invalid signatures on the part-petitions are as follows:

	<u>PART – PETITIONS</u>	<u>SIGNATURES</u>
1. Number of valid part-petitions.....	17	
Number of valid signatures on valid part-petitions.....		156
Number of invalid signatures on valid part-petitions.....		88
2. Number of invalid part-petitions.....	0	
Number of signatures on invalid part-petitions.....		0
3. Total number of part-petitions received.....	17	
4. Total number of signatures on part-petitions.....		244

Signed: _____

Anthony W. Perlatti, Director

Date: 8/30/2022



CITY OF EAST CLEVELAND COUNCIL

14340 Euclid Avenue
East Cleveland, OH 44112
Phone: 216.681.2312
Fax: 216.681.5044

CERTIFIED TRUE COPY
OF AN ORIGINAL DOCUMENT
SIGNED *Tracy L. Udrija-Peters*

Nathaniel Martin
Council President

Ernest Smith
Council Vice-President

Juanita Gowdy
Councilor Ward 2

Patricia Blochowiak
Councilor at Large

Korean Stevenson
Councilor Ward 4

September 5, 2022

Mr. Anthony W. Perlatti, Director
Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland, Ohio 44115

RE: Recall Election of Korean C. Stevenson, Councilwoman, Ward 4 of the City East Cleveland

Dear Mr. Perlatti,

I, Tracy L. Udrija-Peters, as the duly appointed, qualified Clerk of Council of the East Cleveland City Council, by the issuance of this letter, are hereby officially notifying you that on, as part of my lawful duty under the Charter, I personally notified Korean C. Stevenson, Councilwoman, Ward 4, of the City of East Cleveland as per the City Charter, SECTION 53 that the Elector Signatures on the Recall Petitions had been verified and validated by the Board of Elections.

I further notified her, as part of my lawful duty under the Charter, of SECTION 54. RECALL ELECTION, as per the city of East Cleveland's Charter which outlines two options available. The five-day window was at the end of the day, Sunday, September 4, 2022.

As a part of my lawful duty under said Section of the Charter, I hereby order the Cuyahoga County Board of Elections to fix the day for holding a Special Recall Election for the removal of Korean C. Stevenson as Councilwoman of Ward 4 of the City of East Cleveland, Ohio.

Respectfully,

Tracy L. Udrija-Peters

Tracy L. Udrija-Peters, Clerk of Council

Attachment (1) Board of Elections Certification Form

Cc: Brent Lawler, Candidate & Petition Services
Brandon King, Mayor
Willa Hemmons, Law Director
Nathaniel Martin, Council President
Ernest Smith, Council Vice President
Juanita Gowdy, Councilor Ward 2
Patricia Blochowiak, Councilor-at-Large
Korean C. Stevenson, Councilor Ward 4
Patricia Parker, Asst. Clerk/Secretary

AFFIDAVIT

PLAINTIFF)	DEFENDANTS
)	
KOREAN C. STEVENSON)	DAVID W. RATCLIFF SR.
15006 TERRACE ROAD)	1860 HASTINGS ROAD
EAST CLEVELAND, OHIO 44112)	EAST CLEVELAND, OHIO 44112
(216) 450-0926)	(216) 316-6509
)	
)	DARRYL G. MOORE
)	33800 HARROW CT.
)	SOLON, OHIO 44139

Now comes I, Korean C. Stevenson, being first duly sworn says as follows representing in this filing that there are three causes of action that must be fully vetted in this case.

The first is the legitimacy of the affidavit.

Second is the legitimacy of signatures submitted by felons and in violation of state law and;

Third, the blatant retaliation against the councilor maintaining what she ran on to get elected. TRANSPERENCY, HONESTY, & INTEGRITY.

I am required IN MY POISTION AS COUNCILOR TO LEGISLATE I AM SWORN TO UPHOLD THE CHARTER OF and laws of the City of East Cleveland, the constitution of the State of Ohio and the Constitution of the United States of America. That is my duty and that is what I do.

FINDINGS OF FACT

- A. This segment of the filing addresses the legitimacy of the affidavit as a result of the charter which prescribes the duties of the mayor and the council in the following terms.

SEP 9 2022 PM 1:33

THE MAYOR

§ 112 MAYOR; QUALIFICATIONS AND TERM OF OFFICE.

A. **Qualifications:** The Mayor shall have been, for at least two (2) consecutive years immediately prior to his or her election or appointment, a resident and qualified elector of the City of East Cleveland. During his or her term, the Mayor shall remain a resident and qualified elector of the city and shall carry out his duties on a full-time basis.

B. **Term of Office:** The term of the Mayor shall be for four (4) years beginning January 1 next following his or her election, and he or she shall hold office until his or her successor is elected and qualified.

(Amended 11-7-00)

§ 113 POWERS OF THE MAYOR.

A. **General Powers and Duties:** The Mayor shall be the chief executive officer of the city, responsible for carrying out and fulfilling the intent and purpose of any and all legislation duly passed by the Council. The Mayor shall supervise the administration of all the affairs of the city and the conduct and administration of all departments and divisions thereof, except the Council and as otherwise provided by this Charter, and the Mayor shall have all such powers as are conferred upon Mayors by the laws of the State of Ohio.

The Mayor shall be the chief conservator of the peace within the city and shall see that all laws, resolutions, and ordinances are enforced therein.

The Mayor shall at all times keep the Council fully advised of the financial conditions and needs of the city and shall recommend to the Council such measures as he or she may deem necessary or expedient for the safety and welfare of the city and shall submit to the Council the estimate provided for in [Section 60](#) of the Charter. During the month of February of each year, the Mayor shall prepare and present to Council a state of the city report summarizing the accomplishments of the preceding year together with proposed programs for succeeding years.

The Mayor shall be the official and ceremonial head of the city.

The Mayor shall perform such other duties as may be prescribed by this Charter or required of him or her by Council.

B. **Mayor's Appointing Powers:** The Mayor shall appoint all officers and employees of the city, except members, officers, and employees of the Council and judges and their assistants. All persons appointed by the Mayor, except those whose terms are fixed by this Charter or by law, may be promoted, demoted, transferred, or removed by the Mayor subject, however, to the Civil Service provisions of this Charter, when applicable. The foregoing appointive powers of the Mayor may be delegated by him or her to the directors of any department or to the heads of divisions. Such power of removal shall be exercised over a member of a board or commission after complaint

SEP 3 2022 PM 1:33

and hearing, only for neglect of duty, incapacity, incompetency, or malfeasance in office.

C. Mayor's Contracting Powers: The Mayor shall be the contracting officer of the city and shall award and execute all contracts on behalf of the city, except that is otherwise provided in the Charter and except that Council may also authorize contracts. When awarding contracts, the Mayor shall follow the procedures established pursuant to Section 72 of this Charter, with respect to competitive bidding and other matters.

D. Mayor's Right in Council: The Mayor shall be entitled to a seat in, but not on, the Council, and, along with the Finance Director, Law Director, and such other department heads as directed by the Mayor, shall attend or be represented at all meetings of Council. The Mayor have the right to recommend ordinances, resolutions, and motions and the right to participate in the discussion of all matters coming before Council, but shall not vote in Council. At the request of the Mayor, the heads of the respective departments shall be given an opportunity to participate in the deliberations of Council on the legislation pertaining to their department, but shall have no vote.

E. Mayor's Veto Powers: Every ordinance and resolution passed by the Council shall be signed by its President or Vice President and shall be presented forthwith to the Mayor by the Clerk. If the Mayor approves such ordinance or resolution, he or she shall sign and return it. But if the Mayor does not approve it, he or she shall return it with a statement of his or her objections to the Council who shall enter the Mayor's objections in its journal. The Council may then reconsider the vote on the passage of such legislation not later than at its next regular meeting. If upon reconsideration, it is approved by four-fifths (4/5) of the members of Council, it shall become effective. If any ordinance or resolution shall not be returned by the Mayor within seven days after it was presented to him or her, it shall become effective in the same manner as if the Mayor had signed it on the last day of the seven-day period. The Mayor may approve or disapprove the whole of any item or part of any ordinance or resolution appropriating money, and the whole item or part so disapproved shall be void unless repassed by the Council in the manner herein prescribed.

(Amended 11-7-00)

The Mayor has staff and control of all city departments and is a full-time position.

THE COUNCIL

§ 98 THE COUNCIL; POWERS; ELECTION AND TERM OF OFFICE.

A. Council - Powers: The legislative power of the city, except as limited by this Charter, shall be vested in a Council consisting of five members. Commencing with the regular municipal election to be held in the year 2001, three members of Council shall, in each case, be resident of and elected from each of the three wards of the city, which currently are established and existing pursuant to the general election laws of the State of Ohio and may from time to time be changed pursuant to such laws, and two of whom shall be elected at large. When not prescribed in this Charter, or determined by Council, such powers shall be exercised in such manner as may or hereafter be provided by the general laws of the State of Ohio.

SEP 9 2022 PM 1:33

B. Council - Election and Term of Office: The terms of all members elected to Council shall be for four years, starting January 1, 2002, following their election, and they shall serve until their successors are chosen and qualified; provided, however, that Council members elected in the year 2001 to an at large membership by receiving the second highest number of votes and to a ward membership by receiving the third highest number of votes in their respective categories (in cases of a tie in the respective categories, there shall be a special election in the year 2002 for the sole purpose of determining which members of the respective categories shall serve four-year terms) shall be elected for a two-year term expiring in the year 2003 and the two Council members elected in 2003 and their successors shall thereafter serve for four-year terms. The candidates for election to the vacancies in the office of Council member receiving the highest number of votes at such regular elections shall be declared elected

§ 102 ORGANIZATION OF COUNCIL.

At 7:30 p.m. on the 2nd day of January, following a regular municipal election, or if such date be a Sunday, on the day following, the incoming Council members as well as Council members continuing in office shall meet at a mutually agreed upon place by the Mayor and the Council as the legislative body of the City of East Cleveland. The Mayor, or Mayor's designee, shall call this meeting and shall preside as temporary chairperson only until all Council members have been sworn in and the President of Council has been elected. The first official business meeting of the incoming Council shall be within five (5) business days after the commencement of their term. The President of Council, in addition to the Council's obligations, rights, and duties as a Councilperson at large, shall preside at all meetings and shall perform such duties as may be imposed upon him or her by the Council. In the absence of both the President and Vice President of the Council, the senior-most member of Council shall be chairperson of the meeting, provided a quorum is present. The Council shall also choose or appoint a Clerk and such other officers and employees of the sitting Council as it deems necessary, to serve at the pleasure and during the term of the sitting Council. The Clerk shall keep the records of the Council and perform such other duties as may be required by this Charter or the Council but within the scope of the Council's daily business.

(Amended 11-7-00)

The charter may be viewed at <https://www.amlegal.com/>

The East Cleveland Council seat is a part-time position, and our staff are clerical in nature.

B. This section speaks to the existing conflict as a result of the East Cleveland Law Departments involvement in the preparation and notarization of the affidavit.

1. The affidavit in its opening statement opines that it is the responsibility of Councilor Stevenson to responds to community requests for service Exhibit A.
2. The charter of the city of East Cleveland is clear, the Council is a legislative body as prescribed in the charter section above.

3. A closer look at the affidavit reveals that it was prepared and notarized by the city law department staff representative one Heather McCullough.
4. Ms. McCullough involvement and subsequent notarization of the affidavit is a direct conflict of interest.
5. Accordingly, the Ethics Commission conflict of interest is defined as follows:

Public officials and employees violate the conflicts of interest provision of the Ohio Ethics Law when they take official action or make decisions in matters that definitely and directly affect themselves, their family members or their business associates.
The definitions of the Ethics Commission are found in Section 102 of the Ohio Revised Code and are as follows.

(B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

6. In this instance Heather McCollough had plenty to gain from this action.
7. According to the charter of the city of East Cleveland Ms. McCullough is suppose to live is the city of East Cleveland but does not.
8. Ms. McCullough was paid \$15,000.00 in 2021 for a supposed retirement at which time she drew down the funds from OPERS and proposed to return to work several months later in the letter she wrote that was well received by the administration.
9. While the paperwork in this instance reflects McCullough's separation. There is currently no existing paperwork or swearing in statement as required by law for Ms. McCullough's return to work;
10. Ms. McCullough could continue to act as if she had no knowledge that police officers of the East Cleveland Police Department are void of official certifiable training;
11. Ms. McCullough could continue not to go to training herself that is required annually for attorneys-at-law in the State of Ohio
12. Ms. McCollough could continue to prosecute innocent bystanders as if they were murderous felons who have been severely beaten by as many as 5 East Cleveland police officers;
13. Ms. McCullough could continue to pursue frivolous lawsuits and unfounded claims against residents and individuals without the council authority, approval, or knowledge;

SEP 9 2022 PM 1:33

14. Ms. McCullough could continue to misinform the council of pertinent information relative to the accumulative number of lawsuits and outstanding judgements against the city;
15. Ms. McCullough could continue to prepare affidavits that misrepresent the council members collectively and individually as she has in this instance; and
16. Ms. McCullough could continue to misrepresent the charter which she should know by heart since it is her duty to represent the city on matters of law in open court proceedings in an transparent and honest manner.
17. In the affidavit prepared by Ms. McCullough she states that I have failed in my duty as a council person BECAUSE I fail to answer calls from residents;
18. Ms. McCullough states in the affidavit that I give residents the wrong information that could cost the city money;
19. Ms. McCullough states in the affidavit that I do not respond to or address the needs of the residents;
20. Ms. McCullough states that my actions have cast doubt on the ethical integrity and competence of the administration to manage and repeatedly given information that would have caused the city damages etc.

B. Cause of Action Signatures collected by Felons

Radcliff is a King confidant who requested and received petitions on 3 separate occasions and was assisted by Darrell Moore of D Moore Enterprises on two of those occasions. Radcliff is a State of Ohio convicted drug abuse felon who solicited the assistance of the other participants including one Darrell Moore who also assisted Dan Law in the collection of signatures on petitions for a total of 3 events.

Darrell Moore is a convicted felon, King confidant, and city contractor who also torn down the Mayors house at 15620 Oakhill Road in East Cleveland which was a property he received from the land bank approximately 10 years ago, and the Room located on Superior road and owned by NEMO's liquor store on Euclid Avenue Mr. Moore is also the only contractor that wins bids and is paid with federal Community Development Block Grant funding to tear down properties in the city of East Cleveland.

21. On September 15, 2021, January 14, 2022, June 22, 2022, DAVID W. RADCLIFF, further known as the defendant requested petitions in the County of Cuyahoga, State of Ohio and city of East Cleveland to remove the complainant from office.
22. On October 21, 2021, defendant returned the completed petitions to then clerk DeNeau Exhibit B.

SEP 9 2022 PM 1:33

23. The petition failed to meet the required signature count according the Director of the Cuyahoga county Board of Elections on October 26, 2021.
24. Defendant Radcliff requested a second petition on January 14, 2022. That petition was not returned.
25. On June 22, 2022, petitions were returned on July 25, 2022 by defendant Radcliff. The petition failed to meet the required signature count according the Director of the Cuyahoga county Board of Elections on July 25, 2022.
26. On August 15th Donald Law requested and received a petition to recall Stevenson. The petition was returned on August 29, 2022.
27. The petitions were certified by the Director of the boards of Elections on august 28 2022, to possess enough signatures to place the recall of Stevenson on the ballot.

OHIO REVISED CODE 3501.38

(A) The secretary of state or a board of elections shall accept any petition described in section 3501.38 of the Revised Code unless one of the All declarations of candidacy, nominating petitions, or other petitions presented to or filed with the secretary of state or a board of elections or with any other public office for the purpose of becoming a candidate for any nomination or office or for the holding of an election on any issue shall, in addition to meeting the other specific requirements prescribed in the sections of the Revised Code relating to them, be governed by the following rules:

(A) Only electors qualified to vote on the candidacy or issue which is the subject of the petition shall sign a petition. Each signer shall be a registered elector pursuant to section 3503.01 of the Revised Code. The facts of qualification shall be determined as of the date when the petition is filed.

(B) Signatures shall be affixed in ink. Each signer may also print the signer's name, so as to clearly identify the signer's signature.

(C) Each signer shall place on the petition after the signer's name the date of signing and the location of the signer's voting residence, including the street and number if in a municipal corporation or the rural route number, post office address, or township if outside a municipal corporation. The voting address given on the petition shall be the address appearing in the registration records at the board of elections.

SEP 9 2022 PM 1:33

(D) Except as otherwise provided in section 3501.382 of the Revised Code, no person shall write any name other than the person's own on any petition. Except as otherwise provided in section 3501.382 of the Revised Code, no person may authorize another to sign for the person. If a petition contains the signature of an elector two or more times, only the first signature shall be counted.

(E)(1) On each petition paper, the circulator shall indicate the number of signatures contained on it, and shall sign a statement made under penalty of election falsification that the circulator witnessed the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code. On the circulator's statement for a declaration of candidacy or nominating petition for a person seeking to become a statewide candidate or for a statewide initiative or a statewide referendum petition, the circulator shall identify the circulator's name, the address of the circulator's permanent residence, and the name and address of the person employing the circulator to circulate the petition, if any.

(2) As used in division (E) of this section, "statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, or attorney general.

(F) Except as otherwise provided in section 3501.382 of the Revised Code, if a circulator knowingly permits an unqualified person to sign a petition paper or permits a person to write a name other than the person's own on a petition paper, that petition paper is invalid; otherwise, the signature of a person not qualified to sign shall be rejected but shall not invalidate the other valid signatures on the paper.

(G) The circulator of a petition may, before filing it in a public office, strike from it any signature the circulator does not wish to present as a part of the petition.

(H) Any signer of a petition or an attorney in fact acting pursuant to section 3501.382 of the Revised Code on behalf of a signer may remove the signer's signature from that petition at any time before the petition is filed in a public office by striking the signer's name from the petition; no signature may be removed after the petition is filed in any public office.

(I)(1) No alterations, corrections, or additions may be made to a petition after it is filed in a public office.

(2)(a) No declaration of candidacy, nominating petition, or other petition for the purpose of becoming a candidate may be withdrawn after it is filed in a public office. Nothing in this division prohibits a person from withdrawing as a candidate as otherwise provided by law.

(b) No petition presented to or filed with the secretary of state, a board of elections, or any other public office for the purpose of the holding of an election on any question or issue may be resubmitted after it is withdrawn from a public office or rejected as containing insufficient signatures. Nothing in this division prevents a question or issue petition from being withdrawn by the filing of a written notice of the withdrawal by a majority of the members of the petitioning committee with the same public office with which the petition was filed prior to the sixtieth day before the election at which the question or issue is scheduled to appear on the ballot.

(J) All declarations of candidacy, nominating petitions, or other petitions under this section shall be accompanied by the following statement in boldface capital letters:

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

(K) All separate petition papers shall be filed at the same time, as one instrument.

(L) If a board of elections distributes for use a petition form for a declaration of candidacy, nominating petition, or any type of question or issue petition that does not satisfy the requirements of law as of the date of that distribution, the board shall not invalidate the petition on the basis that the petition form does not satisfy the requirements of law, if the petition otherwise is valid. Division (L) of this section applies only if the candidate received the petition from the board within ninety days of when the petition is required to be filed.

(M)(1) Upon receiving an initiative petition, or a petition filed under section 307.94 or 307.95 of the Revised Code, concerning a ballot issue that is to be submitted to the electors of a county or municipal political subdivision, the board of elections shall examine the petition to determine:

(a) Whether the petition falls within the scope of a municipal political subdivision's authority to enact via initiative, including, if applicable, the limitations placed by Sections 3 and 7 of Article XVIII of the Ohio Constitution on the authority of municipal corporations to adopt local police, sanitary, and other similar regulations as are not in conflict with general laws, and whether the petition satisfies the statutory prerequisites to place the issue on the ballot. The petition shall be invalid if any portion of the petition is not within the initiative power; or

(b) Whether the petition falls within the scope of a county's authority to enact via initiative, including whether the petition conforms to the requirements set forth in Section 3 of Article X of the Ohio Constitution, including the exercise of only those powers that have vested in, and the performance of all duties imposed upon counties and county officers by law, and whether the petition satisfies the statutory prerequisites to place the issue on the ballot. The finding of the board shall be subject to challenge by a protest filed pursuant to division (B) of section 307.95 of the Revised Code.

(2) After making a determination under division (M)(1)(a) or (b) of this section, the board of elections shall promptly transmit a copy of the petition and a notice of the board's determination to the office of the secretary of state. Notice of the board's determination shall be given to the petitioners and the political subdivision.

(3) If multiple substantially similar initiative petitions are submitted to multiple boards of elections and the determinations of the boards under division (M)(1)(a) or (b) of this section concerning those petitions differ, the secretary of state shall make a single determination under division (M)(1)(a) or (b) of this section that shall apply to each such initiative petition.

(1) A written protest against the petition or candidacy, naming specific objections, is filed, a hearing is held, and a determination is made by the election officials with whom the protest is filed that the petition is invalid, in accordance with any section of the Revised Code providing a protest procedure.

(2) A written protest against the petition or candidacy, naming specific objections, is filed, a hearing is held, and a determination is made by the election officials with whom the protest is filed that the petition violates any requirement established by law.

(3) The candidate's candidacy or the petition violates the requirements of this chapter, Chapter 3513, of the Revised Code, or any other requirements established by law.

(B) Except as otherwise provided in division (C) of this section or section 3513.052 [3513.05.2] of the Revised Code, a board of elections shall not invalidate any declaration of candidacy or nominating petition under division (A)(3) of this section after the fiftieth day prior to the election at which the candidate seeks nomination to office, if the candidate filed a declaration of candidacy, or election to office, if the candidate filed a nominating petition.

(C) (1) If a petition is filed for the nomination or election of a candidate in a charter municipal corporation with a filing deadline that occurs after the seventy-fifth day before

the day of the election, a board of elections may invalidate the petition within fifteen days after the date of that filing deadline.

(2) If a petition for the nomination or election of a candidate is invalidated under division (C)(1) of this section, that person's name shall not appear on the ballots for any office for which the person's petition has been invalidated. If the ballots have already been prepared, the board of elections shall remove the name of that person from the ballots to the extent practicable in the time remaining before the election. If the name is not removed from the ballots before the day of the election, the votes for that person are void and shall not be counted.

HISTORY: 141 v H 555 (EF2-26-86); 143 v H 405 (EF4-11-91); 146 v H 99 (EF8-22-95); 149 v H 445. EF12-25-2002; 151 v H 3, § 1, eff. 5-2-06. Effect of Amendments

151 H 3, effective May 2, 2006, in (B), inserted "division (C) of this section or"; and added (C).

26. Section 2961. follows and identifies that any petition filed by any of the defendants is in violation of the law.

27. The “King Gang” members are representative of state and federal penitentiaries. Many of them perform contract services for the city. Exhibits G,H,I J, K and L. demonstrate the prison terms and offenses committed by these dangerous felons.

28. § 2961.01 Civil Rights of Convicted Felons.

(A) A person convicted of a felony under the laws of this or any other state or the United States, unless the conviction is reversed or annulled, is incompetent to be an elector or juror or to hold an office of honor, trust, or profit. When any person convicted of a felony under any law of that type is granted parole, judicial release, or a conditional pardon or is released under a non-jail community control sanction or a post-release control sanction, the person is competent to be an elector during the period of community control, parole, post-release control, or release or until the conditions of the pardon have been performed or have transpired and is competent to be an elector thereafter following final discharge. The full pardon of a person convicted of a felony restores the rights and privileges so forfeited under this division, but a pardon shall not release the person convicted of a felony from the costs of a conviction in this state, unless so specified.

(B) A person convicted of a felony under laws of this state or any other state or the United States is incompetent to circulate or serve as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition.

SEP 9 2022 PM 1:33

(C) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Non-jail community control sanction" means a community control sanction that is neither a term in a community-based correctional facility nor a term in a jail.

(3) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

HISTORY: GC § 13458-1; 115 v 123(211), ch 37; Bureau of Code Revision, 10-1-53; 134 v H 511 (EFF 1-1-74); 147 v S 111, EFF 3-17-98; 149 v H 490, § 1, eff. 1-1-04; 151 v H 3, § 1, eff. 5-2-06.

19. As a result of these findings and the attached Exhibits it is concluded that Each convicted felon listed above as defendants are guilty of a fifth degree felony and should be sanctioned as required to the fullest extent of the law.

20. Section 3599.13 follows and reveals that offenses have occurred in regard to the signing of petitions for the recall of the plaintiff.

21. Ohio Revised Code Section 3599.13

Signing of petitions - Effective: May 2, 2006

Legislation: House Bill 3 - 126th General Assembly

(A) No person shall do any of the following:

(1) Sign an initiative, supplementary, referendum, recall, or nominating petition knowing that the person is not at the time qualified to sign it;

(2) Knowingly sign such a petition more than once;

(3) Except as otherwise provided in section 3501.382 of the Revised Code, sign a name other than the person's own on such a petition;

(4) Accept anything of value for signing such a petition;

(5) Seek by intimidation or threats to influence any person to sign or refrain from signing such a petition, or from circulating or abstaining from circulating such a petition;

(6) Sign a declaration of candidacy and petition for a candidate of a party with which the person is not affiliated, as required by section 3513.05 of the Revised Code; and

(7) Make a false affidavit or statement concerning the signatures on any such petition.

SEP 9 2022 PM 1:34

22. (B) Whoever violates division (A) of this section shall be fined not less than fifty or more than five hundred dollars, or imprisoned not less than three or more than six months, or both.

23. Ohio Revised Code Section 3599.14 Prohibited acts concerning declarations or petitions. Effective: May 2, 2006, Legislation: House Bill 3 - 126th General Assembly

24. (A) No person shall knowingly, directly or indirectly, do any of the following in connection with any declaration of candidacy and petition, declaration of intent to be a write-in candidate, nominating petition, or other petition presented to or filed with the secretary of state, a board of elections, or any other public office for the purpose of becoming a candidate for any elective office, including the office of a political party, for the purpose of submitting a question or issue to the electors at an election, or for the purpose of forming a political party:

- (1) Misrepresent the contents, purpose, or effect of the petition or declaration for the purpose of persuading a person to sign or refrain from signing the petition or declaration;
- (2) Pay or offer to pay anything of value for signing or refraining from signing the petition or declaration;
- (3) Promise to assist any person to obtain appointment to an office or position as a consideration for obtaining or preventing signatures to the petition or declaration;
- (4) Obtain or prevent signatures to the petition or declaration as a consideration for the assistance or promise of assistance of a person in securing appointment to an office or position;
- (5) Circulate or cause to be circulated the petition or declaration knowing it to contain false, forged, or fictitious names;
- (6) Except as otherwise provided in section 3501.382 of the Revised Code, add signatures or names except the person's own name on the petition or declaration;
- (7) Make a false certification or statement concerning the petition or declaration;
- (8) File with the election authorities the petition or declaration knowing it to contain false, forged, or fictitious names; and
- (9) Fail to fill out truthfully and file all itemized statements required by law in connection with the petition or declaration.

25. (B) Whoever violates division (A) of this section is guilty of a felony of the fifth degree.

SEP 9 2022 PM 1:34

26. Ohio Revised Code Section 3599.36 Election falsification.

Effective: December 9, 1997, Legislation: Senate Bill 116 - 122nd General Assembly

27. No person, either orally or in writing, on oath lawfully administered or in a statement made under penalty of election falsification, shall knowingly state a falsehood as to a material matter relating to an election in a proceeding before a court, tribunal, or election official, or in a matter in relation to which an oath or statement under penalty of election falsification is authorized by law, including a statement required for verifying or filing any declaration of candidacy, declaration of intent to be a write-in candidate, nominating petition, or other petition presented to or filed with the secretary of state, a board of elections, or any other public office for the purpose of becoming a candidate for any elective office, including the office of a political party, for the purpose of submitting a question or issue to the electors at an election, or for the purpose of forming a political party.

28. Whoever violates this section is guilty of election falsification, a felony of the fifth degree. Every paper, card, or other document relating to any election matter that calls for a statement to be made under penalty of election falsification shall be accompanied by the following statement in bold face capital letters:

"Whoever commits election falsification is guilty of a felony of the fifth degree."

29. David Radcliff, and Darryl Moore are convicted felons who have collectively and individually violated the laws of the State of Ohio, and the Federal Election laws of these United States of America and should be found guilty and sentenced in accordance to the maximum extent of the law.

Resident Referrals

As the councilor in Ward 4 the residents have extensive needs. For many months the ward was dirty when I first became the councilor. Dumping and unkept trees, streets and overgrown lots have continued to plague the city.

While the streets are still in need of repair, the removal of trash has occurred. That process is what I will explain here. You see the charter as you have read gives all authority for day-to-day operations to the mayor's office and it is a complex dance not to over step your bounds as a councilor in the city of East Cleveland. Ergo....the following is how I handle residents calls for service.

Because the administration does not answer the calls of the citizens, they naturally call the councilor not realizing that that is not our job. So what I do is investigate the calls which often take this part-time position to a full-time position

When I receive a call I go to the site, if it is required, take pictures, formulate those pictures into an email and forward the email to the mayor and the appropriate department heads in the city. For your review I have attached pictures and emails that dispute all the claims of the affidavit submitted for my recall for a 4th time stating that I give residents information I collect information and evidence to support the claims of the residents and forward that information for resolution.

The fact that the Law Department has prepared an affidavit that purposefully spews false statements, conjecture, and conflicts of interest is what is at question here and I request that it be thrown out entirely and that the goings on in the city Law Department be investigated further.

CONCLUSION

My request is that all actions of the defendants named herein that are retaliatory, intentional, and harbor malice, with prior calculation and design to aggressively, continually, pursue the plaintiff on false pretenses with intent to do personal harm to her reputation and indiscriminately continually over and over breaking the laws of the state of Ohio be nullified.

Additionally, I request that all 95 signatures collected by the felons be removed for violations of law from the petitions and that the petitions remaining 88 signatures be voided from reaching any ballot in the State of Ohio County of Cuyahoga and city of East Cleveland.

I am also requesting an investigation into why these felons continually pursue me. These dangerous felons have a past of crimes that have landed them in federal, state, and local jails and penitentiaries on multiple occasions for multiple offenses.

Ohio Revised Code Penalty

According to the code the following is applicable and I am requesting that prosecution occur.

- 1) For a felony of the fifth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, or twelve months.
- 2) Pursuant to R.C. 3501.05(N)(1), the secretary of state is authorized to investigate "the administration of election laws, frauds, and irregularities in elections in any

county” and can then “report the violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution.”

- 3) Because of the determination of the identified felons on a continuum both individually and collectively I am requesting an investigation into the legitimacy of these actions and rights of the defendants to circulate a petition denoting false information and in violation of the law: and
- 4) Further, if found guilty that each of the felony defendants be sentenced to the fullest extent of the law.

STATE OF OHIO

COUNTY OF CUYAHOGA

THE FOREGOING INSTRUMENT ACKNOWLEDGED BEFORE ME THIS

9TH DAY OF SEPTEMBER, 2022

BY:

KOREAN C. STEVENSON

Tony Groys
NOTARY PUBLIC



TONY GROYS
Notary Public, State of Ohio
My Commission Expires
September 11, 2024

TONY GROYS

PRINTED NAME

My commission expires:

9/11/2024

SEP 9 2022 PM 1:34

Agenda Item

#6

Certification of Remaining Issues for the November 8, 2022 General Election

CITY OF BAY VILLAGE

Proposed Charter Amendment

Shall the Preamble of the Charter of the City of Bay Village be amended to affirm the values of representative democracy, political leadership, citizen participation, sustainability, diversity and inclusiveness?

CITY OF BAY VILLAGE

Proposed Charter Amendment

Shall Article II, Section 2.4 of the Charter of the City of Bay Village be amended to provide that in the event of a vacancy on Council, Council may first select one of its members to fill the vacancy; and to provide that if no Council member is selected to fill the vacancy, Council shall fill by appointment from qualified applicants who are not current members of Council?

CITY OF BAY VILLAGE

Proposed Charter Amendment

Shall Article VI, Section 6.3 of the Charter of the City of Bay Village be amended to provide that the civil service of the City is hereby divided into classified and unclassified service; to provide that the classified service shall include all sworn members of the police and fire departments, including Chief of Police Department and Chief of the Fire Department, and all full-time Police, Fire/EMS Dispatchers; and provide that the unclassified service shall include all directors other than classified members, elected officials, members of boards and commissions, and all employees not specifically included in the classified service?

CITY OF BAY VILLAGE

Proposed Charter Amendment

Shall Article VI, Section 6.4 of the Charter of the City of Bay Village be amended to provide that the Commission shall provide by rules of Civil Service Commission for ascertainment of merit and fitness in the classified service of the City, as required by the Constitution of the State of Ohio; for the basis and method for determination of eligibility, certification, appointment and promotion of candidates for the positions in the classified service, for the conduct of the affairs of the commission; and the Commission shall have the authority to adopt rules and regulations in accordance with home rule which may differ from State law, to govern its proceedings and fulfill its duties hereunder, and in such event of a conflict with State law, rules adopted by the Commission shall supersede provisions of State law and be determinative and govern the Commission's proceedings?

CITY OF BAY VILLAGE

Proposed Charter Amendment

Shall Article VI, Section 6.5 of the Charter of the City of Bay Village be amended to provide that suspensions of any Civil Service Commissioners made by the Mayor shall not become effective without a concurrence of two-thirds (2/3) of the total number of Councilmen provided for in the Charter, and until such Commissioner shall have been notified in writing of the charge against him at least ten (10) days in advance of any hearing upon such charge, and he or his counsel has been given an opportunity to be heard, present evidence, or examine any witness appearing in support of such charge?

CITY OF EAST CLEVELAND

Mayoral Recall Election

Shall Brandon L. King be removed from the office of Mayor by recall?

CITY OF EAST CLEVELAND WARD 03

Member of Council Ward 03 Recall Election

Shall Ernest Smith be removed from the office of Member of Council Ward 03 by recall?

CITY OF EAST CLEVELAND WARD 04

Issue removed by Board of Elections 9/12/2022

Member of Council Ward 04 Recall Election

Shall Korean C. Stevenson be removed from the office of Member of Council Ward 04 by recall?

CITY OF GARFIELD HEIGHTS

Proposed Charter Amendment

Shall Section 12 of the Charter of the City of Garfield Heights be amended to provide that no Councilmember shall be elected President of Council until that member has completed one full term in office; and provide that in the event no member of Council has completed one full term in office at the time the President is to be elected, all members of council shall be eligible to be elected?

CITY OF GARFIELD HEIGHTS

Proposed Charter Amendment

Shall Section 41 of the Charter of the City of Garfield Heights be amended to provide that the Mayor shall serve as Safety Director?

CITY OF GARFIELD HEIGHTS

Proposed Charter Amendment

Shall the Charter of the City of Garfield Heights be amended by replacing Section 58 to provide that notwithstanding anything in the Charter or laws of this City to the contrary, any change to the existing land uses, or any legislation changing the existing Zoning Map, shall not become finally effective without approval of a majority of qualified electors of the City of Garfield Heights; and to provide that said issue shall be submitted to the electors of the City at the next primary or general election which shall occur not less than ninety (90) days after its passage by Council?

CITY OF GARFIELD HEIGHTS

Proposed Charter Amendment

Shall the Charter of the City of Garfield Heights be amended to repeal Section 59, which currently prohibits the use of photo-monitoring traffic devices?

CITY OF INDEPENDENCE

Proposed Charter Amendment

Shall Article III, Section 1 of the Charter of the City of Independence be amended to change the maximum number of consecutive terms the Mayor may serve from no more than two (2), to no more than three (3) consecutive terms of office?

CITY OF INDEPENDENCE

Proposed Charter Amendment

Shall Article IV, Section 2(c)(5) of the Charter of the City of Independence be amended to provide that the Purchasing Agent may, within the amounts and items appropriated by Council, make purchases involving expenditures not in excess of Twenty-Five Thousand Dollars (\$25,000) based upon the requests from department heads without the need to follow the requirements of public bidding; to provide that no purchase or contract involving an expenditure of more than Twenty-Five Thousand Dollars (\$25,000) except with the lowest and best bidder as determined by the Council; and to provide that Council may also make a purchase or enter into a contract involving more than Twenty-Five Thousand Dollars (\$25,000) without advertising for bids if it determines and declares by a three-fifth vote that an emergency exists and sets for the nature of the emergency in its minutes?

VILLAGE OF MORELAND HILLS

Proposed Charter Amendment

Shall Article III, Section 2 of the Charter of the Village of Moreland Hills be amended to provide that the Council shall meet within the first fifteen (15) calendar days of January, in the Council Chamber or as otherwise permitted by the Charter?

VILLAGE OF MORELAND HILLS

Proposed Charter Amendment

Shall Article III, Section 4 of the Charter of the Village of Moreland Hills be amended to provide that any meeting of the Council or public hearing of Council may be held in-person or by means of teleconference, video conference or other similar electronic communications technology, or any combination of in-person attendance and attendance by use of such electronic technology; and to provide that a Council member attending such a meeting by use of electronic communications technology as described herein may vote, participate, deliberate and take other official action in such meeting, and shall be counted as present including for purposes of determining quorum, so long as the public is able to hear and observe the discussions and deliberations of all Council members present?

VILLAGE OF MORELAND HILLS

Proposed Charter Amendment

Shall Article III, Section 5 of the Charter of the Village of Moreland Hills be amended to provide for the adoption of ordinances by Council to authorize Village boards and commissions to meet or hold hearings in-person, or by means of video conference or other electronic communications technology, or by a combination of both, provided that the public is able to hear and observe the discussions and deliberations of the board or commission members present; and to establish requirements for the provision of notice of Council, board, and commission meetings, including identification of the method by which the public may access, hear and observe any such meeting that involves the use of electronic communications technology?

VILLAGE OF MORELAND HILLS

Proposed Charter Amendment

Shall Article III of the Charter of the Village of Moreland Hills be amended to add new Section 8 to provide that Council may remove any member for gross misconduct, or malfeasance, gross misfeasance, or nonfeasance in or disqualification for office, or for the conviction, while in office or while a Councilmember-elect, of a felony or of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the member's oath of office, or persistent failure to abide by the rules of the Council, provided however, that such removal shall not take place without the affirmative vote of two-thirds (2/3) of the remaining members of Council nor until the accused member shall have been notified in writing of such charge at least ten (10) days in advance of a public hearing upon such charge, and the member or the member's counsel has been given an opportunity at such hearing to be heard, present evidence, or examine any witness appearing in support of the charge against the Councilmember?

VILLAGE OF MORELAND HILLS

Proposed Charter Amendment

Shall Article IV, Section 5 of the Charter of the Village of Moreland Hills be amended to provide that the Mayor may appoint an Assistant whose employment is subject to the will of the Mayor?

VILLAGE OF MORELAND HILLS

Proposed Charter Amendment

Shall Article IV, Section 6 of the Charter of the Village of Moreland Hills be amended to provide that during any period when the Mayor shall be absent or inaccessible or unable for any cause to perform his or her duties, the President of Council shall be the Acting Mayor; and to provide that in case the office of Mayor shall become vacant, the President of Council shall thereupon become Mayor?

VILLAGE OF MORELAND HILLS

Proposed Charter Amendment

Shall Article V, Section 4 of the Charter of the Village of Moreland Hills be amended to provide that the Clerk shall be appointed by the Mayor, subject to confirmation by the Council, and shall serve until his/her successor is appointed and qualified; and to provide that the Clerk shall act as Clerk of the Council and, unless another person has been designated by ordinance of Council or by the Mayor, as Secretary of the Planning Commission?

VILLAGE OF MORELAND HILLS

Proposed Charter Amendment

Shall Article XI of the Charter of the Village of Moreland Hills be amended to provide that an amendment to the Charter shall be submitted to the electors upon receipt of a petition signed by not less than 10% of the electors of the Municipality based upon the total vote cast at the last preceding general municipal election?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article IV, Section 8 of the Charter of the City of Richmond Heights be amended to remove the requirement that the Mayor shall first consider the list of defeated candidates for Council at the last municipal election when considering appointments to filling vacancies on Council; and to increase the number of days from forty-five (45) to sixty (60) for the Mayor to fill the vacancy by appointment before the Council shall fill such vacancy by a majority vote of the remaining members of Council?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article V, Section 2 of the Charter of the City of Richmond Heights be amended to add section (f) to provide that the position of Mayor shall be a fulltime position; and that the Mayor shall be entitled to the same benefits as all fulltime employees of the Municipality?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article V, Section 7 of the Charter of the City of Richmond Heights be amended to provide that when extenuating circumstances, for example but not limited to, poor health, mental incapacity, or absence from City for an extended period of time, cause the Mayor to be unable to perform the Mayor's duties, the President of Council shall act as the Mayor, who shall not be able to vote in Council meetings unless there is a tie vote?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article VI, Section 3 (c) of the Charter of the City of Richmond Heights be amended to create the Office of Purchasing within the Office of the Director of Finance, with a Purchasing Agent appointed by the Mayor and who shall report to the Director of Finance; to provide that the Purchasing Agent shall be responsible for purchasing supplies, and for the oversight of the final preparation and issuance of all public bid specifications and bid solicitations for the Municipality; and to provide that the Purchasing Agent shall use best efforts to obtain at least twenty-five (25) percent minority and/or female participation by those persons or entities contracting for goods, services, labor and materials with the Municipality?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article VI, Section 3 (n) of the Charter of the City of Richmond Heights be amended to increase the expenditure amount Council may authorize without public bidding from no more than twenty-five thousand dollars (\$25,000) to no more than fifty thousand dollars (\$50,000)?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article VI, Section 5 (c) of the Charter of the City of Richmond Heights be amended to clarify the management responsibilities of the Director of Public Service and Properties and the Director of Engineering and Construction?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article VI, Section 6 of the Charter of the City of Richmond Heights be amended to provide that the Civil Service Commission shall consist of three (3) electors of the Municipality, not holding other employment by the Municipality or other office or appointment with the Municipality; and to add to the unclassified service all fulltime employees of the Department of Public Service and Properties, and all fulltime employees of the Municipality, other than sworn fulltime officers in the Division of Police and sworn fulltime fire fighters in the Division of Fire?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article VI, Sections 7, 8, and 9 of the Charter of the City of Richmond Heights be amended to provide that no member of the Planning Commission, Zoning Board of Appeals, and Recreation Board shall hold other employment by the Municipality, but may hold other non-elective public office or position on a board, commission, or committee of the Municipality, unless prohibited by the provisions of the Charter?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article VI, Section 9 of the Charter of the City of Richmond Heights be amended to establish a Recreation Board that shall serve the Municipality as an advisory board; provide that the Council shall by ordinance provide for such organization and duties of the Recreation Board; and to provide that the Board shall recommend to the Director of Recreation clean wholesome recreation for all juvenile and adult residents of Richmond Heights; and that the Board may recommend to the Director of Recreation the purchase of recreation equipment and the need for maintenance and repairs to recreation facilities, and to eliminate the powers of the Recreation Board?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article IX, Section 4 of the Charter of the City of Richmond Heights be amended to clarify the provision for the removal of and appointment of a replacement for any elected officer of the City by recall election?

CITY OF RICHMOND HEIGHTS

Proposed Charter Amendment

Shall Article XIV of the Richmond Heights Charter be amended to provide that the Charter Review Committee shall first meet to perform its duties required by Article XIV no less than 120 days prior to its deadline to report its recommendations, if any, to the Council?

CITY OF SEVEN HILLS

Proposed Charter Amendment

Shall Article V, Section 2 of the Charter of the City of Seven Hills be amended to change the currently elected position of Director of Law to a position to be appointed by the Mayor with the approval of a majority of Council, commencing with the regular Municipal election in 2023?

VILLAGE OF WOODMERE

Proposed Charter Amendment

Shall Article III, Section III-2 of the Charter of the Village of Woodmere be amended to provide that family members are prohibited from concurrently serving on Woodmere Village Council; or as Mayor if a family member is on Council; to prohibit the Administration from hiring or appointing family members; to provide that "family members" include the following relatives, regardless of where they reside: (1) spouse; (2) children (whether dependent or not); (3) siblings; (4) grandparents; (5) parents; (6) brothers and sisters and (7) grandchildren; and that it also includes any other person related by blood or by marriage and living in the same household; and to prohibit Council from voting on contracts concerning family members?

VILLAGE OF WOODMERE

Proposed Charter Amendment

Shall Article III, Section III-3 of the Charter of the Village of Woodmere be amended to provide that Councilmembers who chair a standing committee shall be required to hold a public meeting quarterly?

VILLAGE OF WOODMERE

Proposed Charter Amendment

Shall Article III of the Charter of the Village of Woodmere be amended to add Section III-10 to provide that absence of a Councilmember from three (3) consecutive Regular Council meetings, or a total of six (6) Regular Council meetings in a Councilmember's term, without such absence being authorized or approved by an affirmative vote of Council, shall operate to vacate such office forthwith and without further proceedings?

VILLAGE OF WOODMERE

Proposed Charter Amendment

Shall Article IV, Section IV-7 of the Charter of the Village of Woodmere be amended to provide that when the Mayor, for any reason is temporarily unable to perform his or her duties, the President of Council shall become the acting Mayor; and to remove the language providing the President of Council become acting Mayor when the Mayor is absent from the Municipality?

VILLAGE OF WOODMERE

Proposed Charter Amendment

Shall Article IV, Section IV-8 of the Charter of the Village of Woodmere be amended to increase the period of time from sixty (60) to (90) days after which the Council may, by an affirmative vote of five (5) Councilmembers thereof, determine that the Mayor is unable to perform because of death, prolonged illness, physical or mental disability or absence from the Municipality, and after a public hearing is held, declare the office vacant?

VILLAGE OF WOODMERE

Proposed Charter Amendment

Shall Article VII, Section VII-2 of the Charter of the Village of Woodmere be amended to remove masculine pronouns and make the Section regarding vacancies in elective office gender neutral?

VILLAGE OF WOODMERE

Proposed Charter Amendment

Shall Article VIII, Section VIII-2 of the Charter of the Village of Woodmere be amended to decrease the amount of time after which an elected officer is eligible for removal by recall by petition from six months of his or her term, to three months of his or her term; to provide that the petition contain a statement in not less than two hundred words and not more than one thousand words of the grounds for the removal; to clarify the ballot language regarding removal; and provide that any officer removed by such recall election shall not be eligible to run for election to any office for a period of four years?

VILLAGE OF WOODMERE

Proposed Charter Amendment

Shall Article XI, Section XI-2 of the Charter of the Village of Woodmere be amended to replace subsections (A), (B), and (C) to provide for the elimination of the election of members of the Charter Review Commission, and provide that commencing on or about January 1st of 2027 and then five (5) years thereafter, the Charter Review Commission shall be composed of seven (7) members, of which the Council shall appoint five (5) Commissioners, and the Mayor shall appoint two (2) Commissioners; and to provide that in the six (6) months following its establishment, the Commission shall recommend to Council such amendments to the Charter as in its judgement are conducive to the public interest; to require the Commission to invite the Administration, Council and Residents for their consideration and require sufficient time for the Council and the public to review the proposed amendments prior to formal action by Council; to provide that any proposed amendment that Council approves by a two-thirds vote shall be presented to the electors of the Village at the November General Election of 2027; to provide for notifications to the residents of the Village no later than thirty (30) days prior to said election, plus the notice as required by the ordinances of the Village?

Agenda Item

#7

August 2, 2022 Primary Election Precinct Election Official Performance Report

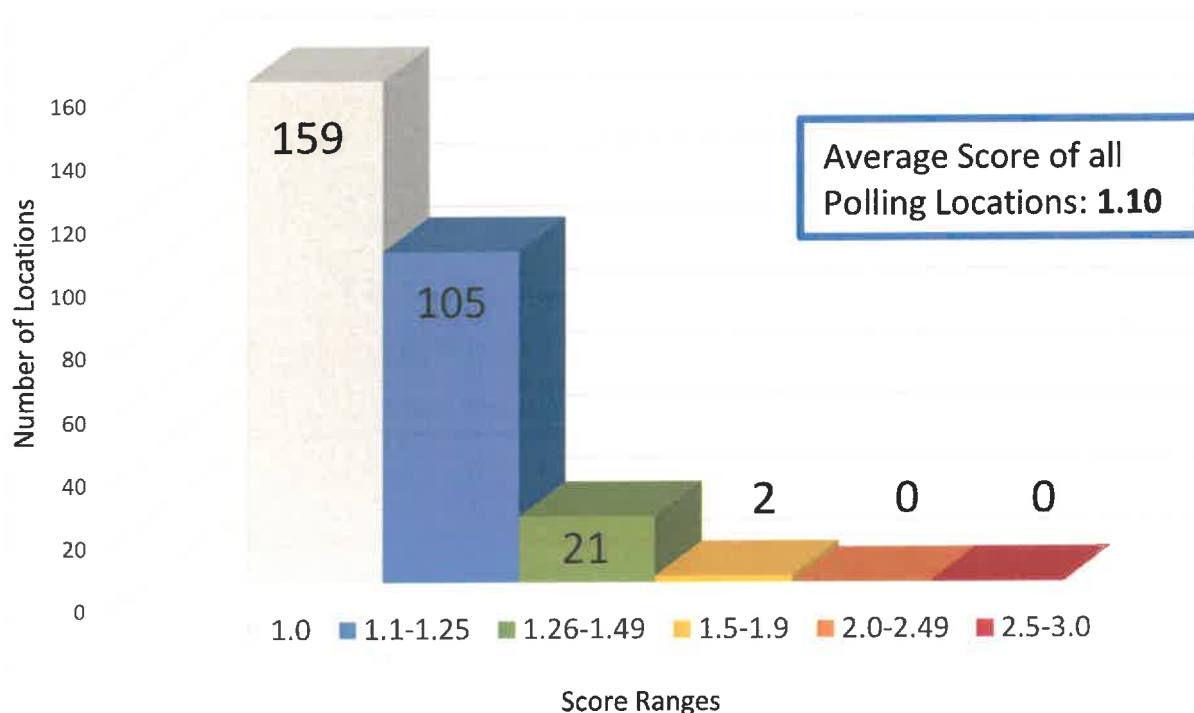
FULL RESULTS

The results in this report meet the standards of monitoring and assessing PEOs provided in Section 17.05 of the Election Official Manual. There was a total of **287 Polling Locations** in this election. The complete results of the PEO Performance Report from the August 2, 2022 Primary Election are provided in a separate document.

Polling Locations are graded on a scale from 1 to 3 in each category, 1 being the highest score and 3 being the lowest score. An average score is calculated to indicate the Polling Location's overall performance.

AVERAGE score of each polling location relative to the criteria from Section 17.05 of the Election Official Manual

Polling Location Scores based on criteria from Section 17.05 of the Election Official Manual



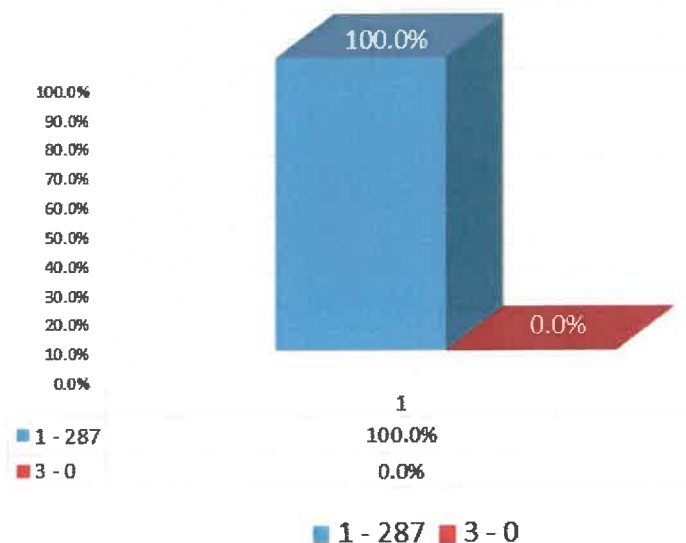
Note: The scores range from 1.0 to 3.0; 1.0 being a perfect score.

A. OPENING AND CLOSING OF POLLING LOCATIONS

What follows is the performance of the PEOs against the criteria set forth by the Secretary of State for properly opening and closing a Polling Location.

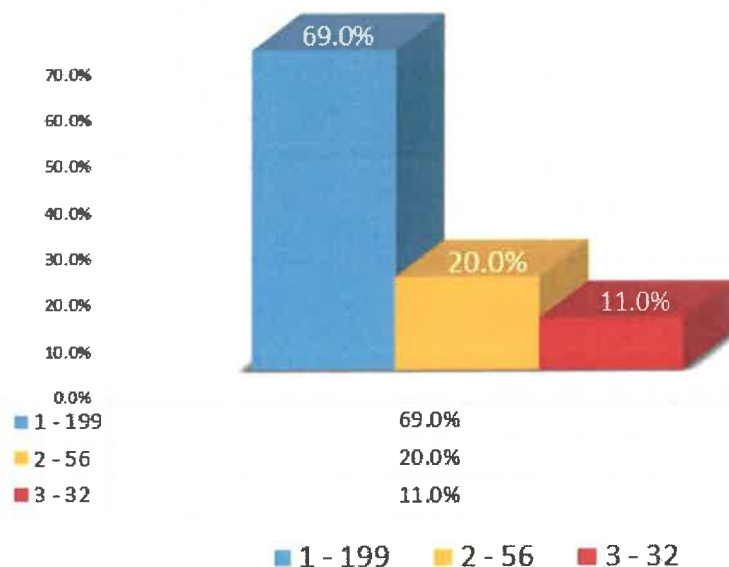
1. Did the Polling Location open and close on time?

Scoring	# of Polling Locations	% of Total Polling Locations
1 - Location opened/closed on time	287	100%
3 - Location not opened/closed on time	0	0%



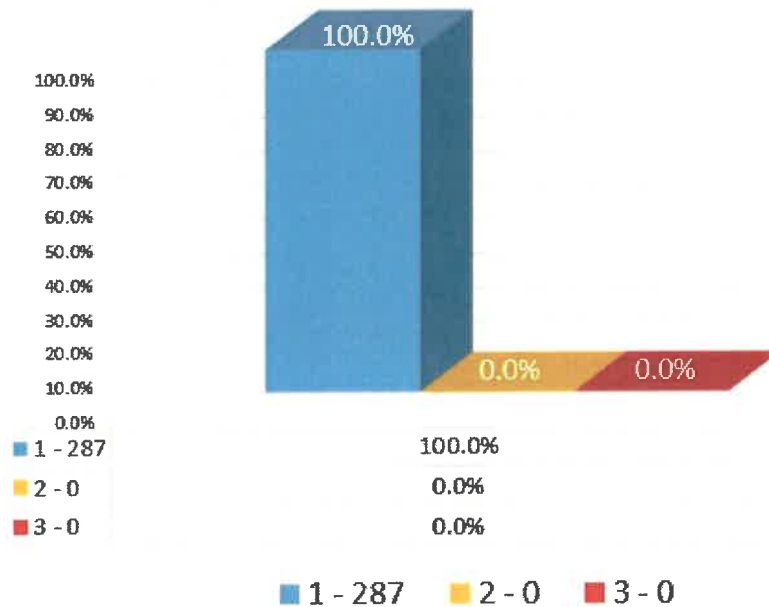
2. Did the PEOs print, sign, and pack the zero tape(s) and summary report(s)?

Scoring	# of Polling Locations	% of Total Polling Locations
1 - Completed BOTH zero and summary tapes	199	69%
2 - Completed some but NOT ALL tapes	56	20%
3 - DID NOT complete any tapes	32	11%



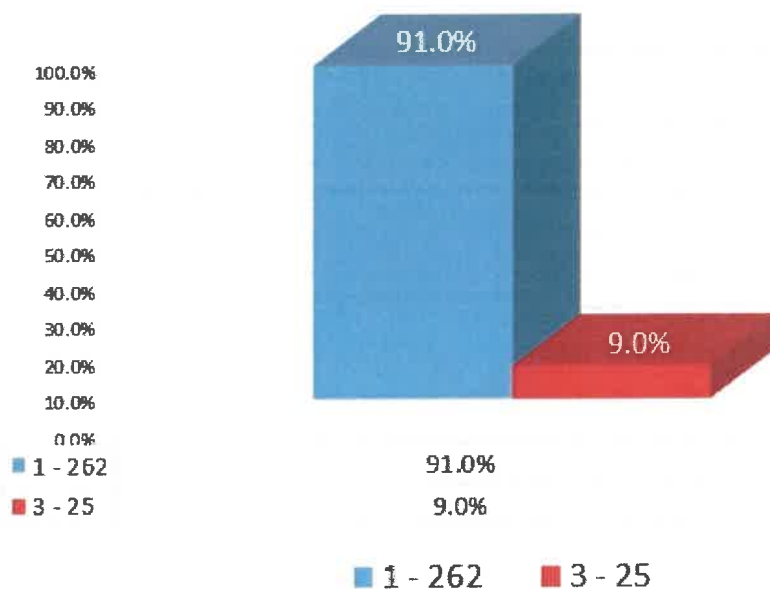
3. Did the PEOs sign the Oath of Office?

Scoring	# of Polling Locations	% of Total Polling Locations
1 - Fully completed Oath of Office	287	100%
2 - Partially completed Oath of Office	0	0%
3 - Did not complete Oath of Office	0	0%



4. Did the Polling Location correctly open/close all voting machines?

Scoring	# of Polling Locations	% of Total Polling Locations
1 - All voting machines were correctly opened/closed	262	91%
3 - Not all voting machines were correctly opened/closed	25	9%

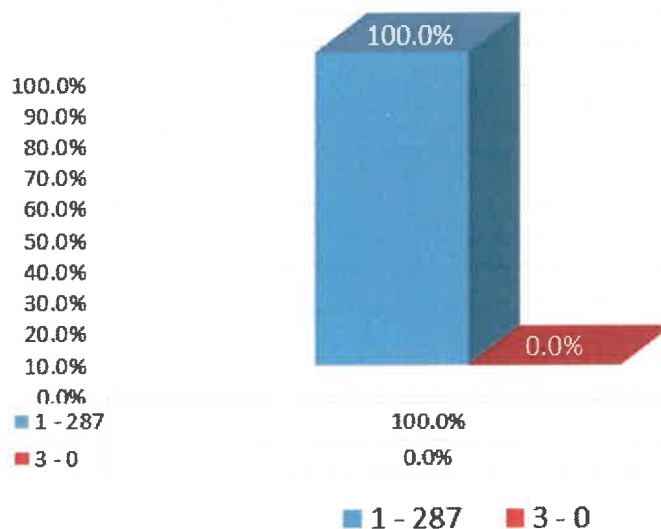


B. SELF-REPORTING OF PROBLEMS

What follows is the performance of the PEOs against the criteria set forth by the Ohio Secretary of State for properly reporting any problems with the voting equipment or ballot supply on Election Day.

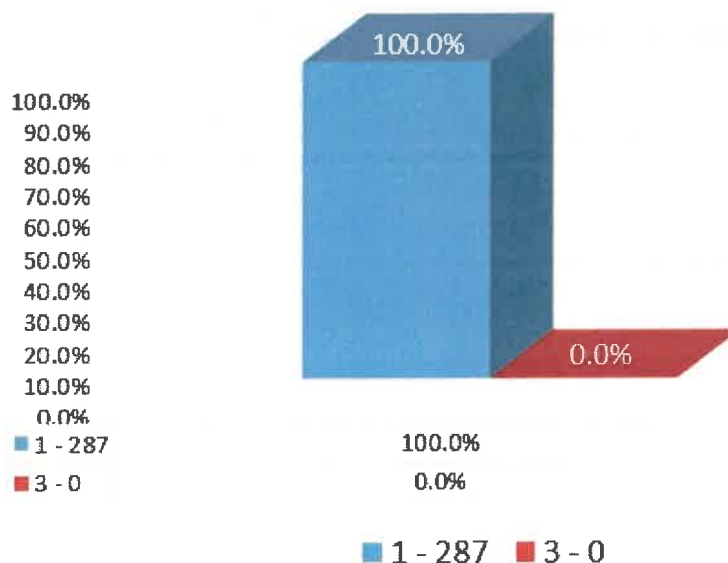
1. Did the PEOs follow required procedures for reporting any voting machine/device issues to the board?

Scoring	# of Polling Locations	% of Total Polling Locations
1 - Followed procedures	287	100%
3 - DID NOT follow procedures	0	0%



2. Did the PEOs follow required procedures for reporting if/when the ballot supply ran low to the board?

Scoring	# of Polling Locations	% of Total Polling Locations
1 - Followed procedures	287	100%
3 - DID NOT follow procedures	0	0%

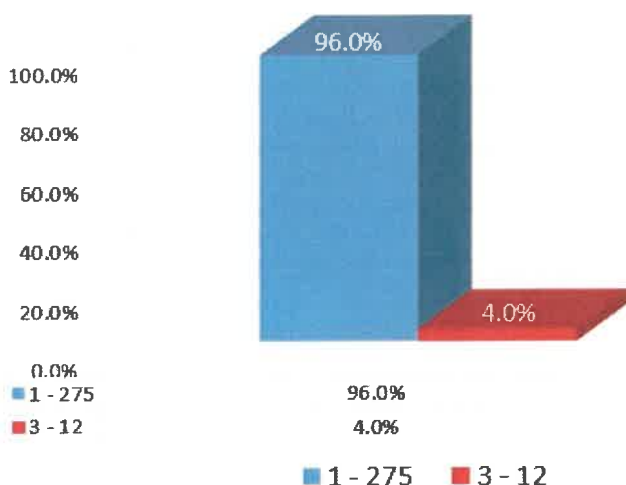


C. HANDLING OF PROVISIONAL BALLOTS

What follows is the performance of the PEOs against the criteria set forth by the Secretary of State for properly handling Provisional ballots.

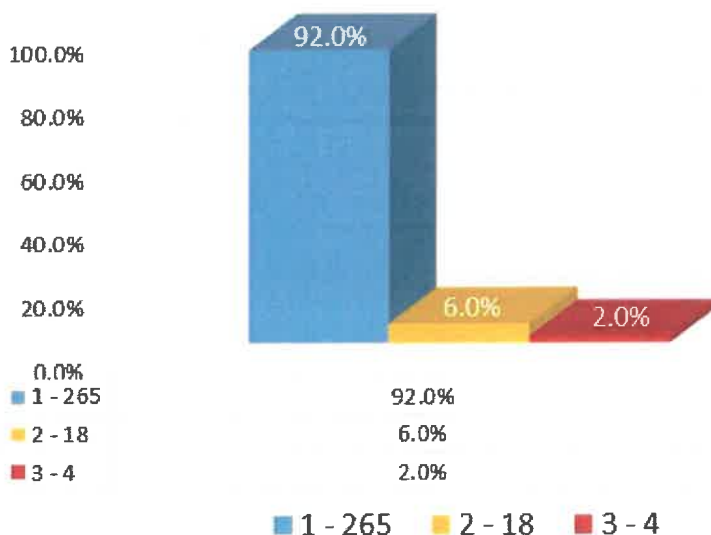
1. Did the PEOs properly issue Provisional ballots to voters, including directing Wrong-Polling Location voters to the correct Location?

Scoring	# of Polling Locations	% of Total Polling Locations
1 - Had NO Provisional ballots rejected due to PEO error	275	96%
3 - Had ONE OR MORE Provisional ballots rejected due to PEO error	12	4%



2. Did the PEOs properly tape the correct EPB slip to each Provisional Envelope?

Scoring	# of Polling Locations	% of Total Polling Locations
1 - ALL EPB slips taped	265	92%
2 - 50% OR MORE EPB slips taped	18	6%
3 - FEWER than 50% of EPB slips taped	4	2%



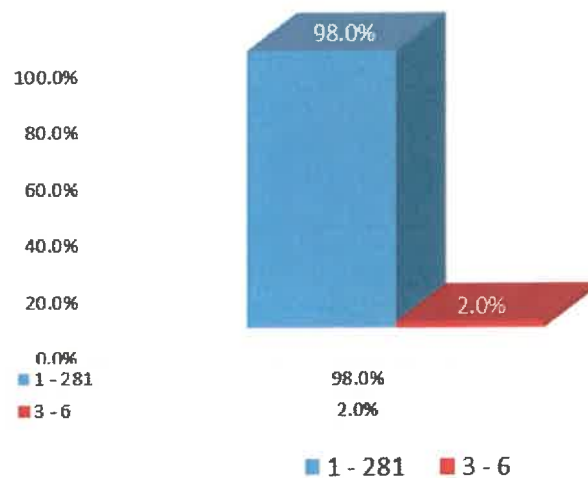
D. RECONCILIATION AFTER POLLS ARE CLOSED

What follows is the performance of the PEOs against the criteria set forth by the Secretary of State for properly closing the polls.

1. Did the PEOs complete their reconciliation duties?

Scoring	# of Polling Locations	% of Total Polling Locations
1 - Completed reconciliation duties (Ballot Accounting)	281	98%
3 - DID NOT complete reconciliation duties (Ballot Accounting)	6	2%

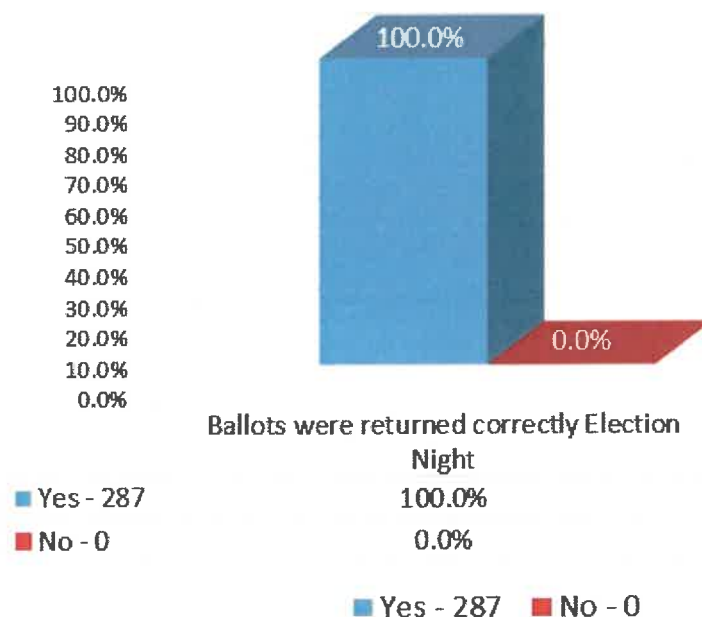
Locations that correctly completed Ballot Accounting



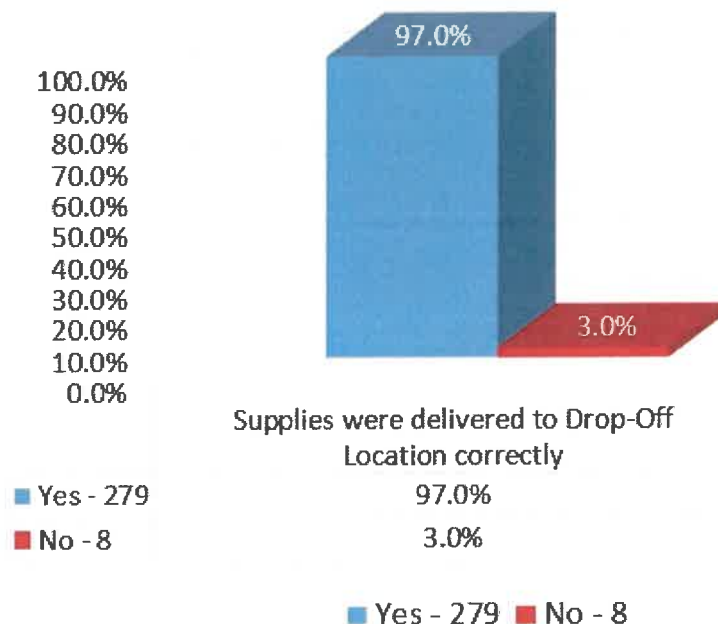
POLLING LOCATION PERFORMANCE REVIEW "GRADE SHEET"

Each PEO is sent a "Grade Sheet" following the election that evaluates the performance of the Polling Location against the criteria from Section 17.05 of the Election Official Manual. In addition, we grade the Polling Locations on other criteria related to Election Day procedures. Below are the criteria that we grade Polling Locations on in addition to those listed in the Election Official Manual.

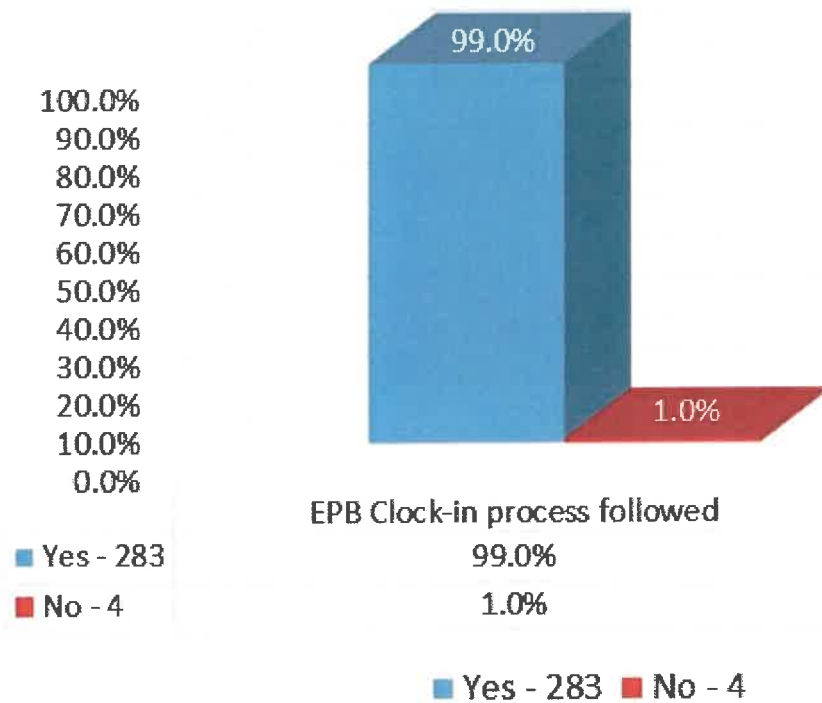
Were ballots returned correctly on Election Night?



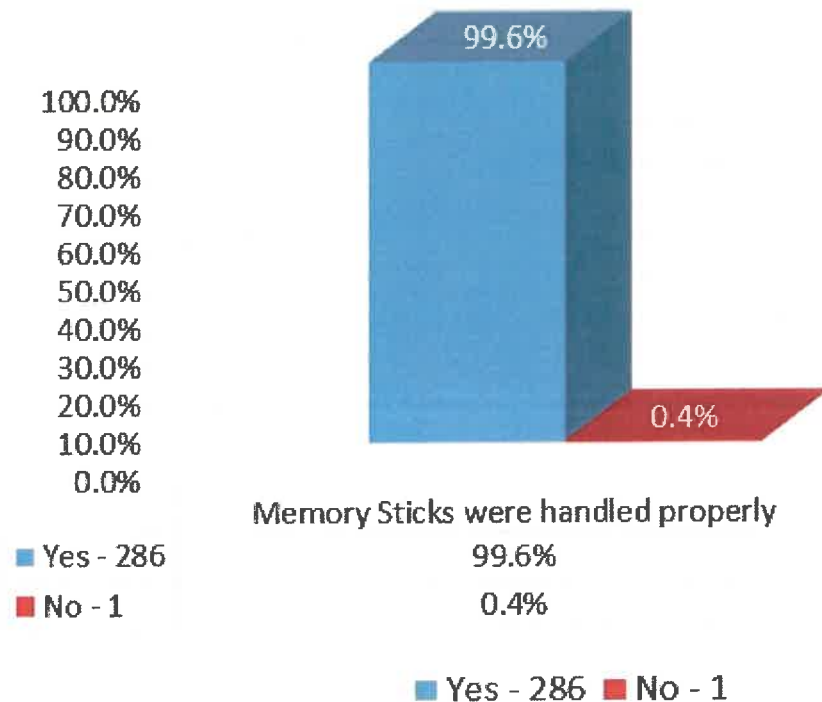
Were supplies delivered to the Drop-Off Location correctly?



Were the EPB Clock-in procedures followed correctly?



Were memory sticks handled properly?



Precinct Election Official Performance Summary

August 2, 2022, Primary Election

Although a lighter voter turnout for the second primary scheduled on August 2, 2022, the Precinct Election Officials executed a successful election. The standard guidance in conducting our PEO Performance Review Policy requires processes and procedures as directed by the Secretary of State (SOS). The workers demonstrated overall knowledge and participated in an Election Day with only a few minor procedural errors. The criteria set by the Ohio Election Official Manual, as well as the feedback gathered from the Call Center, post-election surveys from workers and voters, and internal staff we met our benchmarks and accomplished our goals overall.

WORKER STATISTICS

Number of Polling Locations	Number of PEOs Needed	Number of PEOs Worked	% New Workers
287	3758	3343	20.38%

Future Worker Appointments	
Promote	3
Relocate	10
Remove	1
On Watch	11
Demote	1

Training Statistics*	
Online	147
In Person	911
Practice Makes Perfect	230
Zoom	716
Total # Trained	2004

Average Age of Workers	2021	May 2022	August 2022
PEOs	60	62	62
VLDs	63	63	63
VLMs	64	62	63
Overall Averages	63	62	62

*Individuals who trained and worked the May 3, 2022 Primary Election were not required to retrain for August, and were therefore considered already trained. These training statistics apply to those who had not worked in 2022, and those who elected to retake training.

CRITERIA FROM SECTION 17.05 OF THE ELECTION OFFICAL MANUAL

Opening and Closing of Polls

- Opening and closing on time:
 - All 287 locations opened and closed on time – 100%

- Printing, signing, and packing the zero tapes and summary reports:
 - 199 locations signed ALL tapes – 69%
 - 56 locations signed some but not all tapes – 20%
 - 32 locations did not sign ANY tapes – 11%
- Completing the Oath of Office:
 - 287 locations fully completed the Oath of Office – 100%
 - 0 locations that did not fully complete the Oath of Office – 0%
- Correctly opening and closing all voting machines:
 - 262 locations correctly opened and closed all voting machines – 91%
 - 25 locations did not correctly open and close all voting machines – 9%

Self-Reporting of Problems

- All 287 locations properly self-reported equipment problems and/or low ballot supply. (100%)

Handling of Provisional Ballots

- Properly issuing Provisional Ballots to voters:
 - 275 locations had NO provisional ballots rejected due to PEO error – 96%
 - 12 locations had ONE OR MORE provisional ballots rejected due to PEO error – 4%

Provisional Ballot Rejection Reasons	May 2022	August 2022
No Printed Name	0	0
Missing Identification	1	0
No Signature	3	1
Missing Date of Birth	5	1
No Ballot in Envelope	5	5
Missing Address	6	3
Wrong Precinct Wrong Location	10	6

- Properly taping the correct EPB slip to each Provisional Envelope:
 - 265 locations correctly taped ALL EPB slips to each Provisional Envelope – 92%
 - 18 locations correctly taped 50% or more EPB slips to each Provisional Envelope – 6%
 - 4 locations correctly taped fewer than 50% of EPB slips to each Provisional Envelope – 2%

Reconciliation After Polls Close

- 281 locations completed the Ballot Accounting process. (98%)
- 6 locations did not complete the Ballot Accounting process. (2%)

HISTORICAL DATA COMPARISON

Performance Categories	August 2021	May 2022	August 2022
Overall Score	1.19	1.16	1.10
Properly signed all voting machine tapes	42.0%	64.0%	69.0%
Fully completed Oath of Office	100.0%	98.5%	100.0%
Correctly opened and closed all voting machines	89.0%	97.0%	91.0%
Followed procedure for reporting device issues	100.0%	100.0%	100.0%
Followed procedure for reporting low ballots	100.0%	100.0%	100.0%
No Provisional Ballots rejected due to PEO error	82.0%	90.0%	96.0%
Taped all EPB slips to Provisional Envelopes	83.0%	59.0%	92.0%
Submitted Ballot Accounting	91.0%	93.0%	98.0%

NEXT STEPS

- Additional Practice Makes Perfect (PMP) Scenarios were created to reinforce the Provisional voting process, Closing, and Packing Supplies.
- Future worker appointments designated as 'On Watch' are required to attend in-person training prior to the November election.
- Both Zoom and PMP meetings will include discussion about the Provisional voting process and De-Escalation.
- Once again, we increased the number of Zoom sessions to allow more individuals to participate.
- Developing new recruitment strategies:
 - Employment and training incentives
 - Refer-a-Friend program to encourage new worker registration
 - Increased activities at the Zoo to include monthly recruitment events

Agenda Item

#8

Jeff Hastings
Chairman

Inajo Davis Chappell
Member

Lisa M. Stickan
Member

Terrence M. McCafferty
Member

Anthony W. Perlatti
Director

Anthony N. Kaloger
Deputy Director

Memorandum

To: Board Members
Cc: Anthony W. Perlatti, Director
Anthony N. Kaloger, Deputy Director
From: Shauniquita Walker, Fiscal Services Manager
Date: September 8, 2022
Re: Ancillary Item Appropriation Request

The Cuyahoga County Board of Elections (CCBOE) Board Members affirmatively voted at their August 22, 2022, meeting to recommend Clear Ballot Group as the voting equipment vendor to provide goods and services to the CCBOE pursuant to the terms of Ohio Senate Bill 135 (SB 135). At the same meeting CCBOE staff informed the Board that a recommendation to purchase ancillary items to support and compliment the new voting equipment would be forthcoming.

The use of the \$10.4 million awarded to the CCBOE under SB 135 is limited to purchase only select pieces of voting equipment hardware, software, licensing, and services as defined by the Ohio Department of Administrative Services (DAS). The CCBOE SB 135 award is sufficient to cover the DAS qualifying items. CCBOE staff have also identified approximately \$1.1 million in additional ancillary items that do not qualify for SB 135 funding through DAS and need to be purchased with Cuyahoga County funds. The CCBOE's current 2022 budget allocation cannot support this approximate \$1.1 million in purchases and the CCBOE Director will request an additional budgetary appropriation from the Cuyahoga County Council through the County Office of Budget and Management (OBM).

Last week the Cuyahoga County Fiscal Office published their year-end schedule for county agencies to make final purchases in 2022. To meet the newly implemented deadlines in the Fiscal year-end schedule the CCBOE will have to publish procurement bids for vendor viewing and subsequently award purchases to vendors by October 20, 2022. In order to execute these purchases County OBM will need to present the \$1.1 million appropriation request at the County Council meeting on September 28, 2022.

The attached table lists the 29 items the CCBOE is seeking to purchase with the quantities and the approximate costs for each item. The list is a combination of items that either directly support the new voting equipment, enhance the security profile of CCBOE operations and/or replaces CCBOE equipment that has reached its end of useful life functionality. An example from each category of items follows:

Supporting the new voting equipment – adjustable height durable tables to house central count scanners and ballot-on-demand ballot printing systems.

Enhance the security profile of CCBOE operations – lockable caged transportation carts to house the Election Day ballots and other Election Day supplies delivered to poll locations by a third-party vendor. The current transportation carts were

purchased over 15 years ago to facilitate the delivery of DRE voting machines and have been retrofitted to be used for current operations.

End of useful life functionality – secure canvass ballot bags to hold ballots and election supplies during transportation to and from polling locations. The current ballot bags were purchased over 15 years ago and in recent years we are witnessing some of the handles and zippers on these bags failing/breaking. These durable bags are unique in that they are designed to be locked with a security seal to reduce the possibility of tampering with the bag's contents.

#	Item	Description	Unit Cost	Qty	Total Cost
Election Support					
1	Secure Ballot Bags	Red	\$150	400	\$60,000
		Gray	\$150	800	\$120,000
		Blue	\$150	400	\$60,000
		Green	\$150	400	\$60,000
		Provisional (must account for 18" ballot)	\$150	400	\$60,000
		Curbside (red)	\$150	400	\$60,000
2	Secure Transportation Carts	Voting Booths/Bags	\$720	550	\$396,000
3	Crates	Scanner Supply Storage	\$5	400	\$2,000
6	Clamp Lights	N/A	\$10	250	\$2,500
7	Extension Cords	25 Foot	\$15	50	\$750
		50 Foot	\$25	25	\$625
8	Sled Scanners	Scanning Supply Bags	\$1,750	6	\$10,500
9	Signs	Yard Signs	\$15	400	\$6,000
		Pop-Up Signs	\$155	300	\$46,500
		ADA Parking (Car)	\$60	230	\$13,800
		ADA Parking (Van)	\$60	160	\$9,600
10	Traffic Cones	N/A	\$25	200	\$5,000
11	Surge Protectors	Precinct Scanner & ADA Unit	\$25	1450	\$36,250
12	Flags	Large American	\$10	200	\$2,000
Early In-Person Voting					
13	Tables	BOD Printers	\$1,500	24	\$36,000
14	Charging/Storage Station	BOD Laptops	\$650	1	\$650
16	Barcode Scanner	Connect with PrintNow laptop	\$270	25	\$6,750
17	Laptops	New laptops for check-in	\$1,200	44	\$52,800
18	Wireless Mouse	BOD Laptops	\$30	44	\$1,320
Ballot					
19	Tables	High-Speed Scanners	\$1,500	12	\$18,000
		BOD Printers	\$1,500	2	\$3,000
20	Ballot Jogger	VBM Ballots	\$700	16	\$11,200
21	External Hard Drives for backup (encrypted)	N/A	\$230	2	\$460
22	Memory Stick Bumer	N/A	\$2,000	2	\$4,000
23	Paper Cutter		\$3,000	1	\$3,000
24	ULINE Shrink Wrap System	32"	\$825	1	\$825
25	Memory Stick Safe	N/A	\$1,350	2	\$2,700
26	Additional USB Drives		\$14	2200	\$30,800
27	Additional Workstations		\$2,350	2	\$4,700
28	Additional Tabulation Server		\$9,500	1	\$9,500
29	Additional Design Server		\$9,000	1	\$9,000
Totals					\$1,146,230

Walk on Agenda Item



Via Electronic Mail

September 9, 2022

Anthony W. Perlatti, Director
Anthony N. Kaloger, Deputy Director
Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland, Ohio 44115

Re: Tie Vote Regarding the Candidacy of Rep. Shayla Davis

Dear Director Perlatti and Deputy Director Kaloger:

On August 22, 2022, the Cuyahoga County Board of Elections (the “Board”) held a meeting where it considered the certification of Representative Shayla Davis (“the Candidate”) as an independent candidate for the November 8, 2022 ballot for the 18th Ohio House District. Member Inajo Davis Chappell moved to certify the Candidate and deny the protest filed by Shalira Taylor. The vote resulted in a two-to-two tie vote with members Davis Chappell and Terence McCafferty voting to certify the candidate, and chairman Jeff Hastings and member Lisa Stickman voting not to certify.¹ The Board timely submitted the matter in controversy to my office, to decide the question pursuant to R.C. 3501.11(X).

Ohio Revised Code 3501.39(A)(4) establishes grounds on which a board may reject a petition or a declaration of candidacy by its own initiative. The Board may reject a candidate’s petition if “the candidate’s candidacy or the petition violates the requirements of [Chapter 3501], Chapter 3513. of the Revised Code, or any other requirements established by law.”²

Moreover, “[a]n independent candidate must actually be unaffiliated from any political party, and the required claim of unaffiliation must be made in good faith for the candidate to be qualified to run as an independent candidate.”³ Additionally, the Ohio Supreme Court has stated that the burden is on the protestor to establish that the candidate’s statement of independence was made in bad faith (*i.e.*, continuing connection to a political party).⁴ The Court specifically noted that a board uses an incorrect standard when the board faults the candidate for failing to do enough to convince the board that their disaffiliation was made in good faith. A candidate does not need

¹ A second motion was made by Chairman Hastings to uphold the protest, with Chairman Hastings and member Stickman voting to uphold the protest and deny the candidacy and Members Davis Chappell and McCafferty voting to deny the protest and certify the candidacy.

² [R.C. 3501.39\(A\)\(4\)](#).

³ [Chapter 14 of the Election Official Manual, page 375](#). See also, *Morrison v. Colley*, 467 F.3d 503 (6th Cir. 2006); *Jolivet v. Husted*, 694 F.3d 760 (6th Cir. 2012).

⁴ *State ex rel. Law v Trumbull Cty. Bd. Of Elections*, 157 Ohio St.3d 280 (2019).

to have a compelling reason for disaffiliating with a political party, as long as their statement that they have done so is accurate and made in good faith.⁵

Nevertheless, here, I find that the Candidate did not disaffiliate from the Democratic Party in good faith. In February 2022, the Candidate was appointed by the Ohio House of Representatives to fill the vacancy of former democratic Representative Stephanie Howse to the 11th Ohio House District. The Candidate still represents this District. On May 3, 2022, the Candidate ran unsuccessfully for the Democratic Central Committee for Garfield Height 4-C.

Although the Candidate indicates that she submitted written documentation to withdraw from the Democratic Party and did not vote as a Democrat in the August 2, 2022 Primary Election, the evidence presented to the Board and subsequently, my office, indicates that she continued to affiliate with the Democratic Party during the time between signing her Nominating Petition and Statement of Candidacy (Form 3-G) on June 10, 2022 and filing her petitions with the Board on July 29, 2022. In addition to several public posts indicating Democratic Party affiliation on the Candidate's social media accounts throughout this time, she also released an official 11th House District newsletter to constituents on June 22, 2022, stating that she "is a proud part of the democratic caucus." On July 29, 2022, she issued a press release with Republican Representative Bill Seitz, identifying her as a Democrat. This same day, she filed her petition to run as an independent candidate.

For these reasons, I break the tie and vote against certifying Representative Shayla Davis as an independent candidate for 18th Ohio House District in the November 8, 2022 General Election.

Yours in service,



Frank LaRose
Ohio Secretary of State

cc: Jeff Hastings, Chair of Cuyahoga County Board of Elections
Inajo Davis Chappell, Member of Cuyahoga County Board of Elections
Lisa Stickan, Member of Cuyahoga County Board of Elections
Terence McCafferty, Member of Cuyahoga County Board of Elections

⁵ *Id.*