



CUYAHOGA COUNTY
BOARD OF ELECTIONS

Henry F Curtis, IV, 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

May 28, 2024

11:30 a.m.

THE PLEDGE OF ALLEGIANCE

ADMINISTRATIVE

1. Approval of the minutes from the May 7, 2024, board meeting
2. Acknowledgment of Secretary of State Directive 2024-08: Removal of Non-citizens from Voter Registration Databases

CANDIDATE & PETITION SERVICES

3. Acknowledgment of removal from, resignations from, and appointment to elected office
4. Certification of Independent Candidates for the November 5, 2024, Presidential General Election

HUMAN RESOURCES

5. Approval of the personnel agenda

NEW BUSINESS

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.

2024 Board Meeting Schedule

May 2024

Tuesday, May 28th @11:30 a.m. Certification of Independent Candidates

June 2024

Tuesday, June 11th @9:30 a.m. June Board Meeting

July 2024

Tuesday, July 16th @9:30 a.m. July Board Meeting

August 2024

Tuesday, August 6th August 6, 2024 Special Election

Monday, August 19th @9:30 a.m. Certification of candidates and issues for the November 5, 2024 General Election

September 2024

Monday, September 9th @9:30 a.m. Certification of remaining issues, charter amendments, and write in candidates for the November 5, 2024 General Election

October 2024

Tuesday, October 8th @9:30 a.m. October Board Meeting

November 2024

Friday, November 1st @ 9:30AM Meeting for the November 5, 2024 General Election

Tuesday, November 5th November 2, 2024 General Election

Monday, November 18th @9:30 a.m. Provisional Verification for the November 5, 2024 General Election

Tuesday, November 26th @9:30 a.m. Certification of the November 5, 2024 General Election

December 2024

Thursday, December 12th @9:30 a.m. December Board Meeting

Agenda Item

#1

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting
5/7/2024**

Attending:

Henry F Curtis, IV, Chairman
Inajo Davis Chappell, Board Member
Terence M. McCafferty, Board Member
Lisa M. Stickan, Board Member
Anthony Perlatti, Director
Tony Kaloger, Deputy Director
Mark R. Musson, Assistant Prosecutor, Cuyahoga County

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

The Cuyahoga County Board of Elections Meeting began at 9:30 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Curtis noted that all Board Members were in attendance.

Agenda Item 1: Approval of the minutes from the a) April 1, 2024, b) April 9, 2024, and c) April 22, 2024, board meetings

Chairman Curtis moved to approve the minutes from the a) April 1, 2024, b) April 9, 2024, and c) April 22, 2024, board meetings. Board Member Davis Chappell seconded and abstained from the vote on April 22, 2024. Board Member McCafferty abstained from the vote on April 9, 2024. The motion passed.

Walk-on Agenda Item: Acknowledgement of Secretary of State Directive 2024-06: Data Collection, Notice, and Cancellation Procedures for Completion of 2020 National Change of Address (NCOA) Process and Past Due Cancellations

Chairman Curtis moved to acknowledge Secretary of State Directive 2024-06: Data Collection, Notice, and Cancellation Procedures for Completion of 2020 National Change of Address (NCOA) Process and Past Due Cancellations. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 2: Certification of the Post-Election Audit Summary from the March 19, 2024, Presidential Primary Election

Brian Cleary, Ballot Department Manager, presented information from the board materials regarding the Post-Election Audit Summary for the March 19, 2024, Presidential Primary Election.

Chairman Curtis moved to certify the Post-Election Audit Summary from the March 19, 2024, Presidential Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

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

Agenda Item 3: Acknowledgment of appointment to elected office

Chairman Curtis moved to acknowledge the appointment to elected office, as provided in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 4: Acknowledgment of candidate withdrawal from the November 5, 2024, Presidential General Election

Chairman Curtis moved to acknowledge a candidate withdrawal from the November 5, 2024, Presidential General Election, as provided in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 5: Acknowledgment of the Early In-Person Voting PEO Performance Report from the March 19, 2024, Presidential Primary Election

Steve Doell, Candidate and Petition Services Supervisor presented a summary regarding the Early In-Person PEO Performance Report from the March 19, 2024, Presidential Primary Election.

Chairman Curtis moved to acknowledge the Early In-Person Voting PEO Performance Report from the March 19, 2024, Presidential Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 6: Acknowledgment of Precinct Election Official (PEO) Performance Report for the March 19, 2024, Presidential Primary Election

Marlene Robinson Statler, Election Officials Assistant Manager, presented information from the board materials regarding the PEO Performance Report.

Chairman Curtis moved to acknowledge the Precinct Election Official (PEO) Performance Report for the March 19, 2024, Presidential Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Items 7 through 30

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

Director Perlatti stated the voter challenges would be broken down into four groups with similar fact patterns. One group pertains to individuals registered at the Cleveland Institute of Music; the second group consists of individuals registered at a UPS store on Mayfield Road in Cleveland, and the third group consists of two individuals registered at a UPS store in North Royalton. All individuals were notified of the challenges, and four responded and updated their voter registration address. Director Perlatti said the last challenge is for Norma King, who voted provisionally in the March Primary and listed 1735 Elsinore, East Cleveland, as her residential address. Deputy Director Kaloger has communicated with the Secretary of State (SOS) Public Integrity Division and the Attorney General's offices, who have been investigating the matter and have not come to a conclusion. Director Perlatti said depending on what the Board decides, the matter may need to be referred to the SOS a third time. The Board discussed proactive ways to inform voters that they must register at the address where they live, including adding additional information to the website. Discussions also included informing local colleges on registering students to vote from their residences. The Registration Department will be tasked with actively looking for potential commercial and

postal services stores, such as UPS, Mailboxes Plus, etc. Once a location is identified, the address will be locked down in the registration database to prevent individuals from registering at the commercial address.

Agenda Items 7 through 14

Hasani Wheat, Registration Department Manager, presented information outlined in the board materials regarding the Challenge of Right to Vote filed by Mikhail Alterman for Agenda Items 7 through 14. Mr. Alterman, a registered voter in Cuyahoga County, challenged eight voters registered at the Cleveland Institute of Music (CIM) 11021 East Boulevard, Cleveland, Ohio, which is not a residential address. Hearing notices were mailed to each individual on April 16, 2024. Subsequently, on April 26, 2024, the CCBOE received a letter from Miss. Hogan, Assistant Vice President at CIM which, explained that CIM did not initially have a dormitory and students were advised to use the 11021 East Boulevard address as their voter registration address. CIM has since acquired a dormitory on Hazel Drive. Before the hearing, the CCBOE received two voters' updated voter registration cards for Ruby Pine and Curtis Li to acceptable residential addresses. The remaining six voters are still being challenged for being registered at 11021 East Boulevard and are, therefore, being challenged under the Ohio Revised Code 3503.02.

Agenda Item 7: Challenge of Right to Vote filed by Mikhail Alterman against August Dubeau

Agenda Item 8: Challenge of Right to Vote filed by Mikhail Alterman against Tatum Hodgson

Agenda Item 9: Challenge of Right to Vote filed by Mikhail Alterman against Julia Hyeong Ju Kim

Agenda Item 10: Challenge of Right to Vote filed by Mikhail Alterman against Curtis Li

Agenda Item 11: Challenge of Right to Vote filed by Mikhail Alterman against Kiana Lilly

Agenda Item 12: Challenge of Right to Vote filed by Mikhail Alterman against Cerianne Nuang

Agenda Item 13: Challenge of Right to Vote filed by Mikhail Alterman against Ruby Pine

Agenda Item 14: Challenge of Right to Vote filed by Mikhail Alterman against Alice Tan Zhang

Board Member Davis Chappell moved to cancel the registrations at the Cleveland Institute of Music addresses for Julia Hyeong Ju Kim, August Dubeau, Tatum Hodgson, Kiana Lilly, Cerianne Nuang, and Alice Tan Zhang. Chairman Curtis seconded. The motion passed unanimously. Chairman Curtis made a friendly amendment to deny the Challenges for Curtis Li and Ruby Pine, given they had updated their registration. Board Member Chappell seconded. The motion passed unanimously.

Agenda Items 15 through 27

Mr. Wheat presented information outlined in the board materials regarding the Challenge of Right to Vote filed by Hasani Wheat for Agenda Items 15 through 27. Mr. Wheat, a registered voter in Cuyahoga County, challenged the voter registration of 13 individuals registered at 11459 Mayfield Road, Cleveland, Ohio. The address is identified as a commercial postal box, which can be used to receive election mail but cannot be used as a voter registration address. Mr. Wheat said notices were mailed to the 13 individuals on February 2, 2024, informing them to update their voter registration, and the voters were placed in a must-vote provisional status on February 21, 2024, following the close of registration for the March 19, 2024, Presidential Primary Election. Mr. Wheat stated since sending out the hearing notices, two voters,

Ian Charnas and Debora Pruitt Sullivan, updated their voter registration to acceptable residential addresses. The remaining 11 voters are still registered at 11459 Mayfield Road and were being challenged under the Ohio Revised Code 3503.02.

Agenda Item 15: Challenge of Right to Vote filed by Hasani Wheat against Sarah Almahdali

Agenda Item 16: Challenge of Right to Vote filed by Hasani Wheat against Patricia Antoine

Agenda Item 17: Challenge of Right to Vote filed by Hasani Wheat against Tania Carter

Agenda Item 18: Challenge of Right to Vote filed by Hasani Wheat against Ian Charnas

Agenda Item 19: Challenge of Right to Vote filed by Hasani Wheat against Irene Day

Agenda Item 20: Challenge of Right to Vote filed by Hasani Wheat against Lori Franklin

Agenda Item 21: Challenge of Right to Vote filed by Hasani Wheat against Isaiah Freeman

Agenda Item 22: Challenge of Right to Vote filed by Hasani Wheat against Robert Huck

Agenda Item 23: Challenge of Right to Vote filed by Hasani Wheat against Debora Pruitt Sullivan

Agenda Item 24: Challenge of Right to Vote filed by Hasani Wheat against Alexander Rodriguez

Agenda Item 25: Challenge of Right to Vote filed by Hasani Wheat against Charles Scott

Agenda Item 26: Challenge of Right to Vote filed by Hasani Wheat against George Scott

Agenda Item 27: Challenge of Right to Vote filed by Hasani Wheat against Chester Starks, Jr.

Board Member Davis Chappell moved to cancel the voter registrations for Sarah Almahdali, Patricia Antoine, Tania Carter, Irene Day, Lori Franklin, Isaiah Freeman, Rober Huck, Alexander Rodriguez, Charles Scott, George Scott, and Chester Starks, Jr. be canceled. Chairman Curtis seconded. The motion passed unanimously. Board Member Davis Chappell motioned to deny the challenges against Ian Charnas and Debora Pruitt Sullivan, who did, in fact, update their registration. Chairman Curtis seconded. The motion passed unanimously.

Agenda Items 28 through 29

Mr. Wheat presented information outlined in the board materials regarding the Challenge of Right to Vote filed by Hasani Wheat for Agenda Items 28 through 29. Mr. Wheat, a registered voter in Cuyahoga County, challenged the registration of two voters registered at 6090 Royalton Road, North Royalton, Ohio. The address is identified as a commercial postal box, which can be used to receive election mail but cannot be used as a voter registration address. Mr. Wheat said a notice was mailed to the two individuals on February 2, 2024, informing them to update their voter registration, and the two voters were placed in a must-vote provisional status on February 21, 2024, following the close of registration for the March 19, 2024, Presidential Primary Election. Mr. Wheat stated that neither individual had updated their voter registration and were being challenged under the Ohio Revised Code 3503.02.

Agenda Item 28: Challenge of Right to Vote filed by Hasani Wheat against Nickolas Clark

Agenda Item 29: Challenge of Right to Vote filed by Hasani Wheat against Mark Mazanec, Jr.

Board Member Davis Chappell moved to cancel the registrations for Nickolas Clark and Mark Mazanec, Jr. because they cannot be registered at the UPS North Royalton store located at 6090 Royalton Road. Chairman Curtis seconded. The motion passed unanimously.

Agenda Item 30: Challenge of Right to Vote filed by Hasani Wheat against Norma King

Mr. Wheat presented information outlined in the board materials regarding the Challenge of the Right to Vote filed by Hasani Wheat for agenda item 30. Mr. Wheat, a registered voter in Cuyahoga County, challenged the voter registration of Norma King. The voter registration database currently lists Mrs. King's address at 1735 Elsinore Avenue, East Cleveland, Ohio. On May 23, 2023, Mrs. King testified in person under oath that she does not reside at 1735 Elsinore Avenue. A determination was made at that Board hearing that Mrs. King's voter registration be canceled. On June 24, 2023, Mrs. King re-registered at the 1735 Elsinore Avenue address. A second hearing was held on November 28, 2023, regarding Mrs. King re-registering at the 1735 Elsinore address. After the Board hearing, Mrs. King's registration was canceled a second time. Mrs. King again cast a provisional ballot based on the 1735 Elsinore address in the March 19, 2024, Presidential Primary Election. Mr. Wheat is challenging the voter registration status at 1735 Elsinore address under the Ohio Revised Code 3503.02. Chairman Curtis noted that neither Mrs. King nor a representative attended today's hearing. Chairman Curtis asked Mr. Wheat if it is indicated that on May 23, 2023, Mrs. King stood before the Board and testified under oath that she did not reside at the 1735 Elsinore address. Mr. Wheat said correct. Chairman Curtis asked if on May 7, 2024, the Board is still having this discussion. Mr. Wheat said correct. Board Member Davis Chappell added that Mrs. King also testified affirmatively that she lived at a Richmond Heights address. Not only did she not live at the address where she re-registered, but she affirmatively stated her residence was Richmond Heights address. Chairman Curtis stated Mrs. King then re-registered and voted in the ensuing election. Board Member Davis Chappell asked Mark Musson, Assistant Prosecuting Attorney, whether or not the Board is entitled to rely on those admissions from the May 23, 2023, hearing or whether the Board has within its discretion to rely on that affirmative testimony or have any obligation to conduct any follow-up hearing. Mr. Musson stated no, the Board can take notice of the prior testimony that she lived at the Richmond Heights address and had for a long time before the hearing. That would be sufficient evidence to take further action or additional action on this re-registration. Board Member Stickan asked Mr. Musson if Mrs. King keeps re-registering if the Board has to address it each time. Mr. Musson said that this is the only way to address the issue as there is nothing to prevent her from re-registering. Mrs. King could move back to the Elsinore address, but absent other evidence to contradict her prior testimony that she does not live there, there is nothing else before the Board to rely on. Board Member Davis Chappell asked if the CCBOE gave notice of this hearing and the challenge. Director Perlatti said yes. Board Member Davis Chappell stated at some point that it would be expected there to be the argument Mrs. King would make about why she was registering at the Elsinore address or whether she moved back or intended to. Board Member Davis Chappell asked Mr. Musson if the Board has any further duty, and it is within the Board's discretion to cancel the registration based on the former testimony. Mr. Musson stated that was correct. Board Member Stickan asked if the CCBOE has to re-refer this to the SOS Election Integrity division. Deputy Director Kaloger stated the CCBOE will continue to update the SOS with each additional action.

Board Member Davis Chappell moved that the CCBOE cancel Mrs. Norma King's registration at 1735 Elsinore Avenue, East Cleveland address. Chairman Curtis seconded. The motion passed unanimously.

Agenda Item 31: Approval of Resolution and/or contract for FIS-C-A) Renewal of Tenex Software Solutions, Asset Inventory Management Software System (AIMS) Contract

Shaunquitta Walker, Fiscal Services Manager, presented the information from the board materials regarding the approval of the Resolution and/or contract for the renewal of the Tenex Software Solutions Asset Inventory Management Software System (AIMS) Contract. Board Member Davis Chappell asked that the vendor's name be included in the Resolution.

Chairman Curtis moved to approve the Resolution and/or contract for FIS-C-A) Renewal of Tenex Software Solutions, Asset Inventory Management Software System (AIMS) Contract, as amended. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 32: Approval of the personnel agenda

Director Perlatti summarized the items presented in the board packet regarding adding a new department to the CCBOE structure, the Absentee Services Department.

Chairman Curtis moved to approve the personnel agenda as presented in the board materials. Board Member Davis Chappell made a friendly amendment that the CCBOE is also creating an Absentee Services Department for which the positions will be classified. Board Member Davis Chappell seconded. The motion passed unanimously.

NEW BUSINESS

Voter Identification and Provisional Voting Update

Peter James, Election and Compliance Administrator, presented information from the board materials regarding provisional voting and missing identification (ID). Mr. James stated one of the changes from the passage of House Bill (HB) 458, which became law in 2023, was the acceptable forms of ID to cast a provisional ballot. Before HB 458, a voter could cast a provisional ballot using the same acceptable forms of ID to cast a regular ballot at the polls, which was a driver's license, state ID, and items such as a utility bill, bank statement, etc. The voter could also use the last four digits of their social security number. Mr. James said that once HB 458 became law, the valid forms of ID needed to cast a ballot at the polls included a valid photo ID, such as a driver's license, state ID, passport, or military identification. The last four digits of a social security number are no longer valid. He also explained how a provisional voter can cure their ballot by coming to the CCBOE within four days after the election to provide a valid ID. At a previous board meeting, the Board requested a closer look at the impact of removing the last four digits of the social security number as an option to vote a provisional ballot and what effect that had on rejecting a provisional ballot compared to previous elections. Mr. James recapped the report data from the board materials. He also provided data comparing Cuyahoga County to statewide data, and Cuyahoga has significantly lower rejections in the compared categories. Mr. James summarized that there has been an increase in the number of missing ID provisionals rejected due to HB 458; overall, 97% of provisional voters who cast a provisional ballot are presenting valid identification. Cuyahoga County is doing better than the statewide data regarding the number of voters that fall into this category, which can be credited to outreach and communication with voters. He said the CCBOE should increase its efforts to communicate ID requirements at the polls. The Board discussed the matter and ways to proactively inform voters of ID requirements for voting at the polls, including the ID requirements for provisional voting.

November 5th Presidential General Election Early Vote Center Discussion

Director Perlatti provided an update to the Board recommending that the November 5, 2024, Presidential General Election early voting be conducted at the CCBOE's current location of the Hughes Building, 2925 Euclid Avenue. Director Perlatti explained the timelines and unknowns of potentially moving the Early In-Person (EIP) voting to 1801 Superior Avenue in time for the November 5, 2024, Presidential General Election. He said that as of today, the County still needs to approve the lease agreement, and approval is under consideration by the County Committee of the Whole. The lease must be approved before the permits and production schedule for 1801 Superior can be fulfilled. Director Perlatti stated the Ohio Secretary of State's office strongly advised the CCBOE to remain at the current location, for the November election. The Director and Deputy Director have been preparing for EIP at both locations. Director Perlatti provided information on additional parking and other logistics that are being planned for November's EIP voting at 2925 Euclid Ave. Director Perlatti also stated that due to the required preparations for the 2025 municipal elections, the CCBOE would need to be in the new location at the beginning of 2025. The Board discussed their concerns and agreed with the recommendation to conduct the November 5, 2024, Presidential General Election at 2925 Euclid Avenue. Board Member Davis Chappell stated it is essential to continue working with the County to communicate the CCBOE's critical timelines to relocate in time for the 2025 elections. Director Perlatti will notify the County Executive and County Council that the Board agreed the County needs to work on a permanent solution by January 2025 and that the Early In-Person Voting for the November 5, 2024, Presidential General Election will be at 2925 Euclid Avenue.

DIMS Voter Registration System and the DATA Act

Deputy Director Kaloger provided an update on the DATA Act and the DIMS voter registration database. He stated that in July of 2023, lawmakers included funding for creating a State Office of the Data Analytics and Archives Agency that would fall under the SOS's office. The agency will function as a central repository to collect and retain information on voter transactions and voter history, and it will go live in January 2025. Recently, Director Perlatti and Deputy Director Kaloger had communications with Election Systems and Software (ES&S), the provider of the DIMS voter registration database, and ES&S notified the CCBOE that they are unable to support all of the requirements of the DATA Act legislation as well as the additional information sought by the SOS. The SOS's office and ES&S are actively working together to come up with solutions on how to move forward. ES&S recently developed a Power Profile Platform for Alabama, and they want to add the additional Ohio requirements to the platform. ES&S hopes to have the new system ready by November 20, 2025. The DIMS voter registration system is over 20 years old and touches all agency departments and everything throughout the voting process. DIMS is used not only to register voters but also to hire poll workers, create the elections, enter the candidates and issues to verify petitions, duplicate resolutions, vote by mail applications, and provisional verifications, which are processed through DIMS. The Board discussed the requirements and challenges of acquiring a new system or upgrading to the ES&S platform in a sufficient amount of time to comply with the DATA Act or if a reprieve could be granted.

PUBLIC COMMENT

Maria Melinis provided public comment regarding election integrity.

EXECUTIVE SESSION

There was no executive session.

Chairman Curtis moved to adjourn the meeting at 11:35 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 May 7, 2024.

Henry F Curtis, IV, Chairman



Inajo Davis Chappell, Board Member

Terence M. McCafferty, Board Member



Lisa M. Stickan, Board Member



Anthony Perlatti, Director



Agenda Item

#2

RELEASED: May 14, 2024

SUMMARY

- *Directive 2024-08* outlines the procedures the CCBOE must follow to remove individuals from its voter registration system who are not legally registered or eligible to vote (non-citizens).
 - Specifically, the CCBOE is to remove the voter registrations of individuals who:
 - Fail to respond to two notices (each 30 days apart covering a total of 60 days) that will be sent from the SOS.
- AND**
- Have submitted documentation indicating they are a non-citizen to the BMV on at least two (2) separate occasions in between registering to vote, updating their voter registration, or voting.
- If after the two notices are sent there is no response (60 days), the registration will be removed, and the SOS will then refer the list of registrations to the Attorney General for investigation and possible prosecution.
 - An individual who has twice identified as a non-citizen with the BMV and who is removed after failing to respond to two notices may re-register (or cast a provisional ballot) at any time upon signing an attestation of United States citizenship under penalty of election falsification.
 - The SOS has provided the CCBOE with a list of registrations (33 in total) that meet the above criteria. The CCBOE must provide documentation on these individuals such as registration forms, signatures from EPBs, etc., by **May 22**.
 - If an individual meets the criteria to be removed, the CCBOE must remove the registration no later than **August 6**.
 - No later than **September 6**, the CCBOE must send an additional written notice to the individuals who were removed from the voter registration database informing them their registration was canceled.

INSTRUCTIONS

I. ANNUAL REVIEW OF THE STATEWIDE VOTER REGISTRATION DATABASE FOR NON-CITIZENS

The SOS is required by law to compare the information in the statewide voter registration database (SWVRD) with records provided by the BMV to identify individuals who appear not to be US citizens. Ohio law requires there to be two instances of an individual submitting documentation to the BMV indicating they are not a United States citizen. The individual must also have either registered to vote, submitted a voter registration change of residence or change of name form, or voted in the state in between the two instances of submitting the required documentation to the BMV.

The SOS will notify the CCBOE of registrations which meet the foregoing criteria, and the CCBOE is required to upload any documentation it has on each. Documentation includes registration forms, record or signature from an e-poll book, provisional ballot envelope, paper poll book signature, absentee ballot request form, or absentee return envelope. All documentation must be uploaded by the end of the day on **May 22**.

The SOS will initiate the mailing of a first notice to individuals who appear to be non-citizens, asking registrants to either confirm their citizenship or cancel their registration. Recipients will have 30 days from the date of the mailing to respond to the notice. Any individual who fails to respond by the 30th day after the mailing of the first notice will receive a second notice from the SOS, again having 30 days to respond by either confirming their citizenship or canceling their registration. By law, individuals must be given 60 days to respond before the referral and registration removal process can be initiated. The SOS will then refer the list of registrations to the Attorney General for investigation and possible prosecution.

II. REMOVAL AND NOTICE

The SOS is directing the CCBOE to remove the voter registrations of the following individuals:

1. That fail to respond to two (2) notices sent by the SOS office seeking confirmation or cancelation of their voter registration and;
2. That have submitted documentation indicating that they are a non-citizen to the BMV on at least two separate occasions in between registering to vote, updating their voter registration, or voting.

The removal of registrations provided by the SOS must occur no later than **August 6**.

No later than **September 6**, the CCBOE must send an additional written notice to the individuals who are removed from the voter registration database informing them their registration was canceled because:

1. They failed to respond to at least two notices confirming or canceling their voter registration;
2. They submitted documentation indicating that they are a non-citizen to the BMV on at least two separate occasions in between registering to vote, updating their voter registration, or voting.

An individual that was removed from the voter registration database pursuant to this *Directive* may cast a provisional ballot. That provisional ballot shall count if the removal of the voter registration was made in error and upon the individual's signed attestation of United States citizenship under penalty of election falsification.



DIRECTIVE 2024-08

May 14, 2024

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: Removal of Non-citizens from Voter Registration Databases

BACKGROUND

In 2022, Ohio voters overwhelmingly passed a constitutional amendment making it clear that only United States citizens may vote in all elections in the state of Ohio.¹ State and federal law require maintaining accurate voter registration records.² Further, the passage of the DATA Act³ clarified that boards of elections are required to remove individuals from the voter rolls who are not legally registered or eligible to vote.⁴ Moreover, Ohio law requires my office to conduct an annual review of the statewide voter registration database to identify persons who appear not to be United States citizens.⁵

The Secretary of State's office is committed to encouraging all eligible voters to remain active voters. Therefore, to comply with the Ohio Constitution and Ohio law, this directive requires each county board of elections to remove the voter registrations of individuals who fail to respond to the two notices from the Secretary of State's office and who have notified the Ohio Bureau of Motor Vehicles (BMV) on at least two occasions that they are not a United States citizen. The notices will instruct the registrant to either confirm their United States citizenship or submit a completed voter registration cancellation form. This directive then requires boards of elections to send removed registrants a notice indicating that their registration has been removed from the voter registration database.

An individual who has twice identified as a non-citizen with the BMV and who is removed after failing to respond to two notices may re-register at any time upon signing an attestation of United States citizenship under penalty of election falsification. Boards of elections must also allow such individuals to cast a provisional ballot, but the provisional ballot shall be counted only upon the individual's signed attestation of United States citizenship under penalty of election falsification.

This directive provides additional instructions and information regarding the removal of such voter registrations from the county boards of elections' databases.

¹Article V, Section 1; Article X, Section 3; Article XVIII, Section 3 of the Ohio Constitution.

² R.C. 3503.151(A)(D); R.C. 3501.11(U); 52 U.S.C. § 20507.

³ House Bill 33 of the 135 General Assembly.

⁴ R.C. 3503.151(D).

⁵ R.C. 3503.152.

INSTRUCTIONS

I. ANNUAL REVIEW OF THE STATEWIDE VOTER REGISTRATION DATABASE FOR NON-CITIZENS

My office is required by law to compare the information in the statewide voter registration database with records provided by the BMV to identify individuals who appear not to be United States citizens.⁶ Ohio law requires there to be two instances of an individual submitting documentation to the BMV indicating that they are not a United States citizen.⁷ The individual must also have either registered to vote, submitted a voter registration change of residence or change of name form, or voted in the state in between the two instances of submitting the required documentation to the BMV.⁸

The Secretary of State's office will notify county boards of elections of registrations which meet the foregoing criteria and provide instructions on how to access their list of identified individuals. Upon accessing the list boards of elections are required to upload any documentation that they have on each individual. Documentation includes registration forms, record or signature from an e-poll book, provisional ballot envelope, paper poll book signature, absentee ballot request form, or absentee return envelope. All documentation must be uploaded by the end of the day on **May 22, 2024**, and boards must notify the Secretary of State's office through the email address assigned privately by my elections staff to confirm that all documents have been uploaded successfully.

The Secretary of State's office will review the documentation and initiate the mailing of a first notice to individuals who appear to be non-citizens, asking registrants to either confirm their citizenship or cancel their registration. Recipients will have 30 days from the date of the mailing to respond to the notice. Any individual who fails to respond by the 30th day after the mailing of the first notice will receive a second notice from the Secretary of State's office, again having 30 days to respond by either confirming their citizenship or canceling their registration. By law, individuals must be given 60 days to respond before the referral and registration removal process can be initiated. The Secretary of State's Office will then refer the list of registrations to the Attorney General for investigation and possible prosecution.⁹

II. REMOVAL AND NOTICE

I am directing the boards of elections to remove the voter registrations of individuals identified by my office (1) that fail to respond to two notices sent by the Secretary of State's office seeking confirmation or cancelation of their voter registration and (2) that have submitted documentation indicating that they are a non-citizen to the BMV on at least two separate occasions in between

⁶ R.C. 3503.152(A).

⁷ R.C. 3503.152(A).

⁸ *Id.*

⁹ R.C. 3503.152(E).

registering to vote, updating their voter registration or voting. The removal of registrations contained on the list provided by my office must occur no later than **August 6, 2024**.

No later than **September 6, 2024**, boards of elections must send an additional written notice to the individuals who are removed from the voter registration database informing the individual that their registration was canceled because:

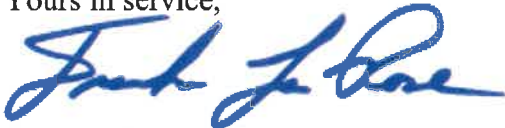
1. They failed to respond to at least two notices confirming or canceling their voter registration;
2. They submitted documentation indicating that they are a non-citizen to the BMV on at least two separate occasions in between registering to vote, updating their voter registration, or voting.

The notice must also inform the individual that they may contact the board of elections to provide a signed attestation of citizenship under penalty of election falsification. The Secretary of State's Office will provide a template of this notice with the removal list.

Additionally, boards of elections must record that the registration was removed pursuant to the annual review of the statewide voter registration database for non-citizens. An individual that was removed from the voter registration database pursuant to this directive may cast a provisional ballot. That provisional ballot shall count if the removal of the voter registration was made in error and upon the individual's signed attestation of United States citizenship under penalty of election falsification. If a voter registration was removed pursuant to this directive in error, boards of elections must restore the registration to active status and treat the registration as though it was never canceled.

If you have any questions regarding this directive, please contact the Secretary of State's office at (614) 728-8789 or via email at Intake@OhioSoS.gov.

Yours in service,



Frank LaRose
Ohio Secretary of State

Agenda Item

#3

Removal from Elected Office

1. Bennanaye Brooks, East Cleveland Board of Education, Board Member¹

Resignation from Elected Office

1. Tres Roeder, Shaker Heights City Council, Member of Council²

Appointments to Elected Office

1. Chareen Fountain, East Cleveland Board of Education, Board Member
2. Tenille N. Kaus, Shaker Heights City Council, Member of Council

¹ Per attached resolution, Dr. Brooks' seat on the East Cleveland Board of Education was declared vacant due to non-residence. Term ends 12-31-2025; no special election is required per ORC 3313.11.

² Term ends 12-31-2025; no special election required pursuant to the Shaker Heights City Charter Article II, Section 3.

Removal from Elected Office Documents

Re: Vacancy in & appointment to elected office info

Diana Whitt <dwhitt@eastclevelandschools.org>

Wed 5/15/2024 9:59 AM

To: Cory Milne <cmilne@cuyahogacounty.gov>

Cc: Brent Lawler <blawler@cuyahogacounty.gov>

4 attachments (509 KB)

PEOPLE AND WAGGONER ATTORNEY.pdf; RESOLUTION BOARD VACANCY.pdf; CERTIFICATION TO FILL VACANCY (1).pdf; OATH OF OFFICE.pdf;

Good Morning

I have attached the following documentation regarding the vacancy on the East Cleveland Board of Education:

1. Instructions from the District Attorney - Pepple & Waggoner
2. Resolution No. 34-24 Declaring Board Vacancy Due To Nonresidency
3. Certification to Fill Vacancy in Elected Office and ORC Section 3313.11 Vacancy on the Board
4. Oath of Office for Ms. Chareen Fountain

Thank you so much for your assistance. Please advise if you require any further information.

Diana

Diana C. Whitt

CFO/Treasurer

East Cleveland City Schools

Phone: (216) 268-6587

Fax: (216) 268-6268



'24 MAY 15 AM 10:08

On Thu, Apr 25, 2024 at 9:12 AM Cory Milne <cmilne@cuyahogacounty.gov> wrote:

Hi Diana,

Thanks for calling with the update on a current vacancy and pending appointment in the East Cleveland Bd of Ed.

With regard to the vacancy, please provide a *certified* copy of the resolution that passed declaring the vacancy. This should be sufficient for the vacancy portion.

As for the filling of the vacancy, when you swear in your new member we'll need:

- a. A copy of the new member's signed oath of office; and
- b. Certification form completed by yourself with the appointee's info (a fillable pdf form is attached).

Also attached for reference is the Board's policy regarding vacancies and appointments in elected office. Please let me know if you have any questions.

Thanks and have a nice day,

Cory C. Milne, Assistant Manager

RESOLUTION OF THE EAST CLEVELAND CITY
SCHOOL DISTRICT BOARD OF EDUCATION
DECLARING A BOARD VACANCY DUE TO NONRESIDENCY

The Board of Education of the East Cleveland City School District, Cuyahoga County, Ohio, met in Regular session on the 11th day of March 2024, at the offices of said Board, with the following members present:

Dr. Mary Rice

Stephanie Stedmire-Walls

Dr. Una Keenon

Mr. Vernon Robinson

Dr. Bennanaye Brooks

The Treasurer advised the Board that the notice requirements of R.C. 121.22 were complied with for the meeting.

Stephanie Stedmire-Walls moved the adoption of the following resolution:

WHEREAS, Dr. Bennanaye Brooks has informed the Board President that she no longer resides in East Cleveland and currently resides on Hampden Street in Cleveland, Ohio, and

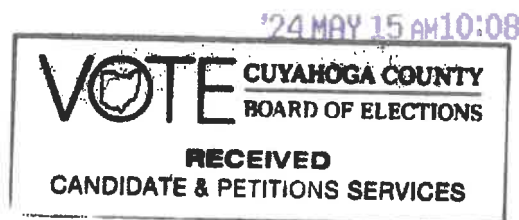
WHEREAS, A review of public records indicates that the former residence of Dr. Brooks has a new owner.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. A vacancy is declared on the Board that must be filled due to nonresidence of Dr. Brooks.

Section 2. Upon the adoption of this resolution, a vacancy occurs on the Board which the Board of Education is required to fill, pursuant to R.C. 3313.11, not earlier than ten (10) days after such vacancy occurs;

Section 3. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in these formal actions were in meetings open to the public, in compliance with the law.



Mr. Vernon Robinson seconded the Motion and upon roll call, the vote resulted as follows:

Dr. Mary Rice. Yes

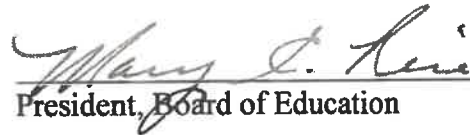
Stephanie Stedmire-Walls. Yes

Dr. Una Keenon. Yes

Mr. Vernon Robinson. No

Dr. Bennanave Brooks. No

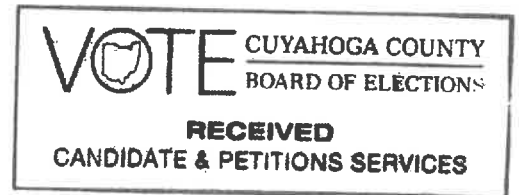
Motion passed and adopted this 11th day of March, 2024.



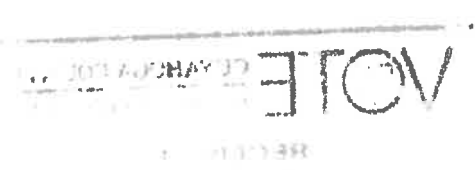
President, Board of Education

ATTEST:

 3/12/2024
Treasurer Date



'24 MAY 15 AM 10:08



Resignation Documents

Certification of Resignation of Council Member and Appointment of New Council Member - City of Shaker Heights

William Gruber <William.Gruber@SHAKERHEIGHTSOH.GOV>

Mon 5/20/2024 12:01 PM

To: Brent Lawler <blawler@cuyahogacounty.gov>; Cory Milne <cmilne@cuyahogacounty.gov>

Cc: David E. Weiss <David.Weiss@SHAKERHEIGHTSOH.GOV>; Jeri Chaikin <Jeri.Chaikin@SHAKERHEIGHTSOH.GOV>; Carmella Williams <Carmella.Williams@SHAKERHEIGHTSOH.GOV>; Tenille Kaus <tenillen@gmail.com>



1 attachments (497 KB)

Letter and documents 5-20-24.pdf;

Mr. Lawler,

Attached is a letter, certification and documentation related to the resignation of Shaker Heights Council Member Tres Roeder (effective May 16, 2024), and appointment of new Council Member Tenille Kaus (effective May 17, 2024).

Please let me know if there is anything else you need, and if you have any questions.

Thank you.

Bill Gruber

William M. Ondrey Gruber
Director of Law
City of Shaker Heights
3400 Lee Road
Shaker Heights, Ohio 44120
Direct Dial: 216-491-1445
Office: 216-491-1440
Fax: 216-491-1447
Email: william.gruber@shakerheightsoh.gov

Please note: The City of Shaker Heights is changing its website and email addresses effective December 31, 2023. My new email is william.gruber@shakerheightsoh.gov and the website address is shakerheightsoh.gov.



SHAKER HEIGHTS

May 20, 2024

By Email: blawler@cuyahogacounty.gov

Brent E. Lawler, Manager
Candidate & Petition Services
Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland, OH 44115-2497

**Re: Resignation of Council Member Tres Roeder and
Appointment of Council Member Tenille N. Kaus**

Dear Mr. Lawler,

With this letter I am sending to you the following documents:

1. Certification to Fill Vacancy in Elected Office;
2. Email resignation of Council Member Tres Roeder, with the Clerk of Council's Certification;
3. Oath of Office of Council Member Tenille N. Kaus;
4. Relevant sections of the Shaker Heights City Charter; and
5. Agenda of the Council meeting of May 15, 2024 at which Council voted to appoint Ms. Tenille N. Kaus to City Council for the unexpired term of Tres Roeder.

I have also attached Ordinance No. 24-53, enacted by the Shaker Heights City Council on May 15, 2024, which legislation states that, pursuant to Article II, Section 3 of the City Charter, Council appointed Tenille Kaus to the Council for the purpose of filling the vacancy occasioned by the resignation of Tres Roeder, which was effective on May 16, 2024. Furthermore, the ordinance states that the appointment of Tenille Kaus shall be effective as of May 17, 2024, and the term of such appointment shall expire on December 31, 2025.

Pursuant to the provisions of the City's Charter, Article II, Section 3 (set forth below), Ms. Kaus has been appointed to fill the unexpired term of Mr. Roeder, which ends on December 31, 2025. The Charter provides that: "The term of any person appointed to fill... a vacancy shall expire at the end of the unexpired term of the former member of Council or on the last day of December immediately following the next councilmanic election occurring more than one hundred twenty (120) days after such vacancy occurs, whichever is earlier."

The City's Charter, Article II, Section 1 (set forth below), provides that the Council is elected for four-year terms beginning with the election in 1975, and that thereafter a regular municipal election shall be held every second year for the election of three (3) or four (4) Council members, respectively, for four-year terms as the existing terms expire. The most recent councilmanic election in Shaker Heights was in 2023, and the next councilmanic election is in November 2025. Thus, the end of Mr. Roeder's term, that is, December 31, 2025, is the "last day of December immediately following the next councilmanic election." Therefore, I confirm that pursuant to the Charter no special election will be necessary to fill the remainder of the term.

The two relevant Charter sections are as follows:

'24 MAY 20 PM 12:43

CITY OF SHAKER HEIGHTS | Law

3400 Lee Road Shaker Heights, Ohio 44120 P 216.491.1440 F 216.491.1447 Ohio Relay Service 711
shakeronline.com www.shaker.life

Brent E. Lawler, Manager
Candidate and Petition Services
May 20, 2024
Page 2

SECTION 1. COMPOSITION.

The Council shall consist of seven (7) members, elected at large for four-year terms, commencing on the first day of January next after each election, except that at the regular municipal election in 1975 the four (4) candidates receiving the largest number of votes shall be elected for four-year terms and the three (3) candidates receiving the next largest number of votes shall be elected for two-year terms. Thereafter a regular municipal election shall be held every second year for the election of three (3) or four (4) Council members, respectively, for four-year terms as the existing terms expire.

SECTION 3. VACANCY IN OFFICE OF A MEMBER OF COUNCIL.

Any vacancy in the Council shall be filled by appointment by the remaining members of the Council. If the vacancy is not so filled within sixty (60) days, the Mayor shall fill it by appointment. The term of any person appointed to fill such a vacancy shall expire at the end of the unexpired term of the former member of Council or on the last day of December immediately following the next councilmanic election occurring more than one hundred twenty (120) days after such vacancy occurs, whichever is earlier. If any portion of the unexpired term in which the vacancy occurred remains after such last day of December, a person shall be chosen at such election to serve for the remaining portion of such unexpired term and shall succeed such appointee on the first day of January next following such election.

Please let me know if you have any questions or need any additional information.

Very truly yours,

William M. Ondrey Gruber
Director of Law
City of Shaker Heights
216-491-1445
William.Gruber@shakerheightsoh.gov

cc: Cory Milne, Assistant Manager
David E. Weiss, Mayor
Jeri E. Chaikin, Clerk of Council
Council Member Carmella Williams, Vice Mayor
Council Member Tenille N. Kaus



'24 MAY 20 PM12:43

Mary Murphy

From: Tres Roeder
Sent: Friday, March 8, 2024 10:17 PM
To: Council
Cc: David E. Weiss; Sandra Middleton
Subject: Transition

Dear Council,

It has been, and continues to be, a pleasure to serve with you on the Shaker Heights City Council. I am proud of all that we have accomplished together.

Due to an imminent move out of the city, with this email, I am formally notifying you that my final day on council will be Thursday, May 16, 2024.

I wish you all the best in selecting my successor. I do not plan to be a part of that process. However, I am prepared to help in any other way I can. I would like to make this transition as seamless as possible for you, the administration, and the residents of Shaker Heights.

Kind Regards,
Tres

Get [Outlook for IOS](#)

CERTIFICATION

The undersigned does hereby certify that the foregoing is a true and correct copy of the email of resignation from City Council of Tres Roeder in our files.


Clerk of Council

Date May 20, 2024



'24 MAY 20 PM12:44

Appointment Documents

Certification to Fill Vacancy in Elected Office

05/13/2024

(MM/DD/YYYY)

East Cleveland, Ohio

(City/Village/Township)

To the Board of Elections of Cuyahoga County

The undersigned respectfully certifies that a vacancy in the office of the Board of Education, in the East Cleveland City School District has occurred on 03/11/2024
(City/Village/Township/School) (MM/DD/YYYY)

due to the Non residency of Dr. Bennenaye Brooks
(Death, Resignation, Etc.) (Print name of office holder)

The East Cleveland Board of Education has appointed Chareen Fountain, to fill the vacancy
(Council/Mayor/School Board etc.) (Print name of appointee)

under the authority of R.C. 3313.11
(cite the ORC/Charter/Ordinance sections granting the appointing authority)

who is a qualified elector residing at 1106 Mt. Vernon Blvd. - East Cleveland 44112
(State full street address, city, and zip code)

(216) 347-0238 Reen2@att.net

(State phone number and email)

to hold the office and to perform the duties thereof until a successor is elected and qualified as provided by law.

Through my signature below, represent and warrant that I have full and complete authority to issue this certification and that the Cuyahoga County Board of Elections may rely upon the information disclosed herein. I further declare that the foregoing covenants of authority and the described appointment are valid, true and accurate based on my own personal knowledge.

CFO/Treasurer

5/14/2024

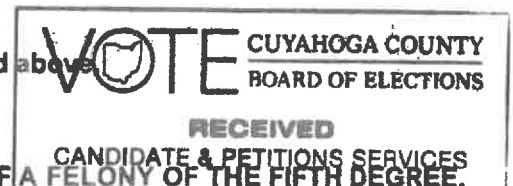
[Signature]
**Signed by appointing authority or authorized representative (i.e., Clerk of Council, School Treasurer, Mayor, etc.)

(Title)

(Date)

*** Confirmed address is in pet Cleve HTS-05-F and is in the East Cleve City School Dist. - C.M.J. asst. mgr, CPS*

- Provide the Board of Elections with the Appointees executed Oath of Office
- If the appointment requires action at a public meeting, list the meeting date 5/13/2024 and provide a copy of the agenda or meeting minutes.
- Attach a copy of the ORC / Charter / Ordinance sections listed above



WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF

24 MAY 15 AM 10:09

Section 3313.11 | Vacancy in board.

Ohio Revised Code

Effective: November 12, 1997 Latest Legislation: House Bill 269 - 122nd General Assembly

Notwithstanding division (D) of section [3311.19](#) and division (D) of section [3311.52](#) of the Revised Code, this section does not apply to any joint vocational or cooperative education school district.

A vacancy in any board of education may be caused by death, nonresidence, resignation, removal from office, failure of a person elected or appointed to qualify within ten days after the organization of the board or of appointment or election, removal from the district, or absence from meetings of the board for a period of ninety days, if such absence is caused by reasons declared insufficient by a two-thirds vote of the remaining members of the board, which vote must be taken and entered upon the records of the board not less than thirty days after such absence.

If the board members are selected by appointment pursuant to division (B) or (F) of section [3311.71](#) of the Revised Code, the appointing authority responsible for the appointment shall fill any such vacancy by appointment of an individual to serve the remainder of the unexpired term from a slate of at least three persons proposed by the municipal school district nominating panel established under that section. If the member creating the vacancy resides in a municipal school district but not in the municipal corporation containing the greatest portion of the district's territory, the individuals included on such slate shall also reside in the municipal school district but not in the municipal corporation containing the greatest portion of the district's territory.

If the board members are selected by election, the board shall fill any such vacancy at its next regular or special meeting, not earlier than ten days after such vacancy occurs. A majority vote of all the remaining members of the board may fill any such vacancy. Immediately after such a vote, the treasurer of the board of education shall give written notice to the board of elections responsible for conducting elections for that school district that a vacancy has been filled, and the name of the person appointed to fill the vacancy. Each person selected by the board or probate court to fill a vacancy shall hold office for the shorter of the following periods: until the completion of the unexpired term, or until the first day of January immediately following the next regular board of education election taking place more than ninety days after a person is selected by the board or probate court to fill the vacancy. At that election, a special election to fill the vacancy shall be held in accordance with laws controlling regular elections for board of education members, except that no such special election shall be held if the unexpired term ends on or before the first day of January immediately following that regular board of education election. The term of a person chosen at a special election under this section shall begin on the first day of January immediately following the election, and the person shall serve for the remainder of the unexpired term. Whenever the need for a special election under this section becomes known, the board of education shall immediately give written notice of this fact to the board of elections responsible for conducting the regular board of education election for that school district.

The term of a board of education member shall not be lengthened by the member's resignation and subsequent selection by the board or probate court under this section.

W. J. ...
OFFICE ...

Agenda Item Details

Meeting May 13, 2024 - Regular Board Meeting
Category 1. Meeting Opening
Subject B. Oath of Office - Chareen Fountain
Access Public
Type Procedural

Public Content

**BOARD MEMBER'S OATH OF OFFICE
EAST CLEVELAND CITY SCHOOL DISTRICT**

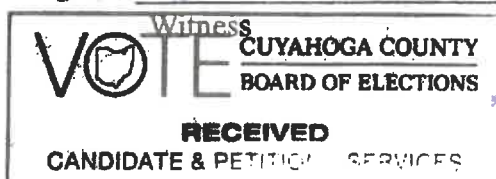
I, Chareen Fountain, do solemnly swear (affirm) that I will support the Constitution of the United States of America, the Constitution of the State of Ohio, and that I will faithfully and impartially perform and discharge my duties as a member of the School Board in and for the said East Cleveland City School District, Cuyahoga County, Ohio, to the best of my ability and in accordance with the laws now in effect and hereafter to be enacted during my continuance as a Board Member and until my successor is elected and qualified.

Signed, Chareen Fountain
Chareen Fountain
Board Member

Sworn to before me and signed in my presence this
13th day of May, 2024

Signed, Diana C. Whitt
Diana C. Whitt
Treasurer/CFO

Signed, [Signature]



24 MAY 15 AM 10:09



Pepple & Waggoner, Ltd.
ATTORNEYS AT LAW

Donna M. Andrew, Esq.
5005 Rockside Road, Suite 260
Cleveland, Ohio 44131-6808
t: 216-520-0088 | f: 216-520-0044
dandrew@pepple-waggoner.com

January 27, 2024

VIA E-MAIL ONLY

Dr. Mary E. Rice
Board President
East Cleveland City School District
Board of Education Offices
1843 Stanwood Road
East Cleveland, OH 44112
mrice@eastclevelandschools.org

Re: Board Vacancy
Our File No. 663-1-24

Dear Dr. Rice:

This letter is in response to your inquiry regarding the procedures for replacing a member of the East Cleveland City School District ("District") Board of Education ("Board").

It is my understanding that one of the current Board members has not attended a Board meeting in over ninety days and has also moved out of the District. It is my further understanding that this Board Member's term ends on December 31, 2025. You have asked for guidance on how and when the Board may take action to fill the impending vacancy.

As an initial matter, it is necessary to determine whether the Board Member's absence from the Board meetings and move out of the District constitutes a "vacancy" on the Board of Education. Vacancies on boards of education are governed by R.C. 3313.11, which state in relevant part:

* * *

A vacancy in any board of education may be caused by death, nonresidence, resignation, removal from office, failure of a person elected or appointed to qualify within ten days after the organization of the board or of appointment or election, removal from the district, or absence from meetings of the board for a period of ninety days, if such absence is caused by reasons declared insufficient by a two-thirds vote of the remaining members of the board, which vote must be taken and entered upon the records of the board not less than thirty days after such absence.

* * *

'24 MAY 15 AM 10:08

Pursuant to the above, the Board member's absence from the Board meetings is deemed a vacancy if the Board of Education, by a two-thirds vote of its remaining members, adopts a resolution declaring that such absence is not due to sufficient reasons. R.C. 3313.11 further requires that a board of education delay the adoption of such a resolution until at least 30 days after the absence from meetings has reached the 90-day point. It is my understanding that the last Board meeting attended by the Board member in question was October 23, 2024. Since the Board Member has been absent from Board meetings for 96 days as of the date of this letter, the Board of Education must wait an additional 24 days before it can adopt the requisite resolution. Therefore, the resolution can be adopted on or after February 20, 2024. A draft resolution is attached.

Additionally, the Board Member's move to a residence outside of the district is also deemed a vacancy. It is my understanding that other Board members are aware that the Board member at issue has moved out of the District, but no formal documentation has been received outlining this move. In State ex rel. Van Den Evnden v. Paulson (1928), 29 Ohio App. 121, the court held that a vacancy was created when a board member purchases a house in another district and resides there with his wife and children. In so holding, the court specifically concluded that the board member's continued ownership of his house in the district, as well as his expressed intention to eventually return to said house, was not sufficient to establish residency in the district. As the court explained in Kenton Board of Education v. Day (1986), 30 Ohio Misc.2d 25:

* * *

. . . [O]ne cannot establish a residence merely by purchasing a house or apartment building or even by furnishing such a house or apartment so that it is suitable for the owner's use. "Residence" involves something more. It must be a place where important family activity takes place during significant parts of each day; a place where the family eats, sleeps, works, relaxes, plays. It must be a place, in short, which can be called "home."

* * *

Based on the foregoing analysis, it is my opinion that the Board Member's change of residency constitutes "nonresidence" for purposes of O.R.C. §3313.11. Accordingly, a vacancy was created on the Board as soon as the Board member moved her residence outside of the District. However, should the Board choose to find a vacancy due to nonresidence as opposed to absence from the meetings as described above, the Board should first confirm that the Board member has in fact changed her residence. This confirmation should be by some form of written evidence that the Board can cite in a Board resolution. Notably, the Board may choose whether a vacancy exists due to nonresidence or absence from Board meetings and can then proceed accordingly. Once the Board has confirmed a vacancy exists, the Board must fill it in accordance with the procedures mandated by O.R.C. §3313.11. The procedures are as follows:

* * *

If the board members are selected by election, **the board shall fill any such vacancy at its next regular or special meeting, not earlier than ten days after such vacancy occurs.** A majority vote of all the remaining members of the board may fill any such vacancy. Immediately after such a vote, the treasurer of the board of education shall give written notice to the board of elections responsible for conducting elections for that school district that a vacancy has been filled, and the name of the person appointed to fill the vacancy.

* * *

(Emphasis added.)

Based on the above-stated procedures, the Board must fill the vacancy at the next regular or special meeting that it holds after the vacancy occurs. However, the Board may not fill the vacancy earlier than ten days following the effective date of the vacancy. A Board resolution for the appointment of a new Board member is attached.

It is important to note that, pursuant to R.C. 3313.85, if the Board fails to fill the vacancy within 30 days after the vacancy occurs, the Cuyahoga County Probate Court, upon being advised and satisfied of that failure, may act to fill the vacancy. **Once the vacancy is filled, you must notify the Cuyahoga County Board of Elections of the name of the individual appointed to the vacancy.**

R.C. 3313.11 also establishes the length of the term of an appointee to a vacancy on a board of education. R.C. 3313.11 states:

* * *

Each person selected by the board or probate court to fill a vacancy shall hold office for the shorter of the following periods: until the completion of the unexpired term, or until the first day of January immediately following the next regular board of education election taking place more than ninety days after a person is selected by the board or probate court to fill the vacancy. At that election, a special election to fill the vacancy shall be held in accordance with laws controlling regular elections for board of education members, except that no such special election shall be held if the unexpired term ends on or before the first day of January immediately following that regular board of education election. The term of a person chosen at a special election under this section shall begin on the first day of January immediately following the election, and the person shall serve for the remainder of the unexpired term. Whenever the need for a special election under this section becomes known, the board of education shall immediately give written notice of this fact to the board of elections responsible for

RECEIVED
BOARD OF ELECTIONS SERVICES
COLUMBIANA COUNTY

Dr. Mary E. Rice
January 27, 2024
Page 4

conducting the regular board of education election for that school district.

* * *

Here, it is my understanding that the term of the vacated position ends on December 31, 2025. As such, the interim Board Member will serve in the position until the completion of the unexpired term.

Finally, neither R.C. 3313.11 nor Board Policy 1.04 – Membership and Election of Board of Education specify any procedures to be followed for soliciting applications to fill a vacancy on a board of education, or for criteria to be applied to candidates. Therefore, the Board would be free to consider any reasonable method of selecting someone to fill the vacancy. Such procedures could include recruiting a former Board member or a former candidate for the Board, advertising for the position on the District's website, receiving applications for the vacancy, or conducting interviews with candidates.

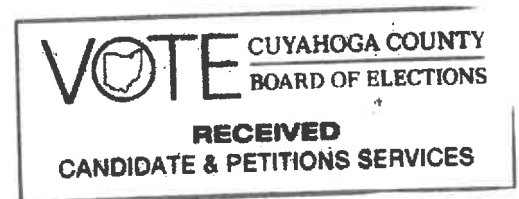
I trust that the foregoing will be of assistance to you. However, should you have any additional questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,



Donna M. Andrew

DMA/pm
Enclosures



'24 MAY 15 AM 10:08

Certification to Fill Vacancy in Elected Office

05/17/24

(MM/DD/YYYY)

City of Shaker Heights, Ohio

(City/Village/Township)

To the Board of Elections of Cuyahoga County

The undersigned respectfully certifies that a vacancy in the office of _____ Council _____, in the

_____ City of Shaker Heights _____ has occurred on _____ 05/16/24 _____
(City/Village/Township/School) (MM/DD/YYYY)

due to the _____ Resignation _____ of _____ Tres Roeder _____
(Death, Resignation, Etc.) (Print name of office holder)

The _____ Council _____ has appointed _____ Tenille N. Kaus _____, to fill the vacancy
(Council/Mayor/School Board etc.) (Print name of appointee)

under the authority of _____ City Charter Article II, Section II-3 _____
(cite the ORC/Charter/Ordinance sections granting the appointing authority)

who is a qualified elector residing at _____ 18505 Scottsdale Blvd., Shaker Heights, OH 44120 _____
(State full street address, city, and zip code)

_____ 216-647-6879; tenillenk@gmail.com _____
(State phone number and email)

to hold the office and to perform the duties thereof until a successor is elected and qualified as provided by law.

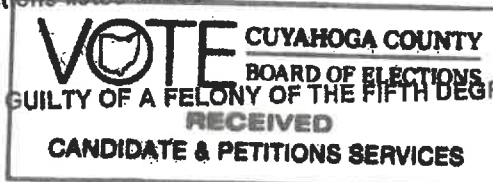
Through my signature below, represent and warrant that I have full and complete authority to issue this certification and that the Cuyahoga County Board of Elections may rely upon the information disclosed herein. I further declare that the foregoing covenants of authority and the described appointment are valid, true and accurate based on my own personal knowledge.

_____ *Chauhan* _____ Clerk of Council _____ 5/17/24 _____
(Title) (Date)

**Signed by appointing authority or authorized representative (i.e., Clerk of Council, School Treasurer, Mayor, etc.)

- Provide the Board of Elections with the Appointees executed Oath of Office
- If the appointment requires action at a public meeting, list the meeting date _____ 05/15/24 _____ and provide a copy of the agenda or meeting minutes.
- Attach a copy of the ORC / Charter / Ordinance sections listed above

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



24 MAY 20 PM 12:44

STATE OF OHIO)
)
 CUYAHOGA COUNTY) SS: OATH OF OFFICE

I, TENILLE KAUS, do solemnly swear that I will support the Constitution of the United States, the Constitution and Laws of the State of Ohio, and the Charter and Ordinances of the City of Shaker Heights, and that I will faithfully, honestly and impartially discharge my duties as a member of Council of the City of Shaker Heights, according to the best of my ability and understanding, effective May 17, 2024.

Tenille M. Kaus
TENILLE KAUS

SWORN TO BEFORE ME and subscribed in my presence this 17th day of May, 2024.

William M. Ondrey Gruber
NOTARY PUBLIC

WILLIAM M. ONDREY GRUBER, ATTY.
NOTARY PUBLIC • STATE OF OHIO
My commission has no expiration date
Section 147.08 O.R.C.

'24 MAY 20 PM 12:44
VOTE CUYAHOGA COUNTY
BOARD OF ELECTIONS
RECEIVED
CANDIDATE & PETITIONS SERVICES

ARTICLE II. THE COUNCIL

SECTION II-1. COMPOSITION.

The Council shall consist of seven (7) members, elected at large for four-year terms, commencing on the first day of January next after each election, except that at the regular municipal election in 1975 the four (4) candidates receiving the largest number of votes shall be elected for four-year terms and the three (3) candidates receiving the next largest number of votes shall be elected for two-year terms. Thereafter a regular municipal election shall be held every second year for the election of three (3) or four (4) Council members, respectively, for four-year terms as the existing terms expire.
(Approved by voters 11-2-99.)

SECTION II-2. ORGANIZATION.

On the first day of January, 1976, or as soon thereafter as not less than five (5) of the duly elected, certified and qualified members of Council may attend, and every second year thereafter, the Council shall meet in the regular place of Council meeting to be sworn into office and to organize. At such organization meeting the Council shall elect one (1) member of Council as Vice-Mayor and one (1) member of Council as a member of the City Planning Commission, each to serve until the next organization meeting unless he/she shall resign from such office or cease in the meantime to be a member of Council. If the office of Vice-Mayor or Council member of the City Planning Commission becomes vacant, such office shall be filled by a majority vote of Council.
(Approved by voters 11-2-99.)

SECTION II-3. VACANCY IN OFFICE OF A MEMBER OF COUNCIL.

Any vacancy in the Council shall be filled by appointment by the remaining members of the Council. If the vacancy is not so filled within sixty (60) days, the Mayor shall fill it by appointment. The term of any person appointed to fill such a vacancy shall expire at the end of the unexpired term of the former member of Council or on the last day of December immediately following the next councilmanic election occurring more than one hundred twenty (120) days after such vacancy occurs, whichever is earlier. If any portion of the unexpired term in which the vacancy occurred remains after such last day of December, a person shall be chosen at such election to serve for the remaining portion of such unexpired term and shall succeed such appointee on the first day of January next following such election.
(Approved by voters 11-2-99.)

SECTION II-4. POWERS OF THE COUNCIL.

The legislative power of the City of Shaker Heights, and such other powers as may be granted by this Charter, together with such powers as are now or may hereafter be granted by general law to Boards of Control, municipal Tax Commissioners, Boards of Health, or any other municipal commission, board or body now or hereafter created, shall be vested in the Council, except as otherwise provided in this Charter.
(Effective 1-1-32.)

SECTION II-5. PROCEDURE.

A majority of the members elected to the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members. The Council shall keep a journal of its proceedings.

Council shall, by ordinance, establish measures to ensure public access to all meetings of the Council and of such other public bodies as the Council may determine, except for executive sessions from which the public is excluded. Executive sessions may be authorized by Council for such purposes and in such manner as it deems proper.

The Council shall, by ordinance, make provision for the following:

- The time and place of regular meetings, providing for at least one (1) regular meeting in each calendar month;
- The manner of calling special meetings;
- The enforcement of attendance at its meetings and punishment of disorderly conduct thereat;
- The form and method of enacting ordinances and resolutions;

'24 MAY 20 PM 12:44

The manner of giving public notice of the enactment of ordinances and of any other of its acts or proceedings which it deems proper to publish;

The reduction of unpaid installments and the return of paid installments of assessments levied in larger amounts than necessary to pay for public improvements, to the extent that such reductions and returns are authorized by the general law of Ohio; provided that such returns may be made to the record owner of the property assessed at the time such return is authorized.

The procedure for making public improvements and for levying assessments, provided that two or more public improvements, including the levying of assessments therefor, may be combined in one proceeding if the Council finds that it will be economical and practical to undertake said improvements jointly;

The advertising and awarding of contracts; and such other general regulations as the Council may deem necessary.

(Approved by voters 11-4-86.)

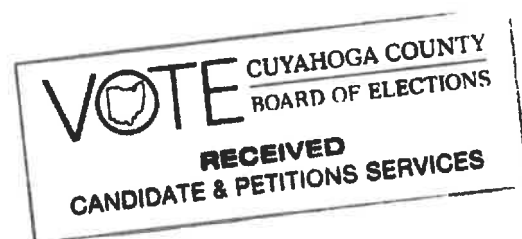
SECTION II-6. PENSIONS, INSURANCE, ETC.

No municipal fund or system of pensions, indemnity or insurance for any officer or employee of the City shall be created or established except by ordinance of the Council. Any such fund or system, if established, shall be administered by such officer, officers, or board as the Council may designate. (Effective 1-1-32.)

SECTION II-7. CLERK OF THE COUNCIL.

The Clerk of the Council shall be appointed by the Mayor and affirmed by a majority of Council for a two-year term coinciding with each two-year organization of Council. The Mayor shall choose the person to be appointed as the Clerk of the Council from members of the administrative staff of the City. The Clerk of the Council shall keep the records of the Council, shall authenticate all records, documents and instruments of the City on which authentication is proper and for that purpose shall have and use a seal.

(Ord. 99-113. Approved by voters 11-2-99.)



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SHAKER HEIGHTS

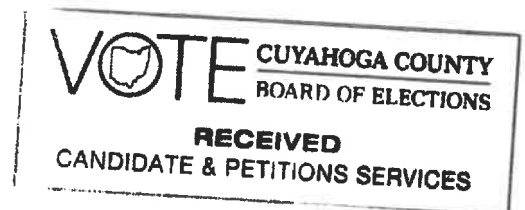
CITY COUNCIL AGENDA
CITY HALL COUNCIL CHAMBERS
Wednesday, May 15, 2024
5:00 p.m.

EXECUTIVE SESSION

To discuss personnel matters, including the appointment, employment, dismissal, discipline, promotion, demotion or compensation of one or more public employees or officials.

SPECIAL MEETING

1. Appointing the member of Council, effective May 17, 2024, to fill the remaining term of Council member Tres Roeder.



'24 MAY 20 PM12:44

ORDINANCE NO. 24-53
BY: Anne Williams

Appointing Tenille Kaus as a member of Council effective May 17, 2024, to fill the remaining term of Council Member Tres Roeder.

WHEREAS, a vacancy has occurred in the Council of the City of Shaker Heights by the official declaration by Council Member Tres Roeder that he will resign from his office as an elected Council Member of the City effective May 16, 2024; and

WHEREAS, Article II, Section 3 of the Shaker Heights City Charter provides that the remaining members of Council shall fill such vacancy by appointment, and that the term of any person so appointed shall expire at the end of the unexpired term of the former member of Council, or on the last day of December immediately following the next councilmanic election occurring more than one hundred twenty days after such vacancy occurs, whichever is earlier; and

WHEREAS, it is the desire of Council to appoint Tenille Kaus to the Council to fill the vacancy created by the resignation of Tres Roeder.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Pursuant to Article II, Section 3 of the City Charter, this Council hereby appoints Tenille Kaus to the Council for the purpose of filling the vacancy occasioned by the resignation of Tres Roeder.

Section 2. The appointment of Tenille Kaus shall be effective as of May 17, 2024, and the term of such appointment shall expire on December 31, 2025.

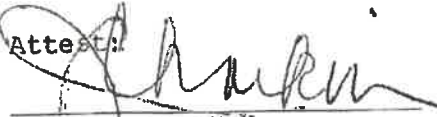
Section 3. This ordinance is hereby enacted as an administrative measure not subject to referendum, and therefore this ordinance shall take effect immediately upon its enactment and approval by the Mayor, or otherwise as set forth in Article IV, Section 3 of the City's Charter.

Enacted May 15, 2024.

Approved this 16 day of May, 2024.


CARMELLA WILLIAMS, Vice Mayor

Attest:


JERI E. CHAIKIN
Clerk of Council

24 MAY 20 12:44
VOTE CUYAHOGA COUNTY
BOARD OF ELECTIONS
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Agenda Item

#4



Certification of Independent Candidates to the November 5, 2024 General Election

<u>Office</u>	<u>District</u>	<u>Name</u>	<u>Last Name</u>
Representative to Congress	Congressional District 07	Dennis J.	Kucinich
Representative to Congress	Congressional District 11	Sean	Freeman

*Resolution in Memoriam and Recognition
Of
Georgia Bobbitt*

WHEREAS, the undersigned, Chairman, Board Members, Director and Deputy Director of the Cuyahoga County Board of Elections, for ourselves and on behalf of all of the employees of the agency, wish to express our sincere condolences to the family of Georgia Bobbitt; and

WHEREAS, we convey our gratitude for the nearly twenty-four years that Ms. Bobbitt served the voters of Cuyahoga County in the Election Officials, Finance, Ballot, Business and the Voter Registration departments; and

WHEREAS, Ms. Bobbitt faithfully upheld the oath of office to conduct full, fair and accurate elections as her contribution to maintaining the confidence of the voting public; and

WHEREAS, Ms. Bobbitt was an outstanding public servant who was always friendly and respectful to her colleagues and the general public, she was the first person to warmly welcome visitors and voters to the Cuyahoga County Board of Elections;

IT IS THEREFORE RESOLVED, that all of employees of the Cuyahoga County Board of Elections hereby join with friends of the family in extending our deepest sympathy on the occasion of her passing, while also celebrating the life and accomplishments of Georgia Bobbitt.

Henry F. Curtis IV

Henry F. Curtis, IV, Chairman

Inajo D. Chappell

Inajo Davis Chappell, Member

Lisa M. Stickan

Lisa M. Stickan, Member

Terence M. McCafferty

Terence M. McCafferty, Member

Anthony W. Perlatti

Anthony W. Perlatti, Director

Anthony N. Kaloger

Anthony N. Kaloger, Deputy Director

Dated this day of May 28, 2024