

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting
October 8, 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
Anthony 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 September 9, 2024, Board Meeting

Chairman Curtis moved to approve the minutes from the September 9, 2024, Board Meeting; Board Member Davis Chappell seconded. The motion passed.

Agenda Item 2: Acknowledgment of Secretary of State Directives: Directive 2024-24: Administration, Implementation and Enforcement of R.C. 3599.21, Directive 2024-25: Revised Form of the Ballot for the November 5, 2024, General Election, Advisory 2024-03: Employing Bipartisan Elections Officials to Receive Absentee Ballots Outside of the Boards of Elections Offices and Memorandum 2024-03: Responsibilities of Sheriffs and Police in the November 5, 2024, General Election

2. Acknowledgment of Secretary of State Directives, Advisory and Memorandum:
 - a. Directive 2024-24: Administration, Implementation and Enforcement of R.C. 3599.21
 - b. Directive 2024-25: Revised Form of the Ballot for the November 5, 2024, General Election
 - c. Advisory 2024-03: Employing Bipartisan Elections Officials to Receive Absentee Ballots Outside of the Boards of Elections Offices
 - d. Memorandum 2024-03: Responsibilities of Sheriffs and Police in the November 5, 2024, General Election (confidential – not for disclosure)
 - e. Walk-On: Directive 2024-26: Updated Write-In List for November 5, 2024, General Election

Chairman Curtis moved to acknowledge Secretary of State Directives: Directive 2024-24: Administration, Implementation and Enforcement of R.C. 3599.21, Directive 2024-25: Revised Form of the Ballot for the November 5, 2024, General Election, Advisory 2024-03: Employing Bipartisan Elections Officials to Receive Absentee Ballots Outside of the Boards of Elections Offices and Memorandum 2024-03: Responsibilities of Sheriffs and Police in the November 5, 2024, General Election, and Walk-On Item Directive 2024-26: Updated

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

Write-In List for November 5, 2024, General Election; Board Member Davis Chappell seconded. The motion passed.

Board Member Davis Chappel referenced language in Advisory 2024-03 that states that bipartisan teams must require any person assisting another person returning a ballot to complete form 12-P. She questioned whether the Secretary of State (SOS) would provide clarification and what is the expectation of staff and are ballots counted if a person delivering them does not complete the form.

Director Perlatti stated that Advisory 2024-3 is the only additional information boards of elections have received from the SOS. The Ohio Association of Election Officials (OAE) had similar questions. OAE leadership had a discussion with Secretary LaRose and his staff. A webinar was held on the topic and a frequently asked questions document was going to be published afterwards. That document is still in a draft status. There are a lot of unanswered questions. The form will be available at the ballot collection site and staff will inform voters of the need to complete the attestation form when applicable. If they refuse, Director Perlatti stated that there is an obligation to collect ballots and not turn people away.

Board Member Davis Chappell stated that the CCBOE can continue to push for clarification on the language but her worst fear is at the last minute say to not count those ballots. She was glad that ballots would be segregated by those with the form and without.

Agenda Item 3: 1801 Superior Avenue Status Update by County Public Works Department

Chairman Curtis stated that a couple months ago Public Works Director Mike Dever provided information regarding the Board of Elections' transition from to 1801 Superior Avenue and now it is time for an update.

Director Perlatti stated that he and Deputy Director Kaloger participate in weekly meetings with Public Works and construction management teams working on the project. One of the biggest recent developments is that they were tasked with creating a modified plan to move CCBOE staff to the new building during the first quarter of 2025 while successfully conducting the May Primary. That plan will feature a two-tiered move beginning in the middle of February 2025 when a portion of staff including Poll Worker, Fiscal Services and Human Resources will transition to 1801 Superior. Other departments would stay at the Hughes Building until March to meet statutory deadlines.

Director Perlatti explained that this is the window for a move due to the 2025 election calendar and Public Works will work to make that work.

John Myers, Manager, Public Works, and Paul Sturman, Senior Project Manager, were present.

Mr. Myers stated that the CCBOE would occupy the first floor at 1801 Superior, which is the same size or larger than the entire Hughes Building and is a newer and better working environment for employees and the public. Over half of a million dollars of mostly new furniture will be procured and the building will feature increased parking.

Board Member Davis Chappell asked if anything could derail the February move-in date. Mr. Myers stated that he did not anticipate anything changing the date but with construction some things are out of their control.

Board Member Davis Chappell stated that the CCBOE appreciates the expanded footprint but one of the issues flagged was the number of occupants and other agencies that use the space. Part of the contemplation of moving was having room to grow. Mr. Myers stated the project could move forward fiscally by partnering with another County agency, which is Health and Human Services (HHS). HHS has multiple divisions but it is just one County agency.

Board Member Davis Chappell stated that HHS is a big part of the County operation but the CCBOE needs to know how many people will be in the building because that impacts parking and the voters. She stated that a sublease agreement may be necessary because definitive numbers are needed.

Board Member Stickan stated that during the previous meeting with Mr. Dever she thought there was an understanding regarding sensitivity to public access. The CCBOE has high public traffic during elections and the new building would be easily accessible for voters and candidates in terms of parking and space. She thought the HHS part of the building would be administrative.

Making another point, Board Member Stickan noted that there is a private entity in 1801 Superior and that there had been discussion of that entity being phased out in the future, giving the CCBOE room to grow.

Mr. Myers stated that the private tenant is Step Forward which has its headquarters on the fourth floor. They have a lease that is under their control but Public Works has made it known that they would like them find a new home eventually.

Mr. Myers stated that the Board of Elections setup has been a priority for Public Works and the HHS component is a step behind so the numbers of employees are not fixed. He advised that the HHS component has not changed; they do not have many visitors and mostly conduct their work via phone and in the community.

Mr. Myers stated that the building is significantly larger for operations and there will be no problems with parking. Parking will be more under control rather than relying on third-party entities and their goodwill. Step Forward has been approached regarding cooperation during high-volume times. HHS is a work in progress but there will be a significant presence in the building.

Chairman Curtis stated that the CCBOE has a unique statutory and public expectations of security. Mr. Myers stated that Public Works is sensitive to that additional level of need and have incorporated it into their planning.

Board Member Davis Chappell questioned when the planning regarding HHS will be completed with more firm numbers of people on site at 1801 Superior. Mr. Myers stated that more solid numbers should be available before the end of the year.

Mr. Sturman stated that IHHS would likely not move into the building until closer to the end of 2025. The physical number of bodies is unique because HHS utilizes a hybrid work policy. While some HHS employees have a desk assigned to them, their work is primarily in the community. HHS leadership has stated that they will accommodate the CCBOE's needs during any voting period. The only divisions of HHS planned for the building do not have a public interface.

Board Member McCafferty asked if there were any reports on the progress of the building. Mr. Myers stated that demolition is complete. Wiring will begin shortly and equipment has been ordered. The parking will be before the Planning Commission next week.

Board Member Davis Chappell asked if Public Works could assist in streamlining the electric situation at the Warehouse as there are power strips and cords hanging from the ceilings. After the last election the CCBOE asked Public Works to clean up the Warehouse from an electrical standpoint. Mr. Myers stated that Public Works is conscious of the need and millions of dollars have been invested in the Warehouse, including the freight elevator rehabilitation and they will continue to invest.

Agenda Item 4: Modification to Vote-by-Mail Ballot Collection Program

Chairman Curtis moved to adopt the Modification to Vote-by-Mail Ballot Collection Program; Board Member Davis Chappell seconded. The motion passed unanimously.

Director Perlatti advised that the Board approved during the previous Board Meeting a concept of outside ballot collection. There was an understanding that updates to the plan would be brought to the Board.

The ballot collection was to take place in the turning lane on East 30th Street. Since the last Board Meeting, the SOSs office authorized the CCBOE to collect at Campus International, which is also where ballots were collected in 2020.

Directive 2024-21 and Advisory 2024-3 encourages boards of elections to engage in drive-through collection for traffic mitigation and states that the 12-P form may be collected by teams staffing that collection.

Board Member Davis Chappell stated that the approval from the SOS and clarification to the original directive is helpful. She inquired whether the CCBOE will have sufficient bipartisan teams to handle the collection and whether there is a contingency plan if more staff is needed. Director Perlatti stated that he was confident that staffing will be sufficient.

Teams will have the 12-P forms for any voters who need to complete them. Five or six parking spaces are designated for any voter to park temporarily to complete the form, after which a bipartisan team would collect it. Although staffing for this collection is sufficient, additional staff is available if it needs to be supplemented.

Board Member Davis Chappell questioned whether the 12-P form is on the CCBOE website and which other ways may be utilized to assist with administering it. Director Perlatti stated that a press conference was held yesterday which included this topic, a Facebook Live event will also be held on Friday and the CCBOE website has specific information about – including the ability to print the 12-P document. Further, the CCBOE will encourage the political parties to inform voters through their channels.

Director Perlatti stated that there was no room for more inserts in the vote by mail pack. Voters returning their ballot by mail do not have to include the form.

Board Member McCafferty asked whether a 12-P form must be completed for each ballot that is collected. Director Perlatti stated that the SOS did not provide guidance on that question, so voters will be permitted to complete one form for ballots they drop off.

Agenda Item 5: Acknowledgment of the Ballot Proofs for the November 5, 2024, Presidential General Election, in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting

Chairman Curtis moved to acknowledge the Ballot Proofs for the November 5, 2024, Presidential General Election, in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting; Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 6: Final approval of the ballot order for the November 5, 2024, Presidential General Election

Chairman Curtis moved to adopt the final approval of the ballot order for the November 5, 2024, Presidential General Election; Board Member Davis Chappell seconded. The motion passed unanimously.

Director Perlatti explained that staff considered historical data in terms of Election Day and provisional turnout per precinct over multiple elections and divided it by the number of registered voters to see what that percentage was on a precinct basis. Those figures were applied along with an additional 20%.

Director Perlatti stated that vote by mail usage is falling behind where it was at this point in 2012 and 2016. Staff will monitor vote by mail usage and 12 days before the election those figures will be reassessed. If vote by mail usage is substantially lower another ballot order will be placed and they will be stored in the Hughes Building.

Even if vote by mail usage is lower than past elections, Director Perlatti stated that he did not think the overall turnout will decrease -- the method by which voters cast their ballots may shift.

Agenda Item 7: Acknowledgement of death in, resignation from and appointments to elected office

Chairman Curtis moved to acknowledge of death in, resignation from and appointments to elected office as provided in the Board documents; Board Member Davis Chappel seconded. The motion passed unanimously.

Chairman Curtis noted that George Papcum had recently deceased and had served as a Councilman for the Village of Linndale for almost 55 years.

Agenda Item 8: Authorization to process payment in the amount not to exceed \$45,620.00 for 95 private voting locations, including three (3) CMHA properties, being used for the November 5, 2024, Presidential General Election

Chairman Curtis moved to adopt the authorization to process payment in the amount not to exceed \$45,620.00 for 95 private voting locations, including three (3) CMHA properties, being used for the November 5, 2024, Presidential General Election; Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 9: Final authorization for the allocation of voting booths for the November 5, 2024, Presidential General Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 4,831 voting booths will be allocated + 705 ClearCast Go scanners + 289 ADA ClearAccess voting units and 1,159 Electronic Poll Books

Chairman Curtis moved to approve the final authorization for the allocation of voting booths for the November 5, 2024, Presidential General Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 4,831 voting booths will be allocated + 705 ClearCast Go scanners + 289 ADA ClearAccess voting units and 1,159 Electronic Poll Books; Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 10: Approval of Resolutions and/or Vouchers

10. Approval of Resolutions and/or Vouchers for

- a. R2024-10-08-0010V - Law Enforcement Management Solutions (election night drivers)
- b. R2024-10-08-0011V - ICT Resources (40 desktop computers)
- c. R2024-10-08-0012V - A Rifkin Company (collapsible literature displays)

Chairman Curtis moved to approve the resolutions and/or vouchers for R2024-10-08-0010V - Law Enforcement Management Solutions (election night drivers), R2024-10-08-0011V - ICT Resources (40 desktop computers) and R2024-10-08-0012V - A Rifkin Company (collapsible literature displays); Board Member Davis Chappell seconded. The motion passed unanimously.

Director Perlatti stated that the first item is for drivers for cargo vans on Election Night. LEMS was the lowest responsive bidder and previously provided those services satisfactorily during the March Primary Election.

Moving to the next item, Director Perlatti stated that the CCBOE will purchase computers with an IT appropriation by County OBM. The computers will operate on Windows 11 and will bring the agency into compliance with an SOS security requirement. Half of the computers the CCBOE currently has are upgradeable to Windows 11. These new computers will be partially utilized immediately while the rest will be ready when the CCBOE moves to the new building.

Board Member Davis Chappell questioned why the amounts of the bids were so widely varied for the presumably the same specs. Director Perlatti stated that he did not know why with such a big range and the specifications were for Dell or HP computers that met certain specifications. Those particular brands are on a different Secretary State list that the CCBOE are not to purchase.

Board Member Davis Chappell stated that she wanted to be careful and that the lowest bid is not always the best. Director Perlatti stated that staff will send an e-mail to the Board from Fiscal Services explaining the decision. He further indicated that the Information Services Department is involved with creating the specs and reviewing the bids. The County has a technical assistance commission that also reviews bids.

Moving to the final item, Director Perlatti stated that Item "C" is to purchase literature boards that will be sent to polling locations and were paid through an SOS grant to assist Poll workers and voters on Election Day. Deputy Director Kaloger worked with the Election Support and Poll Worker departments to regarding the documents that would be displayed.

Agenda Item 11: Challenge of Right to Vote filed by Mary Lynne Pesto against Jhon T. Grayson

Chairman Curtis moved to uphold the Challenge of Right to Vote filed by Mary Lynne Pesto against Jhon T. Grayson and cancel his registration; Board Member Davis Chappell seconded. The motion passed unanimously.

Director Perlatti stated that the following five voter challenges were timely filed. The close of registration was October 7 at 9:00 p.m.

Hasani Wheat, Manager, Registration Department, stated that a Form 257 Challenge of the Right to Vote and Correction of Registration List was submitted by Mary Lynn Pesto and received by the Board of Elections on September 10, 2024. Ms. Pesto, a registered voter in Cuyahoga County is challenging the voter residency of Jhon T Grayson. Ms. Pesto noted in her voter challenge that she does not know who John Grayson is and that Mr. Grayson does not live at 19831 Renwood Avenue in Euclid.

The Registration Department received a phone call from Ms. Pesto on September 3, 2024, who indicated that she received a vote by mail application from the Secretary of State's office in John Grayson's name which prompted her challenge. The Cuyahoga County property summary report indicates that Ms. Pesto has owned the property at 19831 Renwood Avenue since March 1998. John T Grayson has had no voter activities since initially registering in September 2022. The voter registration form on file for was circulated by Black Fork Strategies.

Chairman Curtis noted that neither Ms. Pesto nor Mr. Grayson were present.

Board Member Stikkan stated that this issue goes back to 2022 and indicates that Mr. Grayson was never was fully active in the voter database because there were there was missing information. She questioned whether a voter remains inactive if they are flagged because this person was getting notifications in the mail. Mr. Wheat stated that this voter had mismatched information. A BMV confirmation notice was sent to Mr. Grayson and he did not reply, making his status inactive.

Deputy Director Kaloger explained that inactive voters have the opportunity to present information to rectify the disparity at the polls but cannot vote by mail; they would have to rectify it prior. The inactive status ensures that staff will correct that information.

Chairman Curtis inquired whether the appropriate action of the Board would be to cancel the registration or if it remains inactive. Deputy Director Kaloger indicated the correct action would be to cancel the registration.

Board Member Davis Chappell stated a voter could be inactive for a long period of time. Deputy Director Kaloger stated that if an inactive voter attempts to vote, staff would verify whether that voter has valid a registration could legally cast a ballot.

Agenda Item 12: Challenge of Right to Vote filed by Evelyn Martin against Bennie Bryant

Chairman Curtis moved to uphold the Challenge of Right to Vote filed by Evelyn Martin against Bennie Bryant and cancel his registration; Board Member Davis Chappell seconded. The motion passed unanimously.

Mr. Wheat stated that a Form 257 Challenge of the Right to Vote and Correction of Registration List was submitted by Evelyn Martin and received by the Board of Elections on September 1, 2024. Ms. Martin, a registered voter in Cuyahoga County, is challenging the voting residency of Bennie Bryant. Ms. Martin noted in her challenge that Bennie Bryant has never lived at 1394 West 93rd Street which Ms. Martin also noted is a single-family home.

The Cuyahoga County property summary report indicates that Ms. Martin has either lived at or owned the property at 1394 East 93rd Street in Cleveland since February 1978. Bennie Bryant has had no voter activities since initially registering in June 2024. The voter registration form from Mr. Bryant was circulated by Second Street Associates.

Chairman Curtis noted that neither Ms. Martin nor Mr. Bryant were present.

Chairman Curtis stated that this challenge has a similar fact pattern as the previous case.

Agenda Item 13: Challenge of Right to Vote filed by Richard Frisch against Pressure Johnson

Chairman Curtis moved to uphold the Challenge of Right to Vote filed by Richard Frisch against Pressure Johnson and cancel his registration; Board Member Davis Chappell seconded. The motion passed unanimously.

Mr. Wheat stated that a Form 257 Challenge of the Right to Vote and Correction of Registration List was submitted by Richard Frisch and received by the Board of Elections on September 20, 2024. Mr. Frisch, a registered voter in Cuyahoga County, is challenging the voter residency of Pressure Johnson. Mr. Frisch noted in his challenge that Pressure Johnson does not live at 3638 Banbridge Road in Cleveland Heights.

The Registration Department received a phone call from Mr. Frisch on August 7, 2024, who indicated that he had received mail from the Board of Elections for Pressure Johnson which prompted Mr. Frisch's voter

challenge. The Cuyahoga County property summary report indicates that Mr. Frisch has been the owner of 3638 Banbridge Road in Cleveland Heights since January 2010.

Pressure Johnson has had no voter activities since initially registering in July 2024. The voter registration form for Pressure Johnson was circulated by Second Street Associates.

Mr. Frisch was present via Zoom and sworn in by the court reporter. Mr. Frisch stated that his residence is 3638 Banbridge Road in Cleveland Heights and that Pressure Johnson has never resided at that address at any point.

Pressure Johnson was not present.

Chairman Curtis thanked Mr. Frisch for his diligence in this matter.

Agenda Item 14: Challenge of Right to Vote filed by Ronald Janke against Joshua Lewis

Chairman Curtis moved to uphold the Challenge of Right to Vote filed by Ronald Janke against Joshua Lewis; Board Member Davis Chappell seconded. The motion passed unanimously.

Mr. Wheat stated that a Form 257 Challenge of the Right to Vote and Correction of Registration List that was submitted by Ronald Janke and received by the Board of Elections on September 27, 2024. Mr. Janke, a registered voter in Cuyahoga County, is challenging the voter residency of Joshua Lewis. Mr. Janke noted in his challenge that Joshua Lewis has never lived at 105 Easton Lane in Morland Hills and the two families who owned the residence before Mr. Janke did not know of anyone named Joshua Lewis living at the residence. Mr. Janke had received mail from the Secretary of State's office in Joshua Lewis' name in 2022 and 2024 which prompted Mr. Janke's voter challenge.

The Cuyahoga County property summary report indicates that Mr. Janke has been the owner of 105 East Lane in Morland Hills since July 1984. Joshua Lewis has had no voter activities since initially registering in September 2022. The registration form on file from Joshua Lewis was circulated by Black Fork Strategies.

Chairman Curtis noted that Mr. Janke was present via Zoom was sworn in by the court reporter. Mr. Janke stated that his residence is 105 Easton Lane in Moreland Hills and that he does not know anyone by the name of Joshua Lewis and he has never resided at that address.

Mr. Lewis was not present.

Board Member McCafferty asked Mr. Wheat whether he sees similar situations other than ones involving Black Fork Strategies and Second Street. Mr. Wheat stated that those scenarios are very rare.

Board Member Davis Chappell questioned whether the CCBOE has dialogue with these organizations. Director Perlatti stated that CCBOE has dialogue with both organizations. However, Black Fork Strategies leadership has been more receptive to monitoring their circulators and engaging in corrective action. They have a quality assurance process as well. Both organizations were invited to a previous Board Meeting. Franklin and Hamilton and Franklin counties experience the same issues with these organizations as Cuyahoga. He also indicated that Black Fork's registration efforts have decreased recently.

Board Member Davis Chappell asked whether organizations would be referred for additional action when they continually submit signed registration cards for people who do not reside at the address on the cards. Director Perlatti stated that after this meeting staff will send this information to with the Public Integrity Division with the SOS.

Agenda Item 15: Challenge of Right to Vote filed by Anetta Williams against Deborah Chester

Chairman Curtis moved to uphold the Challenge of Right to Vote filed by Anetta Williams against Deborah Chester and to cancel her registration; Board Member Davis Chappell seconded. The motion passed unanimously.

Mr. Wheat states that a Form 257 Challenge of the Right to Vote and Correction of Registration List that was submitted by Anetta Williams and received by the Board of Elections on September 27, 2024. Ms. Williams, a registered voter in Cuyahoga County, is challenging the voter residency of Deborah Chester.

Ms. Williams noted in her challenge that Deborah Chester does not live at 2515 North Taylor Road, Apartment 11 in Cleveland Heights, but lives in New York. When contacted via phone Ms. Williams noted that she does know Ms. Chester; however, Ms. Williams reiterated that Ms. Chester has never lived with her.

In September 2021, in accordance with the National Change of Address maintenance program, Ms. Chester's address was changed from 216 Center Road, Apartment 102 in Bedford to 2515 North Taylor Road, Apartment 11 in Cleveland Heights. Ms. Chester has not voted at 2515 North Taylor Road, Apartment 11 nor has she had any voter activities since signing the registration form for 216 Center Road, Apartment 102 in April 2021.

Board Member Davis Chappell noted that Ms. Chester's voter history indicates she voted in only the November 8, 2016, Presidential General Election. She asked where she voted from, to which Mr. Wheat indicated Warrensville Heights.

Chairman Curtis noted that neither Ms. Williams nor Ms. Chester were present.

Agenda Item 16: Approval of the personnel agenda

Chairman Curtis moved to approve the personnel agenda; Board Member Davis Chappell seconded. The motion passed unanimously.

Director Perlatti stated that this item would approve straight pay for overtime for staff that works more than 35 hours up to and including 40 hours during three identified pay periods during this voting season.

Time worked beyond 40 hours will be accrued as either compensation or exchange time according to current CCBOE policies.

Chairman Curtis asked whether this has been a standard practice in the biggest elections when OBM is supportive with the funding, to which Director Perlatti affirmed.

NEW BUSINESS

November 5, 2024, Presidential General Election Update:

Deputy Director Kaloger stated that registration closed at 9:00 p.m. on October 7. Today Election Support will go to NVR agencies such as the BMV and libraries to pick up any registration cards that were received on time. Any registration cards received by mail must be postmarked by October 7 will be accepted as on time.

Early In-Person (EIP) voting began today. They have processed about 175 voters in the first hour. There are four parking lots available including ADA parking at the Hughes Building. A complete parking map may be found on the CCBOE website along with voting hours. The hour for the first two weeks will be 8:00 a.m. to

5:00 p.m. and in week three expands until 6:00 p.m. The final week is primarily 7:30 a.m. to 7:30 p.m. and include weekend voting. The ballot collection at Campus International will begin on Friday.

All voters need to present a photo ID.

Deputy Director Kaloger advised that the Absentee Voting Services Department has processed over 154,000 VBM applications. Today is the first day the CCBOE is legally permitted to begin mailing ballots to voters who have submitted valid applications. Voters will likely begin receiving ballots at the end of this week or the beginning next week.

Board Member Davis Chappell questioned whether voters may track their ballots. Deputy Director Kaloger explained that voters may use the "Track My Ballot" tool on the CCBOE website by inputting their last name and date of birth. They will be able to see the dates their application or ballot was processed and when their ballots is received. "Track My Ballot" is also available via the CCBOE's automated phone system. As a reminder, a voter who requested a Vote-by-Mail ballot may vote provisionally on Election Day.

Board Member Davis Chappell inquired whether registered voters who did not update their registrations can still vote provisionally. Deputy Director Kaloger stated that was correct and staff would utilize the provisional ballot to determine its validity. He reiterated that a voter who is registered but did not update their registration by October 7 is eligible to vote provisionally as long as they were properly registered 30 days before the election. Provisional ballots act as a safety net because it allows a person to vote on Election Day while providing the CCBOE with information.

Board Member Davis Chappell questioned whether there was data regarding the impact of the Ohio ID law from past elections. She noted that previously staff had said there were no significant impacts presumably because the elections were smaller. However, she had seen news stories stating that there is potential for significant impacts because of the size of the November election. Deputy Director Kaloger stated that Peter James, Election & Compliance Administrator, would track the data.

Director Perlatti stated that since the law was enacted in 2023, no ID presented has become the second highest reason for rejection. The most common reason was not registered. He anticipated that would stay the same for November.

Director Perlatti stated that electronic driver's licenses are not valid ID to present when voting -- it must be a physical card. He will mention this among other topics during a Facebook Live event.

Board Member Stickan stated that some people that may not have voted since 2020 and it is our job to inform the public. Director Perlatti stated that the CCBOE seeks to minimize surprises and his next update will include electronic IDs not being acceptable and that provisional voting is a good thing. Voters may have to vote provisionally for EIP or on Election Day. There is no provisional voting by mail.

Deputy Director Kaloger advised that the Ballot Department is currently logic and accuracy testing all Election Day ballot scanners. Every ballot scanner that goes to a polling location is tested to make sure that the precinct ballots are correctly read. Each machine is targeted for the precincts in that polling location and accurately reads the oval positions on ballots. That testing should be completed this week. The department has also begun quality assurance testing Election Day ballots before they are ready to be packed for Election Day.

A Public Test was held last Friday in which the public and media were invited. Director Perlatti presented information to members of the media who have since put out good informational stories utilizing video staff had provided from the CCBOE website.

The Poll Worker Department continues to place and train poll workers. 86% of PEOs have been trained and are the rest are scheduled for training. Staff is honing in on hiring drop-off assistants and transport officials. Poll worker training was online for experienced workers while they were also offered in-person training that all new poll workers attended.

Deputy Director Kaloger stated that the CCBOE overall is looking for more Election Night workers to assist with unloading bags and cleaning materials. Several sports teams or clubs and may raise money for their groups. We encourage people to get involved and help.

Board Member Davis Chappell questioned when bipartisan teams will be dispersed to nursing homes. Deputy Director Kaloger advised that begins today as it is the first day of early voting.

Board Member Stikkan requested a list of scheduled nursing home visits. Director Perlatti stated that on Fridays the following week's schedule will be published.

Board Member Davis Chappell questioned how the CCBOE determines which nursing homes to visit because it is important to make sure seniors in facilities everywhere have the opportunity to vote. Director Perlatti advised that staff reaches out proactively to some assisted living facilities that have held in-person voting in the past. Some locations prefer to utilize vote by mail.

Board Member Davis Chappell questioned whether that is statutorily provided that nursing homes may help facilitate senior voting in the those facilities. Director Perlatti stated that there is a confined voter VBM application that allows a bipartisan team to assist them.

Moving on with the report, Director Perlatti advised that staff projects a 71% voter turnout. Vote by mail applications are about 20,000 applications behind this point in 2016. He explained that he does not think that will result in a lower turnout but that some voters will shift the method by which they cast their ballots. More voters will likely go to the polls on Election Day.

Board Member Davis Chappell asked whether more voters may vote via EIP. Director Perlatti stated that he thinks there will be more than 53,000 voters for EIP which will be higher than the past. Additionally, the Clear Ballot equipment allows for staff to print ballots on demand in the voting room that enables the quick processing of voters.

Director Perlatti stated that on weekdays there are about 250 non-ADA surface parking spots available for voters that are fairly close to the building. Board Member Davis Chappell inquired whether staff has a way to manage given the activity curbside. Director Perlatti stated that curbside voting will take place in the Hughes Building ADA parking lot. He continued to explain that paid off-duty law enforcement officers will be stationed in the parking lot to assist with parking. The CCBOE will provide sufficient security.

Director Perlatti stated that the tent in the parking lot is the official entrance to the voter line. Due to the placement of the tent, there will be no campaigning permitted on CCBOE property. The CCBOE also has a permit from the City of Cleveland for obstruction, which enables security to provide pathways on the sidewalk for voters in line to go into the building. Staff has informed the campaigns and political parties. The City of Cleveland has stated that for safety voters need access to sidewalks and cannot be forced to walk into the street.

Board Member Davis Chappell inquired whether the CCBOE had gotten all of the necessary permits, to which Director Perlatti affirmed.

Director Perlatti stated that campaigners and observers will be provided with a specific parking lot on Prospect. They are not permitted to park in the voter parking spaces.

Board Member Davis Chappell asked if staff knows how many observers there will be and if discussions with them have occurred. Director Perlatti stated that staff did have a call with observers and representatives from the State and County parties.

Board Member Davis Chappell inquired when will the number of observers be known. Director Perlatti advised that for EIP there is one Republican and one Democrat observer on a daily basis and for Election Day both parties intend to have one observer for each location.

Staff is pre-printing credentials for them and because the parties conduct training of observers.

Director Perlatti issued a reminder that there is a three-page county-wide ballot, the cost of postage for returning the ballot is \$1.01 or two stamps, voters going to the polls should be patient when inserting ballot sheets into the machines, and there is no voting at the CCBOE on Election Day. Voter education regarding Issue 1 continues because for the first time in memory the ballot language extends beyond one page.

Concluding his report, Director Perlatti advised that 106,000 vote by mail ballots will go out in the mail today and 41,000 will go out on Thursday. Moving forward, a VBM application that is processed successfully will have a ballot mailed within two days.

PUBLIC COMMENT

Chairman Curtis stated that the Board received public request for comment forms from Dorene Polensek Miller, Susan Sonnet, David Martin Funnel and Donna Lanza who collectively read the United Sovereign Americans' "Resolution for a Legally Valid 2024 General Election," which is attached.

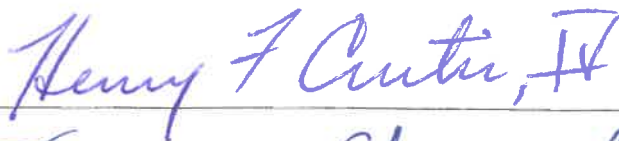
EXECUTIVE SESSION

There was no executive session.

Chairman Curtis moved to adjourn the meeting at 11:47 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 October 8, 2024.

Henry F Curtis, IV, Chairman



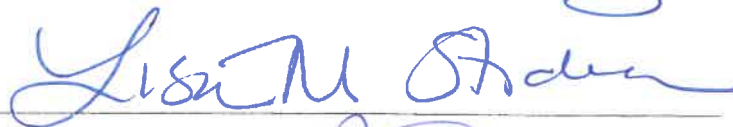
Inajo Davis Chappell, Board Member



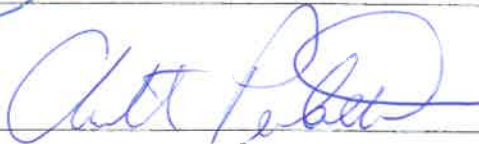
Terence M. McCafferty, Board Member



Lisa M. Stickan, Board Member



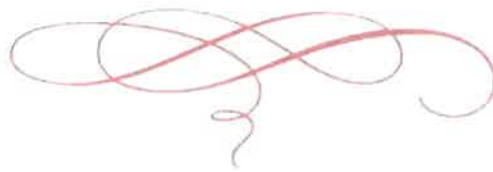
Anthony Perlatti, Director





★ Resolution ★

for a Legally Valid 2024 General Election




Whereas It is a recognized civil right in the United States for every citizen to have free and fair elections. “And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” (Reynolds v. Sims, 377 U.S. 533 (1964))

Whereas It is the duty of our election officials to guarantee our elections are accurate and free from distortion or manipulation. “Congress seeks...to guard the election of members of Congress against any possible unfairness by compelling... everyone concerned in holding the election to a strict and scrupulous observance of every duty devolved upon him while so engaged... The evil intent consists in disobedience to the law.” (In Re Coy, 127 U.S. 731 (1888))

Whereas Our constitutional system of representative government only works when the following four tenets of an election are upheld:

1. The Voter Rolls Must Be Accurate (National Voter Registration Act, 1993).
2. Votes Counted Must Be From Eligible Voters (US Constitution, Fourteenth Amendment, Section Two).
3. The Number of Votes Counted Must Equal the Number of Voters Who Voted.
4. There Can Be No More Than One in 125,000 Ballots in Error by the Voting System (Help America Vote Act, 2002).




Whereas An open-source audit of the Ohio 2022 General Election conducted by Ohio state citizens has uncovered evidence of massive inaccuracies that violate both Federal and State laws, including:

- ◆ **1,046,431** ineligible or uncertain registration violations found within the Ohio State voter roll database.
- ◆ **602,631** votes cast by ineligible or uncertain registrants.
- ◆ **1,162,079** more votes counted than voters who voted in the 2022 general election at the time of certification. No one knows who cast them.
- ◆ **713,262** apparent voting violations in excess of the legal standard of system accuracy for a valid federal election. Maximum allowable system errors for the 2022 general election in Ohio was **34**.
- ◆ Certification as defined by law, an attestation of accuracy and compliance, appears to have been fraudulent and illegal.

Whereas These findings trample legal accuracy requirements of the voting system during a Federal Election. Accuracy is defined as the ability of the system to capture and report the specific selections, and absence of selections, made by a voter without error.

Whereas The intent of the voters must be known factually before certification can be lawfully conducted. Certification of an election that varies from the law is an abridgement of the civil rights of the citizens, a fraud *ab initio*. (United States v. Throckmorton, 98 U.S. 61 (1878)). "From time immemorial, an election to public office has been, in point of substance, no more and no less than the expression by qualified electors of their choice of candidates." (United States v. Classic, 313 U.S. 299 (1941))

Whereas Ohio's 2022 General Election appears to have been invalid, depriving us of the guaranteed protection of our Natural Rights under a government duly and provably chosen by us, the American people, resulting in incalculable damage to our families, our way of life, and the fabric of these United States.



Therefore We call upon our Representatives to provide relief to the people, and the assurance of domestic tranquility, by joining us in demanding a VALID 2024 General Election that upholds these existing laws, and equitable principles of law:

1. Proof of citizenship, identity and eligibility to register and vote, not anonymous attestation.
2. Voter rolls certified accurate and available for public review and challenge 30 days before the start of early voting. Voters added after that date must bring proof of citizenship, identity, and address in person to a qualified official at each polling place.
3. Hand-marked, secure ballots similar to currency. Where imaging technology is used for tabulation, the security features must be verifiable in the ballot image.
4. Systems, machines, security measures, infrastructure and conduct are required to be compliant with federal law for fraud prevention regarding risk assessment, certification, testing, and implementation.
5. Adjudication must be signed-off by party, candidate, and trained citizen witnesses after being given full and effective observation rights. Candidates and trained citizens must be allowed immediate access to ballots, ballot images and CVRs.
6. Ballots, regardless of entry source, election operations, and systems must maintain end-to-end chain of custody from voter to vote count to final canvass, including auditability and witnessed transfer with paper records.
7. A NIST-compliant, randomized, statistically valid end-to-end audit, with a 95% confidence level, of all elections pursuant to the 14th Amendment, Section 2 must be performed. These audits are to be conducted by qualified, insured and bonded security, forensics or financial auditors, not personnel from within the election system. Reconciliation will include the vote count, real physical ballots, adjudication, CVRs, ballot count, qualified voter count, custody transfer, and all other paper and electronic election systems, including logs.
8. If the total of all unique variances above is more than 10% of the margin of victory, a new election must be held in the state for those candidates affected, unless the issues can be provably corrected by a manual hand recount and a full review of records.
9. Waiver of requirements is not allowed. Only end-to-end system compliance, from registration through certification, can guarantee the intent of the people is accurately recorded.

— Resolution on following page —



Be it Resolved

That the Cuyahoga County Board of Elections, Cleveland, OH, stands in support with the concerns and remedies presented here. We implore the Cuyahoga County Legislature, Ohio State Legislature, Federal Legislators, Law Enforcement, Federal and State Prosecutors, Judges, the Secretary of State and its Elections Division and County Boards of Elections to cooperate and to use your influence to fulfill these firm requests of the people.

RESULTS OF THE VOTE	YEA	NAY	SIGNATURE
Anthony W. Perlatti Director	_____	_____	_____
Anthony N. Kaloger Deputy Director	_____	_____	_____
Henry F. Curtis IV Board Chairman	_____	_____	_____
Inajo Davis Chappell Board Member	_____	_____	_____
Lisa M. Stickan Board Member	_____	_____	_____
Terence M. McCafferty Board Member	_____	_____	_____

As recorded on the _____ of _____, 2024.



Appendix to the Resolution

Research Sources for the Open-Source Audit by United Sovereign Americans Ohio Chapter:

- Copies of the OH SWVRD database obtained via public records request and downloads from the OH Secretary of State website on December 10, 17, 24, and 31, 2022.
- 2022 Certified Statewide General Election Results, downloaded from the official website of the OH SOS.

Relevant Laws applicable to a valid election process:

- US Constitution; Article 1, Section 4.
- H.R. 2 The National Voter Registration Act of 1993 (Pub. L. 103-31).
- H.R. 3295 The Help America Vote Act of 2002 (Pub.L. 107-252).
- Federal Election Assistance Commission Voting System Standards Volume I: Performance Standards, April, 2002.
- Federal Information Security Modernization Act of 2014 (Public Law 113-283). originally Federal Information Security Management Act of 2002 (Public Law 107-347 (Title III)).
- National Institute of Standards and Technology SP 800-53: Security and Privacy Controls for Information Systems and Organizations.
- FIPS 199 - Standards for Security Categorization of Federal Information and Information Systems.
- U.S. Code: Title 52; Subtitle I—Voting Rights (§§ 10101 - 10702), Subtitle II—Voting Assistance and Election Administration (§§ 20101 - 21145) including:
 - ◆ 52 USC § 10101(b)—Intimidation, threats, or coercion.
 - ◆ 52 USC § 10307(c)—False Information in, and Payments for, Registering and Voting.
 - ◆ 52 USC § 20701—Retention and preservation of records and papers by officers of elections.
 - ◆ 52 USC § 20702—Theft, destruction, concealment, mutilation, or alteration of records or papers.
 - ◆ 52 U.S. Code § 21081—Voting systems standards (HAVA).
 - ◆ 52 U.S. Code § 21083—Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- 18 USC § 241—Conspiracy Against Rights.
- 18 USC § 242—Deprivation of Rights Under Color of Law.
- 18 USC § 1519—False Records in the Administration of a Federal Matter.
- 18 USC § 1028A—Aggravated Identity Theft.
- 18 USC § 514—Fictitious obligations.
- Ohio Revised Code; Title 1, State Government.
- Ohio Revised Code; Title 35, Elections.
- Ohio Election Official Manual (2022-02).



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