

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting November 15, 2024

Attending:

Henry F Curtis, IV, Chairman
Inajo Davis Chappell, 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 Board Members Davis Chappell and Stickan were in attendance.

Chairman Curtis noted that Member McCafferty absence was excused.

Agenda Item 1: Determination of the validity of provisional ballots and authorization to count provisional ballots from the November 5, 2024, Presidential General Election

Hasani Wheat, Manager, Registration, stated that the November 5, 2024, Presidential General Election had a total of 14,390 provisional ballots. All provisional ballots were cast in accordance to Chapter 8 provisional voting of the Ohio Secretary of State's Election Official Manual and a mandatory step-by-step process for examining provisional ballots, all of which were issued by the Secretary of State.

Mr. Wheat advised that 11,343 provisional ballots were confirmed to be valid, including 2,011 provisional ballots that were cast in the wrong precinct, correct location that are eligible to be remade. 386 provisional ballots were rejected for various reasons: 1,834 not registered, 440 missing acceptable identification, 254 wrong precinct, wrong location, 131 empty envelopes, 126 non-matching identification, 80 voted absentee, 68 missing date of birth, 31 missing address, 28 non-matching signature, 26 voted in the wrong county, 26 invalid address, 25 no signature, 14 voted absentee with a challenge, and 3 had no printed name.

Mr. Wheat deferred to Director Perlatti to clarify scenarios that staff encountered.

Member Stickan requested a clarification of the difference between voted absentee challenged and voted absentee. Director Perlatti explained that a person who voted absentee is when the CCBOE receives an absentee ballot and that person also cast a provisional ballot. If the absentee ballot was returned timely, that ballot counts and the provisional ballot was rejected. Voted absentee challenged are voters who voted

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

provisionally but also returned an absentee ballot that had an insufficiency on the envelope such as no ID. The CCBOE sends an 11-S form to them, which is the only way to cure their ballot.

Member Davis Chappell inquired how voters end up in each classification. Director Perlatti explained that the Absentee Voting Services Department makes a notation in the voter registration database that there is a deficiency to any applicable returned ballot envelope. This process makes the Registration Department aware during provisional voting.

Deputy Director Kaloger advised that there were two voters included in that classification. One person voted in Franklin County on Election Day and provisionally in Cuyahoga County during EIP. Part of the process of provisional verification is checking with the previous county of residence to verify that they did not vote there. The ballot would be counted if they did not vote, but in this case, since it was confirmed that the person already voted, the provisional ballot cast in Cuyahoga County will not be opened and counted. However, the CCBOE will investigate and may make a referral to the Election Integrity Division.

Deputy Director Kaloger further stated that an additional provisional voter was flagged by the Ohio Department of Health that they had deceased and will be investigated.

Member Davis Chappell stated that she was glad to know that the red-flag functions work. Deputy Director Kaloger stated that staff does its due diligence in terms of checks and balances.

Chairman Curtis inquired whether there was a form associated with the wrong precinct, wrong location category. Director Perlatti stated that there is a form poll workers provide to voters who attempt to vote at the wrong location. If the voter still chooses to vote in the wrong location a 12-D form is fixed to the ballot envelope that indicates the voter was informed it was the wrong location and not a poll worker error.

Member Davis Chappell stated that she had asked staff to assess the impact of the Ohio voter ID law for this major election. Peter James, Election & Compliance Administrator, advised that House Bill 458 went into effect for elections in 2023 and one of the changes of that law was the ID requirement to vote a provisional ballot and were changed to match the ID requirements to vote in person. Previously a provisional ballot required the last four digits of a Social Security number as is still the case for vote by mail applications.

During elections from 2020 to 2022, as a percentage of all provisional ballots cast, provisionals that were missing an ID was about 0.25%. Starting in 2023 that average increased to slightly over 3%. The 2024 Presidential General Election had a missing ID rate slightly over 3%, which is in-line with the elections post-House Bill 458.

Moving to rejected provisionals, Mr. James advised that from 2020 through 2022, provisionals rejected with missing ID were about 2.5% to 3%. Rejected provisionals post-HB 458 were between 15% and 16%. The November 2024 election was slightly under 14%.

Member Davis Chappell requested a copy of Mr. James' analysis.

The number of provisionals rejected as not registered was about 62% which is a little higher than 56% in 2020 and 51% in 2016. Member Davis Chappell questioned whether those statistics take into account the increased number overall of voters in each election. Mr. James affirmed it was as a percentage.

Mr. James stated that the CCBOE utilized social media vote alerts for voter education. Staff became aware of the feature, which is available to election administration offices, during the Summer SOS conference which had a panel with a representative from the major social media companies. Vote alerts on Facebook reaches anyone with an account who lives in a targeted geographic area rather than only users who follow the CCBOE. This feature is useful for messages intended for the entire county or specific municipalities. This feature led to engagement with 100,000 people instead of a couple thousand.

Returning to speak to the Board, Mr. Wheat stated that there were 1,762 incoming out-of-county provisional voters that staff verified did not vote in their previous counties. There were 1,198 outgoing provisional voters that moved to a new county in Ohio but did not vote in Cuyahoga County.

Member Davis Chappell requested adding that to the report going forward. Mr. Wheat agreed.

Mr. Wheat advised that in addition to the 1,834 voters that were not registered in the State of Ohio, there were also 5,555 voters that had a name or address change. 3,945 provisional voters requested but did not return their vote by mail ballots. 102 voters came in during the SOS-mandated 4-day provisional cure period after the election. 77 of those voters cured their provisional ballot by providing a valid form of ID. The other 25 that came in did not have an error to correct.

14% of all provisional rejections were attributed to not having a valid of identification listed on the provisional envelope. However, Mr. Wheat advised that 12% of the rejections can be improved through poll worker training. 88% of rejections were based on information that the voter provided or other circumstances such as not registered, voted absentee, missing ID or not matching ID.

Mr. Wheat stated that the Registration Department recommends that 11,34 provisional ballots from the November 5, 2024, Presidential General Election be approved for opening and tabulating and that the 386 rejected provisional ballots remain sealed.

Member Davis Chappell inquired whether there is specific data regarding poll worker error and what additional training is required to improve rejections. Director Perlatti advised that the wrong precinct, wrong location category includes the assumption that the electronic poll book was used incorrectly to redirect the voter. For other categories, staff looks at missing fields and have gotten better. One of the things that has helped in recent years is that the provisional envelope was redesigned with the required fields highlighted yellow to draw the eye to it. Poll workers are trained extensively on EPB lookup tools.

Deputy Director Kaloger stated that ultimately the voter is responsible to complete the envelope properly but if the poll worker could take the extra step to make sure it is completed accurately and identify a missing field it is put under that category.

Chairman Curtis moved to approve the Determination of the validity of provisional ballots and authorization to count provisional ballots from the November 5, 2024, Presidential General Election; Board Member Davis Chappell seconded. The motion passed.

Agenda Item 2: Approval of the personnel agenda

Member Davis Chappell questioned whether the position being vacated will be posted because it is an important role. Director Perlatti explained that staff intends to return to the Board during the next Board Meeting with a request to reclassify the EPB Coordinator position so that person also has the skill set to assist with IT tasks.

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

NEW BUSINESS

November 5, 2024, Presidential General Election Update:

Deputy Director Kaloger stated that the Registration Department is going to the Halle Warehouse where they will begin the provisional opening process by removing the ballots from the provisional envelopes, putting them into scan batches and delivering them to the Ballot Department on a rolling basis to scan for the official count.

The Ballot Department is looking at the number of ballots scanned at each polling location and comparing that to the EPB check-ins to make sure those numbers match. Since the certification period has been shortened by about one third, they are prioritizing locations that may have had a ballot scanner machine out of service that day or ones for which the numbers are off. After all the ballots are scanned they will put together the certification report for the next Board Meeting.

Election Support is on track to have all voting equipment and supplies from the all the voting locations returned to the Board of Elections by the close of business today.

The Poll Worker Department today will start their third round of payroll card proofing. They are on track to submit the payroll file to the County Fiscal Department by Wednesday, November 20. The County Fiscal department will print and send the checks to the Poll Worker Department who will prepare them for mailing the week of Thanksgiving.

Director Perlatti moved conversation to the CCBOE's future location of 1801 Superior Avenue and advised that progress is not going as smoothly as hoped. The issue seems to be between the City of Cleveland Construction Permit Division and the landlord. The workers cannot close the walls until the permitting is given and they are on their fourth submission for the permit. He explained that Mike Dever, Director of Public Works, understands that the CCBOE operates on very specific deadlines and they need to make this work. He wanted the Prosecutor aware in case any nudging is necessary from a legal standpoint. It is unclear whether the permit issue stems from the City of Cleveland or the permit submissions.

Member Davis Chappell stated that this news is disheartening and that someone should be able to figure out how to correct the permit submission. She questioned whether there was a deadline to complete the work.

Director Perlatti explained that in the middle of December he, Deputy Director Kaloger and Public Works will determine whether the move that is due to commence in February will proceed. The move was originally to take place between January 1 and January 15 before it changed to a staggered move.

The CCBOE cannot move during the middle of an election and that is made more difficult due to scheduled 2025 elections in May, September and November. Should the current schedule interfere with the May election the move may need to be postponed to December 2025. Director Perlatti stated that if the permitting is sorted then there is still time to complete the work.

Member Stickan asked if is there way to get all the parties in a meeting or whether someone with the City is working with the County on the permits. The CCBOE should get ahead of this issue and maybe come out with a realistic timeline.

Member Davis Chappell stated that the CCBOE has a sublease with real particulars and deadlines and when they are memorialized people tend to adhere to deadlines. The CCBOE has been a good partner and needs to be in that building but does not have a way to impact it. Mr. Musson stated that the Prosecutor's office would be happy to try to facilitate the parties coming together.

Chairman Curtis stated that a year of tax dollars spent on an empty building becomes a major issue. The CCBOE wants everything it represented to the County in public meetings. The CCBOE has a zero-fail mission regardless of the size and scale of the election. Director Perlatti stated that the CCBOE will not be the scapegoat if they cannot move until December. The agency has been creative at their request and were saying so in 2023.

Member Davis Chappell stated that nothing has changed from the CCBOE's perspective. People have spoken to the Board and said this is doable and but election administration is paramount.

Member Stickan inquired whether it is possible to request a meeting with their contacts at the County to ask what their plan is to resolve this. She thinks being proactive is the way to go as the timelines are becoming jeopardized. The CCBOE has to make them aware of that. Director Perlatti stated that a meeting could be requested with County Executive Ronayne and Council President Jones to bring them together to make sure they understand the fact pattern. Director Perlatti stated that the Board would be apprised if a meeting is scheduled.

Moving to the next topic, Director Perlatti stated that Cleveland City Council must draw new ward boundaries to reduce the number of wards from 17 to 15 per the 2020 Census data. Once Cleveland City Council draws and approves the ward boundaries, the CCBOE draws the precinct boundaries. Director Perlatti stated that he notified City Council that the CCBOE needs to have the ward boundaries by December 15 for Council to comment on the precinct boundaries or at the latest January 1 to apply the new wards and boundaries to the May election.

Director Perlatti stated that Senate Joint Resolution 4 and House Joint Resolution 8 are sister bills which have been introduced in Columbus regarding the State Capital Improvement Program bonds. That program is due to

expire and these resolutions would put them up for renewal via a vote. The bipartisan nature of the resolutions likely means there will be a state-wide election in May 2025.

Director Perlatti explained that because of these bills, the first election of 2025 for Cleveland will be in May instead of September, meaning their new ward and precinct boundaries need to be in place earlier. He advised that during the February 18 Board Meeting he expects to have the new Cleveland precinct boundaries to approve to import into the ballot layout, reassignment of poll places and to notify voters. The scope of the May election is another reason why staff needs to move into the 1801 Superior Avenue building sooner than later.

Moving to the next topic, Director Perlatti stated that a voter submitted a vote by mail application in August. That ballot came back signed and dated two days before the person expired but four days before ballots were mailed. The State reported that person expired two days before the ballot was mailed to the voter. Staff will send a letter to the next of kin for further information and the Board will be updated during a future meeting and could be sent to the Public Integrity Division.

Director Perlatti stated that there might be an additional two or three positions added to support the absentee and EIP processes. The justification will be provided for those positions.

Member Davis Chappell wanted to find out if staff had determined the cause for scanners going down and what the fix is for that. She further stated that poll workers do not have time to talk to the vendor on the phone about how to fix the disconnected widget in some locations. She mentioned that Victor Rush, Manager, Election Support, suggested having staff designated for small hardware fixes on Election Day like rovers. Poll workers are overwhelmed and cannot take long calls from the vendor about how to fix the scanner.

Member Stickan stated that training may be an issue because some poll workers seemed unsure how to proceed regarding putting the ballots in the various colored bags if they were not able to be scanned.

Director Perlatti advised that the Poll Worker Department sends surveys to all VLMs and VLDs shortly after the election specific to the scanners and lines on Election Day to get a gauge how widespread it is. The information acquired from those surveys will be sent to Clear Ballot for analysis. The scanner issues were varied, which is concerning. Staff tests every scanner, including testing feeding paper through them. However, on Election Day there was a portion of scanners that were too tight to feed a page through. Some issues arise in the field that do not occur during testing. Staff will have a lessons learned informational meeting with Clear Ballot which during which how to fix this will be discussed.

Member Davis Chappell suggested having Clear Ballot come to a Board Meeting to provide the results of their analysis and give assurances this is not going to happen again. Member Stickan stated that these are logged issues and certain places seemed to be more affected than others.

Director Perlatti advised that election response technicians participated in additional training with Clear Ballot but the issues that arose on Election Day were not part of the training. Going forward that training will be changed to incorporate the lessons learned during November.

Member Davis Chappell questioned whether there were similar issues in Summit County, where they also had three-page ballots. Director Perlatti affirmed that they did have similar issues. Member Davis Chappell stated that Clear Ballot provided a resume of counties they serve that are of a similar size of Cuyahoga and that it would be wise to see if they also had issues.

Chairman Curtis stated that the CCBOE utilized super rovers many years ago and it may be beneficial to do so again. Director Perlatti advised that super rovers were utilized in the past but were no longer needed. However, the need is there now.

Member Davis Chappell stated these are real issues around the effectiveness of the scanners and if there are equipment hardware issues. She would like to have Clear Ballot speak to the Board in person during a meeting about once they figure out what the problem is and give some assurance going forward.

Moving to another subject, Member Davis Chappell stated that she was receiving calls that claimed when the scanners were down and people wanted to vote their ballots -- which is permitted -- and leave them to be scanned later by a bipartisan team of poll workers including voting location managers, they either did not know they could do it or they were saying they could not vote and leave their ballots. There needs to be more training around the rules that impact lines. It would be helpful to know if the Poll Worker Department had any notations regarding issues. Poll workers need to clearly understand that leaving a voted ballot is permitted.

Member Davis Chappell stated that Clear Ballot has been a good partner but they must be compliant with their contract. The CCBOE is paying a lot of money for these are new machines.

PUBLIC COMMENT

Charles Drake, 7560 Elaine Drive, Seven Hills, Ohio, stated that he has worked for 25 years as a rover and a host of other election roles. He had an issue with compensation.

Mr. Drake stated that the Ohio minimum wage in 2020 was \$8.70 per hour. In 2025 it will be \$10.70 per hour. Rovers have been paid \$17 per hour from 2020 to today. The State minimum wage has increased 23% in 5 years while the compensation for part-time workers has remained the same.

Rovers must do a lot of driving in their cars and do not get reimbursed for mileage. Mr. Drake stated that he drove 150 miles this past election in Zone 1.

Mr. Drake questioned why part-time workers must pay into OPERS when they do not get a benefit. He suggested the Board and other boards in the state go to the OPERS board to exempt such workers unless they are a State, County or City employee. The W-2 must indicate that the worker is covered by a pension plan and if a worker makes a significant amount of money they cannot put that money into their IRA because they are in a pension plan.

Mr. Drake suggested having "dummy" ballots to run through the scanners the night before the election to find issues before the polls open.

Mr. Drake also stated that on Wednesday, November 6 the retrieval team for Zone 1 was not released until 3:30 a.m. because someone left early and did not call to dismiss them. Member Stickan asked who left early and did not call. Mr. Drake stated that someone from downtown was supposed to call to release them and no one followed up.

Member Davis Chappell questioned whether rovers are paid mileage reimbursement. Director Perlatti advised that rovers are paid \$16 an hour and one dollar per hour for mileage.

Member Davis Chappell stated that she thought there was an issue about OPERS exemption that is outside of the CCBOE's control. Director Perlatti explained that the OAEO has been lobbying OPERS for years to increase the monetary threshold for mandatory OPERS. State agencies have said they must have OPERS deductions because they are making more than \$600 in a year. Those workers were put on payroll about two years ago because of the OPERS requirement.

The OPERS threshold increases to \$1,000 if there are three elections during a year but that is still not enough. The association is asking for a threshold around \$2,500. A person can request to refund their OPERS contributions when the assignment is complete but it requires a lot of work.

Member Davis Chappell questioned why they do not get the mileage reimbursement like others. Director Perlatti clarified that trainers do not get mileage reimbursement but it is built into their hourly all right. He continue to state that the CCBOE sought increases for its budget but instead faced a decrease.

EXECUTIVE SESSION

There was no executive session.

Chairman Curtis moved to adjourn the meeting at 10:36 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 November 15, 2024.

Henry F Curtis, IV, Chairman

Henry F Curtis, IV

Inajo Davis Chappell, Board Member

Terence M. McCafferty, Board Member

ABSTAINED

Lisa M. Stickan, Board Member

[Signature]

Anthony Perlatti, Director

[Signature]