



**Board Meeting
9-28-2020**

**THIS MEETING WAS HELD VIA TELECONFERENCE IN ACCORDANCE WITH
H.B. 197, 133rd G.A. §12 (2020)**

Attending:

Jeff Hastings, Chairman
David Wondolowski, Member
Rob Frost, Member
Inajo Davis Chappell, Member
Anthony W. Perlatti, Director
Shantiel Soeder, Deputy Director
Mark R. Musson, Assistant Prosecutor, Cuyahoga County
Linda Walker, Clerk to the Board/via teleconference

The Cuyahoga County Board of Elections Meeting began at 9:32 am. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that all Board Members were present. Chairman Hastings recognized employee Donald DeSantis on his retirement as an Election Official from the Election Support Department.

Agenda Item 1: Approval of the minutes from the September 14, 2020 board meeting

Chairman Hastings moved to approve the minutes from the September 14, 2020 board meeting. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 2: Protest Hearing – Recall of an East Cleveland Issue on the November 3, 2020
Presidential General Election ballot**

Brent Lawler, Manager, Campaign and Petition Services stated Patricia Blochowiak, who is a qualified elector in Ward 2 of the City of East Cleveland, filed a protest on September 22, 2020 regarding the Recall of an East Cleveland Issue, specifically, East Cleveland Ward 2 Council Recall of Juanita Gowdy. Blochowiak provided sworn affidavits from petition signers stating the recall petitions were circulated by Che Gadison and not by the circulator's Kelly Bright and Ashante Newman-Bright, as indicated on various petitions, thus making those petitions invalid due to the lack of qualifying signatures and therefore the Issue should be withdrawn from the

ballot. Lawler provided background information regarding the protest. On August 28, 2020 CCBOE certified 136 valid signatures to the City of East Cleveland on a recall petition against Ward 2 Councilwoman Gowdy. On September 3, 2020 the East Cleveland Clerk of Council filed with the Board of Elections the recall issue for placement on the November 3, 2020 General Election ballot. On September 14, 2020 CCBOE certified the recall election issue to the ballot. 104 valid signatures are required for the recall issue to be placed on the ballot. 136 valid signatures were contained on the recall petition. Five part petitions containing 35 valid signatures are being challenged. Assistant County Prosecutor, Mark Musson stated the burden of proof is on the protestor to demonstrate that the petitions in question are not valid. Ms. Blochowiak called seven (7) witnesses (Thelma Toney, Frank Fox, Alberta Fox, Darryl Williams, Eartha Sanders, Sterling Sanders and Gino Bolden) who all testified, under oath, that Ms. Gadison in fact was the circulator that presented them with the petitions in question. Chairman Hastings provided instructions to everyone regarding the hearing procedures and proceeded to place Ms. Blochowiak under oath. Chairman Hastings clarified that CCBOE was hearing the matter of strictly the petitions and not matters which the Clerk of the City of East Cleveland may be involved as stated by Ms. Blochowiak. Public comment was heard from Mariah Crenshaw; Chairman Hastings advised her that the matter in which Ms. Crenshaw was providing testimony was in reference to the East Cleveland Clerk and the matter before the board was regarding petitions. Ms. Gadison testified she was requesting the hearing be rescheduled due to the timing of receiving notification of the hearing, which she testified she in fact did receive the notice on Friday the 25th via email and Saturday the 26th by regular mail. After questioning from the board, Ms. Gadison admitted she did in fact personally hand the petitions to the seven (7) individuals who testified under oath as witnesses for Ms. Blochowiak, and it was not Ms. Bright or Ms. Newman-Bright, as indicated on the petitions.

Board Member Wondolowski moved to grant the protest as submitted after hearing testimony that the petitions were not circulated by the individuals who signed as the circulator. Chairman Hastings seconded the motion. The motion passed unanimously.

Agenda Item 3: Acknowledgement of appointment to elected office

Chairman Hastings moved to acknowledge the appointment to elected office to City Council in North Royalton. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 4: Approval of the consolidation of precinct election officials for polling locations with more than two precincts for the November 3, 2020 Presidential General Election

Chairman Hastings moved to approve the consolidation of precinct election officials for polling locations with more than two precincts for the November 3, 2020 Presidential General Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 5: Approval of vouchers

Chairman Hastings moved to approve the vouchers as presented in the board packet. Board Member Frost seconded. The motion passed unanimously.

Agenda Item 6: Recommending an award to Cross Country Staffing Inc., except for such terms and conditions that are not acceptable to the Prosecuting Attorney, for medical health professional screenings between October 6, 2020 through and including November 3, 2020 in an amount not to exceed \$40,000.00

Chairman Hastings inquired if the word “not acceptable” should be removed from the wording as presented in the agenda. Assistant Prosecutor Musson responded, CCBOE is seeking the board’s approval to authorize the agreement except to the extent that is not acceptable to the prosecutor’s office. Deputy Director Soeder replied the word “not” should be removed. Board Member Davis Chappell asked exactly what conditions would not be acceptable. Musson replied there is an indemnity clause identified. Board Member Davis Chappell stated CCBOE is too close to the Election and asked will CCBOE be entering into agreement or did she understand Musson to say CCBOE has another vendor that does not have the provision in place. Musson replied he believes so and deferred to the Fiscal Manager and/or Human Resources Manager. Lori Acosta, Human Resources Manager stated CCBOE reached out to a couple of vendors and having a temporary agency to come in and provide the services for temperature taking of staff and voters provides for better staffing relative to immediate replacement when there are call-offs or temporary personnel does not show; whereas the temporary agency is very agreeable and provisions are included from the vendor to provide CCBOE with temporary staff coverage so as to always have staff on duty as the agency overlaps the schedule of workers. Board Member Wondolowski asked what the protocol would be for someone that does have a temperature. Director Perlatti replied the voter is segregated in the front of the building with the set-up of a voting booth, ADA accessible unit and will vote in the front of the building and will exit through the front door.

Chairman Hastings moved to approve an award to Cross Country Staffing Inc., except for such terms and conditions that are acceptable to the Prosecuting Attorney, for medical health professional screenings between October 6, 2020 through and including November 3, 2020 in an amount not to exceed \$40,000.00, noting the word “not” should be removed. Board Member Wondolowski seconded. The motion passed unanimously.

Prior to discussing the personnel agenda, Chairman Hastings asked Director Perlatti to provide an update on the Call Center. Director Perlatti stated CCBOE went out for bid for temporary resources for a third party vendor to assist with call center operations. Bids were received from the Cleveland Sight Center and Robert Half International. CCBOE is in the process of reviewing the bids and they are quite costly. Further he stated, at some point CCBOE will return to the board with a recommendation for call center assistance. However,

CCBOE does not foresee utilizing the selected call center vendor for the entire period of the Election and most likely the timeframe will only be for the last few weeks of the Election. Deputy Director Soeder added contracting with a call center vendor and the timeframe is centered around the logistics rather than just staffing to include social distancing, physical space between the telephone operators, parking and the means to provide protective measures for everyone. Board Member Davis Chappell asked if CCBOE had utilized the Cleveland Sight Center in the past and Soeder replied yes, but on a smaller scale and noted the vendor is also utilized by the Secretary of State's office. Board Member Frost stated for the record, due to the appearance of a conflict of interest, as one of his partners represents the Cleveland Sight Center, he wanted to recuse himself from voting on this matter when it comes before the board and he did notify counsel previously when this was brought to his attention.

NEW BUSINESS

Trevor Elkins OEC Hearing

Director Perlatti provided an update on the Trevor Elkins hearing scheduled for September 18th, however, prior to the hearing, the Franklin County prosecutor's office (who is the CCBOE's counsel on this matter due to a conflict with the Cuyahoga County prosecutor's office), approached CCBOE with a proposed settlement. Further, the Director stated he had been working with Brent Lawler, Manager, Campaign & Petition Services and Rosemarie Amato, Supervisor of the same department, and CCBOE was prepared to attend the hearing and move forward. Perlatti stated he did not have the ability to agree to any type of settlement and at this point CCBOE is requesting the Chairman to communicate with Franklin County regarding the expectations of the Board. Chairman Hastings agreed that this does seem unusual that the CCBOE would be asked to make a decision on a hearing matter that is before a board and agreed to speak on the Board's behalf and will provide information to the Board at the next meeting on October 19th. Assistant Prosecutor, Mark Musson, stated CCBOE is not a party to this matter. Board Member Davis Chappell stated CCBOE staff discovered the irregularities and are not a party to the lawsuit and thanked staff for not agreeing to any settlement and is in agreement for Chairman Hastings to move forward on behalf of CCBOE. Board Member Wondolowski asked specifically what did the Franklin board relay to Director Perlatti, and he replied that a member of the Ohio Elections Commission stated he has never seen anything as egregious as the information filed with the Elections Commission regarding Trevor Elkins.

VLM Applications Update

Director Perlatti provided an update on the vote-by-mail process stating as of Friday 279,452 vote-by-mail applications have been received compared to four (4) years ago, when the number of applications received was 145,102. Perlatti further stated that while CCBOE received volumes of applications, CCBOE is in a good position with processing the applications. There are no large backlogs and CCBOE continues to educate voter's regarding the primary reason for rejection of the applications, which is the date of birth being invalid. Deputy

Director Soeder stated CCBOE has received a record number of voters correcting the mistake. Board Member Davis Chappell inquired about a news report regarding voters who are not putting the correct outer address in the window return envelope and the post office not returning the envelope to the individual. Deputy Director Soeder stated she was not aware of that particular situation, but was aware of the incorrect positioning of the return envelope, especially when a voter is utilizing the trifold application sent out by the Secretary of State's office. She said on one side is the CCBOE address, the other side is the address of the voter. If the voter turns this the wrong way, it does not work, as both will be in the same position. The return address does not come into play at this point.

VBM Ballot Update

Director Perlatti stated as of this past Friday, the Ballot Department gave approval to Midwest Printing to print ballots, as the department had completed the proofing process, this past weekend. CCBOE will follow up with Midwest Printing to gauge exactly what the status for production of ballots will be. 187,000 ballots have already been provided to Midwest Printing with another 50,000 ballots to be sent and a third file of 50,000 ballots will be sent to Midwest Printing after the final proofing process is completed by staff.

PEO Update

Deputy Director Soeder stated the polling recruitment dashboard will be sent out every Tuesday and Friday. In doing so, the Board will notice a drop in the numbers of workers placed for this Election. She further stated that she is working with Tenex to provide a link to workers to sign up for their required training, to assist the remaining 1,500 out of 4,500 applicants who have signed up to work the polls. Any new applicant who applied and is qualified will be notified and going forward CCBOE will be communicating daily to the applicants. Further, the Secretary of State's data is not tied into CCBOE, however working with Tenex, CCBOE has identified the means to convert the data. Board Member Davis Chappell stated the dashboard is a great tool and is agreeable to the timeframe of receiving the information and asked if CCBOE is confident of meeting the poll worker numbers for hire. Both Director and Deputy Director replied, yes.

Grant Update

Director Perlatti stated there are two (2) grants CCBOE has applied for, one being the National Vote at Home Institute which is available to all vote-by-mail states offering resources relative to vote-by-mail equipment. The grant is approximately \$70,000 and offers a letter opener and other items. The second grant is from the Center for Tech and Civic Life and offers a variety of voting materials including social media, signage, temporary resources and more. Perlatti stated he could provide the Board with a complete listing of services offered through this grant. The grant amount is \$1.2 million and it has already been awarded. Chairman Hastings asked if the board or county would need to take any action on this matter. Perlatti replied he can sign the document and discuss further with CCBOE's counsel. The National Vote at Home Institute is sponsored by Mark Zuckerberg and Priscilla Chan of Facebook in an effort to assist boards of elections with the November Election.

Aaron Ockerman, Ohio Association of Election Officials, informed boards of this grant and did have conversation with the Secretary of State prior to sending the information to the boards of elections. Board Member Davis Chappell asked what type of personal protection equipment CCBOE would offer to voters coming to the polling location on Election Day. Perlatti replied CCBOE will be asking voters to bring their own protection, but CCBOE will provide PPE should it be needed by a voter. Board Member Wondolowski asked what happens if someone refuses to wear a mask. Perlatti stated the greeter will offer the voter a mask and ask the voter to curbside vote. He further stated CCBOE will not be taking the voters temperature as they enter the polling location, only the temperatures of the poll workers. Chairman Hastings asked if CCBOE has the necessary equipment or space to allow voters who refuse to wear a mask to segregate. Perlatti responded we do not. Board Member Davis Chappell suggested CCBOE explore utilizing a separate voting booth in an effort to protect others and sanitizing after use. Perlatti responded we can segregate up until the voter has to scan their ballot.

Chairman Hastings moved to approve for CCBOE to enter into grant agreements as the CCBOE becomes aware of same. Board Member Davis Chappell seconded the motion. The motion passed unanimously.

Location Update – Notices and Mayor Feedback

Director Perlatti stated a meeting held with mayors became heated as it relates to wearing masks and some mayors stated if a person does not wear a mask, they would not be allowed into the location. Perlatti explained to the mayors that this is a constitutional rule and the voter must be allowed in to vote. CCBOE will reach out to the Secretary of State inquiring if an informational letter can be sent to the mayors. Also, notices have gone out to voters and who were affected by their locations being moved and the affected individuals will be receiving their voter information guide in the mail next week. Board Member Davis Chappell stated she was one of the affected voters and she did receive the letter from CCBOE. She also asked for the Director to explain the situation at Euclid Park Villa as she has received inquiries regarding the moving of the polling location. Director Perlatti explained a directive received from the Secretary of State's office in the spring, directed all boards to move all polling locations that were senior living facilities along with nursing homes and the same requirement applies to the fall election. Perlatti further explained the precinct of voters is larger than the building and you cannot create a location just for a specific building and including the fact of voters not living in the building are not allowed in the building. Board Member Frost stated CCBOE may want to explore partnering with cities , for assistance with screening voters who do not wear PPE, have a temperature, etc. If there is an additional expense incurred by the city, the CCBOE may be able to provide reimbursement with previously awarded grant funding.

Close of Registration and EIP Voting

Director Perlatti stated Monday, October 5th at 9:00 pm was the close of registration and CCBOE is fully staffed with registration and security personnel. Further, early in-person voting begins on October 6th and CCBOE is working with the county to finalize the additional personnel needed. Two (2) voter parking lots have been identified at Campus International and the self-storage facility with over 100 parking spaces. The CCBOE parking lot will strictly be utilized for ADA and curbside voting. Chairman Hasting asked if CCBOE would have the tenting outside and Perlatti replied yes. Perlatti further stated CCBOE did receive an email on Friday, and he has reached out to the Secretary of State's office and finally heard back through the Attorney General's office that the Secretary of State met with their Chief of Staff and that their counsel, the Attorney General's office, would be in contact with CCBOE's counsel by Wednesday at 4:00 pm. Chairman Hastings suggested, given Perlatti's comments, the board will recess due to the possibility of having to meet again and therefore the board would not have to call for an emergency meeting. Board Member Frost asked that all normal notification procedures be adhered to if another meeting would be needed.

Certification

Chairman Hastings asked if there was any additional information on the certification timeframe for the Election. Deputy Director Soeder stated she did have conversation with Amanda Grandjean, from the Secretary of State's office to discuss the certification of the election and more specifically the date for certification. The date for certification has been moved from twenty-one days to fifteen days and more information will be provided via directive from the Secretary of State's office. This is similar to the process that was applied in the 2016 Election. Board Member Davis Chappell asked was any rationale provided regarding the timeframe for the certification process. Soeder stated she believed it to be the anticipation of the Secretary of State relating to any recounts that may need to take place and she would have more information once the directive is provided and given the date change CCBOE would provide to the board changes that would need to be made to the board's already scheduled board meeting dates.

Agenda Item 7: Approval of personnel agenda

Chairman Hastings moved to approve the personnel agenda as presented in the board packet after returning from Executive Session to include the temporary assignment of Becky Brake as Co-Manager in the Election Officials Department. Board Member Wondolowski seconded the motion. The motion passed unanimously.

EXECUTIVE SESSION

Chairman Hastings moved to enter into Executive Session at 11:27 am for the discussion of personnel issues (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official) and updates on pending/potential litigation.

Board Members Frost, Wondolowski and Davis Chappell seconded the motion to enter into Executive Session. The motion passed unanimously.

Chairman Hastings moved to return from Executive Session at 12:05 pm. Board Member Frost seconded the motion. The motion passed unanimously.

Chairman Hastings moved to recess at 12:12 p.m. Board Member Wondolowski seconded the motion. 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 September 28 , 2020.



Jeff Hastings, Chairman



Inajo Davis Chappell, Member



Robert S. Frost, Member



David J. Wondolowski, Member

s/ Anthony Perlatti

Anthony Perlatti, Director