



**Board Meeting
9-30-2020**

**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/via teleconference
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 3:05 pm. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted Board Member Davis Chappell was present via teleconference and all other Board Members were present and clarified this was not an emergency meeting, rather that the Board recessed at its meeting on Monday, September 28, 2020. Chairman Hastings requested the Board hear all other agenda items prior to discussion of Agenda Item #1.

Chairman Hastings made the motion to come out of recess and return to regular session. Board Member Frost seconded. The motion passed unanimously.

Agenda Item 1: The Cuyahoga County Board of Elections proposal regarding the drop-off of absentee ballots

Chairman Hastings commented that the final item on the agenda to be discussed was the Cuyahoga County Board of Elections proposal regarding the drop-off of absentee ballots and Board Member Wondolowski's request for this meeting to continue discussions on this agenda item.

Board Member Wondolowski stated everyone was aware, as of Monday afternoon, an order was received from the court to the Secretary of State. Wondolowski read the following excerpt from the order “in the meantime the court orders the Secretary of State to work closely with the CCBOE to develop and implement a plan to remove the crisis to voters who plan to personally deliver their ballots for the November 3rd Election rather than sending them by mail and the Secretary of State has been ordered to respond by 4:00 pm today”. Board Member Wondolowski asked Assistant County Prosecutor, Mark Musson, to brief the Board on this matter. Mr. Musson stated the Secretary of State’s office first alerted him of the decision on Friday, September 25th and provided him with a copy of the order and the Secretary of State’s office would be in touch with him on Monday, September 28th. He further stated he responded to the Attorney General’s office regarding the CCBOE’s scheduled board meeting being held on Monday, September 28th, and extended an invitation for the Secretary of State’s office to attend and fully address the Board. The Attorney General’s office responded they would do their best but needed to communicate with their client and was not certain if anyone would be available or prepared to address the Board. On Monday, September 28th, the board convened at 9:30 am and shortly thereafter Musson received an email, through counsel, stating that they were still reviewing the decision and how to address the court’s opinion and no one would be available to address the Board. At the conclusion of the meeting the CCBOE went into recess. Then between 2-2:30 pm Musson received notification from the Attorney General’s office stating they had reviewed the court’s opinion and the plan approved by CCBOE Board Members on September 14th for temporary collection sites at Campus International, 3100 Chester Avenue, along with various libraries throughout the county. Musson stated the Secretary of State’s office was going to approve the plan to the Campus International location, but not the temporary sites at the libraries due to the pending litigation in Franklin and other counties.

Board Member Wondolowski stated this has nothing to do with pending litigation. He further stated that he does not believe what has happened is what the Secretary of State was ordered to do, which is to work closely with CCBOE to develop and implement a plan. Wondolowski further stated dictating to CCBOE and giving us one more location is not going to alleviate the issue that we know we are going to have with dropping off ballots. Further, he stated he called the meeting today and thinks it is appropriate for CCBOE attorney to contact the Judge and to advise the Judge of the Secretary of State not doing what was ordered to be done. He said he was not going to speak about anyone personally, as he have respect for all, but this is going to cause problems and need to be addressed; versus just to be told CCBOE has one more location. This was a bipartisan plan proposed by staff to address the collection of ballots. It is CCBOE’s administrative role here, it’s not about partisanship. Board Member Wondolowski said he does not understand why CCBOE cannot do what has been proposed and it has absolutely nothing to do with the pending litigation – it’s about drop boxes and bipartisan teams going out to collect ballots and I would like to give CCBOE attorney the ability to communicate this to the Judge.

Board Member Frost thanked Board Member Wondolowski for reconvening the Board and stated he continues to support the concept of having more broad locations for drop boxes. Frost said he respects the directions of the

Secretary of State and there are multiple litigations ongoing and having an off-site location adjacent to the CCBOE helps with one problem; to alleviate the congestion of the parking lot. Further, he stated this does not vary from the statewide rule that every board of elections gets one drop off point, either the board building or a separate early voting site - one or the other. He respects the Secretary of State's position as it stands right now and the Secretary of State's attorney has talked to CCBOE attorney and this is the decision and plan they have at this point based on the ruling of the Judge. He concluded by stating he does not give up hope that after all of the litigation is resolved, which he believes is intertwined, with the judge opining on us, it does continue to be his hope that whatever the drop dead date is for CCBOE, that within a couple weeks CCBOE may get the authorization to have multiple drop-off locations that our staff, separate from the issue of drop boxes, as he does not want to go down that road again. We have bipartisan support for multiple staff drop off locations, during regular days/multiple days from mid-October until Election day and that concept was supported by bipartisan vote when passed and still believes that there is bipartisan support and hopes CCBOE receives authorization before another week or so passes.

Board Member Wondolowski stated with the thought of sending to voters over 300,000 ballots over a three-four day period and the thought of those ballots being received by the CCBOE at the two (2) locations is really frightening to him. As an example, he cited pedestrians crossing the street, people on their cell phones, traffic jams, and car accidents which could all occur because CCBOE will have volumes of people coming to the CCBOE to drop off their ballots. At least a third of voters who have requested vote-by-mail ballots, we can assume will return them in person. He is very concerned and does not believe that this implements a plan but rather just allowed CCBOE to have another location.

Board Member Davis Chappell stated she had provided testimony in the litigation and the concerns were absolutely around the congestion of people, the traffic, and potential safety risks. Further, she stated she really wished that there would have been some dialog with the Secretary of State to understand the logic behind simply adding the one location. Part of the entire plan was a solution that was more global and global for a reason because it did allow voters to have other alternatives away from our site. As it relates to the Chester location, we had a plan for that location and while pleased to have this location, she is not sure that we alleviated the congestion, traffic and safety issues. Arguably, Chester Avenue has even more traffic, as Chester Avenue is by the highway. She believes in combination with the other sites CCBOE had identified the proposed plan would be more workable than simply saying that we could have Chester Avenue as part of the plan. She further stated her belief is the spirit of the order was to work cooperatively and closely, no offense to our counsel as he can certainly have discussions, but given the urgency and importance surrounding this issue, it is really very dis-hearting that we could not have had a zoom call with our Secretary of State, he is our Chief Elections Official, and it is difficult to understand what are the difficulties of having other sites without having the ability to have conversation with the Secretary of State's office. Davis Chappell also stated she does not understand what the dilemma or issue is and while the one (1) site is helpful she believes that implementation of the full plan leadership brought to the Board would have been most

helpful. She said she wished that CCBOE could have just had the time to convene directly with our Secretary of State rather than just through counsel. CCBOE doesn't really have a lot of time for a real practical solution in helping CCBOE to administer this election and help and not burden the voters. She reiterated that she just wished that CCBOE could have a more direct conversation with the Secretary of State to understand what the problem is with implementing our full plan.

Board Member Wondolowski commented by way of example of the parking lot and a situation he encountered today, that of a van in the parking lot where the ballot box is located and the need to eliminate four (4) to six (6) parking spaces in that area. There is a sight issue and this could cause an accident and CCBOE needs to address this situation, especially with individuals who may not be familiar with our parking lot.

Perlatti responded CCBOE parking lot as of next week will primarily be for ADA parking and all other parking will be off-site. The parking spaces located by the ballot box and aprons will be completely blocked off due to sight and safety reasons along with the increased volume of activity that will be entering and exiting the building.

Chairman Hastings asked if CCBOE would be moving cars (employees) and still be in a position to have curbside drop-off, as there will be dozens of people coming down to drop off ballots. Perlatti replied employees who normally park in the lot have been moved to the Channel 5 parking lot. Soeder stated this is the purpose of the Campus International Lot, to have voters drive through this lot and not have them drop off at CCBOE lot, as we can't move our ballot box from the parking lot. Chairman Hastings replied he understands and commented we normally have staff on Election Day collecting ballots in our parking lot. Perlatti replied yes, this is to relieve the pressure of the congestion expected in the CCBOE parking lot. The satellite locations would have relieved the pressure of only having the CCBOE ballot box. Chairman Hastings inquired if CCBOE would be ready to do this on October 12th, as to get a sense of how this typically works, given ballots going out on the 6th and begin returning around October 12th.

Board Member Davis Chappell commented there is nothing typical in this election, we are in the middle of a pandemic, and we have an unprecedented number of vote-by-mail applications being received and presumably that would yield an unprecedented amount of vote-by-mail ballots being returned. Board Member Davis Chappell asked Assistant Prosecutor Musson, if the CCBOE received anything in writing from the Secretary of State's office, or has the only communication been between Mr. Musson and their counsel. Musson responded no, only orally by telephone.

Chairman Hastings added he appreciated his colleagues comments and stated the CCBOE is a public body and the input from CCBOE has been provided to the court and the court is aware of the plan and the dynamics of how the plan is presented and he will let the Judge decide as CCBOE is not part of this litigation and the court will decide if

this matter is acceptable or not. Board Member Davis Chappell added that she is requesting for the record, the Secretary of State to have more direct communication with the CCBOE, and noted CCBOE is not a party to the lawsuit and CCBOE is working for our voters and he is our Chief Elections Official and she is requesting CCBOE to encourage the Secretary of State's office to have direct communication with CCBOE, if he so chooses to maintain his position.

Board Member Wondolowski stated, for the record, that it is hard for him to understand the reasoning of the Secretary of State's office given this plan has no cost to the Secretary of State's office, the plan being within CCBOE's budget, and the fact that this plan was approved by all four (4) board members.

Agenda Item 2: Approval of Personnel Agenda

Chairman Hastings moved to approve to personnel agenda as presented in the board packet. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 3: Update on Election Officials Operations and Precinct Election Officials recruitment and training.

Director Perlatti provided an update on the Election Officials operations given the approval of the personnel agenda which included the resignation of Henry Curtis, Manager of the Election Officials Department and to provide to the Board how CCBOE will successfully meet the operational needs of the department. He further stated he and the Deputy Director have no doubts that CCBOE will meet all of the recruitment training requirements of the department. On Monday, the board approved a temporary work level for Becky Brake to co-manage the Election Officials department. This temporary work level was under consideration prior to Mr. Curtis' resignation and therefore Ms. Brake is already in place and will work with Mr. Curtis during the transition phase. Further, there are two (2) assistant managers currently in the department and both have been in the department for several years, know their job functions, and are capable of getting the job done. Along with the addition of the current staff, Ms. Brake, and while working on a daily basis with the Director and Deputy Director, with the absence of Mr. Curtis, CCBOE will be able to have a successful election. Deputy Director Soeder can provide the efforts and numbers that CCBOE has reached in just a few days. Chairman Hastings commented the Board had received an updated dashboard regarding recruitment efforts. Deputy Director Soeder stated that in addition to the dashboard numbers provided on yesterday, and as of 11:30 am this morning, CCBOE had placed an additional 147 precinct election officials and 2,400 individuals since Friday afternoon have signed up for in-person training and we have more than enough space available for the workers to receive training, as some of the training is being done on-line.

Board Member Frost commented there were news reports on last week regarding an email sent from the Election Officials department, and he appreciates and is aware that the Director and Deputy Director will look into how that occurred and CCBOE was subject to some criticism on Monday. CCBOE did not address the matter in open meeting and he wants the public to know he is confident CCBOE is continuing to look into how this happened. In the meantime, the Manager of the Election Officials department, at the time that this happened, has now resigned. He further commented, regarding the three (3) individuals, Co-Manager, Becky Brake, who the board did approve on Monday for the temporary assignment and with the two (2) Assistant Managers, namely, Peter James and Arianne Morrow, expressed his confidence in the individuals, their technical skills and their ability to get the job done that this department needs over the next five (5) weeks and thanked staff for their leadership. Board Member Wondolowski agreed with the comments of Board Member Frost.

Chairman Hastings inquired, with Ms. Brake co-managing the department with Mr. Curtis until his resignation, how will accountability be handled? Perlatti replied CCBOE met with staff on Monday along with Ms. Brake to inform staff of Brake's approval to be co-manager along with Mr. Curtis. Ms. Brake and Mr. Curtis would report directly to Director and Deputy Director and not each other along with dividing up some of the responsibilities within the department. Further, after the departure of Mr. Curtis, Ms. Brake will be the sole manager of the department reporting to the Director and Deputy Director. The assistant managers will work with Ms. Brake and report to her to get the job done. Chairman Hastings asked if we have parity within the positions. Perlatti responded yes. Chairman Hastings further commented that he echoed the comments of Board Members Wondolowski and Frost and he is glad to see who is accountable in the department with the resignation of Mr. Curtis and is certain that all the staff is up to the task. Board Member Davis Chappell asked if the dashboard received from CCBOE is posted on the website for public viewing so the public is aware of recruitment efforts regarding precinct election officials. Deputy Director Soeder stated currently it is not and it will be on the website by tonight or tomorrow morning. Board Member Davis Chappell further commented that she also echoes her colleagues comments and CCBOE did not miss a beat and understands the newspaper reporting and while CCBOE cannot take every single action out in the public CCBOE has been transparent and staff has been on top of these situations and she appreciates the work being done by staff for taking care of these items.

Chairman Hastings moved to adjourn at 3:31 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 30 , 2020.



Jeff Hastings, Chairman



Inajo Davis Chappell, Member



Robert S. Frost, Member



David J. Wondolowski, Member

s/Anthony Perlatti

Anthony Perlatti, Director