



**Board Meeting  
10-12-11**

**Attending:**

Jeff Hastings, Chairman  
Inajo Davis Chappell, Member  
Eben O. (Sandy) McNair, IV, Member  
Deborah L. Sutherland, Member  
Jane M. Platten, Director  
Pat McDonald, Deputy Director  
Reno Oradini, Assistant Prosecutor

Linda Steimle, Clerk to the Board  
Dawn Peck, Court Reporter

The meeting began at 5:10 p.m.

Board Member Sutherland asked if the Board could address an issue of immediate importance. She stated that in light of some of the information that the Board has received regarding vote by mail applications, correspondence received from Mr. Robbins, and in the spirit of fostering a bi-partisan compromise, she would like to make a motion to reconsider the September 29, 2011 decision that ended in a tie vote. Chairman Hastings seconded the motion.

Board Member Sutherland stated she would like to amend the action from September 29, 2011 to send notification to all of those who voted absentee in 2009 and 2010, mailing post card notices to about 200,000 voters at a cost of approximately \$64,000.00. She stated that there are a couple of advantages to this proposal: it would reduce the amount of confusion that is out there; it is fiscally responsible on the agency's part, it fosters a bi-partisan compromise for the benefit of the voters; it targets the proven absentee voters; and it can be done quickly, being sent out next week .

Board Member Chappell stated the motion in question addressed a postcard mailing to inform active voters (minus the voters who have requested or submitted an application already) of the change regarding vote by mail in terms of the requirement that they must solicit an application from us before we can mail it.

Board Member Chappell stated the Board needs to work together but feels very strongly that the Agency has a duty to every voter and not just the people that requested a vote by mail application. She wanted to know what the rationale would be to exclude the 2008 voters.

Board Member Sutherland stated 2009 and 2010 numbers were used because they are the most recent voter rolls.

Board Member Chappell asked if there was any new data around the numbers of requests for vote by mail to compare including data from 2008.

At this time public comments were given regarding this issue:

Susan Alcorn: Notification on absentee applications, the best solution is a mass mailing.

Norman Robbins: Notification on absentee applications. Voters are confused regarding the agreement reached between County Executive Fitzgerald and Secretary of State Husted.

Director Platten stated that in 2008 there were 211,789 requests for ballots, in 2009 there were 160,300 requests for ballots, and in 2010 there were 183,787 requests for ballots compared to the 60,000 that have been received so far for this year.

Board Member Chappell questioned what the additional cost would be to include 2008? Deputy Director McDonald stated that the cost should not increase significantly but the issue becomes the timeliness of the mailing with the additional voters added.

Board Member Chappell made a friendly amendment to the motion to include the 2011 newly registered voters and also the 2008 voters who voted absentee.

The Board asked for the total number of newly registered voters for 2011 and the number of voters who voted by mail in 2008.

The motion was tabled.

**Agenda Item 1: Discussion regarding hours of operation for In House Voting for the November 8, 2011 General Election:**

Board Member McNair stated he requested the meeting today to discuss extended hours for in-house voting. He further stated he sent an email regarding this matter to the Board Members stating that he intended to make a motion to be open the last three Saturdays and Sundays before the election (October 22, 23, 29, 30; November 5 & 6); Saturday hours to be 9-2 and Sunday 12-5. In addition, he stated he wanted to include in the motion extending hours the Monday before the election to 7 pm. He also stated that since this email was sent, Deputy Director McDonald has been in communication with the Secretary of State's office regarding the fact that House Bill 194 is now being held in abeyance and House Bill 224 is now the law. This legal issue could impact the motion. He asked Mr. Oradini if he were to make the motion would any part of this motion be in violation of the Ohio Revised Code?

Mr. Oradini stated that language at issue regarding in-house voting is in RC section 3509.03. He further stated that House Bill 194 did not change the language in this section; it is the same language as it was prior to House Bill 194 which allowed in-house voting until the close of regular business hours the day before the election. House Bill 224 addressed this issue and it changed the language to allow in-house voting no later than 6:00 p.m. on the last Friday before the election.

Board Member McNair made a motion for the Agency to be open the Saturdays and Sundays before the election (October 22, 23, 29, 30), Saturday hours to be 9-2 and Sunday 12-5. Board Member McNair stated that this motion is different from what is going on in other counties. Other counties are staying open until 7:00 p.m. during the week. The research for Cuyahoga County shows that people do not show up and the numbers are small; it is not financially supportable to be open late. He further stated that some counties are open on Saturdays but none have Sunday hours.

Board Member Chappell stated she would like to make a friendly amendment to the motion to extend the Saturday hours to 9-5 and Sunday hours to 12-7. She said that she is concerned that this can be a potential issue when people realize they couldn't vote by mail because they didn't get an application or didn't apply on time.

Chairman Hastings stated the Board received a letter submitted by The Southern Christian Leadership, Pentecostal Connection, Baptist Ministers Conference, NAACP and the National Action Network regarding extending in-house voting hours to Saturdays and Sundays. This letter was made part of the record.

At this time public comments were given regarding this issue:

- Greg Moore: Extending early voting hours. Would like to add October 15<sup>th</sup> and October 16<sup>th</sup> to early voting dates.
- Marcia McCoy: The Board should consider the recommendation for extended voting days.
- Reverend Aaron Phillips: The Board should encourage people to vote. Many voters request absentee ballots.
- Kent A. Whitley: The Board has done a tremendous job in the last few years, consider the extended hours of operations.

The Board voted unanimously to go into recess.

The Board voted unanimously to return into public session.

Director Platten stated there are 25,151 new voters for 2011 further stating that there were 35,589 voters who requested vote by mail ballots in 2008. The cost to add both groups to the mailing would be just under \$20,000.00.

The Board voted unanimously to reconsider Board Member Sutherland's motion. The Board will reconsider the mailing that resulted in a tie vote on September 29, 2011.

The Board voted unanimously to send out post card notifications to the 2011 newly registered voters and to voters who requested absentee ballots in the 2008, 2009, and 2010 Elections minus those who have already received or requested their ballots; reducing any overlap.

The Board agreed not to send the September 29, 2011 tie vote to the Secretary of State.

Board Member Chappell withdrew her friendly amendment to Board Member McNair's motion. The Board voted unanimously to extend in-house voting hours for the Saturdays and Sundays before the election (October 22, 23, 29, 30), Saturday hours to be 9-2 and Sunday 12-5.

**New Business:**

Director Platten stated that the telephone issue involving the IVR system has been resolved. The Agency is now able to handle the volume of calls that are coming in.

She also stated that on Saturday, October 15<sup>th</sup>, the Cuyahoga and Cleveland Libraries will have people at their branches to assist voters with vote by mail applications. The applications will be delivered to the Agency on Monday.

The Board voted unanimously to adjourn at 6:35 p.m.

**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 12, 2011.

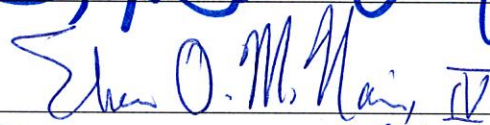
Jeff Hastings, Chairman



Inajo Davis Chappell, Member



Eben O. (Sandy) McNair, IV, Member



Deborah L. Sutherland, Member



Jane M. Platten, Director

