



**Board Meeting
11-20-2017**

Attending:*

Inajo Davis Chappell, Chairwoman
David J. Wondolowski, Member
Jeff Hastings, Member
Robert S. Frost, Member
Pat McDonald, Director
Anthony W. Perlatti, Deputy Director
Brendan Doyle, Assistant Prosecutor, Cuyahoga County

Linda D. Walker, Clerk to the Board
Anthony Alto, Clerk to the Board

The Board Meeting began via roll call at 9:30 a.m.

Chairwoman Chappell: Present
Board Member Wondolowski: Present
Board Member Frost: Present
Board Member Jeff Hastings: Present

Agenda Item 1: Approval of minutes from the October 31, 2017 board meeting

The Board tabled approval of the minutes for the next meeting in order to allow corrections to be made.

Agenda Item 2: Richard Starr Report

Director McDonald stated that Board staff investigated some discrepancies in absentee ballots which were sent to the Boys and Girls Club. There were 29 out of 200 applications submitted by Mr. Richard Starr, who was a candidate for Cleveland City Council Ward 5 and works at the Boys and Girls Club. Bill West was hired to compile a report on this matter.

Chairwoman Chappell stated that she noticed a vehicle with a large campaign sign in the parking lot, and asked that the public refrain from displaying partisan materials. She also asked anyone in the audience who was wearing partisan clothing to refrain from displaying them.

Bill West stated that he did not do any investigation in his capacity as an attorney because he is not admitted to the Ohio Bar. He then stated that the staff identified 90 vote by mail applications that had return addresses from the Boys and Girls club with similar hand writing. Staff and Dr. Iezzy, a hand writing expert, concluded that at least 57 were suspicious or invalid. The Director and Deputy Director met with Mr. Starr and asked him to stop sending applications with the Boys and Girls Club address. Mr.

*Assistance for the hearing impaired was provided by a certified American Sign Language Interpreter at this meeting

Starr then delivered around 200 vote by mail applications to the Board of Elections. None of these had the Boys and Girls Club address, but staff still took a close look at them. Twenty-nine of the vote by mail applications had suspicious signatures. In total there were 86 vote by mail applications with suspicious signatures. The report before the board included each voter's voter profile, vote by mail applications, signatures on file, and voter history. Almost all of the voters applied to vote by mail in the September Primary but only about six (6) did. These voters almost never vote by mail. The Secretary of State Directive orders each Board of Election to investigate any alleged voter fraud. Before the Board is the investigative report.

Chairwoman Chappell asked Mr. West if he authored the report.

Mr. West responded that the report is largely his work.

Chairwoman Chappell asked if Dr. Iezzy produced his own separate report or if it is incorporated into this report.

Mr. West responded that Dr. Iezzy analyzed the signatures for two (2) hours. Mr. West sent Dr. Iezzy a summary of his work. Dr. Iezzy agreed to the language in the summary and for it to be included in the present report.

Director McDonald stated that the intention was not to get a detailed analysis from Dr. Iezzy, but just to provide some guidance to determine whether to send this issue to the prosecutor.

Chairwoman Chappell stated that she would feel more comfortable in a hearing if we had Dr. Iezzy's direct testimony. She then asked if any of the voters had any knowledge of what was going on.

Mr. West stated that he did not speak with any voters, but staff employee Dalorean White did attempt to contact the voters at their homes. He was unable to get in contact with any of them. Mr. West then stated that three (3) voters did vote in person or requested new vote by mail applications. To the naked eye it appears that the signatures on the voters' most recent applications do not match the signatures on the first vote by mail applications.

Board Member Hastings stated that the Board had an obligation to investigate with due diligence and believes that Board staff did a thorough and diligent investigation. He then asked Director McDonald if anyone has reached out to Mr. Starr.

Director McDonald stated that they have not reached out to him.

Board Member Hastings stated that he believes there is enough information right now to warrant an investigation by the Prosecutor's Office.

Chairwoman Chappell asked Assistant Prosecutor Doyle if the Prosecutor's Office is expecting the Board to hold a quasi-hearing.

Assistant Prosecutor Doyle stated that the Prosecutor's Office would expect an investigation, not a formal hearing or final decision.

Board Member Hastings stated that the evidence is overwhelming and is impressed with the investigation that staff performed. He then moved to refer the matter to the prosecutor's Office.

The Board unanimously voted to refer this matter to the Cuyahoga County Prosecutor's Office for possible Election Law violations.

Agenda Item 3: November General Election Overview

Director McDonald stated that the Election was successful. It was the first time electronic poll books were used and he received positive remarks from public officials, candidates, and voters.

Election and Compliance Administrator Shantiel Soeder stated there were 188,758 individuals who checked in on the electronic poll books. The average check in time was one (1) minute, down eight (8) seconds from the September election. There were 2,091 redirects, 1,569 actually went to that location and cast a ballot, up 13% from September's election. As poll workers become more familiar with the electronic poll books voters are being processed quicker. There were about six (6) or seven (7) locations where connectivity was poor. This was even with antennas. The solution is to find new polling locations. This election included a "super-location" where there were many precincts within one location which went very smoothly. Staff is also looking at balancing check-ins versus ballots cast. Ultimately they are in a good place for voter history.

Chairwoman Chappell asked if staff had lessons learned yet.

Director McDonald stated that it will take about a month to create a report from lessons learned and surveys. Also, there was the typical 70/30 split between Election Day voting and early voting. The Board received 3,358 provisional ballots and 871 post absentee ballots. There were some very close elections, namely Olmsted Falls mayoral race, which requires a run-off election. Director Mc Donald stated that there are close races in Cleveland Wards 1 and 7, Cuyahoga Heights Village Council, Lakewood City Council, Linndale City Council, East Cleveland Board of Education, Brooklyn tax levy, Beachwood Mayor, Cleveland Municipal Court: House Judge, Mayfield Heights Village Council, University Heights City Council, and a Broadview Heights tax levy. Today the staff will ask the Board to approve opening the valid provisional and post-election absentee ballots.

Chairwoman Chappell stated that the Board will not know the official results of the election until the next meeting on November 28th.

Director McDonald stated that the process is outlined by law and secretary of state directive.

Board Member Frost asked what the procedure is for releasing official results.

Director McDonald stated that most of the time compiling the official results runs up until the day of certification and so it is practice not to release the results until the certification meeting.

Agenda Item 4: Determination of the validity of provisional ballots and authorization to count provisional ballots from the November 7, 2017 General Election

Registration Assistant Manager Tony Kaloger stated that a total of 3,358 provisional ballots were cast including 483 in-house provisionals. Of all those ballots, 3,013 were found to meet the requirement for opening, 345 were rejected. The reasons for rejection include voters who were not registered, missing addresses, invalid addresses, voted in the wrong county, missing ID, did not provide a signature, missing a date of birth, no ballot in the envelope, voted absentee, absentee was challenged, non-matching ID, wrong precinct wrong location, and a provisional which was challenged.

Chairwoman Chappell asked if there was any follow up with voters who voted both absentee and provisionally.

Kaloger stated that voters most often do that when they vote early and then forget, and when they attempt to vote early but are worried that their ballot will not arrive at the Board of Elections in time. He also

stated that the primary reasons why voters voted provisionally in this election were because they requested an absentee ballot and didn't return it, and they had a change of address.

The Board voted unanimously to authorize the opening and counting of the valid provisional ballots from the November 7, 2017 General Election.

Agenda Item 5: Acknowledgement of resignation from elected office

The Board acknowledged the resignation from elected office of Eric L. Johnson, Glenwillow Village Council, Ward 2. .

Agenda Item 6: Approval of voter information guide for the anticipated December 5, 2017 Olmsted Falls Mayoral Runoff Election

The Board voted unanimously to approve the voter information guide for the anticipated December 5, 2017 Olmsted Falls Mayoral Runoff Election.

Agenda Item 7: Approval of a sole-source purchase award to Election Systems and Software, LLC, in the amount of \$30,700.00 for the purchase of 240 DS200 Backup Battery Packs

Business Administration Manager Sean Webster stated that the backup battery packs are custom designed to meet the EAC requirements. They have a lifespan of four (4) to five (5) years. A notice of intent was sent to 47 companies and published it in *The Plain Dealer*. No responses or objections were received from any company.

Board Member Hastings asked if boards of election are required to post this.

Webster stated that there is no requirement but the policy is to follow the same process as the County Procurement Office. If there was a valid objection then the Board would do an RFP.

The Board voted unanimously to approve the sole-source purchase award to Election Systems and Software, LLC in the amount of \$30,700.00 for the purchase of 240 DS200 Backup Battery Packs.

Public Testimony:

Clarissa A Smith, Esq.:

Ms. Smith thanked the Board and introduced herself on behalf of Councilman TJ Dow. She stated that she has some concerns about the legitimacy of Councilman Dow's opponent and asked if the Board could postpone the provisional process until the investigation is complete.

Chairwoman Chappell stated that they are under a very tight timeline dictated by statute and are unable to allow any delays.

Ms. Smith asked to be present during the opening of the provisional ballots and to identify for whom the rejected ballots were cast.

Director McDonald stated that registered observers are able to observe, but the timeframe to register has expired. He also stated that rejected provisional ballot envelopes must stay sealed. In this instance the only thing they could do is register as observers if there is a recount.

Assistant Prosecutor Brendan Doyle stated that he is happy to share the legal authority and process laid out in Ohio Revised Code and Secretary of State Directives.

Rico Dancy:

Mr. Dancy stated that in Columbus there is access to the deaf and blind, and asked if there is braille on the ballot.

Chairwoman Chappell replied that staff will follow up with any questions or requests in a timely manner.

Mr. Dancy specifically asked what the process is for deaf or blind citizens to have access to the ballot. He also asked what the process is to meet with Mr. Director.

Rev. Pinkney Butts:

Rev. Butts began with a verse from Scripture. She then stated that racism and sexism is very real in this electoral system. On the website it has Jeff Hastings as Chairman of the Board of Elections which is deceptive. Additionally there was a Washington D.C. attorney addressing the Richard Starr issues. She reported that her ballot disappeared in the 2008 election when she ran for United States President twice but no effort was made to find it, but then she was locked up in the hospital under the direction of Jane Platten. She asked what is really going on at Federal, State, and local level. She does not come down here causing confusion.

Gilder Malone:

Ms. Malone stated that one of the reasons for low voter turnout was lack of trust. Another is voter purging. A third reason is illiteracy. Some solutions are to limit polling locations and provide election related educational videos at public libraries.

Executive Session:

The Board voted unanimously to enter into executive session at 10:36 a.m. via roll call vote.

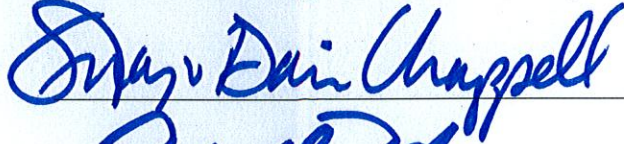
The Board voted unanimously to enter into public session at 11:29 a.m. via roll call vote.

The transcript of proceedings from the remaining portion of the meeting are incorporated by reference into the minutes and are available for review upon request.

The Board voted unanimously to recess at 11:35 a.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 November 20, 2017.

Inajo Davis Chappell, Chairwoman

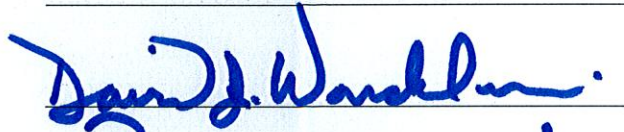
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Robert S. Frost, Member

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