



**Board Meeting  
3-12-2018**

**Attending:**

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

Linda D. Walker, Clerk to the Board  
Mary Bolas-Dietz, Court Reporter

The Board Meeting began at 9:32 a.m. via roll call:

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

**Agenda Item 1: Approval of Minutes from the February 15, 2018 Board Meeting.**

The Board voted unanimously to approve the minutes from the February 15, 2018 board meeting.

**Agenda Item 2: Acknowledgement of the following Secretary of State Directives:**

The Board voted unanimously to acknowledge the following Secretary of State Directives:

- Directive 2018-06: Statewide Candidates for the May 8, 2018 Primary Election
- Directive 2018-07: Ballots for the May 8, 2018 Primary Election and Special Congressional Primary Election

**Agenda Item 3: Protest against Bride Sweeney, candidate for Representative, Ohio House District 14.**

*The transcript of proceedings from the protest hearings are incorporated by reference into the minutes and are available for review upon request.*

Board Member Wondolowski made the motion to deny the protest. Board Member Hastings seconded the motion.

The Board voted unanimously to deny the protest against Bride Sweeney, candidate for Representative, Ohio House District 14.

**Agenda Item 4: Protest against Wanda Jones, candidate for Cuyahoga County Common Pleas Judge FTC 1/6/19.**

*The transcript of proceedings from the protest hearings are incorporated by reference into the minutes and are available for review upon request.*

Board Member Hastings made the motion to deny the protest. Board Member Wondolowski seconded the motion.

The Board voted unanimously to deny the protest against Wanda Jones, candidate for Cuyahoga County Common Pleas Judge FTC 1/6/19.

*Chairwoman Chappell requested a five (5) minute recess at 10:20AM and resumed the meeting at 10:25AM*

**Agenda Item 5: Protest against Lon “Cherie” Billingsley, candidate for Cuyahoga County Common Pleas Judge FTC 1/19/19.**

*The transcript of proceedings from the protest hearings are incorporated by reference into the minutes and are available for review upon request.*

Chairwoman Chappell made the motion to deny the protest. Board Member Hastings seconded the motion.

The Board voted unanimously to deny the protest against Lon “Cherie” Billingsley, candidate for Cuyahoga County Common Pleas Judge FTC 1/19/19.

**Agenda Item 6: Reconsideration of Ashlee McLaughlin, candidate for Democratic Central Committee, Linndale.**

Brent Lawler, Manager Candidate and Petition Services stated that a technical oversight had been made on behalf of his department staff regarding the petition for Cuyahoga County Central Committee candidate, Ashlee McLaughlin. The Board did receive the petition timely on February 7, 2018. McLaughlin was notified by staff to withdraw as the petition listed “Linndale” versus “Linndale Precinct A”. Her withdrawal was received timely on February 12<sup>th</sup>. Staff erroneously notified McLaughlin that her withdrawal needed to include “Precinct A”. As such, the Board voted to not certify her to the May 8, 2018 Primary Election, thus preventing her from filing as a write-in. McLaughlin contacted the Board of Elections to respectfully request reconsideration of its decision from February 15<sup>th</sup>.

Chairwoman Chappell asked that an explanation be provided as she was not familiar with guidelines which exist regarding matters of reconsideration. Prosecutor Doyle stated that the Board has the discretion to hold a hearing or reconsider. Director McDonald stated that we have had matters in similar nature to this reconsideration in the past and they are brought to the Board’s attention for hearing or reconsideration.

Chairwoman Chappell made the motion to reconsider the vote on February 15, 2018 to not certify Ashlee McLaughlin as a candidate for Linndale Cuyahoga County Democratic Central Committee. Board Member Hastings seconded the motion.

Chairwoman Chappell made the motion to amend the Board’s vote on February 15, 2018 by specifically rescinding to not certify Ashlee McLaughlin as a candidate for Cuyahoga County Democratic Central Committee for Linndale. Board Member Hastings seconded the motion.

Chairwoman Chappell made the motion to acknowledge Ashlee McLaughlin's timely withdrawal as a candidate for Cuyahoga County Democratic Central Committee for Linndale. Board Member Hastings seconded the motion.

Chairwoman Chappell made the motion to certify Ashlee McLaughlin as a write-in candidate for the Cuyahoga County Democratic Central Committee for Linndale Precinct A. Board Member Hastings seconded the motion.

The Board voted unanimously to approve all four (4) motions regarding the reconsideration of Ashlee McLaughlin, candidate for Democratic Central Committee, Linndale.

**Agenda Item 7: Acknowledgement of Candidate Appointments, Intent to Retire, Resignations and Withdrawals.**

After a motion and second, the Board voted unanimously to acknowledge the Candidate Appointments, Intent to Retire, Resignations and Withdrawals.

**Agenda Item 8: Certification of Write-Ins for the May 8, 2018 Primary Election.**

Chairwoman Chappell asked Prosecutor Doyle to provide an explanation regarding the write-in process. Prosecutor Doyle stated that individuals who have filed their petitions timely but not proved valid by the Candidate and Petition Services department are allowed to withdraw their petitions and file as a write-in candidate only if the candidate withdraws prior to the Board certifying write-in candidates. He cited *State ex rel. Coble v. Lucas County Board of Elections* and further confirmed with the Ohio Secretary of State's Office that the *Coble* case supports these procedures and should be followed by the Board.

After a motion and second, the Board voted unanimously to certify the Write-Ins for the May 8, 2018 Primary Election. The Write-In candidate list is incorporated into these minutes and is available upon request.

**Agenda Item 9: Approval of Vouchers**

After a motion and second, the Board voted unanimously to approve the vouchers as reflected in the agenda.

**Agenda Item 10: Approval of the voter information guide to all active registered voters for the May 8, 2018 Primary Election.**

After a motion and second, the Board voted unanimously to approve the voter information guide to all active registered voters for the May 8, 2018 Primary Election.

**Agenda Item 11: Approval of a purchase award to New Channel Direct in the amount of \$40,908.90 for the printing and mailing of the voter information guide for the May 8, 2018 Primary Election.**

After a motion and second, the Board voted unanimously to approve the purchase award to New Channel Direct in the amount of \$40,908.90 for the printing and mailing of the voter information guide for the May 8, 2018 Primary Election.

**New Business**

TJ Dow Voting Irregularity Investigation:

Betty Edwards, Registration Manager provided a summary of the February 15, 2018 board meeting whereby a protest was heard regarding the eligibility of T.J. Dow to be a candidate for State Representative due to his residency. The Board requested that staff investigate whether any potential voting irregularities existed.

Staff reviewed the transcripts of Mr. Dow's testimony specifically where he stated that he changed his residence. The Ohio Revised Code dictates that he was required to vote a provisional ballot for the precinct in which he now resides. Edwards further stated that voters have the choice to vote at their correct polling location or vote by absentee ballot. Voters do not have the choice to vote a provisional or regular ballot once the voter registration deadline has passed for a particular election. The Ohio Revised Code dictates when a provisional ballot is required. It appears based upon the Ohio Revised Code, Section 3599.12 Illegal Voting, Mr. Dow did vote in a precinct in which he was not a legally qualified elector.

Board Member Hastings moved that the matter be referred to the Prosecutor's Office for a determination as the Board has completed its due diligence. Director McDonald stated that we would also need to send this matter to the Secretary of State's office for determination of potential voter fraud as is procedure.

After a motion and second, the Board voted unanimously to refer the matter of T.J. Dow to the Prosecutor's Office and to the Secretary of State's Office for final determination.

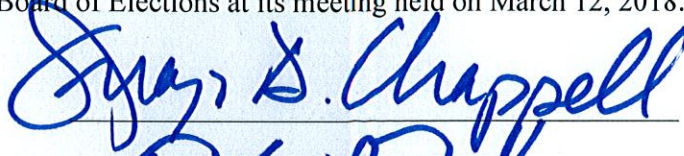
### **Public Comment**

Attorney Michael O'Shea stated that he represents six (6) individuals who filed petitions for Democratic Central Committee in Rocky River and that five (5) of the six (6) individuals petitions were invalidated by the Board at its February 15, 2018 board meeting, based on staff review of the petitions. O'Shea acknowledged that he had been in communication with Director McDonald and Prosecutor Doyle regarding his appearance today and was notified of the procedures to be placed on the Board's agenda. Prosecutor Doyle reiterated that he had already responded to Attorney O'Shea advising that the petitions submitted did not have "technical" issues but rather the petitions contained substantive flaws that made them fatal under state law and that candidate withdrawals had to occur prior to the board meeting of February 15, 2018 at 9:30 AM, at which the Board of Elections certified candidates for the ballot in the Primary Election on May 8, 2018. Doyle further cited *State ex rel. Coble v. Lucas County Board of Elections*, whereby if a candidate submits his or her withdrawal after the Board certification meeting that determined his or her candidate filing insufficient, then the withdrawal cannot be accepted by the Board. Board Members accepted the legal advice as provided by Prosecutor Doyle and no further action would be taken at this time.

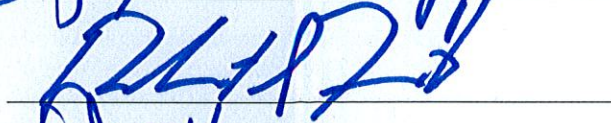
The Board voted unanimously to adjourn at 11:38 a.m.

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 March 12, 2018.

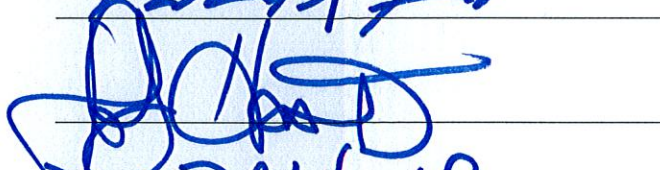
Inajo Davis Chappell, Chairwoman

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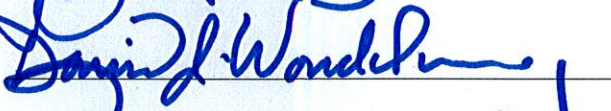
Robert S. Frost, Member

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Jeff Hastings, Member

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David J. Wondolowski, Member

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Pat McDonald, Director

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