



**Board Meeting
10-31-2017**

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 2:07 p.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 September 25, 2017 and September 28, 2017 board meetings

The Board voted unanimously to approve the minutes from the September 25th and September 28th board meetings.

Agenda Item 2: Acknowledgement of the following Secretary of State Directives and Advisory

- a. **Directive 2017-19: Reminder of Important Security Precautions and Practices**
- b. **Directive 2017-20: Unofficial and Official Canvasses of the November 7, 2017 General Election**
- c. **Directive 2017-21: Pursuant to a Court Order Nov 7 2017 General Election**
- d. **Advisory 2017-08: Cybersecurity Training Opportunity**
- e. **Memorandum 2017-01: Special Powers and Responsibilities of Sheriffs on Election Day**

The Board voted unanimously to acknowledge the listed Directives, Advisory, and Memorandum.

Chairwoman Chappell asked if there was an opportunity for staff to obtain training under Advisory 2017-08. Director McDonald stated that he will look into it.

Agenda Item 3: Physical Security Update by Director of Protective Services Division, Effrem Speigner

Director McDonald stated that the board upgraded its security camera system. There are now 43 cameras throughout the building and parking lot. The cameras have excellent clarity and quality. There is a 24/7 security detail until the end of the election. There is a mobile camera unit in the parking lot. Public Works is installing new exterior doors. There will soon be a motion alarm on all floors. There are other vestibule doors that will also be upgraded with an access control system.

Director of Protective Services, Effrem Speigner, stated that on behalf of County Executive Armond Budish and Sheriff Clifford Pinkney, at no time, because of the prior incidents, were ballots or machines compromised. The security of the building, ballots, and equipment are essential to democracy and they take it very seriously. The timeline of events is as follows: on September 2nd at approximately 12:09 pm the radio received a burglary alarm call. At 12:17 pm a patrol officer arrived and entered the building and found the building to be empty. What happened was an individual accessed the building by pulling on the door. At that time the door was malfunctioning due to a mechanical failure. On October 10th, the second incident, an officer who was entrusted in guarding the building, took it upon himself to exit the building and sat in his personal vehicle for 45 minutes. He was discovered by the relief person 45 minutes to an hour later.

Chairwoman Chappell asked if there was any human error.

Director Speigner stated that there was none.

Chairwoman Chappell indicated that in the report the investigator discovered a lack of key control procedures. She asked Director Speigner what has been done to remedy that problem.

Director Speigner stated that with the installation of the new doors, the key process was streamlined. Prior to the installation of the new doors, keys were rampant throughout the building. It is possible that former employees could have had keys because there was no key control. Protective services will now be the key holder for the building.

Director McDonald stated that no Board of Elections employees had keys.

Director Speigner affirmed and stated that only Protective Service employees had and will have keys to the building.

Chairwoman Chappell stated that the report indicated that mechanical failures will be addressed by replacing security doors, and that the key control procedure will be remedied by streamlining the key process.

She stated that the cameras have been updated and lighting for the parking lot is in the process of being updated.

Chairwoman Chappell asked if new motion detectors will be installed.

Director Speigner stated that motion detectors will be installed on the 1st, 2nd, 3rd, and 4th floors. Also, a complete threat and security assessment will be completed.

Board Member Wondolowski made reference to the fact that the subject of the report is "Unauthorized Access to the Board of Elections". He asked who entered the building without authorized access.

Director Speigner stated that two individuals entered the building. One is unnamed, and the other was former Congressman, Dennis Kucinich.

Board Member Wondolowski stated that in the report that on four (4) different occasions Mr. Kucinich was contacted for a statement, however, he cancelled on all four (4) occasions. He took the time to call everyone he knew when the incident happened, but refused to offer any comments for the Sherriff's Office. Board Member Wondolowski then asked if it is reasonable and customary to close out an investigation without receiving comments from a key witness.

Director Speigner stated that he is not in the position to answer that question.

Board Member Wondolowski stated that personally it is bothersome to him that a key witness would not cooperate with an investigation. The comments that were made about the sanctity of the election process, the fact that he was in the building for some unknown amount of time, and the fact that he could not take just five (5) or 10 minutes to give some comments is certainly bothersome.

Board Member Frost stated that all the facts are not present because Mr. Kucinich refused to give comments. He stated that he believes Mr. Kucinich would not cooperate because he did not want to incriminate himself. Board Member Frost then asked if the Prosecutor's Office was asked to bring charges against Kucinich.

Legal Counsel Doyle stated that he is unaware of any requests to bring charges against Mr. Kucinich, and cannot answer the question.

Board Member Frost stated that he believes that Kucinich is worried that charges will be brought against him and that's why he refuses to provide comments.

Board Member Hastings stated that the findings indicate that the first breach was a mechanical one. Reasonable and responsible steps were taken to ensure that does not happen again. New cameras were installed both inside and outside as well as motion detectors.

Chairwoman Chappell stated that she appreciates the effort to be proactive. The County Protective Services have been great partners in the past. She does not relish the position the Board is in. The Board is responsive to the voters. There is an obligation to ensure that voting is kept safe and secure. The Board takes those obligations very seriously. Chairwoman Chappell's message to the public is that there has been no breach of those systems for which the Board is responsible and for which the Board owes the public an obligation. She encouraged the public to get out and vote without any fear whatsoever or any reluctance whatsoever that anything relative to the voting systems, the ballots, the process, the integrity to anything here has been compromised. The Board wants to make sure that the public understands that. The Board appreciates the confidence and faith with which they have been entrusted. Chairwoman Chappell stated that the Board cannot be in a similar position moving forward and they need the County to continue to be a good partner moving forward and to take every step possible to ensure this does not happen again.

Agenda Item 4: Richard Star Discussion

Director McDonald stated that staff discovered several absentee ballot requests that were directed to be sent to the same location. 61 were directed to be sent to the Boys and Girls Club. There is an employee who is running for City Council in Ward 5, Mr. Richard Starr. Director McDonald asked Richard Starr to come in and talk to him and Deputy Director Perlatti. During the conversations Mr. Starr stated he did not know he could not direct the ballots there, several people told him they do not trust the mail. He thought he was doing them a favor. Director McDonald told him to stop requesting ballots there and asked if he could attend the next board meeting. Mr. Starr agreed. Director McDonald then asked staff to go into the community and try to get in touch with voters who submitted absentee applications and how it was asked

of them to let their ballots be delivered there. However, staff was not able to contact to anyone who requested their ballots to be sent to the Boys and Girls club. Some residents said the requestor does not live there. One woman stated that she did not request an absentee ballot, but the signature on the application looks like her sister's. Another resident who lived in a duplex stated that no one lives upstairs from her and she did not request a ballot.

Board Member Hastings asked if these ballots in question have been suspended or requests cancelled.

Director McDonald stated that the ballots are suspended, or the requests have been cancelled and letters sent to the requestors that they may request a new absentee ballot or vote in person. The letters were sent last Thursday. Staff is currently investigating other irregularities. A report will be ready by the November 20th meeting.

Chairwoman Chappell asked whether there is an impact for the elections next week.

Director McDonald stated that of the suspected ballots, all the vote by mail requests were cancelled. Before they were made aware of the issue, six (6) ballots were sent to the Boys and Girls Club, but they have been suspended.

Board Member Wondolowski asked if there were irregularities in the September Election.

Director McDonald stated that there were some coincidences, for example, the last day prior to the election, almost 60 percent of the ballots requested were returned on that day which is inconsistent with return rates in other wards.

Board Member Frost stated that it is important that ballots be delivered to voters whose signatures do match and who should receive a ballot. He asked Director McDonald if there is anything else that staff should do or know for this.

Director McDonald stated that staff is doing its due diligence by investigating the matter and keeping the voters well informed of the process.

Board Member Wondolowski asked Assistant Prosecutor Brendan Doyle about possible penalties for voter fraud.

Assistant Prosecutor Doyle stated that voter fraud is a felony and the perpetrator would likely face jail time.

Chairwoman Chappell stated that it is important to do the proper follow up steps and get to the facts and to follow due process to allow Mr. Starr and anyone else the opportunity to answer any allegations. She asked Assistant Prosecutor Doyle what the duty of the Board of Elections is in determining and referring cases of voter fraud to the Prosecutor.

Assistant Prosecutor Doyle stated that referral is at the discretion of the Board, but what the Prosecutor expects is that there is a thorough investigation to the best of the Board's abilities. If at the end of that investigation, the Board believes there could be a possible criminal violation then the Board would be obligated under the Ohio Revised Code to refer the matter to the prosecutor.

Agenda Item 5: Acknowledgement of candidate withdrawals from the November 7, 2017 General Election

The Board acknowledged the withdrawal of candidates as presented in the agenda.

Agenda Item 6: Amendment to the Official Certification of the September 12, 2017 Primary Election

Ballot Assistant Manager Jason Culek stated that an additional provisional ballot was found for Cleveland Ward 5. It did not affect the outcome of any election.

The Board voted unanimously to amend the Official Certification of the September 12, 2017 Primary Election.

Agenda Item 7: Authorization to process payment in the amount not-to-exceed \$48,865 for 172 private voting locations and two Zone Stations being used for the November 7, 2017 General Election

The Board voted unanimously to authorize to process payment in the amount not-to-exceed \$48,865 for 172 private voting locations and two Zone Stations being used for the November 7, 2017 General Election.

Agenda Item 8: Authorization of allocation of 5,232 voting booths, 1,043 DS200 precinct scanners, and 372 ADA AutoMark Voting units for the November 7, 2017 General Election

The Board voted unanimously to authorize allocation of 5,232 voting booths, 1,043 DS200 precinct scanners, and 372 ADA AutoMark Voting units for the November 7, 2017 General Election

Agenda Item 9: Authorization to pay 372 Voting Location Managers, 372 Voting Location Deputies, 3,256 Precinct Election Officials, and 200 Standbys for an amount not-to-exceed \$721,798.80.

The Board voted to authorize to pay 372 Voting Location Managers, 372 Voting Location Deputies, 3,256 Precinct Election Officials, and 200 Standbys for an amount not-to-exceed \$721,798.80.

Agenda Item 10: Approval of Vouchers

Board Member Frost stated that the Ohio Association of Elections Official is working on organizing several trainings in cyber security.

The Board voted unanimously to approve the vouchers as presented in the agenda.

Agenda Item 11: Approval of Personnel Agenda

The Board voted to approve the personnel agenda as presented in the agenda.

New Business:

Election Update:

Director McDonald stated that 83,000 vote by mail requests have been received and 38,000 absentee ballots have been returned. Voters have until Saturday at noon to request their ballot. There have been 1,619 early in house voters. This election so far mirrors the election four years ago. All poll workers have been hired and all but a few have been trained. There are four (4) locations that will not be open for the organizational meeting due to prior obligations. Staff is prepared and ready for the November Election.

Public Testimony:

Rico Dancy:

Mr. Dancy stated that he just got back from DC. The organization wants to know if there is a mobile app for people with a disability. They have one in Virginia. He asked if the Board received a letter from the Supreme Court. He stated that he contacted his legal team. He said the team sent a letter to the Board that was certified and he will continue to fight this. He asked if all voting locations can accommodate people with disabilities.

The Board voted unanimously to recess at 2:54 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 31, 2017.

Inajo Davis Chappell, Chairwoman

Robert S. Frost, Member

Jeff Hastings, Member

David J. Wondolowski, Member

Pat McDonald, Director
