

SPECIAL MEETING

AUGUST 15, 2022 – 1:00 P.M.

MINUTES

The meeting was called to order by Chairman Dennis Pavella at 1:12 p.m. Present were Mrs. Janet Carson, Mrs. Joan Windnagel, Mr. Ed Ryder, Director Michelle Lane, Scott Daisher, Programmer, Campaign Finance, and Officer Administrator. Deputy Director Nora McGinnis was absent. Guests present at the meeting from the Geauga County IT Department were Andy Haines, Zack McLeod. Also present, Susan Hagan, Democratic Party Chairman, Ashtabula County. Ed Everett, Nancy McArthur, Sharon Gingerich, Susan Rondini, and Shelly Lewis attended via Teams.

Mrs. Windnagel made a motion to approve the July 21, 2022, meeting minutes as presented. Mrs. Carson seconded the motion. All voted: AYE.

Mrs. Windnagel made a motion to approve the August 2, 2022, meeting minutes as presented. Mrs. Carson seconded the motion. AYES: Mr. Pavella, Mrs. Carson, and Mrs. Windnagel. Mr. Ryder abstained due to his absence at that meeting.

Chairman Pavella reviewed the current bills to be paid.

Mrs. Carson questioned the Marshal Mileage. Director Lane answered that all the Marshals had additional polling locations to cover for the August 2, 2022, Primary.

Mrs. Windnagel made a motion to pay the following bills as presented. Mrs. Carson seconded the motion. All voted: AYE.

Chardon Oil	\$101.54	fuel - deliver equipment
Youngstown Letter Shop	\$11,355.45	election day ballots & test deck
Quill	\$32.37	kitchen supplies - hot cups
Quill	\$29.57	kitchen supplies - creamer
Quill	\$11.84	kitchen supplies - paper plates/sm
Quill	\$100.61	kitchen supplies - plasticware, cups
Quill	\$19.55	kitchen supplies - paper plates/lg
Quill	\$190.97	copy paper, packing tape
Quill	\$720.57	copy paper, labels
Kiwanis Lake	\$375.00	polling location rental
A. Rifkin	\$147.11	seals - blue bags
Maureen Depenbrok	\$80.13	mileage - nursing homes, p.o.
Richard Depenbrok	\$64.26	mileage - equip delivery & pickup
Ben Kotowski	\$18.75	mileage - training
Sue Stevenson	\$22.13	mileage - training

Cathy Hall-Gillette	\$18.75	mileage - training
John Lucas	\$146.31	mileage - equip delivery & pickup
Mark Halford	\$81.38	mileage - marshal
Robert Amick	\$62.50	mileage - marshal
Terrance Zion	\$31.31	mileage - marshal
Ken Chuha	\$124.06	mileage - marshal
William Clark	\$67.19	mileage - marshal
Tom Pitrone	\$49.56	mileage - marshal
Don Mohny	\$38.13	mileage - marshal
Dawn Greene	\$57.70	mileage - marshal
	\$13,946.74	

Campaign Finance Reports - The Campaign Finance Reports had been emailed to the Board prior to the meeting for their review.

Hildenbrand for Sheriff - Semiannual

Friends of Mullins- Semiannual

Friends of John Urbancic- Semiannual

Balanced Political Solutions- Semiannual

Sheila Bevington Campaign Fund- Semiannual

Geauga Democratic Womens Caucus- Semiannual

Friends of Tim Lennon- Semiannual

Committee to Elect Joe Cattell- Semiannual

West Geauga Community Joint Recreation District - DOT

Citizens for Mental Health- Semiannual

Munson Fire Levy- Semiannual

Supporters of Cardinal Local - Semiannual

We Care for Kenston- Semiannual

WG Watch- Semiannual

Geauga Health District Levy- Semiannual

West Geauga Committee for Quality Education- Semiannual

Audit Letter Sent

Committee to Elect Jim Flaiz

Scott Daisher explained that Jim Flaiz, Geauga County Prosecutor, had filed his Campaign Finance Report 28 minutes late. There is a misconception by some Candidates about the time for filing. The BOE Office hours are to 4:30 P.M., but the filing deadline is 4:00 P.M. Mrs. Carson made a motion to not refer Jim Flaiz for late filing. Mr. Ryder seconded the motion. All voted: AYE.

Scott Daisher stated that there are mathematical errors on the Committee to Elect Jim Flaiz Financial Report that are being corrected.

Mrs. Carson made a motion to amend the Agenda to move Approval to Purchase: Firewalls for new building and installation to after Campaign Finance Reports. Mr. Ryder seconded the motion. All voted: AYE.

Approval to Purchase: Firewalls for new building and installation – Andy Haines and Zack McLeod were present from the Geauga County IT Department. The BlueSpark invoice to purchase new Firewalls for an approximate cost of \$31,650.20 was reviewed, as well as the email from Andy Haines explaining the advantages of the new Firewall System. The purchase agreement does not have a time element. Andy Haines discussed all the aspects of just purchasing the new Firewall system, installing the Firewall System in the current 470 Center St., Building 6, or installation in a new location later. The Board of Elections Office is not moving before the first of the year. BlueSpark is off site. Scott Daisher stated that the new Firewall System will help the BOE stay open for business. The cost of installation is \$6,000 - \$7,000. The current Firewall System would remain at 470 Center St., and it comes in from 470 Center St., Building 2. Mr. Pavella asked that the new system not be installed. The current system was installed in 2019. Mr. Ryder inquired as to where the money is coming from. Director Lane stated there is money in the equipment fund. The Board's issues will be communicated to BlueSpark. The cost of two Firewalls is \$5,957.22 and will relocate the equipment in the current tech closet. Mrs. Carson stated she did not want the Firewall System under the control of the Geauga County Maintenance Department, but under the IT Department.

Mr. Ryder made a motion to purchase this equipment for the Firewall System for \$31,650.20 to be under the control of the County IT Department, and the equipment not be installed until approved by the Board. Janet Carson seconded the motion. All voted: AYE. The contract does not need to be signed.

The next topic for discussion was the cell phone booster. The cell phone booster system has not been purchased yet. All four floors of the new County Administration Building need the cell phone booster. Zack McLeod stated that Chuck Walder with approval of the ADP Board is seeking legal action regarding access key card controls at the new County Administration Building and other grievances. It is being filed with the Ohio Supreme Court for Arbitration.

Jim Flaiz and Laura LaChapelle have asked to be recused from representing the County Commissioners in regards to the Board of Elections lawsuit since the Prosecutor's Office are members of the ADP Board. This was an anticipated issue.

Shelly Lewis inquired about the camera system for curbside voting at the new County Administration Building. Zack stated the IT Department needs to know how many and where the Board needs cameras, and the ring mechanism (call button) for curbside voters. Scott Daisher explained the curbside call button, and there is no place to put the ballot drop box. The circular drive located in front of the new County Administration Building is not conducive to safety, and easy access to the ballot box being located on the driver's side. Andy Haines and Zack McLeod suggested meeting on site to discuss four spots for curbside voting. Scott Daisher will send the information to the IT Department regarding call systems that are available for purchase.

At this time, Andy Haines and Zack McLeod left the meeting. The Board thanked them for attending.

Rule on postmarks for 10-Day ballots and 11S forms – Laura Amick, Absentee Ballot Supervisor, presented a report for 10-Day Absentee Ballots and Provisional Ballots.

1. 3 Good postmarks – August 1 or earlier.
2. 3 Mailed-in ID envelope corrections (11-S Supplement)
3. 1 UOCAVA
7 TOTAL TO ACCEPT
4. 10 **Late** postmark – 10 – August 2nd – August 12
5. 0 – Arrived after 10-day deadline
10 TOTAL TO REJECT

There were no indeterminate postmarks to review for 10-day ballots and 11-S Forms.

There were **three** absentee ballots, **three** 11-S Forms, and **one** UOCAVA with good postmarks returned in the 10-day absentee timeframe. Mr. Ryder made a motion to accept the seven, 10-day absentee ballots to be counted as good in compliance with the ORC. Mrs. Carson seconded the motion. All voted: AYE.

There were ten, 10-day absentee ballots with a late postmark. Mr. Ryder made a motion to reject the ten absentee ballots with late postmarks after the 8/12/22 deadline. Mrs. Carson seconded the motion. All voted: AYE.

Consideration of Provisional Ballots - Provisional ballots were reviewed.

1. 1 Absentee – absentee ballot requested; did not vote their ballot or never received it
 2. 4 Change of Address – Changes and moves within Geauga County
 3. 3 Registered in Ohio; Not in Geauga County – Registered in another County; and did not vote in that county - 2 Cuyahoga; 1 Portage County
 4. 2 Change of Name
- 10 TOTAL TO ACCEPT

Other Board Review:

1. 1 Expired ID – Driver’s License number matches their VR
 2. 1 Address issue/transposed street address on provisional ballot
 3. 2 Voted absentee (received in office 7-22) and at polls
 4. 1 poll worker error – thought voter had spoiled 3 ballots; 2 were spoiled
- 3 TOTAL TO REJECT
2 TOTAL TO ACCEPT
5. 2 fleeing voters (polls)
 6. No APRI exceptions

Mr. Ryder made a motion to accept and be counted: **one** Provisional ballot from a voter that had requested an absentee ballot but either did not receive it or did not vote it; **four** address changes within the County; **three** registered in Ohio, not Geauga County; and **two** Change of Names (10 Total). Mrs. Carson seconded the motion. All voted: AYE.

Mr. Ryder made a motion to not accept the expired driver’s license as a valid Provisional Ballot according to the ORC. Mrs. Windnagel seconded the motion. All voted: AYE.

Mr. Ryder made a motion to **accept** the transposed street address on the Provisional envelope since the Board can determine the validity of the voter. Mrs. Carson seconded the motion. All voted: AYE.

Mrs. Carson made a motion to reject the two Provisional ballots that were voted because they did vote absentee prior to Election Day in the BOE Office on July 22, 2022. Mr. Ryder seconded the motion. All voted: AYE.

The Board requested that a letter be sent to the two voters.

Mrs. Carson made a motion to **accept** the Provisional Ballot based on poll worker error of only two ballots being spoiled and not three, and the voter should have been able to vote. Mr. Ryder seconded the motion. All voted: AYE.

Mr. Ryder made a motion to reject the two fleeing voter ballots in accordance with the State Auditor Directive. Mrs. Carson seconded the motion. All voted: AYE.

The Board agreed that fleeing voter ballots with one Republican and one Democrat present should be counted. This was permissible in years past. Curbside voter ballots are put through the DS200 by one Republican and one Democrat even though the curbside voter is not present during the process.

Poll Worker Payroll – After review of the poll worker payroll, there are a few W-9s needed for new poll workers. Mrs. Carson made a motion to accept the Board of Elections PEO Payroll that was submitted and for the Director and Deputy Director to issue the payroll not to exceed \$42,500 as needed. Mr. Ryder seconded the motion. All voted: AYE.

Approve Poll Workers – September 16th, 2022, through September 15th, 2023 – Director Lane discussed the disadvantages of using the TRIAD poll worker module. She is currently working with TRIAD to resolve the issue of using the TRIAD text file which currently shows 2,229 poll workers in Geauga County some of whom are retired or deceased. Director Lane wants to clean up the list and is working on a new letter. Many of the poll workers are unhappy that the TRIAD system automatically assigns the poll workers to a polling location.

Mrs. Carson made a motion to approve the poll worker list in TRIAD under the supervision of the Director and Deputy Director and with the assistance of the poll worker bi-partisan recruiters. Mr. Ryder seconded the motion. All voted: AYE.

The Board would like a copy of the list of poll workers when this process is completed.

Post-Election Audit – Select Date and Method – The Board discussed the date for the Post-Election Audit. Mrs. Carson made the motion to approve the Post-Election Audit be held on August 23, 2022, at 10:00 A.M. and done by precinct. Mr. Ryder seconded the motion. All voted: AYE.

Races to be counted – District 32, Republican Central Committee, Woman – Nancy McArthur and Melissa Pope. District 28, Republican State Central Committee, Man – Brian Ames and James Simon. District 28, Democratic Central Committee, Man – Peter Zeigler and Brad Cromes. The August 2, 2022, Primary vote count was 4,396 and five percent of the vote is counted for the Audit. Director Lane will pull the precincts.

If needed, recounts by August 21, 2022. The Election Audit needs to be conducted by September 4, 2022.

Approve tentative ballot quantities for November Election – Mr. Pavella made the motion to approve the ballot quantities for the November 8, 2022, General Election of 100 percent of the Voter Registration plus an additional one percent for the ballot quantities. Mr. Ryder seconded the motion. All voted: AYE.

Approval to move 4 polling locations – For the August 2, 2022, Primary registered voters for the City of Chardon voted at 470 Center St., Building 8; and Chester Township voted at Metzenbaum School. The Berkshire Board of Education Building is no longer available, and Munson Elementary School has several issues that are upsetting to the poll workers. The Board discussed Chardon City precincts C and D returning to the Heritage House, Chardon; Chester Township precincts A, D, F, G, and H returning to Mayfield Church, Chesterland; Burton Township precincts A and C voting at the old Berkshire High School, Burton; and Munson Township precincts D and F voting at either the Geauga YMCA or Notre Dame, Munson. The Director and staff will research. Shelly Lewis asked for clarification on polling locations.

Approve printing of Polling Location Move Notices (4) – Mrs. Carson made a motion to approve the printing of Polling Location Move Notices for the City of Chardon precincts C and D back to the Heritage House, Chardon; Chester Township precincts A, D, F, G, and H returning to Mayfield Church, Chesterland; Burton Township precincts A and C moving to the old Berkshire High School, Burton; and Munson Township precincts D and F moving depending on polling location. Mr. Ryder seconded the motion. All voted: AYE.

Director Lane stated that one voter went to the new Berkshire High School to vote. The notice for Burton Township voters will state the old Berkshire High School.

Any other business necessary to legally complete and certify the Official Canvass – Mrs. Windnagel made a motion to accept and certify the Official Canvass results as presented. Mrs. Carson seconded the motion. All voted: AYE.

Candidate Withdrawal – The Board was in receipt of letters from Abby Kovacs, unopposed certified candidate to the August 2nd Primary for District 99 Ohio State Representative. Susan Hagan, Democratic Party Chairman, Ashtabula County, was present. Abigail Kovacs was certified, after the certification withdrew her candidacy, and after the Board certified her candidacy today, August 15, 2022. Kristen Rine, Assistant Prosecuting Attorney, sent an Attorney Client Privileged correspondence regarding this matter dated August 15, 2022.

Mrs. Carson made a motion to accept the withdrawal of Abigail Kovacs as the District 99 Ohio State Representative. Mr. Ryder seconded the motion. All voted: AYE.

The Board was in receipt of Certification of Selection of Candidate to Fill Vacancy in Party Nomination, Form No. 289 prescribed by the Secretary of State dated 09-17. This form indicates that pursuant to the provisions of Section 3513.31 of the Revised Code, on the 13th of August for the purpose of selecting a candidate for the Democratic Party for the office of State Representative in said county, district or subdivision of the General Election to be held on November 8th, 2022; and they hereby certify that the said committee met with a majority of its members present and selected Kathleen Ann Zappitello, whose address is 928 Sandusky St. Conneaut, OH 44030 to be such candidate. Form 289 was notarized on August 13, 2022. All letters and forms were date and time stamped by the Geauga County Board of Elections.

Mrs. Carson explained that two days' notice is required when a candidate withdraws their candidacy according to the ORC with the party of the most populous county consisting of the Party Chairmans and Party Secretary in the district be present at the meeting. Janet Carson, Geauga County Democratic Party Chairman, and Susan Hagan, Ashtabula County Democratic Party Chairman and Marla Zwinggi, Geauga Democratic Party Secretary were in attendance at the August 13, 2022, district committee meeting of the Democratic Party of Ashtabula and Geauga County. A discussion was held regarding filling the vacancy before the candidate withdraws. Voters would have no choice in electing a candidate if the August 13, 2022, meeting had not been held. The 86th day for the candidate to apply for their name to be on the November, 2022, ballot is August 15, 2022. Abigail Kovacs did move into the 99th District to run for the 99th District Ohio State Representative seat, but financially could not stay where she is at. Kathleen Ann Zappitello was then selected to run as a replacement. Mr. Ryder was concerned about this process and put the fault with the Ohio Legislatures and Ohio Supreme Court. The August 15, 2022, certification, and the two days' notice requirement falls after the 86th day requirement for a candidate to be certified to the ballot.

The legal opinion as written by Kristen Rine, Geauga County Assistant Prosecutor, dated August 15, 2022, was reviewed; and email dated August 9, 2022, by Amanda M. Grandjean, Esq., Director of Elections and Deputy Assistant Secretary of State, was read: Ohio Election Official Manual, Chapter 14, Page 388, Selection of Person to Fill Vacancy on General Election Ballot, No. 1 Major Political Party; ORC Section 3513.31 A – E was gone over point by point to verify that all steps were followed.

Mrs. Carson made the motion to approve Kathleen Ann Zappitello as the Democratic Party 99th District Ohio State Representative candidate. Mr. Ryder seconded the motion. All voted: AYE.

This certification needed to take place by August 15, 2022, by 4:00 P.M. Mrs. Carson stated that there will be a request sent by Kathleen Zappitello to have her name on the ballot as Kathy Zappitello.

Director Report – Director Lane stated that the Office accounted for every ballot. With it being a smaller election, it was a much easier process. The back room was cleaned and outdated forms and equipment

instructions were disposed of. It is much more organized. A new poll worker letter is being drafted. Director Lane will send a letter to Kathleen Zappitello regarding the certification of her appointment.

Mrs. Carson made a motion to go into Executive Session per the ORC Section 121.22 (G) (3) at 3:55 P.M. to conference with the Board's legal counsel concerning pending litigation. Mr. Ryder seconded the motion. The roll call vote was taken by Board Member Windnagel: Mrs. Carson, Yes; Mr. Pavella, Yes; Mr. Ryder, Yes; and Mrs. Windnagel, Yes. The Executive Session included Director Michelle Lane and Scott Daisher, BOE employee.

Mr. Pavella made a motion to leave Executive Session at 4:25 P.M. Mr. Ryder seconded the motion. The roll call vote was taken by Board Member Windnagel. Mr. Pavella, Yes; Mr. Ryder, Yes; Mrs. Carson, Yes; and Mrs. Windnagel, Yes.

Mr. Ryder made a motion to adjourn the meeting at 4:27 p.m. Mrs. Carson seconded the motion. All voted: AYE.

Next meeting – August 23, 2022, at 10:00 A.M.