

GEAUGA COUNTY BOARD OF ELECTIONS

SPECIAL MEETING

MAY 15, 2020

MINUTES

The meeting was called to order at 9:09 A.M. by Chairman Ed Ryder.

Mr. Pavella made the motion to approve the regular meeting minutes of April 16, 2020. Mrs. Windnagel seconded the motion. All voted: AYE.

Mr. Pavella moved to accept on the April 28, 2020, special meeting minutes the first change on Page 1, 6<sup>th</sup> paragraph Write-ins – “two (2) legitimate write-in ballots and reject the other five (5). Mrs. Windnagel seconded the motion. All voted: AYE.

On Page 2, 1<sup>st</sup> paragraph, Mr. Pavella moved to change the language concerning the over votes. Over votes change to “ballots” in the first sentence; delete “to accept the Voter intent” in the second sentence; and to add after Mrs. Carson opposed “because she could not see the vote.” Mrs. Windnagel seconded the motion. All voted: AYE.

Mr. Pavella made the motion to approve the special meeting minutes of April 28, 2020, as corrected. Mrs. Windnagel seconded the motion. All voted: AYE.

Mr. Pavella made a motion to move the bills on the Agenda to follow the approval of the April 28, 2020, special meeting minutes. Mrs. Windnagel seconded the motion. All voted: AYE. The vouchers will be delivered to the County Auditor for the noon deadline for submittal.

Mr. Pavella made a motion to approve the bills as presented with the amended amount for Quill of \$233.29. Mrs. Windnagel seconded the motion. All voted: AYE.

• Sunrise Springs	\$ 19.45
• Quadient	\$558.92
• Quill LLC	\$182.70
• Quill LLC	\$ 39.66
• Quill LLC	\$180.65
• Quill LLC	\$ 50.40
• Quill LLC	\$ 79.74
• Quill LLC	\$ 59.98
• Quill LLC	\$1,726.94
• Quill LLC	\$ 21.01
• Quill LLC	\$ 116.82

- Quill LLC \$403.96
- Quill LLC \$233.39 .29 cents (amended)
- Pete Zeigler \$184.45

Rule on indeterminate post marks for 10 day ballots and 11s forms – ShoMore’ DeNiro, Regional Liaison, Secretary of State Office, had the Postal Reader for the digital postmarks on the return envelopes.

Director, Pete Zeigler, reported that on May 14, 2020, there were 26 envelopes with ballots delivered to the Geauga County Board of Elections from the Chagrin Falls, Ohio, Post Office with 25 of the envelopes having a postmark date of April 21, 2020, and one envelope was postmarked April 18, 2020. The envelopes needed to be received no later than May 8, 2020, to the Geauga County Board of Elections and postmarked by April 27, 2020. Serita Montgomery and Mitch Tullie, United States Post Office Liaisons for the region, were at the Geauga County Board of Elections Office today to discuss this issue with the Director. The Post Office is concerned, and they are undertaking an investigation. The envelopes did not arrive timely. The Director and the Board members were disappointed that this happened.

Nora McGinnis, Absent Supervisor, presented the 10-Day Absentee Ballot Report of March 17, 2020 (April 28, 2020) and the Provisional Ballots – March 17, 2020, (April 28, 2020) Report. The Board reviewed the reports, envelopes, and ballots.

Nora stated this is the last of the 10-day ballots from March 17, 2020 through May 8, 2020. The March 17, 2020, Presidential Primary Election suspended date was April 28, 2020. The ten-day cure period is May 8, 2020.

The Board reviewed the three, 17-year old ballots. Tax levies and County Central Committee races were ineligible for votes on the 17-year old ballots.

Mr. Pavella made a motion to accept two, 17-year old ballots that appear to be correct; and the third ballot the County Central Committee Race and the two tax levies to be blanked out as ineligible for a vote. Mrs. Windnagel seconded the motion. All voted: AYE.

There were ballots with smudge marks. They were erasure markings.

Mr. Pavella made a motion to approve the two ballots with the smudge marks obvious erased marks for one election race on each ballot. Mrs. Windnagel seconded the motion. All voted: AYE.

The ten over-voted ballots (4 over vote and 6 voter intent) were reviewed by the Board.

Mr. Pavella made a motion to accept that four of the over votes as clearly over-voted ballots. Mrs. Windnagel seconded the motion. All voted: AYE.

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Mr. Pavella made a motion to accept the Board approval of six of the intent of the voter ballots. Mrs. Windnagel seconded the motion. All voted: AYE.

The 26 envelopes with ballots received on May 14, 2020, were discussed by the Board.

Mr. Pavella made a motion to regretfully not accept the 26 ballots received in an untimely fashion after the May 8, 2020, deadline that arrived yesterday, May 14, 2020, according to the O.R.C. and the Secretary of State Directive. Mrs. Windnagel seconded the motion.

Discussion continued on this topic. Director Pete Zeigler stated that he had contacted the Secretary of State's Legal Office about this issue. The law is unchanged and very clear. The ballots cannot be accepted. Chairman Ryder recommended a letter to our Congressman and two U.S. Senators to have them look into the Board of Elections not being able to accept 26 ballots, and the voter did their duty in a timely manner. Mr. Ryder resides in the Chagrin Falls Postal District, and there has been trouble for the past 8-10 years since the Bainbridge Post Office was closed. Congressman Joyce is aware of the problem with the delivery of mail at the Chagrin Falls Post Office. Something needs to be done to fix the Chagrin Falls Post Office. Director Zeigler stated that one can concur in this job that these people's vote counts. The Congressman and Senators need to work on possible solutions. Mrs. Carson thought that a Directive from the Secretary of State before the Post Election to address this issue. In review of the envelopes, the postmarks are clearly within the ten-day cure period, and the voter is being penalized. The Secretary of State, Congressman, Senators, and Aaron Ockerman could look into this further.

At this time the vote was taken on Mr. Pavella's motion to reject the 26 ballots. All voted: AYE.

Nora stated that the staff had reviewed and determined that 1,101 ballots had good postmarks (April 27, and prior). Of the 11 envelopes with no postmark, 2 were valid (and not scanned) and 9 were late.

Mr. Pavella made a motion that nine of the envelopes were postmarked after the April 27, 2020, date and were not valid per the O.R.C. Mrs. Windnagel seconded the motion. All voted: AYE.

ShoMore' DiNiro, SOS Office, explained there was no problem with the Secretary of State Postal Scanner in reading the digital markings on the envelopes. Some of the envelopes do not have scan marks; and some of the envelopes are postmarked after the Election.

All envelopes were checked and reviewed by multiple employees and the Director.

Mr. Pavella made a motion not to accept the late illegible postmarks that were scanned on the Secretary of State postal scanner. Mrs. Windnagel seconded the motion. All voted: AYE.

Mr. Pavella made a motion not to accept the 85 envelopes with late postmarks from April 8 – May 8, 2020. Mrs. Windnagel seconded the motion. All voted: AYE.

There was discussion on the 11-S Supplement Form mailed to voters that needed to correct their I.D. envelope due to missing or wrong I.D., and signatures missing. The dates that the forms are mailed and the turn-around time is a concern with mail delivery. The 11-S Supplement Form must be returned within 7 days with the corrected information (May 5, 2020).

Mr. Pavella made a motion . Mrs. Windnagel  
seconded the motion. All voted: AYE.

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seconded the motion. All voted: AYE.

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seconded the motion. All voted: AYE.

Review insufficient absentee ballot envelopes

Consideration of Provisional ballots

Mr. Pavella made the motion to accept the Campaign Finance Reports and Terminations as prepared and audited by staff. Mrs. Windnagel seconded the motion. All voted: AYE.

Mrs. Carson stated that groups and business offices are closed due to the pandemic taking place, recommended making a phone call to these organizations. They would not have received the notice for filings of Campaign Finance Reports in the mail.

**Candidates**

Bear for Trustee – 2019 Annual

Committee to Elect Michael Brown – 2019 Annual

Friends of Charles Butter – 2019 Annual

Friends of Campbell – 2019 Annual

Galicki for Commissioner – 2020 Pre-Primary

Keep Judge Grendell – 2020 Pre-Primary (1) and (2) – with Treasurer’s signature

Hildenbrand for Sheriff – 2020 Pre-Primary

Holden for Sheriff – 2020 Pre-Primary

Chris Horn for Trustee – 2019 Annual

Friends of Tim Lennon – 2020 Pre-Primary

Friends of Jeff Markley for Trustee – 2019 Annual

Friends of Mary Brigid Matheney – 2019 Annual

McCaskey for Trustee – 2019 Annual

Ben Kotowski for School Board – 2019 Post General

Madden for Russell Trustee – 2019 Post General

Friends of Mullins – 2019 Annual, 2019 Amended Annual, 2020 Pre-Primary

Friends of Ondrey – 2018 Annual, 2018 Amended Annual, 2019 Annual

Quay for Recorder – 2019 Annual, 2019 Amended Annual

The Committee to Elect Craig S Richter – 2019 Post General

Friends of Radtke – 2019 Post General and 2019 Amended Post General

Rambo for Judge – 2019 Annual, 2019 Amended Annual, 2020 Pre-Primary  
Ramey for School Board – 2019 Post General  
Friends of Lorrie Sass Benza – 2019 Annual  
Committee to Elect Ralph Spidalieri – 2017 Semi-Annual, 2017 Annual, 2017 Amended Annual,  
2018 Pre-Primary, 2018 Semi-Annual, 2018 Annual, 2019 Semi-Annual, 2019 Annual, 2020 Pre-Primary  
Committee to Elect Ron Wiech - 2019 Post General

### **PACS**

Balanced Political Solutions – 2019 Amended Post General, 2020 Pre-Primary  
Citizens for Chardon Schools – 2019 Post General, 2019 Amended Post General  
Citizens for Mental Health – 2019 Annual  
Concerned Citizens of Thompson – 2019 Annual  
Friends of Chester Police – 2019 Post General  
Friends of Chester Roads – 2019 Post General  
Geauga Citizens Preserving Libraries – 2019 Annual, 2019 Post General  
Geauga County Children’s Services Levy Committee – 2020 Pre-Primary  
Geauga County Conservative Club – 2020 Pre-Primary  
Geauga Health District Levy – 2019 Annual  
Geauga People for Parks – 2019 Post General, 2019 Annual  
Munson Fire Levy Committee – 2019 Amended Pre General, 2019 Post General  
Russell Police Department Levy Committee – 2019 Annual  
Supporters of Cardinal Local – 2019 Annual  
WG Watch – 2019 Annual

### **Parties**

Geauga County Republican Party – Judicial Account – 2020 Pre-Primary, 2019 Annual

### **Terminated Candidate Committees**

Elect Mary A. Briggs  
Committee to Elect Gerald Canton  
Committee to Elect Frank Cavanagh  
Friends of Ilona Daw-Krizman  
Sam Morrow for Council  
Nathan T. Ricket for Trustee  
Committee to Elect Ray Schloss

### **Terminated PACs**

Citizens for an Independent Newbury  
Its Time  
Newbury First with Novak  
Operation Black Knights Committee

### **Failure to File**

The following campaign committees failed to file reports. We sent certified letters to them with no response. They are all over 21 days (some much longer)

- Committee to Elect Karen M.N. Austin – no reply to 3 certified letters re: Post-General or Annual
- Adam McKinney Committee – no reply re: Post-General
- Richers Restoration – no reply re: Post-General – filed waiver

### **Failure to Respond**

The following campaign committees have not responded to audit letters. They are all over the 21-day limit, some after multiple letters having been sent.

- Committee to Elect Candace Loyd
- Citizens to Preserve Chardon Traditions
- Geauga County Democratic Women's Caucus - Responded
- Make Thompson Wet Again
- Senior Services Levy Committee
- West Geauga Commons Levy Committee
- Mary Ruth Shumway

Ballots requiring review

Discuss and rule on Ineligible Committee people as per ORC 3517.03

Budget (2020 – 2021) – Director Zeigler stated the Budget for July, 2020 – July, 2021 has not been submitted with the Primary Election there has been an extension granted by the County to give the Board of Elections time from the deadline of May 5, 2020.

The Secretary of State's Office has a re-imbusement form for cleaning and safety supplies for the March 17, 2020 Presidential Primary that needs to be completed and submitted.

Director Zeigler discussed a line item transfer for Supplies and Materials from Contracts. There have been additional expenses with the 2020 Primary Election being extended. Mr. Pavella made a motion to transfer \$15,000 from 1001-050-00-701 Contracts to 1001-050-00-601 Supplies and Materials.

Kristine Rine, Geauga County Assistant County Prosecutor, was present at this time.

Mr. Pavella made a motion to go into Executive Session at 11:46 A.M. for the purpose of discussing Compensation of a Public Official RC 121.22(G)(1). Mrs. Windnagel seconded the motion. A roll call vote was taken. Pavella, AYE; Carson, AYE; Ryder, AYE; and Windnagel, AYE.

Mr. Pavella made a motion to come out of Executive Session at 12:11 P.M. Mrs. Windnagel seconded the motion. A roll call vote was taken. Pavella, AYE; Carson, AYE; Ryder, AYE; and Windnagel, AYE.

#### Director report

OAEA Conference – Director Zeigler recommended that a minimum number of people attend the Secretary of State Conference in Columbus, Ohio, on August 11, 2020, making it non-mandatory for health reasons (Covid-19). The Director is willing to attend, and Mr. Pavella will not.

The May, 2020, Regular Meeting is cancelled.

Post Election Audit Scheduling - Based on the 21,696 votes that were cast, 5 percent is a total of 1084.8 ballots. Director Ed Ryder pulled the following precincts: Hambden Township D - 245; Thompson Township B - 219; Auburn Township C - 267; and Newbury Township A - 379 for a total of 1,110 ballots to be audited.

Mr. Pavella made a motion to hold a special meeting on June 2, 2020, at twelve noon for interviewing of public employees, approve audit results, and paying bills. Mrs. Windnagel seconded the motion. All voted: AYE.

Certify Official Election Results - Mr. Pavella made a motion to accept the Official Canvass of the March 17, 2020, Primary Election. Mrs. Windnagel seconded the motion. All voted: AYE.

Schedule recount if necessary – Not needed. An Application for a requested recount is needed by May 20, 2020.

The Board of Elections is now using Web Ex for teleconferencing the meetings. Director Zeigler will schedule a session with the County I.T. Department. Web Ex is different from Zoom.

Mr. Pavella made the motion to adjourn the meeting at 12:54 P.M. Mrs. Windnagel seconded the motion. All voted: AYE.

The next meeting is scheduled for June 2, 2020, at twelve noon.

Planning for November: mail, Early In Person, and Election Day



