

The Ohio Association of Election

A special meeting of the OAEO Trustees was held on Tuesday, November 29, 2022 at 10:00 AM virtually.

President Sleeth requested roll call. Present were Paul Adams, Phil Long, LaVera Scott, Sarah Greathouse, Terry Burton, Brian Mead, Sherry Poland, Julie Leathers Stahl, Frank DiCarlantonio, Faith Lyons, Joe Mallory, and David Karmol. Also present were Aaron Okerman, Executive Director and Joyce Kale-Pesta, Secretary.

President Brian Sleeth called the meeting to order and declared a quorum present. He then requested Aaron Ockerman for review of HB 294.

Aaron Ockerman: So a couple of things, and the one issue for today is discussion of HB 294. I know that it takes thirteen votes to take a position on any piece of legislation. The Association amended the constitution and by-laws a few years back to make it a very high standard of any legislation we endorse. As an organization we want to have a strong endorsement. I wanted to be bipartisan and even if we don't have thirteen, you know, even if the trustees decided that they don't want to take a position on the bill or unable to take a position on the bill, I would just say, I think, we really should try to at least weigh in with our thoughts. We should let the legislature know that there are things in this bill we like, and things in the bill we don't like. We should ask for those things that we don't like be changed. I know I've talked to the Brian and Sherry and other people. If you have any questions about getting changes in the Senate, you really need to ask in the House, because they are going to say, did you ask for these changes in the house? If not, why not? Those kinds of things are frowned upon. To come in at the last minute asking for changes, especially when you've had the bill for a while. If nothing else, we can kind of agree and find some sort of consensus around areas of the bill we want to make sure that legislature knows that we are in favor of and keeps in there as well as items that we don't favor. Obviously the goal of any organization is to get together on legislation to put together a bill that everyone can support. Just based on all the emails that we've gotten back and forth I have seen a consensus emerge. And so if it's helpful for people for me to kind of run through that list, and then maybe that'll start a conversation, happy to do that. Those are kind of my thoughts, to get the process started.

President Sleeth: I agree. Some of the thoughts that you're going to read are from members that are not present today, that wish their voices be heard. Through the email, that were sent to everybody, I think it would be good for all members of the group hear them and give their thoughts.

Aaron Ockerman: Here is the list that I have. There has been either votes in the past by the trustees or a consensus, at least amongst the members by emails. There are things we would want to make sure the legislature knows we would like to suggest they be put to rest and codify.

1. The requirement that voting machines be tested before being used – L & A Testing.
2. Codifying the EAP's
3. Ending early voting on Monday and reallocating those hours so that there is no reduction in early voting hours.
4. Funding to replace and upgrade electronic poll books.
5. Creation of an electronic absentee application on-line portal.
6. Moving the deadline to 7 days prior to an election.
7. Allowing for absentee post marks to be on election day.
8. Codifying the use of Drop Boxes allowing them to be used during the entire early voting period.
9. An addition to the bill that eliminates August Special Elections.
10. Improve Ohio Ballot Statutes.

The amendments I've seen proposed are to align the online absentee request deadline from 10 days to 7 days. The next one is to add additional hours to early in person voting on Sunday. The next one is to clarify that absentee ballots that are returned inside the return envelope but outside the ID envelope can be counted. The next one is to remove the provision that requires drop box surveillance tapes be released immediately. Next is to clarify that Boards of Elections can continue to vote individuals who were hospitalized 7 days before election as opposed to just the last weekend or potentially not at all.

The last one I have was to restore the ability of the Secretary of State to mail absentee ballot request to registered voters if the Ohio General Assembly appropriates dollars. So with that Mr. Chairman I will return to you to take it from here.

President Sleeth: Thank you Aaron. I think we should open it up to the floor for discussion. What you like and don't like.

LaVera Scott: I have a question, Aaron. You said something about additional hours on Sunday. I know there was plenty of discussion at one point, but I thought that was in reference to if we got rid of Monday to actually make the hours more consistent between Saturday and Sunday. Is there something separate that just says more hours on Sunday?

Aaron Ockerman: Thank you LaVera for the question. I recall that the Trustee's had wanted to clarify the hours as their number 1 priority. We wanted to make sure they were in law and not by directive so no Secretary of State could come in and change them which they currently obviously could do. Then I think the reallocation, if I recall correctly that we have requested, was that the five of those hours be placed the week before the election, and then one extra hour will be added on Sunday. Does that help, LaVera.

LaVera Scott: That was different from the suggestion that we I had discussed from one of the other meanings, but I think that may be the final consensus. You said it was five hours during the week, and one on Sunday. From what to were on Sunday? What was that time that was given? I guess because I didn't have anything were it say that, just one hour on Sunday. I was just confused,

Aaron Ockerman: Yes, let me pull up the letter quickly. These suggested hours that we had but in our letter, were 7:30 AM to 7:30 PM, the week before the election, Saturday 8:00 AM to 4:00 PM and Sunday 12:00 PM (noon) to 5:00 PM.

Paul Adams: Aaron, can I ask for some clarification. You had mentioned including or permitting out of state vendors to print ballots for us.

Aaron Ockerman: Basically what they did was they took the entirety of House Bill 487 which is changes to the bidding process. The bidding thresholds and the out of state printers and just included that in its entirety into the bill in the last session. Same with the special elections, House Bill 458, they just took the language that past out of the House and shoved it into 294.

Brian Mead: Aaron. What is our current position, I sort of recall that we were neutral when we asked for some changes. Is that where we are at?

Aaron Ockerman: Yes, I think so. I mean, I don't think the trustees ever took a formal vote to support or oppose the bill. So absent that, I would say, we've kind of weighed in as an interested party. That there were things that we liked and didn't like,

Paul Adams: So Aaron, do you think it would be helpful that the items you have already read off to us, if the trustees agreed to support those specific provisions proposed, would that be helpful with your negotiations with the legislators?

Aaron Ockerman: Yes, I think it's helpful on a lot of fronts. Obviously, to the extent that we like these things, you don't want them to come out onto the extent we want changes. We want to be on the record, permanently on the record as having said we want those changes, it helps the legislature understand what election officials want to get out of this legislation. It also helps the public and the press. I know Brian and Sherry are inundated with calls from the press on how they feel about this Bill. Having something that officially states what election officials like and don't like in the bill would be helpful.

LaVera Scott: One of the things that concerns me in the Bill, I know the BMV does not always give us correct information all the time but to totally be able to take away the fact of them being able to update registration, and or at that time, I do believe, will create a lot more provisionals for counties. I honestly believe they can get more right than wrong. That is an issue for me if that process is being taken away completely. When people come in to the BMV to say they changed their information and it may not be totally right but they have started the process. Just knowing the number of BMV records we process having to process those manually, I think, will be very burdensome,

at least on our board, I know the other board may be in the same situation. The reference to processing registrations the numbers will significantly increase yet again and also provide a lot more provisionals due to the fact that is not allowed to do anymore. I'm not talking about the automatic voter process which I think is totally separate, currently let's not try to fix some things that may not be totally broken.

Aaron Ockerman: That's a good point. I don't know that we ever officially endorsed AVR provisions, I know there were a lot of talks about the intricacies of how that would work but if the trustees wanted to make a statement that they would like to see AVR re-included in the bill, I do feel like that was kind of where the trustees were headed with the original version, and I don't know if your peers have thought about that at all.

LaVera Scott: It's not even about the AVR is just a reference to the changes of their attempt to make it in this field, in reference to the BMV. It is not, I mean, that's totally another whole step just for them not to be able to update that they currently do, which is one of the things that was addressed to me. And not even moving towards the total transition, just currently what they do, it appears that those, even those things will be taken away, unless for some reason I'm reading this totally incorrect.

Aaron Ockerman: I don't recall that they made any changes to the current authority of the BMV and the Boards of Elections. I will admit I might have missed that, I didn't see any email traffic on that. Let us know. I'm looking for that particular provision. Are there any thoughts about including AVR – is that something the Association supports. I guess their calling it V V R now, Verified Voter Registration not to be confused with Automatic Voter Registration.

Paul Adams: I would support it but do you even think it's on the table right now and worth discussing at this point.

Aaron Ockerman: Actually, honestly, I think that has been a real source amongst the Republican candidly. I think you have individuals in the House, that are very, very, supportive of that. Obviously the Secretary of State, this is his number one legislative priority. You have people in the Senate on the Republican side that are opposed to it? All? My sense is the Democrats in both chambers are supportive of it. I haven't had enough detailed conversations with either side know that yet. I think our weighing in on it would be helpful.

Trustees approve.

Brian Mead: Now that we're talking about changes do we want to look at the hours. My goal has always been getting rid of Monday hours and that's a sort of been a long beat up discussion. I do see value of trying to have consistent hours and if folks want more hours on Sunday I think there is value in being supportive of that and supportive of Saturday and Sunday hours as well. I think it's a win for voters if we give them more hours than what they approved of.

Sarah Greathouse: As far as the hours go as it is written in the Bill I think it's safe to say they're ridiculous. And they are nearly unadministrable and almost impossible to communicate. If we're going to talk about hours, I think we need to talk about them as a whole. The redistribution of the Monday hours is only a part of the conversation. We need regularity. The voters need regularity, they deserve it, but also our staff. Starting at seven o'clock is absolutely ridiculous. Is there a way, as anybody done the math? Brian I know that you did some math. But anybody done the math, math and putting together hours that can be communicated in less than a 30 page paper.

Brian Mead: What I had proposed in the past was basically the first three weeks going 8 AM to 5:30 PM, last week going 8 AM to 7:30 PM. I didn't change Saturday or Sunday. Maybe Saturday and Sunday should have the same hours – til 7:30 PM. I don't love being here til 7:30 PM a Saturday and Sunday but it's consistent. I definitely don't want to be here at 7 AM in the morning. I think with this group we can build on something that would be consistent.

LaVera Scott: I'm opposed to the later hours on Saturday and Sunday. I think, if we made Saturday and Sunday more indicative of the same hours I think it's easier for voters to digest. I personally think those half hour things are not manageable and people understand even hours, they make sense to people. Make all days after 8 AM and all closing hours consistent and even hours.

Sarah Greathouse: Aaron, if this is useful to you rhetorically. We had 18,800 early voters, of those 2286 voted after 4 PM. When you reduce the threshold to 5 PM we had 804 voters. Going late into the evening doesn't seem to be in tune with the voters unless it's something that becomes consistent. When we have nights we end at 5 or 6 or 7 it is confusing to the voters. That's our hour by hour analysis.

Brian Mead: I think it's beneficial but the advocates don't want us to lose out, and that's the only reason I'm saying that an extra half an hour and it it's sort of goes with election day. You know, we're open to seven thirty PM on election day. Again, I don't want to be here eight to seven thirty on Saturday and eight to seven thirty on Sunday, but maybe that is the answer. And then I don't know the need to do five thirty on the other three weeks. If we go to seven thirty, that's two and a half hours, and then you know we're adding a whole bunch more hours.

Faith Lyons: Our staff is already exhausted and going until seven thirty at night - I'm sorry again, we are exhausting our staff for very little turnout. What if you work it out to take the total number of hours before and redistribute them in a workable manner. We do all 4 weeks at 8 AM to 6 PM, Saturday 8 AM to 4 PM and Sunday 12 PM (noon) to 5 PM. This will make it more consistent for voters.

Lavera Scott: I agree with Faith. The hours seem more consistent for voters. Asking staff to work 12 to 14 hours takes its toll and at some point they will get burned out.

Aaron Ockerman: I understand the proposal to be 8 AM to 6 PM for all 4 weeks, Saturday Hours to be 8 AM to 4 PM and Sunday Hours to be 12 PM to 5 PM for the last two weekends of early voting. I don't know where that puts us in relation to how many hours we currently have but I can tell you there is no appetite in the legislature for us to propose any hours less than what we have now. If there is some way to work it out to make it more consistent with the hours we have now and keep it voter friendly that would be more likely to get the support of the legislature.

LaVera Scott: Are you referring to the fact that Faith said 8 AM to 6 PM per week even though it's more hours the first 3 weeks but losing an hour during the last week. Is that what you are referring to? It is actually more hours.

Joe Mallory: Why is the expansion of voting hours a bad thing. I'm willing to say 8 AM to 5 PM for the four weeks, 8 AM to 5 PM on Saturday's and 12 PM to 5 PM on Sunday's making it consistent. I am not ready to give up Monday voting. We used to have way more hours before they started having everybody conform to uniform hours. We know it is not fair to small counties that have to work 14 hour days and don't have nay voters coming in but the large counties do. Unfortunately, it is not one size fits all. It is messing it up for all the counties who voters need these extra hours. We are here for the voters and I haven't heard one voter ask for less hours.

Aaron Ockerman: So I guess Joe, by way of context, the reason the hours are what they are right now largely is because when we first began early voting there was no law or directive that addressed what hours boards used. Small counties had no early voting hours set at all. They were open regular business hours only. Many of the small counties were not reticent to do any expansion at all. The large counties did have expansion hours and wanted to keep them. Ten years ago the Association came together and came up with what we have now. Then Secretary of State, Jon Husted codified them through a directive but the legislature at that time declined to put them into law. That is historically why we are where we are today.

Joe Mallory: So you have customers based on your business model of supply and demand. When there is a demand for more you provide more. In Hamilton County we were averaging 400 to 500 voters an hour on Monday and that was the 3rd largest day of our 22 early voting period. I understand it creates problems for boards getting ready for their organizational meeting and final election day preparations. I like the idea of sending information through the e-pollbooks. This would eliminate having to push out absentee voters on that Monday. We could push them out through the e-pollbooks. They don't want us to do that but they are taking away the true efficiency of the e-pollbooks.

Aaron Ockerman: You right Joe. I don't know if it's a state law or a Secretary of State directive that prohibits the internet access. I guess it is an IT cybersecurity issue. It is a shame we can't use them the way they are intended to be used.

Julie Leathers Stahl: In response to Monday voting, that is not the only reason. Some of the smaller counties have limited staff and we are pinpointed to doing all those reports and data gathering for the 3 PM Monday Secretary of State report. It is everything we can do to end voting at 2 PM and get those reports completed and filed.

Joe Mallory: I understand the struggles the smaller counties have. That is why I say one size does not fit all is not the best model.

Brian Mead: You cannot have large counties have separate hours from smaller counties. There is no way the

court is going to do that. I'm sorry, that's just not reality. We have been rehashing Monday voting forever. I thought that issue was over.

Joe Mallory: It is never over with me.

Brian Mead: Well to you, but we have had voting on this many times and we are just rehashing it again.

Joe Mallory: Well. I'm stating my opinion. I'm going to state what I feel, that's why I'm at the table.

Brian Mead: I understand. I just thought as an Association we had already agreed but maybe I'm not understanding the group. If that is not the understanding by this group then I don't know.

Paul Adams: What I understand is that the Trustees want Monday removed and the vast majority of election officials in the state want it removed. To me I think it is something we must move past. I think it is going to be difficult for us in this context to come up with specific hours. Maybe we can provide Aaron with some general ideas about what we are looking at. We don't want staff in before 8 AM. We are looking to add another hour to Sundays and it would be easier to have even numbered hours. These are the items we can take forward. Maybe the legislature or somebody else can come up with the fine details but I don't know if we are going to come up with any agreement in this group.

Aaron Ockerman: So is there a consensus that if we are not able to come up with a consensus we still want to provide some general guidelines to the legislature that they can consider when they are in the process of setting hours. Generally, no half hours, no opening before 8 AM and provide consistency.

Sarah Greathouse: LaVera and I put some numbers in the chat. I don't know if any of you looked at the chat. If we go straight times of 8 AM to 6 PM it would be 198 hours. If we go shorter hours on the weekends that would shave some hours off. What is the spirit of the room. I agree with Paul that the legislature might want the details to be nice and clean. Can we get a consensus on that or not.

Brian Mead: I'm fine with 8 AM to 6 PM the whole time and don't make it any different on Saturday or Sunday.

Julie Leathers Stahl: We need to agree upon an hour schedule, we cannot forget that there are a lot of people who are not on this meeting who normally attend all meeting but because of certification couldn't be with us. I don't want this to be seen as you weren't here so we made the decisions. Even though we have a quorum it's not their fault there not present because of board duties.

Aaron Ockerman: This has been a very lively discussion. I think it is extremely reasonable to say that everyone is doing what their doing which is putting forward what works for their county, which is what you are here to do. With the disparity of the discussion I think it is safe to say that If we went back to the legislature and said it is different in different counties and it is hard to come up with a plan that fits all. Please try to adhere the basic principles we have set out. They are the ones that are going to serve the voters best. It's best for the voters to have consistency. I don't think it is unreasonable whatsoever and I think it is reflective of the good faith conversation we are talking about.

LaVera Scott: I don't disagree. We should offer something in reference to consistency. I'm not saying we tell them this is what our template is, but I believe we should offer suggestions for the half hour and reference to something. Regardless, of how we feel we still have to be the ones to conduct elections in a fair and efficient manner. We have to take these things. We don't have a magic wand to make things happen. It takes people and resource. People need some sort of direction. I want to make sure about the absentee post mark date for elections day and the 7 day cure period for absentee. I'm not sure what I responded to in my other email but I know we are still talking about them.

Aaron Ockerman: Maybe just to try and keep everything, I didn't hear anyone disagree with the list of items I delivered at the beginning of the meeting . I have hears some consensus around including the VVR/AVR portion of the Bill that was taken out be included. I have also heard that we should dinclude our likes and dislikes rather than make specific recommendations on days and hours and we should promote certain principles such as consistency, no half-hour starts or closings and a few more hours on the weekends. I can pull this together if we get a consensus and create some testimony that will reflect all we discussed and shared today with the goal of creating a tweaked finalized statement and getting I to the committee by 9AM on Wednesday, November 30th. We need to get it in writing so we can be on the record with the committee. Is this a reasonable plan to work

from? If you have other suggestions for us to proceed by all means let me know. I'm not saying this is the way we have to do it.

Brian Mead: Aaron, I just wanted to make sure you were going to ask for the post mark date to be Election Day.

Aaron Ockerman: Yes.

Brian Mead: I really feel that we are not going to get a consensus for or against. I think you put together some recommendations and move forward. I think everybody is really doing a good job of pushing through.

Joe Mallory: Aaron, has there been any other talk about absentee applications for the whole year.

Aaron Ockerman: Not in the context of this Bill but there is legislation pending on that.

Joe Mallory: Is it from the majority party?

Aaron Ockerman: It is not.

Joe Mallory: I'm talking about absentee applications legislation from years ago. It did get into legislation but then the Bill was rescinded. It would make the absentee application and registration dual forms as they do for UCOVA voters. Do the same for domestic voters. You would be able to update from the absentee applications not only the registration forms. That was something that made it but got rescinded.

Aaron Ockerman: You want it to act like UCOVA – a dual form and be an annual form?

Brian Mead: I don't know if I like that. The reason I bring this up is that at the Presidential Primary we had so many people check the wrong box. We tried to reach out to them but we had so many that checked the general box. In November they received a ballot, called us, wanted to know why they got it. We had their application. I think it makes the problem worse. By doing a whole year people are not going to remember. I have concerns.

Joe Mallory: Some of our older voters forget they submitted something a month ago.

Brian Mead: We are in a world where my side of the party believes there is all this fraud and scams and if a whole lot of people are getting ballots they don't remember signing up for I think it would not be helpful for us.

Sherry Poland: I think that this is a discussion for a later date rather than trying to include it in this Bill. I am happy to see that online absentee application are still part of this Bill because we heard so much about fraudulent by mail voting. So I think we should see how this goes and maybe we will not have a need for someone to make a yearly request if its convenient for the to apply online. I think this is a discussion for another day. I would not be in favor of adding it to this Bill.

Terry Burton: I agree with Sherry. There is no place in this Bill for that. There is a whole lot of discussion needed for this to happen. There were a lot of things pulled out of this Bill due to these kind of fights. Adding something like this would just add to the problems.

Joe Mallory: Do we know what all the amendments are in this Bill? I heard there were going to be some additional amendments.

Aaron Ockerman: The two that I heard are that they are going to align the 7 day deadline with the 7 day online period. Right now it is 10 days for the online portal. They are going to make it 7 days for all. They are going to reinsert the provision that allows the Secretary of State to mail unsolicited absentee applications in general elections. Those are the only two I am aware of.

Brian Sleeth: Aaron you are going to prepare testimony and then email it to the Trustees, correct?

Aaron Ockerman: Yes, I will try to make it as comprehensive and representative of the very diverse conversations we have. Again, I don't want to miss the opportunity to inform the legislature of the good things we like and the bad things we don't like. Even if we do not support or oppose the bill it is good for them to know our stance. I think there's an avenue for us to continue to get on the record, and try to make sure that this Bill is as good as they can possibly get it, which, I know everyone's goal.

Joe Mallory: So does that mean we fall in the interested party category?

Aaron Ockerman: Yes, I think that is where we would fall.

President Sleeth: Is there anything else anybody has to add. Anything else, one last chance. DO I have amotion to adjourn?

Joe Mallory: So moved. Sherry Poland: Seconds. Ayes Carry

President Sleeth: Thank you to everyone for being on the call today. I know it was a busy time for everyone. Appreciate it.