

Testimony to the Cuyahoga County Board of Elections

Monday, September 12, 2005 2pm Board Meeting

Statement Concerning Board policies

From: Jennifer Frigolette

1197 Cook Avenue

Lakewood, Ohio 44107

Mr. Chairman, Director Vu, Members of the Board:

Good afternoon and thank you for allowing me the opportunity to speak briefly before you.

Although I have attended many of the Board meetings in the past few months, I have never spoken before you, so please excuse my nervousness.

I come to make a statement before the Board today not to pose a question, but simply to state my own personal concerns as a registered voter in Cuyahoga county and citizen concerned with the procedures by which my legislators are elected to office.

In case my statements exceed the time allotted to me by the egg timer, I have brought a written copy of my statement for each of you, so that you can use sufficient time to go over and fully digest my comments.

The concerns I would like to address today come entirely from what I have personally witnessed at meetings of the Cuyahoga County Board of Elections in the past few months.

1) My first concern deals with the concept of "fairness." I have often heard comments along the lines of "well, the process was fair because there was one Democrat and one Republican witnessing the procedure." I would like to remind the board that simply an equal number of Democrats and Republicans does not always ensure that a process is fair. Even though I consider myself a Democrat, I know that not every other Democrat has my interests at heart, simply because they identify with the same party.

Unfortunately, the American electoral system is largely structured in a bi-partisan manner. However, I would like to encourage you to remember that the people that you represent identify with a variety of different parties, and may not always be satisfied with the response that a particular procedure was "fair" because there was one Democrat and one Republican to witness it.

2) It is my understanding that the entire board, or at the very least the Chairman of the Board believe that the election of November 2, 2004 in Cuyahoga County was a "success." To any of you on this board, I would encourage you to walk door-to-door in neighborhoods of Cleveland, East Cleveland, Cleveland Heights,

Solon, Lakewood, Parma, or others, and ask regular people if they believe that the election was a success. I would not like to engage in a debate about your definition of "success" in the election, because I suspect that it may differ from my own. There are pages and pages of documents, specific to this county, created by various experts in their field that prove that the election was, intentional or not, a disaster. However, I can only report what I know, what I have personally witnessed. In my opinion, the election on November 2, 2004 was not a success. In fact, it was a failure.

In my opinion, the election was a failure because there were registered voters that voted and had their vote thrown away. It was a failure because citizens were forced to wait in lines of an hour or more to exercise their right to vote. I know it was a failure because during the recount in December 2004, I personally witnessed ballots that had been tampered with.

3) Questioning the policies and procedures of this board is not only every citizen's right, but also their duty. As officials paid with taxpayer money and guardians of the county's election system, it is your duty to listen and consider the input of citizens. You also have a duty to realize that when a citizen questions or even criticizes the policies and procedures of the Board of Elections, they are not personally criticizing you as people. Chairman Bennett, on various occasions I have witnessed you respond to questioning as if someone had personally attacked you. You must realize that questioning the policies and procedures of the board is a necessity in our democracy, and not a personal affront to you, and respond accordingly.

4) For each ordinary citizen that has the time and ability to attend these board meetings, and puts in the effort to figure out exactly when and where they are, there are often hundreds or even thousands more who share the exact same concerns. For example, I urge you to keep in mind, Mr. Chairman, when you demean someone like Dr. Lovegren with your comments, when you interrupt her and speak disparagingly toward her, your treatment affects more than just one person. It attacks the very thoughts and concerns of the hundreds of people in our county, thousands across the state and country, who share her same concerns.

5) My final concern is regarding the recount of the Presidential election that took place in December 2004. I realize that because there is currently a criminal proceeding regarding this matter, you are not able to comment. However, I would simply like to make my statement a matter of public record. The 3% of precincts that were supposed to have been chosen at random for the hand count were not chosen at random. I know this because I was told, in person, by Director Michael Vu, in his office, in December of 2004. He acknowledged that even though they were supposed to be chosen at random according to written law, according to tradition they had not done this at the Cuyahoga County Board of Elections.

I am not a lawyer and so cannot comment on the legality of this decision. However, I would like to share my concerns that only two Board of Elections staff, Kathleen Dreamer and Rosie Grier, are currently at risk of being found guilty of a felony. Perhaps

these women did participate in illegal activities. However, I suspect that if they did in fact participate in illegal activities, it was with the knowledge of, and perhaps even due to the direction of, their superiors. My concern is that these two women will have to take the fall for something they were simply told to do by their superiors, and if so, this is incredibly unfair. I can only hope that the people that made the decisions leading to illegal activities, if any, will be held accountable for their actions as well.

I took part in the Presidential Recount of the November 2 2004 election in Cuyahoga County in December, and would like to make an excerpt from my report a part of public record as well. I am also distributing a copy of this report to all Board members and the Director.