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Judge tosses 9 votes in Lorain Ward 2 case, which could mean change in election results

by Kaylee Remington
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Councilman Dennis Flores, left, and his attorney Gerald W. Philips ponder over their notes after Lorain County Common Pleas Judge Mark Betleski ruled nine votes (six provisional and three non-provisional) were invalid in the May primary election, which Flores lost to Ryan Horn by a single vote. Betleski ordered the Lorain County Board of Elections to turn over the original ballots, by Sept. 3, to determine who those votes were cast for.

Lorain County Common Pleas Court Judge Mark Betleski has ruled that nine people were not eligible to vote in the May 5 primary for the Lorain City Council Democratic Ward 2 race and the incumbent appeared to have been re-elected.

The decision, which was announced Sept. 1, comes after long days of testimony in July and August in a civil bench trial where incumbent City Councilman Dennis Flores filed a lawsuit contesting the victory of political newcomer Ryan Horn.

Unofficial results on election night showed Flores with 151 votes, Horn with 131, and Joseph Smith with 100. After the provisional ballots were reviewed, the official results were Horn with 153, Flores with 152 and no change for Smith.

Flores' attorney, Gerald Phillips, has stated that the May primary was rigged.

Horn's attorney, Corey Colombo, said that there's a chance the election could be a tie because of three non provisional ballots that were tossed out.

Betleski outlined each vote on why they were not authorized to vote. One of the voters had used the address 804 Lexington Ave., but the voter was evicted March 30, 2015, Betleski said.

Another voter used 795 W. 14th, but had never lived there based on testimony from the landlord during trial. A man who voted used his girlfriend's address, who lives in Section 8 housing.

'Clearly, (the voter) was not a signor in the lease agreement; this was Section 8 housing,' Betleski said.

Landlords could face consequences if they allow people to live in Section 8 when they are not approved. The judge stated that if a person is not allowed to live there based on the lease with Section 8, then that person can't use that address to vote.

Another voter used her mother's Oakdale address, which also is a Section 8 house, the judge said.

'I still found her (mother's) testimony credible that (the voter) was not regularly staying at 2008 Oakdale,' he said. '(The voter) could not legally live there. Her name was not on the lease.'

Another ballot thrown out had to do with a woman who was not a registered voter prior to using a provisional ballot, Betleski said. If someone is a provisional voter, they first have to check if they are an authorized voter in Lorain County, he said, and then check the statewide listings to see if they can vote in other locations.

The judge tossed the ballots of two men because of questionable lack of water consumption where they claimed they lived. Another person used the Catholic Diocese offices as her residence, but there are not sleeping arrangements there, Betleski said.

The judge accepted four out of the five voters who used St. Joseph Homeless Shelter as their residence. Despite the fact they weren't there a certain number of days, there still wasn't clear and convincing evidence to show voter irregularities.

'Consistent or regular is difficult to assess, especially when we are dealing with the homeless,' Betleski said.

The judge tossed the ballot of a voter who used the shelter as her address because she was not consistent and was only at the shelter 23 of the 129 days it's opened. Betleski added that she never showed up there after March 31, 2015.

The vote of Anthony Horn Sr., Ryan Horn's father, didn't look to be invalid in the judge's eyes. Betleski stated that while Horn Sr. used a rental property address when it asked for a current Ohio address, the judge said that it is still in the same precinct and ward as his current residence at 150 E. 10th St.

Betleski added that it is questionable, but not to the extent of clear and convincing evidence.

Betleski said he will instruct the Lorain County Board of Elections to produce the ballots of those that were not authorized to vote by Sept. 3.

He stated that he will review the provisional ballots and will issue a ruling to declare Flores the winner of the Ward 2 race.

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