

FRANKLIN COUNTY BOARD OF ELECTIONS
280 EAST BROAD STREET
COLUMBUS, OHIO 43215
(614) 462-3100

MINUTES OF THE MEETING ON

2/7/2011

APPROVED ON

3/10/2011

BY:

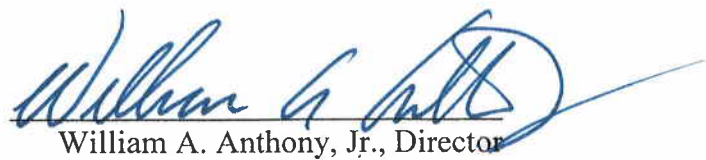

Douglas J. Preisse, Chairman


Michael F. Colley, Esq.


Kimberly E. Marinello


Zachary Manifold

ATTEST:


William A. Anthony, Jr., Director

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FRANKLIN COUNTY BOARD OF ELECTIONS

FRANKLIN COUNTY, OHIO

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In Re: :

Regular Meeting :

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Proceedings before Chairman Douglas J. Preisse; Director William A. Anthony, Junior; Deputy Director Nathan Burd; and Board Members Michael Colley and Kimberly E. Marinello; taken at the Franklin County Board of Elections, 280 East Broad Street, Columbus, Ohio, on Monday, February 7, 2011, at 3:07 o'clock p.m.

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1 APPEARANCES:

2 Franklin County Prosecuting Attorney
3 373 South High Street
4 13th Floor
5 Columbus, Ohio 43215
6 By Mr. Patrick J. Piccininni,
7 Assistant Prosecuting Attorney,

8 On behalf of the Board.

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11 ALSO PRESENT:

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13 Ms. Suzanne Brown, Secretary
14 Ms. Renee Klco, Voter Services Manager
15 Ms. Karen Cotton, Operations Manager

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2 P R O C E E D I N G S

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4 DEPUTY DIRECTOR BURD: Well, we will
5 open the meeting with a roll call.

6 Mr. Colley?

7 BOARD MEMBER COLLEY: Here.

8 DEPUTY DIRECTOR BURD:
9 Chairman Preisse?

10 CHAIRMAN PREISSE: Here.

11 DEPUTY DIRECTOR BURD: Mr. Manifold?
12 (No response.)

13 DEPUTY DIRECTOR BURD: Ms. Marinello?

14 BOARD MEMBER MARINELLO: Here.

15 DEPUTY DIRECTOR BURD: We have a
16 quorum.

17 The next item on the agenda is the
18 approval of the minutes from the January 3rd, 2011,
19 meeting.

20 Is there a motion for approval?

21 BOARD MEMBER MARINELLO: Mr. Chairman,
22 I move that the minutes of the meeting of the Board
23 held on January 3rd, 2011, be approved as
24 submitted.

1 BOARD MEMBER COLLEY: Second.

2 DEPUTY DIRECTOR BURD: All in favor?

3 BOARD MEMBERS: Aye.

4 DEPUTY DIRECTOR BURD: The minutes are
5 approved.

6 The next item on the agenda is a
7 possible duplicate voter case. You all have some
8 documentation on your desk of what we're discussing
9 here. It regards a Mr. Jason S. Slone, who,
10 based on our documentation, in 2008 voted absentee
11 in Franklin County and also voted in-person in
12 Delaware County.

13 You have the documentation, including
14 registration cards, signature envelopes, and the
15 poll book page from Delaware County. And so the
16 request is to be able to allow us to send this on
17 to the Franklin County Prosecutor's Office for
18 further investigation.

19 CHAIRMAN PREISSE: So walk us through
20 these. Which -- what are we supposed to look at?
21 This?

22 DEPUTY DIRECTOR BURD: Yeah, the --

23 CHAIRMAN PREISSE: Where's our
24 contradictory evidence?

1 DEPUTY DIRECTOR BURD: Well, it's in
2 order, so the first thing you see is the
3 registration cards. That's the first page for
4 Franklin County.

5 CHAIRMAN PREISSE: Uh-huh.

6 DEPUTY DIRECTOR BURD: And the next
7 page is the signature envelope showing that he
8 voted absentee in 2008 here in Franklin.

9 In early '08 he changed his
10 registration to Delaware County, did not notify
11 Franklin County that he had moved, and so the last
12 document you see is where he signed the poll book
13 in Delaware County. And so we have what appears to
14 be evidence that he voted absentee here and voted
15 in-person there and never notified the Franklin
16 County Board that he had moved and changed his
17 registration.

18 MR. PICCININNI: Was there an actual
19 ballot issued to him?

20 DEPUTY DIRECTOR BURD: Yes. Yes, and
21 it was returned. Yeah.

22 CHAIRMAN PREISSE: But that evidence
23 isn't here?

24 DEPUTY DIRECTOR BURD: Yeah, the signed

1 envelope that you see --

2 CHAIRMAN PREISSE: Oh, that's the
3 envelope.

4 DEPUTY DIRECTOR BURD: -- is what
5 included his absentee ballot, so this is how we
6 know that it came back to us as a voted ballot.

7 And then the last page --

8 CHAIRMAN PREISSE: Unless he sent it
9 back and said -- what --

10 MR. PICCININNI: Was the ballot
11 already counted?

12 DEPUTY DIRECTOR BURD: We'll have to
13 check on that, but we are under the assumption --

14 CHAIRMAN PREISSE: What if there was a
15 note inside that said, "I'm not using this because
16 I moved."

17 DEPUTY DIRECTOR BURD: Well, I'll have
18 to check on that, but --

19 MS. KLCO: Our records indicate that he
20 did send it back and we did give him credit for
21 voting an absentee ballot in '08.

22 CHAIRMAN PREISSE: You did give him
23 credit --

24 MS. KLCO: Right.

1 CHAIRMAN PREISSE: -- for voting. And
2 credit is awarded when the envelope comes back or
3 when you look at the inside?

4 MS. KLCO: When the envelope comes back,
5 it's scanned in. And then we just open them right
6 when -- as soon as we are allowed to.

7 CHAIRMAN PREISSE: So we don't really
8 know what was in there. We assume it was -- we're
9 assuming it was a ballot.

10 DIRECTOR ANTHONY: It was a ballot.

11 CHAIRMAN PREISSE: It was a ballot?
12 How do we know it was a ballot?

13 DIRECTOR ANTHONY: Well, when you open
14 them up the --

15 CHAIRMAN PREISSE: But it's scanned
16 before you open it, right?

17 MR. PICCININNI: It's scanned.

18 MS. KLCO: The ballot itself isn't
19 scanned, the envelope is scanned --

20 CHAIRMAN PREISSE: Uh-huh.

21 MS. KLCO: -- and then after we scan it
22 as having received the enveloped back with the
23 ballot in it, then it goes to --

24 CHAIRMAN PREISSE: Yeah, but "with the

1 ballot in it" is an assumption.

2 MS. KLCO: If we open an envelope and
3 there is no ballot in it, that's when we bring it
4 to the attention of the absentee department.

5 CHAIRMAN PREISSE: And what happens?
6 But it's already been scanned as received.

7 MS. KLCO: They can always, after the
8 fact, go in and say that it was an empty envelope,
9 there was no ballot received.

10 CHAIRMAN PREISSE: They can?

11 MS. KLCO: They can.

12 CHAIRMAN PREISSE: But they don't
13 necessarily must.

14 MS. KLCO: No, they have to.

15 CHAIRMAN PREISSE: They have to?+

16 MS. KLCO: Yeah.

17 CHAIRMAN PREISSE: So we -- so that
18 would have happened, we presume, if it were an
19 empty --

20 DIRECTOR ANTHONY: That's correct,
21 yeah.

22 CHAIRMAN PREISSE: Is that right?

23 DEPUTY DIRECTOR BURD: Uh-huh.

24 MR. PALMER: Yes. Yeah.

1 CHAIRMAN PREISSE: There's enough
2 evidence for you guys?

3 MR. PICCININNI: Send it to us and then
4 we'll take it -- we'll do our analysis and proceed
5 accordingly. This motion -- it was my
6 understanding, Mr. Chairman, this motion was only
7 to refer this to our office --

8 CHAIRMAN PREISSE: Right, I understand.

9 MR. PICCININNI: -- (inaudible).

10 CHAIRMAN PREISSE: I understand. I'm
11 just --

12 MR. PICCININNI: And if we find that
13 there's, you know, reasonable grounds to proceed
14 accordingly, I'm sure the Franklin County
15 Prosecutor will proceed accordingly.

16 CHAIRMAN PREISSE: I have every
17 confidence he will.

18 MR. PICCININNI: I have every
19 confidence in the world that he will, too.

20 CHAIRMAN PREISSE: Okay.

21 DEPUTY DIRECTOR BURD: Any other
22 questions?

23 (No audible response.)

24 DEPUTY DIRECTOR BURD: Is there a

1 motion?

2 BOARD MEMBER COLLEY: Mr. Chairman, I
3 move that the case be referred to the Franklin
4 County Prosecutor's Office for investigation.

5 BOARD MEMBER MARINELLO: Second.

6 DEPUTY DIRECTOR BURD: All in favor?

7 BOARD MEMBERS: Aye.

8 DEPUTY DIRECTOR BURD: All right.

9 Thank you.

10 DIRECTOR ANTHONY: Okay. The next item
11 on the agenda has to do with a precinct split in
12 Ward 69, I through K.

13 We were notified by the Secretary of
14 State's Office that we had more than allowable
15 number of registered voters there and we had to
16 split the precinct; which, you know, this is not
17 too uncommon.

18 And I have Karen here to -- Ms. Cotton,
19 to give us the great details on this. Ms. Cotton?

20 MS. COTTON: In late November, early
21 December we came to the Board requesting that the
22 Board give us permission to split the one precinct
23 from 69I and create a new precinct, 69K.

24 We looked at the growth in the area and

1 the proposed growth in the area and decided to use
2 a continuation of a street that was in existence at
3 that precinct; however -- since this block did not
4 follow that line. So we submitted to the Secretary
5 of State's Office for a waiver, and on December
6 29th that waiver was denied.

7 So we relooked at the information; and
8 in the interim, there were some additional census
9 block lines that became available from the new
10 census. We found where we could break the precinct
11 along a different line. Not accomplishing exactly
12 the results that we wanted to accomplish, but it
13 would, in fact, get the precinct under the
14 14,000 -- 1,439 active voters that was currently in
15 the precinct.

16 We just received, on the 2nd of February,
17 our three-digit code, so we can move forward with
18 that change for 69K.

19 DIRECTOR ANTHONY: Any questions for
20 Karen?

21 (No audible response.)

22 BOARD MEMBER MARINELLO: Mr. Chairman,
23 I move that the Board of Elections approve the
24 creation of Bonus Ward 69, Precinct K.

1 CHAIRMAN PREISSE: Sound good to you?

2 BOARD MEMBER COLLEY: Second.

3 CHAIRMAN PREISSE: Sounds good to me,
4 too.

5 We better vote.

6 DIRECTOR ANTHONY: All those in favor,
7 say aye.

8 BOARD MEMBERS: Aye.

9 DIRECTOR ANTHONY: Opposed, same sign.
10 (No audible response.)

11 DIRECTOR ANTHONY: The motion carries.

12 At this time we would like to go into
13 Executive Session to discuss personnel matters
14 and the appointment and compensation of public
15 employees.

16 I need a roll call vote for that.

17 Is there a motion, first of all?

18 BOARD MEMBER MARINELLO: Yes. I move
19 that the Board move into Executive Session to
20 discuss the appointment and compensation of public
21 employees.

22 DIRECTOR ANTHONY: Roll call vote.

23 Kim Marinello?

24 BOARD MEMBER MARINELLO: Yes.

1 DIRECTOR ANTHONY: Doug Preisse?

2 CHAIRMAN PREISSE: Yes.

3 DIRECTOR ANTHONY: Michael Colley?

4 BOARD MEMBER COLLEY: Yes.

5 DIRECTOR ANTHONY: We stand in
6 Executive Session.

7 (Board enters Executive Session.)

8 CHAIRMAN PREISSE: Oh, yeah, do we
9 issue our -- do we say that, which is the fact in
10 this case, that no votes were taken or issues
11 decided of any substantive or non-substantive
12 manner, and as -- inasmuch as that's the case,
13 I'll move that we come out of Executive Session.

14 DIRECTOR ANTHONY: Is there a second?

15 BOARD MEMBER MARINELLO: Second.

16 BOARD MEMBER COLLEY: Second.

17 DIRECTOR ANTHONY: All right. Roll
18 call.

19 Kim Marinello?

20 BOARD MEMBER MARINELLO: Yes.

21 DIRECTOR ANTHONY: Doug Preisse?

22 CHAIRMAN PREISSE: Yes.

23 DIRECTOR ANTHONY: Michael Colley?

24 BOARD MEMBER COLLEY: Yes.

1 DIRECTOR ANTHONY: All right. We're
2 out of Executive Session, back in the main session.

3 BOARD MEMBER MARINELLO: Mr. Chairman,
4 I move that the Board of Elections grant 32 hours
5 of paid leave to Thomas Rafael to be taken in
6 accordance with current policy.

7 BOARD MEMBER COLLEY: Second.

8 DIRECTOR ANTHONY: All those in favor?

9 BOARD MEMBERS: Aye.

10 DIRECTOR ANTHONY: All right. The
11 motion carries.

12 We need to set a date for the 14th -- or no
13 later than the 14th.

14 DEPUTY DIRECTOR BURD: The 14th's the
15 deadline --

16 DIRECTOR ANTHONY: Yeah.

17 DEPUTY DIRECTOR BURD: -- right?

18 DIRECTOR ANTHONY: No later than the
19 14th, to be able to certify the petitions to the
20 ballot. When do you think it will be done? I
21 don't have a good feel.

22 DEPUTY DIRECTOR BURD: The staff has
23 been working extremely hard. I think they're
24 probably going to be done within a day, two at the

1 most, from -- as best as I can tell. So we could
2 do something latter part of this week, but
3 definitely no later than a week from today.

4 DIRECTOR ANTHONY: All right.

5 DEPUTY DIRECTOR BURD: But I feel
6 confident that they'll be done by mid-week.

7 CHAIRMAN PREISSE: What's our deadline?
8 The 14th?

9 DEPUTY DIRECTOR BURD: The 14th.

10 DIRECTOR ANTHONY: The 14th.

11 DEPUTY DIRECTOR BURD: Yeah.

12 DIRECTOR ANTHONY: I think the deadline
13 is the 14th. Is there a time? Four o'clock? Five
14 o'clock?

15 DEPUTY DIRECTOR BURD: I think four, but I
16 want to check that before I say that for sure.

17 DIRECTOR ANTHONY: That's what I was
18 thinking, it'd be about 4 o'clock.

19 CHAIRMAN PREISSE: But you're
20 suggesting we do it on the -- when are you
21 suggesting we do it?

22 DIRECTOR ANTHONY: Any day after
23 Wednesday.

24 DEPUTY DIRECTOR BURD: I think any time

1 mid-week on, we'll be ready to certify.

2 CHAIRMAN PREISSE: Mid-week this week
3 on?

4 DEPUTY DIRECTOR BURD: Yeah.

5 DIRECTOR ANTHONY: I would say at least
6 Wednesday.

7 DEPUTY DIRECTOR BURD: I would give us
8 until Wednesday. I think Wednesday, Thursday,
9 Friday --

10 DIRECTOR ANTHONY: Yeah.

11 DEPUTY DIRECTOR BURD: -- would
12 probably --

13 MS. BROWN: I received a challenge in
14 the mail today just before I came up here, so the
15 Board's going to have to meet again, anyway, so I
16 would suggest we probably do it Monday.

17 MR. PICCININNI: What is the challenge?

18 MS. BROWN: It's a voter registration
19 challenge, and the Board has to meet within 10 days
20 when we hear those -- when we receive those, so
21 probably at the earliest Friday so I can get
22 notification out today.

23 CHAIRMAN PREISSE: How much -- what
24 time -- you have a window -- you have a window, as

1 well, on that, right?

2 MS. BROWN: Well, by law the Board has
3 to meet within 10 days.

4 CHAIRMAN PREISSE: Right, but you also
5 have to set into motion certain --

6 MS. BROWN: Yeah, I have to notify
7 everyone, so --

8 CHAIRMAN PREISSE: So you're saying
9 Wednesday would be --

10 MS. BROWN: Too early.

11 DIRECTOR ANTHONY: So Monday?

12 DEPUTY DIRECTOR BURD: That's fine with
13 me.

14 MS. BROWN: I would say Friday or
15 Monday.

16 DIRECTOR ANTHONY: We're open the off
17 schedule.

18 CHAIRMAN PREISSE: What?

19 MR. PICCININNI: I'm in court Monday
20 afternoon, and I have a bunch to review so
21 far. I'm in the Federal Court on Friday.

22 CHAIRMAN PREISSE: It doesn't bother me,
23 but I -- you know, Monday is fine with me if
24 Monday's fine with everybody else, or Friday.

1 Is there a compelling reason to get it
2 done sooner rather than later, other than we're
3 getting --

4 DIRECTOR ANTHONY: No.

5 CHAIRMAN PREISSE: In Monday -- Friday
6 afternoon to Monday afternoon --

7 DIRECTOR ANTHONY: It'd be about the
8 same.

9 CHAIRMAN PREISSE: -- one working day.

10 DEPUTY DIRECTOR BURD: It makes no
11 difference, from my perspective.

12 DIRECTOR ANTHONY: Monday works for --
13 if you want to do it Monday at three, that will be
14 fine.

15 CHAIRMAN PREISSE: Okay.

16 DEPUTY DIRECTOR BURD: Thank you.

17 DIRECTOR ANTHONY: Is that what we're
18 hearing, Monday at three o'clock?

19 MS. BROWN: Okay, fine.

20 BOARD MEMBER MARINELLO: Sounds good to
21 me.

22 DIRECTOR ANTHONY: I've got an
23 ultrasound at six, so we should be done before then.

24 CHAIRMAN PREISSE: This sounds like a

1 sweetheart of any idea.

2 MR. PALMER: You've got an
3 ultrasound at six?

4 DIRECTOR ANTHONY: Yeah.

5 MR. PALMER: On Monday?

6 DIRECTOR ANTHONY: Yeah. No, not me
7 personally.

8 MR. PALMER: I know not you.

9 DIRECTOR ANTHONY: Oh, yeah, at 6 p.m.

10 MR. PALMER: So you set it up --
11 so you set the ultrasound up for Valentine's Day?

12 DIRECTOR ANTHONY: Oh --

13 DEPUTY DIRECTOR BURD: That's very
14 romantic.

15 DIRECTOR ANTHONY: -- I didn't even
16 think about that.

17 DEPUTY DIRECTOR BURD: That will be
18 special.

19 DIRECTOR ANTHONY: That is so cool. I
20 had no idea.

21 MR. PALMER: So you can take
22 credit for that and score some points.

23 DIRECTOR ANTHONY: You know, I never
24 would have taken credit for that until you brought

1 it to my attention. Let me put that on my
2 calendar.

3 BOARD MEMBER MARINELLO: The most
4 important part, on Valentine's Day.

5 DIRECTOR ANTHONY: I am so thoughtful.

6 MR. PALMER: You should set it up with
7 the doctor, see if they'll put little flowers
8 in the picture.

9 DIRECTOR ANTHONY: I've got a whole
10 bunch of stuff that I'm going to be doing now.
11 Thank you, man.

12 MR. PALMER: No problem.

13 DIRECTOR ANTHONY: You throw some great
14 ideas.

15 MR. PALMER: Yeah.

16 DIRECTOR ANTHONY: Well, is that it?
17 Is there a motion to adjourn then? Is that -- I
18 mean, anything else?

19 DEPUTY DIRECTOR BURD: That's all I
20 had.

21 DIRECTOR ANTHONY: Motion to adjourn?

22 BOARD MEMBER MARINELLO: I move to
23 adjourn.

24 DIRECTOR ANTHONY: Second?

1 DEPUTY DIRECTOR BURD: Is there a
2 second?

3 DIRECTOR ANTHONY: I hear a second.
4 Michael Colley seconded it. We stand adjourned.

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6 Thereupon, the proceedings were
7 concluded at 3:42 o'clock p.m.

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CERTIFICATE

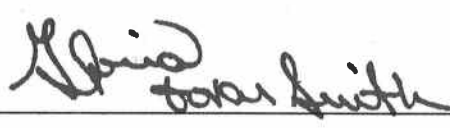
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The undersigned do hereby certify that the foregoing proceedings were digitally recorded, electronically transmitted, and transcribed via audible playback, and that the foregoing transcript of such proceedings is a full, true and correct transcript of the proceedings as so recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 4th day of March, 2011.



MICHELLE K. SALINAS
Certified Digital Reporter
Notary Public - State of Ohio
My commission expires June 11, 2013.



GLORIA TOVAR SMITH
Certified Digital Transcriber