

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

MINUTES OF THE MEETING ON

2/24/2011

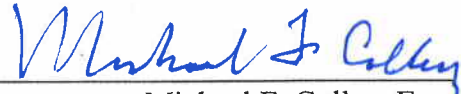
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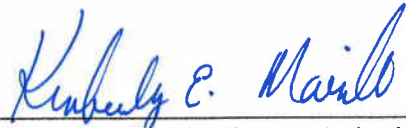
BY:



Douglas J. Preisse, Chairman



Michael F. Colley, Esq.



Kimberly E. Marinello



Zachary Manifold

ATTEST:



William A. Anthony, Jr., Director

1 APPEARANCES:

2 Franklin County Prosecutor's Office
3 13th Floor
4 373 South High Street
5 Columbus, Ohio 43215
6 By Mr. Ron O'Brien and
7 Mr. Nick Soulas,
8
9 On behalf of the Board.

10 ALSO PRESENT:

11 Ms. Suzanne Brown - Exec Assistant
12 Mr. Ben Piscitelli - Media Relations
13 Ms. Karen Cotton - Operations Mgr
14
15 Mr. Dauryce Bruce Sowell -
16 Reynoldsburg Ward 4 Appeal
17 Presenter
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P R O C E E D I N G S

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DIRECTOR ANTHONY: I'd like to call the Franklin County Board of Elections meeting to order. I'll do the roll call. Kimberly Marinello?

MS. MARINELLO: Here.

DIRECTOR ANTHONY: Zachary Manifold?

MR. MANIFOLD: Here.

DIRECTOR ANTHONY: Douglas Preisse?

CHAIRMAN PREISSE: Yes, here.

DIRECTOR ANTHONY: And Michael Colley?

MR. COLLEY: Here.

DIRECTOR ANTHONY: We're all here and accounted for, sir. The first item on the agenda, Mr. Chair, is an appeal from Mr. Sowell. Is that you, sir?

MR. SOWELL: Yes, it is.

CHAIRMAN PREISSE: Okay. I think we're aware of Mr. Sowell's presence and thank him for coming. I'm going to suggest that it will be helpful to the Board to have

1 Karen Cotton refresh our collective memory
2 about the staff's recommendation and
3 recitation of the facts here as we understand
4 them and where we are today and then
5 certainly invite Mr. Sowell to present as I
6 think is his desire.

7 MS. COTTON: Mr. Sowell filed a
8 petition to run for City Council in Ward 4,
9 City of Reynoldsburg. I had four part
10 petitions including 44 signatures. Staff was
11 instructed to check all of the signatures per
12 our guidelines as provided by the Secretary
13 of State's office in compliance with the Ohio
14 Revised Code as to the various types of
15 coding that we use to determine validity or
16 non-validity of a signature.

17 Of the 44 signatures we found 23 to
18 be valid signatures of registered electors
19 within the district of Ward 4, City of
20 Reynoldsburg. We found nine persons not
21 registered, four persons not registered at
22 the address they listed, two printed
23 signatures, two signatures which had
24 incomplete addresses, a couple of

1 out-of-district signatures coming from other
2 wards other than the ward in question, and
3 two of the opposite political parties.

4 Since it is a partisan primary, the
5 signers of the petition do need to be of the
6 same political party or not have voted in the
7 opposite party's primary within the last two
8 years. Staff completed the initial review of
9 the petition and put it into a bin to have a
10 second review done.

11 I completed the second review of the
12 petition and was not able to find any
13 additional signatures. So the protest has
14 been filed inasmuch as the protestor is
15 requesting that we give him the printed
16 signatures because it is the intent of the
17 signer to support him in his campaign. And
18 I'll let him speak to the additional
19 comments.

20 We did, in fact, prepare a document
21 for you as well as copies of the petition
22 forms. The document on the top of that
23 handout that we have for you includes the
24 section of the code that says "a signature in

1 order to be valid requires it to be similar
2 of the same signature as we have on file."
3 Which in this case, on both these
4 individuals, it is a cursive signature we
5 have on file and you have a sample of that
6 signature attached to the document also
7 cross-referenced by line and petition number.

8 CHAIRMAN PREISSE: Okay. If there
9 are no questions of Karen at this point --
10 and she's not going far away so we can get
11 her again if we need her -- we'll invite Mr.
12 Sowell to address the Board. And, please, I
13 think we ask you to state your name for our
14 stenographer.

15 MR. SOWELL: My name is Dauryce
16 Bruce Sowell. You can call me Bruce. My
17 name always gets twisted, my first name. The
18 reason why I'm here today is because for
19 almost a quarter of a century I've been what
20 you call basically an officer of the court.
21 I've been in law enforcement for all these
22 many years.

23 And during that time I've been in
24 law enforcement we cite individuals. We also

1 ask them on a traffic citation to sign the
2 traffic citation. A number of times they've
3 either printed them or written them or
4 whatever has been acceptable because at that
5 time we don't have the time to be on the
6 street to determine whose signature and what.

7 Now, when I went out and circulated
8 my petitions, again, I mentioned my
9 background as being an officer of the court,
10 having to come in and testify under oath. On
11 the petition itself it says that whoever
12 commits election falsification is guilty of a
13 felony of the fifth degree.

14 Being an officer of the court and
15 somebody who is a certified peace officer for
16 over 25 years, I have a lot to lose as being
17 an officer of the court. When I'm called in
18 to testify I'm compelled to tell the truth.

19 Now, when I circulate these
20 petitions the only thing I can go on is that
21 the individual that signed it told me that
22 they were a registered voter and this is
23 where they lived and everything was accurate.
24 Now, I can't tell whether somebody printed

1 their signature and I don't think when they
2 written down -- and a number of these
3 signatures are similar and I have to go on
4 the attempt that that's what they were
5 preparing to do.

6 The area in which I seek to
7 represent which is Ward 4 is an area of the
8 city that's in some trouble and this area of
9 the city is fixable at this point. Now, I'll
10 have to say that the council person that
11 currently serves that ward has been there for
12 a long time.

13 When I first moved in Ward 4 you
14 could walk the streets at night. There were
15 people jogging at night, they had their dogs
16 walking at night. As I watched it
17 deteriorate, we encouraged people to get
18 involved and this year I decided to get
19 involved.

20 Now, once again, the person that
21 represents that area has been there for quite
22 some time, some 30, maybe 40 years, I don't
23 know. But sometimes now it becomes a
24 situation where you have to put a fresh set

1 of eyes on it. I decided to get involved. I
2 looked at everything, I thought I had enough
3 -- 44 signatures, only needed 25.

4 I was confident when I went out and
5 got these petitions. I don't believe that
6 the persons that put their names on this
7 petition, and it indicates here that they
8 live at these addresses, were intending to
9 defraud this election process in any way. I
10 believe their intent was to go ahead and to
11 support me in getting on the ballot to
12 possibly represent this area.

13 Now, this area of the city has a
14 high concentration of democratic voters along
15 with a lot of minority voters. Being two
16 signatures short because a couple individuals
17 either printed illegibly -- and I will say
18 that, I don't know what their was -- but I
19 believe their intent was honorable. I
20 believe their intent was to support me.

21 Once again, this area of the city is
22 fixable. I believe it's fixable. Sometimes
23 you have to come up with new ideas, but we
24 encourage a lot of people to get involved

1 with the system and then if it had said --
2 the two signatures had of said, well, they're
3 not registered or they didn't live at the
4 current address I could go with that.

5 But seeing that being an officer of
6 the court and I didn't print the signatures
7 and that I legally witnessed the persons
8 signing the petitions themselves, then I have
9 to assume what their intent is. So what I'm
10 saying is that I'm asking you to give those
11 citizens that live in Ward 4 an opportunity
12 to decide for themselves whether I'm capable
13 enough or strong enough to make the necessary
14 changes.

15 The area of the city I know of
16 Reynoldsburg now is called Ghettoburg.
17 That's exactly what they referred to. I
18 don't like that -- didn't like that
19 connotation being reserved to an area of the
20 city that I live in. I still live in that
21 area. I didn't go anywhere, I didn't run,
22 and I don't intend to run.

23 Personally, whenever I see anything
24 that can help my city, I always bring it

1 forth to council. I attend a lot of council
2 meetings, I try to get involved as a citizen.
3 And as someone who has also taken an oath to
4 defend this constitution and the laws of the
5 state of Ohio I have a lot to say.

6 Now, I'm asking the Board to give
7 those citizens an opportunity to either
8 choose myself or the other person. Maybe
9 they're satisfied with the other person. But
10 at this particular time when we have an
11 uncontested election that's going on, we
12 don't give the citizens an opportunity to
13 speak and I'm just as concerned as the
14 individuals on my petition that signed my
15 petition.

16 I believe their intention was
17 honorable. I didn't sign it, I didn't print
18 their names on there. Once again, I will
19 state I have a lot to lose. So I'm asking
20 the Board to give me the opportunity to
21 represent those citizens or not to represent
22 those citizens but let the citizens decide if
23 anything. That's all I have to say.

24 CHAIRMAN PREISSE: Thank you, Mr.

1 Sowell. Do any members have questions for
2 Mr. Sowell or comments they wish to make? I
3 have a few but I'll defer to you first.

4 MR. MANIFOLD: I'll say a few
5 things. Thanks for coming down here. I
6 think we all appreciate the comments. I wish
7 that we had more leeway on these issues. I
8 think we've had -- every time we have a
9 filing -- I think we had somebody that was in
10 here on a liquor option last election.

11 We run into this every election,
12 every primary, every general. Unfortunately,
13 the law doesn't give us any leeway when it
14 comes to printed signatures and what's on
15 file at the Board. I wish that we had more
16 leeway. I would recommend -- if you run in
17 the future, I'd recommend, the Board has
18 voter file lists.

19 You can get voter file lists, you
20 can come into the Board during public hours
21 or they have a public section where you can
22 check signatures, you can check everything
23 beforehand and feel more confident. I'd
24 recommend -- this is a partisan, I think a

1 partisan ballot. I'd recommend reaching out
2 to your political party, get lists of
3 registered voters that way.

4 There's always a few things that you
5 can do to feel more confident about petition
6 circulation. I appreciate it, it's always a
7 sad feeling when we just don't have any
8 leeway on the law. But thanks for coming
9 down here and making your statement.

10 CHAIRMAN PREISSE: I too appreciate
11 your recitation including the campaign
12 commercial in the middle which was good
13 because, frankly, I'm sure we're all
14 persuaded that you were choosing to attempt
15 to run for office for the reasons you shared
16 which is a concern for your community.

17 Unfortunately, much of what you said
18 is not to the issue in question. The issue
19 before us is can we count those two. And,
20 Mr. Sowell, you also suggested you're short
21 by those two. Well, I think you have 21 that
22 are unacceptable for various reasons so --

23 MR. SOWELL: You said 23.

24 CHAIRMAN PREISSE: Whatever it was.

1 In other words, there's a whole of bunch that
2 are insufficient for various reasons. These
3 two happen to be because of the matter we're
4 discussing now and I don't think we have
5 leeway on this as has been our precedent in
6 respecting and following the law.

7 And we've made special provision to
8 have our counsel here and I see him nodding.
9 I don't know that he cares to add anything
10 other than --

11 MR. O'BRIEN: If you have a
12 question, the law is clear in this regard
13 under 3501.011. That's the statute that's in
14 your packet and it is the signature that is
15 on file with the Board of Elections. And it
16 has to be a cursive signature if a cursive
17 signature is utilized by the elector -- or by
18 the voter. So there is no leeway
19 unfortunately under the statute.

20 CHAIRMAN PREISSE: I've said this
21 before to people in your similar situation
22 for various reasons. I filed a petition once
23 too. It was for party office and I was ruled
24 off because my petition was deficient. I

1 came back two years later and was successful.
2 Is that a two-year term or a four-year term
3 out there?

4 UNIDENTIFIED VOICE: Four-year.

5 CHAIRMAN PREISSE: The best
6 suggestion we can have is what your
7 compatriot here suggested, I think, and move
8 into the future. But I think we're stuck.
9 We appreciate your taking the time to come
10 down here and share with us. Unless there's
11 any other concerns or questions from staff or
12 Board members, I can we can proceed.

13 DIRECTOR ANTHONY: Since there's no
14 need to make any motions on this issue at
15 all, thank you, Mr. Sowell, for coming down.
16 Seems that they're going to uphold the prior
17 decision of the Board. Appreciate you taking
18 involvement in the process.

19 CHAIRMAN PREISSE: We regret we
20 can't help, but we can't.

21 MS. MARINELLO: Sorry.

22 DIRECTOR ANTHONY: The next item on
23 the agenda has to do with hours of operation
24 for the primary election cycle. We are

1 recommending that the Board have the hours
2 starting on Monday through Friday, March 29
3 to May 2, from eight to five, and on
4 Saturday, April 30, eight to noon. That
5 would be our recommendation from the staff.

6 MS. MARINELLO: Mr. Chairman, I move
7 that the Board of Elections establish the
8 following as its schedule for in-person
9 absentee voting for the 2011 primary
10 election: Monday through Friday from March
11 29 to May 2, from eight a.m. to five p.m.,
12 and eight a.m. to noon on Saturday, April 30.

13 DIRECTOR ANTHONY: Is there a
14 second?

15 MR. COLLEY: Second.

16 DIRECTOR ANTHONY: All those in
17 favor?

18 (All say aye.)

19 DIRECTOR ANTHONY: Motion carries.
20 The next item on the agenda, we wanted to
21 talk about absentee ballot applications. As
22 you know, we can either have some discussion
23 about this, whether we want to send an
24 absentee ballot to every eligible voter for

1 this election cycle or not.

2 And if we decide not to, I don't
3 believe there's a -- there's no need for a
4 motion. We have the funds to do it, it's
5 just a matter of is it something that we want
6 to do for this election cycle since it is a
7 primary, kind of a low voter type of
8 election. Do you guys want to discuss it?

9 CHAIRMAN PREISSE: What's the recent
10 history here? We paid for return into 2010
11 general, right?

12 MR. BURD: Well, in terms of mailing
13 out applications to all eligible voters, it
14 seems like we do that on even years and we
15 don't on odd years. I don't know that the
16 Board has ever done that in an odd year
17 election. I could be wrong, but I don't
18 think they have.

19 MR. MANIFOLD: I think we do for the
20 general, right, but not the primary, I think.

21 DIRECTOR ANTHONY: We have done it
22 differently. We've done it -- the last time
23 we did it by doing that with -- by
24 households. I mean, it's you guys -- we can

1 talk about it a little more. We have another
2 meeting coming up in several weeks. We can
3 talk about it a little bit more.

4 MR. BURD: The first ballots
5 wouldn't be mailed until March 29th at the
6 earliest so we do have some time to think
7 about it. It's a fairly large expenditure
8 for what is likely to be a very miniscule
9 turnout, unfortunately. So that is part of
10 the reason, that and just based on primary
11 tradition why we would recommend that we
12 probably won't do that this year.

13 MR. MANIFOLD: I think -- from what
14 I understand I think we've done -- we haven't
15 done them in primaries in odd years, we've
16 done it in primaries of even years. And then
17 we've -- have we always paid for the ballot
18 return, the actual cost of, like, whoever
19 actually sends the ballot back in?

20 CHAIRMAN PREISSE: I don't think we
21 always have, but we did in the last general.

22 DIRECTOR ANTHONY: We did in the
23 last general and we did in the presidential.
24 I don't know what would be --

1 CHAIRMAN PREISSE: Why don't we not
2 decide. Let us resolve to be irresolute at
3 this point.

4 DIRECTOR ANTHONY: Well, there's no
5 need to have a motion. I just wanted to
6 bring it up for some discussion so you guys
7 could think about it.

8 MR. MANIFOLD: I would imagine that
9 the return, if we did pick up the postage on
10 the ballot coming back, it probably would be
11 pretty minimal.

12 MR. BURD: We have about 10,600, I
13 think, allocated in this year's budget for
14 that. I talked to our absentee manager
15 today. He said he'd be shocked if there were
16 20,000 people who voted early this year.
17 That would be on the high end based on what's
18 happened in the past.

19 So it's not a huge expenditure of
20 funds to pay the return ballot postage and we
21 do have those funds available. But that's
22 another thing if you want to think about you
23 can and we can decide at another meeting.

24 DIRECTOR ANTHONY: I think it would

1 make a lot of sense to put the postage on the
2 ballots, return ballots. If folks request an
3 absentee ballot, we mail it out to them, I
4 think to pay for return postage would be
5 something that would be helpful. Because in
6 most cases if they don't stick a stamp on it,
7 we'll get stuck with it anyway. But I think
8 they'll still deliver it to us.

9 MR. MANIFOLD: We can put it off to
10 future meetings. I don't think we have to
11 make a decision right now.

12 MR. BURD: I think the first meeting
13 in March we have to make a decision, but I
14 don't think we have to do anything today.

15 DIRECTOR ANTHONY: And speaking of
16 that then, we would like to move our regular
17 meeting from the first Monday in March, March
18 1 -- March 7th, I'm sorry, to March 10th if
19 that works with everybody's schedule.

20 CHAIRMAN PREISSE: Why are we doing
21 this?

22 MR. BURD: Mr. Piccininni is not
23 available on the 7th. He would like to
24 participate in that meeting. He would be

1 available the 10th or later if that day
2 doesn't work for everyone.

3 CHAIRMAN PREISSE: Works for me.
4 How about the rest?

5 MS. MARINELLO: Works for me.

6 CHAIRMAN PREISSE: At three?

7 DIRECTOR ANTHONY: Three o'clock.

8 Do we need a motion for that?

9 MS. MARINELLO: Mr. Chairman, I move
10 that the Board of Elections cancel the
11 regular Board meeting scheduled for Monday,
12 March 7th at three p.m. and reschedule that
13 meeting for Thursday, March 10th at three
14 p.m.

15 DIRECTOR ANTHONY: Is there a
16 second?

17 MR. COLLEY: I second that motion.

18 DIRECTOR ANTHONY: All those in
19 favor?

20 (All say aye.)

21 DIRECTOR ANTHONY: Motion carries.
22 That's all we have for the agenda today.
23 Motion to adjourn would be appropriate.

24 MS. MARINELLO: Mr. Chairman, I move

1 we adjourn.

2 DIRECTOR ANTHONY: Is there a
3 second?

4 MR. MANIFOLD: I'll second.

5 DIRECTOR ANTHONY: All those in
6 favor?

7 (All say aye.)

8 DIRECTOR ANTHONY: We stand
9 adjourned. Thank you.

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11 Thereupon, the meeting was
12 concluded at 3:31 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 8th day of March, 2011.

Jennifer L. Koontz

JENNIFER L. KOONTZ
Certified Digital Reporter
Notary Public - State of Ohio
My commission expires September 15, 2013

Beverly D. Haviland

BEVERLY D. HAVILAND
Certified Digital Transcriber