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APPEARANCES:

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On behalf of the Board.

Also present:

Suzanne Brown, Executive Assistant to the Board,
Director, and Deputy Director
Jeffrey O. Mackey, Petitions & Campaign Finance
Alicia Healy, Voter Services
Zach Manifold, Absentee Voting
Carla Patton, Elections Operations
Gene Shell, Absentee Voting

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1 Thursday Morning Session

2 May 24, 2018

3 - - -

4 DEPUTY DIRECTOR PAYNE: Looks like
5 we have everybody present. First order of business
6 is to take roll.

7 Kim Marinello.

8 MS. MARINELLO: Here.

9 DEPUTY DIRECTOR PAYNE: Michael
10 Sexton.

11 MEMBER SEXTON: Here.

12 DEPUTY DIRECTOR PAYNE: Doug
13 Preisse.

14 CHAIRMAN PREISSE: Here.

15 DEPUTY DIRECTOR PAYNE: Brad
16 Sinnott.

17 MEMBER SINNOTT: Here.

18 DEPUTY DIRECTOR PAYNE: It appears
19 that we have a quorum.

20 The first item of business is
21 Provisional Ballots for Reconsideration. We had a
22 total of -- and I'll turn it over to Alicia -- we
23 had a total 1,923 provisional ballots. The
24 bipartisan staff recommends counting 1,574 of
25 those, rejecting 304 of those, and there were 45

1 remaining that require board review. So it's the
2 45 that require a board review that I will turn
3 over to Alicia.

4 MS. HEALY: Good morning.

5 So before you you should have a
6 May 8, 2018 Primary Provisional Report, and that is
7 the total ballots for consideration. The first
8 one -- There are eight categories. The first
9 category is a 17-year-old voter. This came in as a
10 provisional on election night, but it is a
11 17-year-old voter. So we want to remove this
12 provisional from our count. So that because of the
13 fact that it's a provisional -- wasn't a
14 provisional, we can count it as one of Carla's
15 count. So it will be the election night count, but
16 we would have to open it and have her to scan that
17 in for election night.

18 DEPUTY DIRECTOR PAYNE: So is it
19 fair to say that it's a 17-year-old ballot that
20 should have been counted on election night, but the
21 fact it's in a provisional ballot envelope doesn't
22 qualify it as a provisional ballot --

23 MS. HEALY: Correct.

24 DEPUTY DIRECTOR PAYNE: -- so we're
25 asking that we --

1 CHAIRMAN PREISSE: How did it come
2 to be in the provisional ballots?

3 DEPUTY DIRECTOR PAYNE: Poll worker
4 error.

5 MEMBER SINNOTT: Before we get into
6 discussion of each of these provisional ballots, it
7 looks from the report as though there are going to
8 be eight different types of questions you're
9 presenting to us. Is that right?

10 MS. HEALY: Correct.

11 DIRECTOR LEONARD: And 45 specific
12 ballots that we addressed in those categories.

13 MEMBER SINNOTT: It probably does
14 makes sense to do these category by category.
15 Agreed?

16 DIRECTOR LEONARD: In terms of a
17 motion per category?

18 MEMBER SINNOTT: No. I just wanted
19 to see if anybody on the Board wanted to do it
20 differently. Okay. All right. So we're doing
21 Category A.

22 DEPUTY DIRECTOR PAYNE: So do you
23 want to show that to the Board? And then the
24 question would be whether they want to accept that
25 or reject it, basically; but accepting it would be

1 accepting it to give to Carla to count.

2 MEMBER SINNOTT: So this voter looks
3 to be a proper voter in every respect, but for some
4 reason a poll worker has given him a provisional
5 ballot and placed his ballot in the provisional
6 ballot envelope. Did I say that correctly?

7 MS. HEALY: So it's in a 17-year-old
8 envelope inside the provisional envelope.

9 MEMBER SINNOTT: A 17-year-old
10 envelope, would you explain that?

11 DEPUTY DIRECTOR PAYNE: I think it
12 might require to be certain that we have a
13 17-year-old envelope to open it at this point to
14 show that it's not a provisional ballot. We
15 believe that there's a 17-year-old envelope in
16 there.

17 DIRECTOR LEONARD: What happens when
18 a 17-year-old votes is it's put in a special
19 envelope that is marked for a 17-year-old. It
20 wouldn't be put into a provisional ballot envelope.

21 DEPUTY DIRECTOR PAYNE: So for
22 whatever reason they --

23 DIRECTOR LEONARD: But they put it
24 in a 17-year-old envelope and then put that
25 17-year-old envelope in the provisional envelope

1 and treated it like a provisional.

2 CHAIRMAN PREISSE: And we think
3 that's the case because the voter is 17 years old?

4 MS. HEALY: Right.

5 DIRECTOR LEONARD: And everything
6 else on the provisional ballot envelope is correct.
7 It was filled out correctly. It's consistent with
8 the 17-year-old's registration. They should not
9 have been made to vote provisional, but it was put
10 into a provisional ballot envelope.

11 MEMBER SINNOTT: Okay. Is everybody
12 okay if I open this? Okay.

13 (Member Sinnott opening envelope.)

14 MEMBER SINNOTT: I don't need to
15 look at it any further. I'll put it back in and I
16 move that the Category A ballot be counted.

17 MEMBER SEXTON: Second.

18 DEPUTY DIRECTOR PAYNE: All those in
19 favor signify by saying aye.

20 (Vote taken.)

21 DEPUTY DIRECTOR PAYNE: All opposed,
22 same sign.

23 (No response.)

24 DEPUTY DIRECTOR PAYNE: Motion
25 carries.

1 Just for -- We have labeled all of
2 these. We are looking at 45. So we've labeled
3 them 1 through 45. So this is number 1, and we've
4 chosen to accept that.

5 DIRECTOR LEONARD: So you can refer
6 to provisional ballot envelope number 2, number 3,
7 and so forth.

8 DEPUTY DIRECTOR PAYNE: The second
9 one, Alicia.

10 MS. HEALY: The next one is a
11 provisional or a ballot outside a provisional
12 envelope, and we want to --

13 DEPUTY DIRECTOR PAYNE: So explain
14 to us how this happened to be outside the
15 provisional envelope.

16 MS. HEALY: So it appears that the
17 voter did not put it inside the envelope but they
18 inserted it into the bag before they did that. So
19 when we got it that night it was outside of the
20 envelope. So we just want to -- And based on the
21 number of provisionals that we got in that
22 particular, we had two, the one was inside and that
23 was the only one that was left.

24 CHAIRMAN PREISSE: So there was only
25 one ballot and only one completed provisional

1 envelope?

2 MS. HEALY: Yes.

3 DIRECTOR LEONARD: All circumstances
4 seem to indicate that that is the ballot for that
5 particular provisional ballot envelope. And the
6 envelope is -- the provisional envelope is filled
7 out correctly in all other respects. Correct?

8 MS. HEALY: Correct.

9 (Board members reviewing.)

10 MR. SINNOTT: I move that
11 provisional ballot number 2 be counted.

12 DIRECTOR LEONARD: I think the
13 correct term would be accepted, accepted or
14 rejected.

15 DEPUTY DIRECTOR PAYNE: Accepted or
16 rejected, but -- Yeah.

17 DIRECTOR LEONARD: So it would be
18 accepted.

19 MEMBER SINNOTT: We're going to
20 count it if it's accepted. Right?

21 DEPUTY DIRECTOR PAYNE: That is
22 correct.

23 MR. SINNOTT: Okay. I move that
24 provisional ballot number 2 be accepted.

25 MEMBER MARINELLO: Second.

1 DEPUTY DIRECTOR PAYNE: All those in
2 favor signify by saying aye.

3 (Vote taken.)

4 DEPUTY DIRECTOR PAYNE: All opposed,
5 same sign.

6 (No response.)

7 DEPUTY DIRECTOR PAYNE: Motion
8 carries.

9 The third category is C.

10 MS. HEALY: The next one that you'll
11 come to is a signature mismatch. We know that the
12 particular location where this voter voted is a
13 nursing home, but it appears there may be some
14 physical reason why she was not able to sign what
15 we have on the system. So I did copy previous
16 signatures that we've had in the past. You can see
17 that it's -- it gets a little shaky on a couple of
18 those.

19 MEMBER SEXTON: Looks good.

20 (Board reviewing.)

21 MEMBER SINNOTT: I move that ballot
22 number 3 be accepted.

23 CHAIRMAN PREISSE: Second.

24 DEPUTY DIRECTOR PAYNE: All those in
25 favor signify by saying aye.

1 (Vote taken.)

2 DEPUTY DIRECTOR PAYNE: All opposed,
3 same sign.

4 (No response.)

5 DEPUTY DIRECTOR PAYNE: Motion
6 carries.

7 MS. HEALY: So the next seven you're
8 going to receive are going to be the year that was
9 written. So 2018 was written as their birth year,
10 but the month and the date is correct on each one
11 of those that you're looking at.

12 MEMBER SINNOTT: Is there any law or
13 instruction from the Secretary of State's office
14 about how to deal with that?

15 MS. HEALY: Yes.

16 MEMBER SINNOTT: What is it?

17 MS. HEALY: So you have the
18 provisional voting instructions. If you look at
19 page 6, dash, 6 on your provisional voting
20 directive.

21 CHAIRMAN PREISSE: And to
22 Mr. Sinnott's question, this is the Secretary of
23 State's --

24 MS. HEALY: It's a directive for
25 provisional voting.

1 CHAIRMAN PREISSE: And you're
2 directing us to page 6-6.

3 MS. HEALY: 6, dash, 6, yes.

4 And if you note, where it says the
5 month and the day of the voter's date of birth on
6 the affirmation statement must match the month and
7 day of the voter's date of birth in the voter's
8 registration database unless one of the following
9 two exceptions applies: the voter's date of birth
10 in the database is 1, dash, 1, 1800 or the Board of
11 Elections find by vote of at least three members
12 that the voter has met all of the other
13 requirements of division.

14 CHAIRMAN PREISSE: Which are then
15 listed?

16 MS. HEALY: Yes.

17 DIRECTOR LEONARD: And all in this
18 category or subcategory, I should say, meet all the
19 requirements of a valid provisional ballot?

20 MS. HEALY: So yes, they meet all
21 the other requirements. The only difference is
22 that their birth year is 2018.

23 MEMBER SINNOTT: I believe we have
24 counted ballots of this sort in the past, have we
25 not?

1 MS. HEALY: Yes.

2 MEMBER SINNOTT: I move that we
3 count ballots 4 through 15 or accept them.

4 MEMBER MARINELLO: I'll second.

5 DEPUTY DIRECTOR PAYNE: All those in
6 favor signify by saying aye.

7 (Vote taken.)

8 DEPUTY DIRECTOR PAYNE: All opposed,
9 same sign.

10 (No response.)

11 MEMBER SINNOTT: You may want to do
12 a roll call on that if we have to show three out of
13 four.

14 DEPUTY DIRECTOR PAYNE: Okay. Good
15 point.

16 Kim Marinello.

17 MEMBER MARINELLO: Yes.

18 DEPUTY DIRECTOR PAYNE: Michael
19 Sexton.

20 MEMBER SEXTON: Yes.

21 DEPUTY DIRECTOR PAYNE: Doug
22 Preisse.

23 CHAIRMAN PREISSE: Yes.

24 DEPUTY DIRECTOR PAYNE: And Brad
25 Sinnott.

1 MEMBER SINNOTT: Yes.

2 DEPUTY DIRECTOR PAYNE: Motion
3 carries. And that was 4 through --

4 MEMBER SINNOTT: 15.

5 DEPUTY DIRECTOR PAYNE: Actually, I
6 think that was 4 through 10.

7 MS. HEALY: Yes.

8 DEPUTY DIRECTOR PAYNE: That was 4
9 through 10. And then under that same category in
10 group B there are five additional that have a
11 slightly different --

12 MEMBER SINNOTT: Okay. We should do
13 this over.

14 DEPUTY DIRECTOR PAYNE: Correct.

15 MEMBER SINNOTT: Do you think we
16 ought to rescind our last vote?

17 I move that we rescind the motion we
18 just approved that accepts numbers 4 through 15
19 because of the error in numbering the ballots in
20 question in the motion.

21 CHAIRMAN PREISSE: Second.

22 DEPUTY DIRECTOR PAYNE: Kim
23 Marinello.

24 MEMBER MARINELLO: Yes.

25 DEPUTY DIRECTOR PAYNE: Michael

1 Sexton.

2 MEMBER SEXTON: Yes.

3 DEPUTY DIRECTOR PAYNE: Douglas

4 Preisse.

5 CHAIRMAN PREISSE: Yes.

6 DEPUTY DIRECTOR PAYNE: And Brad

7 Sinnott.

8 MEMBER SINNOTT: Yes.

9 DEPUTY DIRECTOR PAYNE: Motion

10 carries. Motion is rescinded.

11 MEMBER SINNOTT: I now move that we
12 accept ballots 4 through 10.

13 CHAIRMAN PREISSE: Second.

14 DEPUTY DIRECTOR PAYNE: Kim

15 Marinello.

16 MEMBER MARINELLO: Yes.

17 DEPUTY DIRECTOR PAYNE: Michael

18 Sexton.

19 MEMBER SEXTON: Yes.

20 DEPUTY DIRECTOR PAYNE: Doug

21 Preisse.

22 CHAIRMAN PREISSE: Yes.

23 DEPUTY DIRECTOR PAYNE: And Brad

24 Sinnott.

25 MEMBER SINNOTT: Yes.

1 DEPUTY DIRECTOR PAYNE: Motion
2 carries.

3 Now, group two within that same
4 category.

5 MS. HEALY: We're doing those
6 individually because they each have different
7 circumstances.

8 DEPUTY DIRECTOR PAYNE: Okay.
9 Perfect. So ballot 11. Envelope 11, rather.

10 MS. HEALY: So you will note that
11 the date of birth on this particular one is 2002,
12 but the actual birth year is 1966. So we're not
13 sure why this is 2002, but everything else on the
14 provisional ballot is correct.

15 DEPUTY DIRECTOR PAYNE: Month and
16 day are correct?

17 MS. HEALY: Yes.

18 DEPUTY DIRECTOR PAYNE: And then all
19 other information on the provisional ballot is
20 correct?

21 MS. HEALY: Correct.

22 MEMBER SINNOTT: Well, then, this
23 one is different from the ones we just considered
24 only in that the current year is not shown as the
25 date of birth; instead, it's another year. Right?

1 MS. HEALY: Yes.

2 MEMBER SINNOTT: But everything else
3 about the voter seems proper?

4 MS. HEALY: Yes.

5 CHAIRMAN PREISSE: Do I understand
6 there's a suggestion we do these separately, one by
7 one?

8 DEPUTY DIRECTOR PAYNE: These
9 remaining -- Yes. Correct.

10 DIRECTOR LEONARD: Unless you would
11 like to see all of them.

12 MS. HEALY: Unless you want to see
13 all of them.

14 CHAIRMAN PREISSE: Yeah. Let's look
15 at all of them.

16 MS. HEALY: Okay.

17 MEMBER SINNOTT: Is it the same
18 issue as to each of them?

19 MS. HEALY: Yes.

20 MEMBER SINNOTT: The wrong year of
21 birth?

22 MS. HEALY: Yes.

23 CHAIRMAN PREISSE: I think they
24 categorize them as all of those from 2018 and then
25 these are to be a mixed bag. But if all of the

1 other -- The pattern is the same. It's a different
2 date of birth from what's in Integrity. Let's take
3 a look at all of them.

4 MS. HEALY: Okay. Get the right
5 order here.

6 DEPUTY DIRECTOR PAYNE: So 11
7 through 15 is what we would be looking at.

8 MEMBER SINNOTT: Alicia, in the case
9 of ballots 14 and 15 somebody has written in red
10 ink "correct" next to the date of birth. Do you
11 know why?

12 MS. HEALY: So what we have on the
13 system is not correct; but I think what happened
14 is -- Uhm, I'm not sure who was working on that
15 particular day that they discovered that. That
16 particular person had two different dates. So one
17 was correct, but then the other that we have in the
18 system was incorrect. So there were actually two
19 dates that that particular voter had written on a
20 couple of registration forms.

21 DEPUTY DIRECTOR PAYNE: Anything
22 that's written in red is our staff here at the
23 Board of Elections. Is that correct?

24 MS. HEALY: Correct.

25 MEMBER SINNOTT: But the notation

1 "correct" means that we have multiple years of
2 birth showing in our records for the voter and one
3 of them is shown on the provisional ballot
4 envelope?

5 MS. HEALY: Yes.

6 Sometimes when we're going through
7 the provisionals we just try to check to see if
8 there's something that we miskeyed in certain
9 situations. And in that particular situation,
10 again, the voter had two separate dates of birth.
11 So in discovering that, we determined which one
12 should have been correct; but it was not correct on
13 the system.

14 CHAIRMAN PREISSE: Is there a way to
15 avoid this situation with these handful of voters
16 by amalgamizing the records internally here?

17 MS. HEALY: I'm sorry?

18 CHAIRMAN PREISSE: Can we fix the --
19 You know, it was probably voter error, but we still
20 have competing data. Can we fix it to avoid this
21 same problem in the future?

22 MS. HEALY: So what we will do is we
23 will send a pending letter to that particular voter
24 to ask them to -- so we can have something in
25 writing, again, that this is the correct date of

1 birth. And once we receive that back then we will
2 put in the system exactly what their correct date
3 of birth should be. So that's why you see some of
4 those notations on that particular provisional
5 ballot.

6 CHAIRMAN PREISSE: So I would move
7 that we accept ballots 11 through 15, is it?

8 DEPUTY DIRECTOR PAYNE: Correct.

9 MEMBER SINNOTT: Second.

10 DEPUTY DIRECTOR PAYNE: Kim
11 Marinello.

12 MEMBER MARINELLO: Yes.

13 DEPUTY DIRECTOR PAYNE: Michael
14 Sexton.

15 MEMBER SEXTON: Yes.

16 DEPUTY DIRECTOR PAYNE: Doug
17 Preisse.

18 CHAIRMAN PREISSE: Yes.

19 DEPUTY DIRECTOR PAYNE: Brad
20 Sinnott.

21 MEMBER SINNOTT: Yes.

22 DEPUTY DIRECTOR PAYNE: Motion
23 carries to accept provisional ballots 11 through
24 15.

25 The next category is E, and we have

1 one ballot, one provisional envelope in that
2 category.

3 MS. HEALY: So if you note the
4 driver's license on that particular provisional
5 envelope, it has an AR before the number. So in
6 our research and talking with the BMV with
7 registration, we know that to be an individual that
8 most likely their information had been compromised
9 so they were issued a new driver's license number.
10 And normally it's from identity theft. So that
11 particular driver's license does not match what we
12 have on the system.

13 MEMBER SINNOTT: Alicia, on number
14 16 it looks as though this -- Well, we can do this.
15 It's public record. It looks as though AB07139 is
16 the driver's license number here.

17 MS. HEALY: I'm sorry?

18 DEPUTY DIRECTOR PAYNE: I think he's
19 viewing it as AB where you viewed it as AR.

20 MS. HEALY: Yes. We viewed it as
21 AR.

22 CHAIRMAN PREISSE: And what's the --
23 what do our records show?

24 MS. HEALY: It does not match that
25 at all. I'm sorry. I don't have what it is.

1 MS. MARINELLO: I thought you always
2 had the same driver's license number.

3 MS. HEALY: When there's an identity
4 theft they change it to an AR and that's how we
5 determine that it's identity theft. So we viewed
6 it as AR, Doug.

7 CHAIRMAN PREISSE: Oh, I see. So it
8 didn't match; but because it begins with AR you're
9 supposing that, oh, it may not match for the reason
10 this person experienced identity theft and was
11 issued an AR prefix license?

12 MS. HEALY: Yes.

13 MEMBER SINNOTT: Well, if we read
14 this as AR does it match the driver's license most
15 recently issued to this voter?

16 MS. HEALY: So what we have on the
17 system, it does not match; but we don't know if
18 it --

19 MEMBER SINNOTT: When you say "we,"
20 you're talking about the Board of Elections?

21 MS. HEALY: Yes.

22 MEMBER SINNOTT: So if we ask the
23 Bureau of Motor Vehicles to whom does this number
24 relate, what does the Bureau tell us?

25 MS. HEALY: They will tell us. But

1 because we cannot do any outside sources when we're
2 doing the provisional process now, we will do that
3 after the election, after it's certified.

4 MEMBER SINNOTT: You mean after we
5 accept it?

6 DEPUTY DIRECTOR PAYNE: Or reject
7 it.

8 MS. HEALY: Or reject it.

9 CHAIRMAN PREISSE: So we can accept
10 it for confirmation?

11 MS. HEALY: So we're just bringing
12 it before you whether --

13 CHAIRMAN PREISSE: Are we in a
14 catch-22?

15 DEPUTY DIRECTOR PAYNE: Yes, we are.
16 We are not allowed to use any outside sources. So
17 we are not permitted to ask the Bureau of Motor
18 Vehicles if that matches that person. So we do not
19 know.

20 MEMBER SINNOTT: Ever? We can never
21 ask?

22 DEPUTY DIRECTOR PAYNE: Not in the
23 provisional ballot process. We can ask afterwards,
24 but at that point the issue is moot. I mean, it --
25 except for the future, except for going forward.

1 Yeah, you're right, we're in a catch-22.

2 DIRECTOR LEONARD: One thing to
3 consider is if the person had given their like
4 driver's license number and we had nothing on
5 system, we'd have to accept it. If they put the
6 last four of their Social Security number and we
7 didn't have the last four of their Social Security
8 number on system, we'd have to accept what's on
9 there, what's on the provisional ballot envelope.
10 We won't confirm Social Security numbers when
11 they're given on the provisional ballot.

12 MEMBER SINNOTT: Is there any law or
13 directive from the Secretary about what to do when
14 an incorrect driver's license number is proffered?

15 MS. HEALY: We do not accept it.

16 MEMBER SINNOTT: Well, why?

17 DIRECTOR LEONARD: Why?

18 CHAIRMAN PREISSE: You say we do not
19 accept it because --

20 MS. HEALY: It doesn't match what we
21 have in the system.

22 DEPUTY DIRECTOR PAYNE: The
23 directive tells us that.

24 MEMBER SINNOTT: There is a
25 directive that says that?

1 DEPUTY DIRECTOR PAYNE: Correct.

2 MS. HEALY: Yes.

3 MEMBER SINNOTT: What page?

4 MS. HEALY: So if you go to 6, dash,
5 7 on the directive, it states that the -- a
6 provisional voter must provide an acceptable form
7 of identification either on election day or during
8 the seven days following the election. Acceptable
9 identification, and then it gives the last four
10 digits of a Social, a voter's driver's license
11 number. And in this particular case it doesn't say
12 that it has to match what's on our system, but we
13 know that is to be the case.

14 MEMBER MARINELLO: We don't really
15 know if this was identity theft, do we, for sure?

16 DEPUTY DIRECTOR PAYNE: No.

17 MS. HEALY: No.

18 MEMBER SINNOTT: How is it that we
19 know that the voter didn't present a current and
20 valid photo ID or military ID or utility bill?

21 MS. HEALY: I'm sorry?

22 MEMBER SINNOTT: How do we know that
23 the voter did not present when voting a photo ID, a
24 military ID, a utility bill?

25 MS. HEALY: They will check it on

1 the envelope.

2 MEMBER SINNOTT: Okay.

3 MS. HEALY: Also, if you go to 6-12,
4 this probably will clarify a little bit more in
5 that directive. So if you go down to the second
6 dot in the middle, it says, If the voter provided
7 identification on the affirmation statement and the
8 number -- if a driver's license or a state
9 identification card number, the combination of
10 letters and numbers provided, is not different from
11 the number that is contained in the statewide voter
12 data registration base.

13 So it's saying if it's different, if
14 the voter provided identification on the
15 affirmation statement but that identification is
16 different from what is contained in the statewide
17 voter registration database. If a driver's license
18 or a state identification card number, the
19 combination of letters and numbers provided, is
20 different the Board must reject the provisional
21 ballot.

22 DEPUTY DIRECTOR PAYNE: And the
23 reason we brought this to you was because of the AR
24 which we thought might be extenuating
25 circumstances. Had it been anything other than AR

1 or what we perceive to be AR, we would have
2 rejected it outright and it would not have come
3 before the Board.

4 MEMBER SINNOTT: I don't see how we
5 have discretion under the Secretary's directive.

6 MS. HEALY: So noted.

7 MEMBER SINNOTT: I move we reject
8 number 16.

9 MEMBER MARINELLO: I'll second.

10 CHAIRMAN PREISSE: If I could ask a
11 question before we call the roll, if I could. Brad
12 asked you a question, How is it that we know or
13 don't know that this voter may have presented
14 identification, and you said it was -- it would be
15 checked on the ballot, the envelope?

16 MS. HEALY: Yes.

17 CHAIRMAN PREISSE: What check is
18 that? Okay. So the data we have before us, the
19 evidence is that they didn't provide any of those,
20 they provided the driver's license and none of the
21 boxes are checked. Got it.

22 DEPUTY DIRECTOR PAYNE: It's been
23 moved and seconded that we reject provisional
24 ballot envelope number 16.

25 Kim Marinello.

1 MEMBER MARINELLO: Yes.

2 DEPUTY DIRECTOR PAYNE: Michael
3 Sexton.

4 MEMBER SEXTON: Yes.

5 DEPUTY DIRECTOR PAYNE: Doug
6 Preisse.

7 CHAIRMAN PREISSE: Yes.

8 DEPUTY DIRECTOR PAYNE: And Brad
9 Sinnott.

10 MEMBER SINNOTT: Yes.

11 DEPUTY DIRECTOR PAYNE: Motion
12 carries. 16 is rejected.

13 CHAIRMAN PREISSE: Now, are our
14 hands untied to check with this voter to update?

15 MS. HEALY: We will send a pending
16 letter to this voter to update their information.

17 CHAIRMAN PREISSE: Thank you.

18 DEPUTY DIRECTOR PAYNE: Mismatched
19 address is the next category for provisional ballot
20 envelope 17.

21 MS. HEALY: So the number on that
22 particular address was omitted on the envelope but
23 this person came in and they actually had the
24 information on the poll pad when they pulled it up.
25 That's how they gave them the correct ballot. So

1 that's why we have the printout of what was printed
2 from the poll pad. So it does match -- it matches
3 the ballot that was given to that particular voter.
4 So normally if there is something missing from the
5 address, it would be an invalid address; but
6 because of the fact that the poll pad when it
7 printed out that receipt it showed the voter's
8 house number.

9 MEMBER SINNOTT: So you're saying on
10 the provisional ballot envelope there is not a
11 street address showing?

12 MS. HEALY: Yes.

13 MEMBER SINNOTT: But you sent to us
14 too a small printed receipt that shows a street
15 address for a voter with the same name.

16 MS. HEALY: Yes.

17 CHAIRMAN PREISSE: And this receipt
18 is evidence of this voter checking in and -- at
19 his -- it appears his polling place, and that was
20 drawn from the poll pad check in the record
21 printer?

22 MS. HEALY: Yes

23 DEPUTY DIRECTOR PAYNE: Correct.

24 And that was given to us by the poll worker or not?

25 MS. HEALY: I think that was an

1 in-house.

2 DEPUTY DIRECTOR PAYNE: Okay. That
3 was an in-house ballot.

4 MS. HEALY: So that was done here at
5 the early voting center.

6 MEMBER SINNOTT: Is there any law or
7 directive from the Secretary about a provisional
8 ballot that has no street address on the envelope?

9 DIRECTOR LEONARD: Typically in
10 reference to a homeless individual there are
11 references --

12 MS. HEALY: Yes.

13 DIRECTOR LEONARD: -- to the lack of
14 a street address.

15 MEMBER SINNOTT: But that would be
16 somebody who reports being homeless, right, Ed?

17 DIRECTOR LEONARD: Uh-huh.

18 MEMBER SINNOTT: It wouldn't seem
19 all that rare where somebody has put in a street
20 name but has provided no house number.

21 MS. HEALY: Correct.

22 MEMBER SINNOTT: Is there any law or
23 directive that deals with that?

24 DEPUTY DIRECTOR PAYNE: Again, I
25 think the only --

1 MS. HEALY: Well, there was in the
2 past in NEOCH which if a person wrote a street name
3 without a street number we could say that that
4 particular person could have lived on a bench and
5 as long as they included the last four of their
6 Social then we would accept it.

7 DEPUTY DIRECTOR PAYNE: But that
8 dealt with homelessness rather than just
9 omitting --

10 DIRECTOR LEONARD: -- just omitting
11 the numbers. The way the directive reads is they
12 are to put the street number and the -- the street
13 on which they live, the numbers and the street
14 name.

15 MS. HEALY: Yes.

16 MEMBER SINNOTT: Is this a part of
17 the -- of chapter six of the election official
18 manual?

19 MS. HEALY: Yes. We have it in
20 there.

21 MEMBER SINNOTT: Can someone point
22 us to that?

23 MS. HEALY: Just a second here.

24 CHAIRMAN PREISSE: It's on 6-6,
25 Brad, second paragraph.

1 MS. HEALY: 6-6. Let's see. So
2 6-7 --

3 MEMBER SINNOTT: Alicia, look at the
4 second paragraph of 6-6.

5 MS. HEALY: 6-6. Okay. So if we
6 look at the top -- Let's see. It says -- You're
7 looking at 6-6, you said?

8 MEMBER SINNOTT: Yeah. Second
9 paragraph. A provisional voter must provide his or
10 her date of birth and current address on the
11 affirmation statement.

12 MS. HEALY: Okay. Correct.

13 MEMBER SINNOTT: And then there's an
14 exception that applies to voter's date of birth,
15 and we just worked through a series where that was
16 the problem. Is there any exception that can apply
17 on the subject of the address?

18 CHAIRMAN PREISSE: It doesn't treat
19 that issue in these paragraphs.

20 MS. HEALY: Let's see here. So if
21 you -- Give me just a second here. So if you look
22 on page 6-18. So it says the individual provided
23 his or her current address, provisional ballot
24 affirmation includes the last four which is found
25 invalid -- I thought there was a part in the EAC.

1 And maybe that's me trying to figure this out as
2 you're talking. So 6-20. I'm sorry. 6-20. So it
3 says, the voter did not provide an address that is
4 tied to a house, apartment, or other dwelling
5 provided that the voter had indicated that he or
6 she resides at a non-building location including
7 but not limited to a street corner, alley, or
8 highway overpass located in the precinct for which
9 the voter seeks to cast their ballot and that the
10 non-building location qualifies as the individual's
11 voter residence.

12 MEMBER SINNOTT: But that's not the
13 case here.

14 DEPUTY DIRECTOR PAYNE: Yeah. That
15 deals under 1.06 NEOCH.

16 MS. HEALY: Okay. But we view that
17 as -- in that particular case.

18 MEMBER SINNOTT: I don't see how
19 this applies. There's no indication that the voter
20 said that he or she resides at a non-building
21 location such as a street corner.

22 MS. HEALY: Okay.

23 CHAIRMAN PREISSE: How would this
24 voter have indicated that? How do you indicate
25 homelessness or non --

1 DEPUTY DIRECTOR PAYNE: Simply by
2 not filling it out, right? I mean, under NEOCH.

3 MS. HEALY: Yeah. If they left it
4 blank and they had a Social, we accepted it as a
5 NEOCH if it was blank. If it just had a street
6 name and it has the last four of the Social we did
7 accept it as a NEOCH.

8 DEPUTY DIRECTOR PAYNE: But this
9 particular person has been tied to a dwelling --

10 MS. HEALY: Yes.

11 DEPUTY DIRECTOR PAYNE: -- in our
12 electronic poll book. So NEOCH really isn't --

13 MS. HEALY: That doesn't apply.

14 DEPUTY DIRECTOR PAYNE: -- doesn't
15 apply in this situation if you take into account
16 the printout.

17 MEMBER MARINELLO: Well, it has a
18 unit number down there, is the thing that really --

19 MS. HEALY: It does.

20 MEMBER SEXTON: It's got everything
21 but the number.

22 MEMBER MARINELLO: And he started to
23 write something and then scratched it, but the unit
24 number is --

25 MS. HEALY: Okay.

1 MEMBER SEXTON: Looks like he
2 started to write something before the street name
3 and then crossed it out.

4 MEMBER SINNOTT: That's a good
5 observation about the unit number. I mean, it does
6 seem to be a specific identification of a spot on
7 Albert Avenue. I don't have any real doubt about
8 whether this person is who he says he is. It's
9 just a matter of whether we have discretion to
10 approve it. Well, I suppose if you were
11 industrious and you knew that you were looking for
12 unit 169 on Albert Avenue you probably could find
13 that particular space.

14 MEMBER MARINELLO: I think you
15 could.

16 CHAIRMAN PREISSE: With a particular
17 Zip Code, it further narrows --

18 MR. MANIFOLD: Do you guys want some
19 direction on how this happens from the vote center?

20 MEMBER SINNOTT: This is kind of an
21 open forum, Zach, so --

22 MR. MANIFOLD: Typically if somebody
23 would fill out the absentee card, the in-person
24 absentee card, to vote here at the voting center,
25 they probably fill out that card, had that and the

1 address on the card. We gave them the envelope and
2 told them, hey, go sit down and fill out the
3 provisional envelope because you have an address
4 change. Our person keyed that card, looked at that
5 card, probably keyed in that address in the poll
6 pad, issued that authority. That's a provisional
7 authority to vote slip. And then they are supposed
8 to check that provisional vote slip against the
9 envelope to verify that there was no change of
10 address. They should have matched that slip to
11 that envelope and made sure that it matched when
12 they gave the voter the ballot. So that would have
13 been the steps as to how --

14 DEPUTY DIRECTOR PAYNE: And they
15 just failed to notice that they put -- failed to
16 put in the street number.

17 MR. MANIFOLD: So that would have
18 been the process of probably how.

19 DIRECTOR LEONARD: And Zach, for the
20 court reporter's sake, would you identify yourself?

21 MR. MANIFOLD: Zach Manifold,
22 Absentee Department.

23 MEMBER SINNOTT: Well, because of
24 the identification of a unit number and the
25 provision of the street name, my motion is to

1 accept number 17.

2 MS. MARINELLO: Second.

3 DEPUTY DIRECTOR PAYNE: Kim

4 Marinello.

5 MEMBER MARINELLO: Yes.

6 DEPUTY DIRECTOR PAYNE: Michael

7 Sexton.

8 MEMBER SEXTON: Yes.

9 DEPUTY DIRECTOR PAYNE: Doug

10 Preisse.

11 CHAIRMAN PREISSE: Yes.

12 DEPUTY DIRECTOR PAYNE: And Brad

13 Sinnott.

14 MEMBER SINNOTT: Yes.

15 DEPUTY DIRECTOR PAYNE: Motion

16 carries to accept envelope number 17.

17 Now we're dealing with two envelopes
18 in the same category, 18 and 19. Correct?

19 MS. HEALY: Yes.

20 So what you have before you is a
21 voter that actually has two provisional envelopes
22 in his ballot. If you notice, on the copy of the
23 provi- -- for the problems and corrections page it
24 states that the poll worker stated that the -- one
25 of the ballots should be voided; but we believe

1 that the voided ballot is most likely in one of
2 those envelopes, but we have no idea which one so
3 we would have to open and determine which one is
4 the voided one which we would not count but we
5 would count the one that was not voided.

6 MEMBER MARINELLO: So you're
7 assuming they put void on the one that shouldn't
8 be?

9 MS. HEALY: Based on what the poll
10 worker says on the problems and corrections page,
11 that copy, they did note that they did void one of
12 them.

13 DIRECTOR LEONARD: And they put the
14 number.

15 MS. HEALY: And then they also put
16 the number of the one that they voided.

17 DIRECTOR LEONARD: Right.

18 MS. HEALY: So we would have to open
19 to determine which one we should count because
20 technically we have two for a voter that voted.

21 DIRECTOR LEONARD: They put the
22 number that they voided or they put the number that
23 was reissued?

24 MS. HEALY: So they put which one
25 they voided and then the one that they replaced.

1 Correct.

2 DIRECTOR LEONARD: The number on
3 there, on the instruction sheet, is the number of
4 the ballot that was reissued to that voter.

5 CHAIRMAN PREISSE: Won't staff be
6 able to determine by comparing the voter's
7 registration address with the ballot style which
8 one applies and which one wouldn't?

9 DIRECTOR LEONARD: It may have been
10 voided not for an issue of ballot style, but
11 actually the voter had to void it for some other
12 reasons.

13 MEMBER SINNOTT: Is there any
14 explanation on the instruction sheet as to why
15 there was a voiding? Well, I think it does
16 indicate that it was a voiding because of ballot
17 style.

18 DIRECTOR LEONARD: So if it's -- I
19 would -- My apologies.

20 MEMBER SINNOTT: Do you want us to
21 open the envelopes and give an instruction about
22 which one to count?

23 MS. HEALY: Yes, which one to accept
24 and which one not to accept.

25 (Member Sinnott opening envelopes.)

1 MEMBER SINNOTT: Somebody look for a
2 number on that one.

3 CHAIRMAN PREISSE: Where would we
4 find the ballot number that's referenced in the
5 corrections sheet?

6 MS. HEALY: Should be at the bottom.

7 MS. PATTON: Bottom middle column.

8 DIRECTOR LEONARD: And that was
9 Carla Patton, for the court reporter.

10 CHAIRMAN PREISSE: I'm not sure I
11 see what I'm looking for.

12 MS. HEALY: Can we open the other
13 one and maybe there's a void on the other one?

14 CHAIRMAN PREISSE: This appears,
15 Brad, to be voted, logged.

16 MEMBER SINNOTT: Carla, can you tell
17 what that number is, void ballot?

18 MS. PATTON: That would have been a
19 ballot stub number just still attached. So that
20 wouldn't appear on the ballot itself. This is not
21 the stub. The stub gets pulled and the ballot gets
22 pulled off. That's just the ballot style number.

23 CHAIRMAN PREISSE: Okay. That's
24 referenced here. But is there -- what are these
25 numbers we're looking at here, 0006789?

1 MS. PATTON: That's the ballot stub
2 number and there's no way to tie that back to the
3 actual ballot once it's been removed.

4 CHAIRMAN PREISSE: So what's the
5 suggestion how we can differentiate these two
6 ballots?

7 MEMBER SINNOTT: I believe it's
8 going to be that this number can be found on the
9 one that was voted; that is, the one that is not
10 voided.

11 CHAIRMAN PREISSE: This is ballot
12 style number. BS, ballot style number. So this is
13 going to be different maybe.

14 DIRECTOR LEONARD: Open up the other
15 one.

16 CHAIRMAN PREISSE: But it may not
17 be.

18 MS. PATTON: Yeah. The ballot style
19 may be different, but if not then there's really no
20 way to tell which one was tied to which ballot
21 stub.

22 MEMBER SINNOTT: Yeah. That's
23 interesting. These are two numbers that the poll
24 worker was counting on being the key. Those are
25 stub numbers and the stub numbers are gone. So we

1 have a match between this number and this. Right?

2 CHAIRMAN PREISSE: That's the ballot
3 style number. But if the other one is different,
4 then -- Yes. This is 0755 and this is 0755.

5 MEMBER SEXTON: So that ballot style
6 matches.

7 CHAIRMAN PREISSE: But if that one
8 matches, too, we're in a further conundrum I think
9 from my understanding.

10 MEMBER SINNOTT: That's what I would
11 think, too. Let's make sure that we're keeping the
12 envelope on 18 and the ballot on 18 together.

13 CHAIRMAN PREISSE: So open that.

14 MEMBER SINNOTT: Okay. Are we ready
15 for the opening of 19?

16 MEMBER MARINELLO: I'm ready.

17 CHAIRMAN PREISSE: And the ballot
18 style, please.

19 MEMBER SINNOTT: The ballot style
20 shown on this one is 0749.

21 MS. HEALY: So that should be the
22 correct one.

23 MEMBER SINNOTT: No.

24 MS. HEALY: Is that what you were
25 saying?

1 MEMBER SINNOTT: No. The reverse.

2 CHAIRMAN PREISSE: If we're reading
3 the corrections page correctly -- Or maybe you can
4 interpret this for us.

5 MS. PATTON: The void ballot style
6 is 755. So --

7 CHAIRMAN PREISSE: Are you sure?
8 Look at the --

9 MS. PATTON: Well, because --

10 CHAIRMAN PREISSE: Let's read this.
11 Read this to us if you can, as if it were -- So
12 here's the voter's name. Brief description of
13 items to be reported to the Board, wrong ballot
14 given to voter, void. Okay. Same voter,
15 replacement ballot stub number, which we don't
16 know, okayed. Am I reading that correctly?
17 There's another one, the same name on the third
18 line, Teresa Burrell (phonetic), void ballot, and
19 another stub number which we don't have, style --
20 And where does -- does this then go drop down to
21 here?

22 MS. PATTON: I believe it is
23 dropping down to here, style.

24 CHAIRMAN PREISSE: So you believe it
25 goes there?

1 MS. PATTON: I believe it's there
2 because if you look at both of the envelopes --

3 CHAIRMAN PREISSE: What does that
4 mean here, voted -- Does this say lodged between --
5 Then you're suggesting it goes down here to table.
6 What does that mean?

7 MS. PATTON: I'm not sure. Can be
8 observed -- Oh. The ballot got lodged down between
9 the table instead of in the bag I believe is
10 what --

11 DEPUTY DIRECTOR PAYNE: The bags
12 typically are attached to the table, right?

13 MS. PATTON: Yeah.

14 CHAIRMAN PREISSE: Did inventory,
15 all seven provisional ballots in place including
16 one, quote, unquote, invalid ballot. Vote bag
17 relocked with new seal numbered da, da, da, da. So
18 I don't know how to read if it drops down or if
19 it's --

20 MEMBER SINNOTT: Carla, I was
21 reading it exactly the opposite way of what you
22 suggested.

23 MS. PATTON: On the envelopes. On
24 the front side of the envelope where the poll
25 worker has filled out their information.

1 DEPUTY DIRECTOR PAYNE: Say that
2 again.

3 MS. PATTON: On the front side of
4 each of the envelopes where the poll workers filled
5 out the information, they identified a ballot style
6 of 749 on both envelopes, I believe. Right here.
7 So that would tell me that 749 is what was to be
8 issued. With the ballot being contained in this
9 envelope being 755, that would tell me --

10 CHAIRMAN PREISSE: These boxes are
11 filled out by Board staff?

12 MS. PATTON: These boxes right here
13 are filled out by the poll worker based on the
14 information provided on the envelope. So with
15 those being consistent with being ballot style 749,
16 my opinion would be the 749 is the correct ballot
17 and 755 is an incorrect ballot.

18 MEMBER SINNOTT: I think that the
19 handwritten instructions are indecipherable. I
20 can't tell what he or she is indicating there.

21 MS. PATTON: I can look at ballot
22 stub numbers that were issued by style.

23 MEMBER SINNOTT: So is the correct
24 ballot style the 7049?

25 MS. PATTON: Yeah. It's 0749. I

1 think they have it marked as 010. They have an
2 extra zero in there.

3 MEMBER SINNOTT: But they also have
4 transposed numbers, but --

5 MS. PATTON: The Board staff writing
6 would be in the red which indicates that 749 is the
7 ballot style.

8 DEPUTY DIRECTOR PAYNE: Thank you,
9 Carla.

10 CHAIRMAN PREISSE: And we can
11 determine, too, can we not, that this voter --
12 since the ballot style is different we know this is
13 the correct ballot style for that voter's
14 geographic location is sufficient for me.

15 MEMBER SINNOTT: I move that we
16 reject ballot number 18 and accept ballot number
17 19.

18 MEMBER SEXTON: Second.

19 DEPUTY DIRECTOR PAYNE: Kim
20 Marinello.

21 MEMBER MARINELLO: Yes.

22 DEPUTY DIRECTOR PAYNE: Michael
23 Sexton.

24 MEMBER SEXTON: Yes.

25 DEPUTY DIRECTOR PAYNE: Doug

1 Preisse.

2 CHAIRMAN PREISSE: Yes.

3 DEPUTY DIRECTOR PAYNE: And Brad
4 Sinnott.

5 MEMBER SINNOTT: Yes.

6 DEPUTY DIRECTOR PAYNE: 18 was
7 rejected and 19 was accepted.

8 MEMBER SINNOTT: Yes.

9 DEPUTY DIRECTOR PAYNE: The next
10 category, age group one, is 20 through 27.

11 MS. HEALY: So the ballots or the
12 envelopes that you have contain two ballots inside
13 them.

14 CHAIRMAN PREISSE: Say that again,
15 please.

16 MS. HEALY: So each of the envelopes
17 has two ballots inside. We determined the weight
18 of a regular ballot being in an envelope as a .9,
19 and then for those they're weighed as 1.2. And
20 also if you look at the problems and corrections
21 page it notes what the poll worker did. They gave
22 them a party ballot as well as an issue ballot.

23 DEPUTY DIRECTOR PAYNE: I actually
24 think these will need to be taken individually
25 because there's a lot of --

1 DIRECTOR LEONARD: -- variations on
2 what could have happened with that combination of
3 two ballots in a single envelope.

4 MEMBER SINNOTT: But we're dealing
5 with the -- Is it true that for all of these --
6 Well, you don't know, do you? You don't know what
7 kind of ballots are in here.

8 MS. HEALY: Right. So if you look
9 at the bottom it says the party.

10 CHAIRMAN PREISSE: The bottom of
11 what?

12 MS. HEALY: Of the envelope.

13 It will say which party they
14 selected. So we determine that once you open the
15 ballot -- or the envelope the ballot most likely
16 will have which party that particular voter
17 selected as well as an issue-only ballot. So once
18 you open it up, we probably can kind of talk
19 through it because we're not sure if each are going
20 to be a different scenario. So --

21 CHAIRMAN PREISSE: You know there's
22 something in the envelopes other than one ballot?

23 MS. HEALY: Correct.

24 CHAIRMAN PREISSE: So we won't know
25 until we open it?

1 MS. HEALY: Right. And then we have
2 to determine which one to accept.

3 CHAIRMAN PREISSE: And each of these
4 has a corrections sheet.

5 MS. HEALY: It happened in the same
6 LID.

7 DIRECTOR LEONARD: Am I correct to
8 say that based on your tracking of what ballots are
9 assigned to that precinct location and what ballots
10 came back that you are anticipating -- Because
11 of -- because we reconcile the ballots that go out
12 we know that there are two ballots -- that there's
13 ballots that's unaccounted for unless it's in that
14 envelope.

15 CHAIRMAN PREISSE: Do you want to be
16 the opener?

17 MEMBER SINNOTT: Fine. I can be.
18 It seems to me -- Please look at these, too. But
19 it looks as though for every one there's an
20 identification of a party by the election official
21 at the bottom. So my premise is that if we find an
22 issues-only ballot and a party ballot in each
23 envelope we would count the party ballot. Does
24 that make sense?

25 DEPUTY DIRECTOR PAYNE: That's what

1 I would presume unless -- you know, but we may find
2 other extraneous paper in there that isn't even a
3 ballot.

4 MEMBER SINNOTT: We could find a
5 grocery list.

6 CHAIRMAN PREISSE: Yeah. I think we
7 have a right to left, depending on your
8 perspective, or left to right -- let's say an east
9 to west assembly line. That will work well under
10 Brad's swift knife.

11 MEMBER SINNOTT: Yes. We have a
12 Democratic ballot and an issues-only ballot.

13 CHAIRMAN PREISSE: Brad has opened
14 envelope 20 and has discovered a Democratic ballot
15 and an issues-only ballot.

16 MS. HEALY: Have both ballots been
17 marked?

18 DIRECTOR LEONARD: That's the
19 question.

20 CHAIRMAN PREISSE: Good question.
21 It appears so.

22 Is this the correction sheet that
23 goes with that?

24 MEMBER SINNOTT: Yes.

25 DEPUTY DIRECTOR PAYNE: And I guess

1 the other question is are they marked the same.

2 DIRECTOR LEONARD: Exactly. What
3 could potentially be is that the poll worker
4 erroneously gave them an issue and a -- I'm giving
5 you a partisan ballot and an issue ballot because
6 you're eligible to vote partisan candidates and
7 issues, not realizing that the issue was also on
8 the partisan ballot. And so now did the voter vote
9 the issue on the issue-only ballot or did they vote
10 it on the partisan ballot such that the voter took
11 both ballots to vote what they're allowed to vote,
12 a partisan race and the issue contents.

13 MS. HEALY: So did they vote on
14 the -- So we determine if they voted the same way
15 on the issues only and on the party ballot, if it's
16 the same then we wouldn't accept the issues-only
17 and we would just accept the party.

18 DEPUTY DIRECTOR PAYNE: I mean,
19 that's a Board decision, but yeah.

20 MS. HEALY: Well, that's a
21 recommendation on that. Yeah.

22 MEMBER SINNOTT: Did they vote the
23 issues on both?

24 MEMBER SEXTON: No.

25 MS. HEALY: They didn't?

1 MEMBER SEXTON: What happened on
2 this one is they didn't vote the back pages and
3 probably thought this was the back page.

4 MEMBER SINNOTT: Is there any law or
5 directive from the Secretary on the two ballots
6 completed subject?

7 MR. LECKLIDER: I will be completely
8 honest and say that I don't know as I sit here.
9 Essentially, it -- I would have concern regarding
10 accepting two ballots.

11 CHAIRMAN PREISSE: Which feels like
12 the voter is voting twice, except we see with our
13 clear eyes that he or she would not have voted
14 twice on the issues.

15 MR. LECKLIDER: Understood. But
16 fundamentally counting two ballots for one --

17 MEMBER SINNOTT: I had the same
18 thought, too, but under these particular facts that
19 observation is valid as well. It's an interesting
20 question. It's weird.

21 CHAIRMAN PREISSE: What is the
22 ballot? Because sometimes ballots are one, two,
23 three, and four pieces of paper and sometimes --
24 Well, sometimes they're multiple pieces of paper.
25 So a ballot is perhaps one voter voting for what he

1 or she is entitled to vote for.

2 MR. LECKLIDER: But if I may, I
3 think in this particular instance there are three
4 same ballots. There's an issue-only ballot, there
5 is a Republican ballot, and there is a Democratic
6 ballot and a Green Party ballot. So there are four
7 distinct ballots.

8 DIRECTOR LEONARD: The other factor
9 is this was occasioned by a polling official error.
10 It wasn't the voter that caused this circumstance.
11 It was the poll worker.

12 CHAIRMAN PREISSE: Maybe
13 regrettable, but not ultimately a resolution for
14 us.

15 MEMBER SINNOTT: Well, again, is --
16 is anyone aware of any law or Secretary of State
17 directive that constrains our discretion on this?

18 DEPUTY DIRECTOR PAYNE: I'm not
19 aware.

20 DIRECTOR LEONARD: Not that I know
21 of.

22 MEMBER SINNOTT: Well, I think
23 that -- and I -- I think the common sense of number
24 20 is that there was a voter who completed one
25 sheet in which he or she cast candidate votes and

1 completed a second sheet in which he or she cast
2 issue votes. And I don't see how there's any
3 offense to the fairness of the election process in
4 recognizing both sheets as one, in this particular
5 context the same ballot.

6 So I would move acceptance of both
7 sheets of paper in the number 20 envelope.

8 DEPUTY DIRECTOR PAYNE: I think we
9 probably want to remake --

10 DIRECTOR LEONARD: That's what I was
11 going to say. Remake that ballot.

12 DEPUTY DIRECTOR PAYNE: With the two
13 ballots I would think.

14 MEMBER SINNOTT: Okay. Then I'll
15 withdraw that motion and will move that we remake
16 the two pieces of paper inside number 20 envelope
17 into a single ballot and accept that ballot.

18 MEMBER MARINELLO: Second.

19 DEPUTY DIRECTOR PAYNE: Kim
20 Marinello.

21 MEMBER MARINELLO: Yes.

22 DEPUTY DIRECTOR PAYNE: Michael
23 Sexton.

24 MEMBER SEXTON: Yes.

25 DEPUTY DIRECTOR PAYNE: Doug

1 Preisse.

2 CHAIRMAN PREISSE: Yes.

3 DEPUTY DIRECTOR PAYNE: And Brad

4 Sinnott.

5 MEMBER SINNOTT: Yes.

6 DEPUTY DIRECTOR PAYNE: The motion
7 carries.

8 And we'll need to keep that separate
9 from even the other ones to note that we need to
10 remake.

11 MEMBER SINNOTT: I believe there are
12 two sheets of paper in number 21. One is a
13 Democratic primary ballot. And it looks as though
14 on the Democratic primary ballot the issues have
15 been voted. And then there's also an issues-only
16 ballot with issues being voted.

17 DEPUTY DIRECTOR PAYNE: I guess
18 my only -- Are they -- are the issues portions
19 voted the same way?

20 MEMBER SINNOTT: We'll get to that.

21 DIRECTOR LEONARD: Want to count the
22 partisan ballot because that's what they requested.

23 MEMBER SINNOTT: Do they match?

24 MEMBER SEXTON: No.

25 DIRECTOR LEONARD: Oh, no.

1 DEPUTY DIRECTOR PAYNE: That's the
2 scenario we were afraid of.

3 MEMBER SEXTON: They do on two, but
4 not on one.

5 MEMBER SINNOTT: I think we have to
6 accept that.

7 CHAIRMAN PREISSE: Aren't we
8 instructed to -- This is --

9 CHAIRMAN PREISSE: Okay. This
10 indicates what the voter asked for and what the
11 voter was given are in -- I'm just observing that
12 on the provisional ballot, external envelope on
13 ballot number 21, it's marked as a Democrat ballot
14 which leads me to believe there's -- that was the
15 principal request and issuance. But again, perhaps
16 worker error including the issues separately.

17 MEMBER SINNOTT: But what's
18 different here in the scenario we were
19 contemplating when we started opening the envelopes
20 is that there are conflicting votes being cast on
21 the two ballots.

22 CHAIRMAN PREISSE: Right.

23 MEMBER SEXTON: We have one issue
24 that was voted I believe yes on one and no on the
25 other.

1 MEMBER SINNOTT: So we have an
2 affirmative indication from the voter on two
3 separate sheets of paper that he's voted yes and
4 no. I mean, if there were compatibility in the
5 issue votes I wouldn't have any problem saying
6 count the partisan ballot; but here we have the
7 voter contradicting himself on at least one issue.

8 DIRECTOR LEONARD: Right.

9 MEMBER SINNOTT: Any law or
10 directive on that?

11 DIRECTOR LEONARD: Not aware of any,
12 no.

13 CHAIRMAN PREISSE: I think we
14 default to recognizing what the voter asked for.
15 The previous example in ballot 20 the voter asked
16 for the Democratic ballot with which he or she
17 could vote candidates and issues. And the contents
18 of that envelope with no internal contradiction
19 indicates that the voter did. In this envelope
20 marked 21 the voter apparently requested a
21 Democratic ballot. There are two pieces of paper
22 in here which are contradictory; and I think a
23 common sense approach is to accept the contents of
24 this which reflect the external request, being the
25 Democratic ballot.

1 MEMBER SINNOTT: I follow that. I
2 also can see the argument that he said both yes and
3 no simultaneously.

4 CHAIRMAN PREISSE: I will see your
5 point.

6 MEMBER SINNOTT: But --

7 DEPUTY DIRECTOR PAYNE: Was that in
8 the form of a motion?

9 MEMBER SINNOTT: Someone make a
10 motion here.

11 MEMBER SEXTON: I would move that we
12 accept ballot number 21.

13 CHAIRMAN PREISSE: It needs to be --

14 DEPUTY DIRECTOR PAYNE: Partisan.

15 MEMBER SINNOTT: Is the motion that
16 we count the Democratic ballot and not the issues
17 ballot?

18 MEMBER SEXTON: Yes.

19 CHAIRMAN PREISSE: What don't you
20 restate that.

21 MEMBER SEXTON: I would make a
22 motion that we accept the Democratic ballot number
23 21 and reject the issues-only ballot.

24 CHAIRMAN PREISSE: I second that.

25 DEPUTY DIRECTOR PAYNE: Kim

1 Marinello.

2 MEMBER MARINELLO: Yes.

3 DEPUTY DIRECTOR PAYNE: Michael

4 Sexton.

5 MEMBER SEXTON: Yes.

6 DEPUTY DIRECTOR PAYNE: Doug

7 Preisse.

8 CHAIRMAN PREISSE: Yes.

9 DEPUTY DIRECTOR PAYNE: And Brad

10 Sinnott.

11 MEMBER SINNOTT: Yes.

12 DEPUTY DIRECTOR PAYNE: So on that

13 one we are accepting the Democrat ballot and

14 rejecting the issues ballot in that envelope.

15 MEMBER SINNOTT: I'm going to open

16 22. And inside there's a Green Party ballot and an

17 issues-only ballot, and the issues have been voted

18 on both and they've been voted consistently on

19 both.

20 On envelope number 22 I move that we

21 count the Green Party ballot and not count the

22 issues-only ballot.

23 MEMBER MARINELLO: Second.

24 DEPUTY DIRECTOR PAYNE: It's been

25 properly moved and seconded.

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Kim Marinello.

MEMBER MARINELLO: Yes.

DEPUTY DIRECTOR PAYNE: Michael
Sexton.

MEMBER SEXTON: Yes.

DEPUTY DIRECTOR PAYNE: Doug
Preisse.

CHAIRMAN PREISSE: Yes.

DEPUTY DIRECTOR PAYNE: And Brad
Sinnott.

MEMBER SINNOTT: Yes.

DEPUTY DIRECTOR PAYNE: We will
accept the Green ballot and reject the issues
ballot in 22.

MEMBER SINNOTT: We're going to open
23. And inside there's an issues ballot which has
not been voted and there's a Democratic ballot that
has.

CHAIRMAN PREISSE: I'll move we
accept the Democratic ballot contained in
provisional ballot number 23.

MEMBER SEXTON: Second.

DEPUTY DIRECTOR PAYNE: I'm sorry.
I wasn't --

MEMBER MARINELLO: Do we have to

1 reject the issues?

2 CHAIRMAN PREISSE: -- accept the
3 Democratic ballot and reject the issues ballot in
4 provisional ballot in voter 23.

5 MEMBER MARINELLO: Second.

6 DEPUTY DIRECTOR PAYNE: Kim
7 Marinello.

8 MEMBER MARINELLO: Yes.

9 DEPUTY DIRECTOR PAYNE: Michael
10 Sexton.

11 MEMBER SEXTON: Yes.

12 DEPUTY DIRECTOR PAYNE: Doug
13 Preisse.

14 CHAIRMAN PREISSE: Yes.

15 DEPUTY DIRECTOR PAYNE: And Brad
16 Sinnott.

17 MEMBER SINNOTT: Yes.

18 DEPUTY DIRECTOR PAYNE: Motion
19 carries.

20 Can you tell me again, 23 was what
21 type of ballot?

22 CHAIRMAN PREISSE: Democratic
23 ballot.

24 DEPUTY DIRECTOR PAYNE: May I make a
25 suggestion? Is it possible that -- Can -- We have

1 staff waiting to open the 1,500 ballots. Could we
2 potentially move on to the remaking of provisional
3 ballots and get them started? That's at the bottom
4 of the first page.

5 DIRECTOR LEONARD: Actually, I think
6 we take those three -- the provisional ballots we
7 accept the 1,574 that we know there are no
8 questions about and the 304 rejections that we know
9 there's no issues and the staff has already
10 reviewed, and then authorize extraction, authorize
11 remaking so the staff can get working on those.

12 DEPUTY DIRECTOR PAYNE: So we'll
13 start with the first motion. The number we started
14 with was 1,574 that we -- bipartisan staff wanted
15 to count, and there were 304 that bipartisan staff
16 wanted to reject. The 45 are what you are working
17 on now. So I think the motion would be to start
18 the counting of the 1,574 provisional ballots, and
19 then we'll move to extracting and then --

20 MEMBER SEXTON: So just a question.
21 So we move to approve 1,574 and reject the 304?

22 DEPUTY DIRECTOR PAYNE: The 304.
23 And then we'll come back later and make a motion
24 for the remaining 45.

25 DIRECTOR LEONARD: Actually, you've

1 been making motions on those 45 as we have gone.
2 So they've been making motions to accept or reject,
3 so we won't have to readdress those.

4 MEMBER SEXTON: So I would move the
5 Board approve the counting of 1,574 provisional
6 ballots and rejection of 304 provisional ballots
7 and that the provisional ballots deemed valid would
8 be counted and included in the official canvass
9 results for the May 8, 2018 primary election.

10 CHAIRMAN PREISSE: Second.

11 DEPUTY DIRECTOR PAYNE: All those in
12 favor signify by saying aye.

13 (Vote taken.)

14 DEPUTY DIRECTOR PAYNE: All opposed,
15 same sign.

16 (No response.)

17 DEPUTY DIRECTOR PAYNE: Motion
18 carries.

19 May I have a motion for the
20 extraction?

21 MEMBER SINNOTT: I move that the
22 Board authorize the staff to extract the approved
23 provisional ballots.

24 MEMBER MARINELLO: Second.

25 DEPUTY DIRECTOR PAYNE: All those in

1 favor signify by saying aye.

2 (Vote taken.)

3 DEPUTY DIRECTOR PAYNE: All opposed,
4 same sign.

5 (No response.)

6 DEPUTY DIRECTOR PAYNE: Motion
7 carries.

8 And may I have a motion for the
9 remaking of any provisional ballots with a report
10 to be given to you later?

11 MEMBER MARINELLO: I move that the
12 Board authorize the staff to remake provisional
13 ballots and that each remade ballot shall be
14 tabulated and included in the official canvass
15 results for the May 8, 2018 primary election with a
16 report to be made to the Board later today.

17 DEPUTY DIRECTOR PAYNE: Is there a
18 second?

19 CHAIRMAN PREISSE: Second.

20 DEPUTY DIRECTOR PAYNE: All those in
21 favor signify by saying aye.

22 (Vote taken.)

23 DEPUTY DIRECTOR PAYNE: All opposed,
24 same sign.

25 (No response.)

1 DEPUTY DIRECTOR PAYNE: Motion
2 carries.

3 And now we're back to ballot
4 envelope 24.

5 MEMBER SINNOTT: I'm going to open
6 envelope 24. Inside there is a Democratic ballot
7 that has not been voted as to the issues and there
8 is an issues ballot which has not been voted at
9 all.

10 CHAIRMAN PREISSE: We have precedent
11 for this right here to remake that ballot, I think.
12 Isn't that --

13 MEMBER SINNOTT: Count the
14 Democratic ballot and reject the issues.

15 CHAIRMAN PREISSE: I thought the
16 earlier one you didn't --

17 DEPUTY DIRECTOR PAYNE: We did, but
18 there was issues voted on that ballot and I don't
19 believe there are on this one.

20 CHAIRMAN PREISSE: I misheard. Got
21 you. Got you.

22 MEMBER SEXTON: So I would move that
23 we accept the Democratic ballot number 24 and
24 reject the issues-only ballot.

25 DEPUTY DIRECTOR PAYNE: Is there a

1 second?

2 MEMBER MARINELLO: Second.

3 DEPUTY DIRECTOR PAYNE: It's been
4 properly moved and seconded.

5 Kim Marinello.

6 MEMBER MARINELLO: Yes.

7 DEPUTY DIRECTOR PAYNE: Michael
8 Sexton.

9 MEMBER SEXTON: Yes.

10 DEPUTY DIRECTOR PAYNE: Doug
11 Preisse.

12 CHAIRMAN PREISSE: Yes.

13 DEPUTY DIRECTOR PAYNE: And Brad
14 Sinnott.

15 MEMBER SINNOTT: Yes.

16 Motion carries to accept the
17 Democrat ballot and reject the issues ballot in
18 envelope 24.

19 MEMBER SINNOTT: I'm opening 25.
20 Envelope 25 contains a provisional ballot notice, a
21 Democratic primary ballot which has been voted
22 including issues, and an issues-only ballot which
23 has been voted in same fashion. Check that and
24 make sure.

25 MEMBER MARINELLO: I move that the

1 Democratic ballot be accepted for number 25 and the
2 issues-only ballot be rejected.

3 MEMBER SINNOTT: Second.

4 DEPUTY DIRECTOR PAYNE: It's been
5 properly moved and seconded.

6 Kim Marinello.

7 MEMBER MARINELLO: Yes.

8 DEPUTY DIRECTOR PAYNE: Michael
9 Sexton.

10 MEMBER SEXTON: Yes.

11 DEPUTY DIRECTOR PAYNE: Doug
12 Preisse.

13 CHAIRMAN PREISSE: Yes.

14 DEPUTY DIRECTOR PAYNE: And Brad
15 Sinnott.

16 MEMBER SINNOTT: Yes.

17 DEPUTY DIRECTOR PAYNE: Motion
18 carries on envelope 25 to accept the Democrat
19 ballot and reject the issues ballot.

20 MEMBER SINNOTT: I'm opening 26.

21 There is inside both a Democratic ballot and an
22 issues-only ballot, both pieces of paper have been
23 voted and they've been voted consistently on
24 issues.

25 MEMBER SEXTON: I would move that we

1 accept the Democratic ballot number 26 and reject
2 the issue-only ballot.

3 MS. MARINELLO: Second.

4 DEPUTY DIRECTOR PAYNE: It's been
5 properly moved and seconded.

6 Kim Marinello.

7 MEMBER MARINELLO: Yes.

8 DEPUTY DIRECTOR PAYNE: Michael
9 Sexton.

10 MEMBER SEXTON: Yes.

11 DEPUTY DIRECTOR PAYNE: Doug
12 Preisse.

13 CHAIRMAN PREISSE: Yes.

14 DEPUTY DIRECTOR PAYNE: And Brad
15 Sinnott.

16 MEMBER SINNOTT: Yes.

17 DEPUTY DIRECTOR PAYNE: Motion
18 carries to accept the Democrat ballot and reject
19 the issues ballot in envelope 26.

20 MEMBER SINNOTT: Alicia, why is
21 envelope 27 in pink?

22 MS. HEALY: That's a curbside that
23 has two ballots inside.

24 CHAIRMAN PREISSE: Remind us what a
25 curbside is. Is that where they drop it off at a

1 box?

2 MS. HEALY: It's when they are in
3 their car and we go out and vote them in their car.
4 That's not a provisional.

5 MS. PATTON: That is not a
6 provisional. It's curbside. The same issue,
7 though, two ballots inside of it. So it's just a
8 matter of which group it gets reported to.

9 DEPUTY DIRECTOR PAYNE: So what are
10 we suggesting, that that ballot go back to Carla?

11 MS. HEALY: Yes.

12 DIRECTOR LEONARD: It's not in the
13 provisional count.

14 MEMBER SINNOTT: An indication that
15 the voter wanted a Republican ballot on the
16 envelope, and there's inside a Republican ballot
17 and an issues ballot. Both sheets were voted
18 consistently on the issues.

19 As to envelope 27, I move that we
20 accept the Republican ballot and reject the
21 issues-only ballot.

22 DEPUTY DIRECTOR PAYNE: Is there a
23 second?

24 CHAIRMAN PREISSE: Second.

25 DEPUTY DIRECTOR PAYNE: It's been

1 properly moved and seconded.

2 Kim Marinello.

3 MEMBER MARINELLO: Yes.

4 DEPUTY DIRECTOR PAYNE: Michael
5 Sexton.

6 MEMBER SEXTON: Yes.

7 DEPUTY DIRECTOR PAYNE: Doug
8 Preisse.

9 CHAIRMAN PREISSE: Yes.

10 DEPUTY DIRECTOR PAYNE: And Brad
11 Sinnott.

12 MEMBER SINNOTT: Yes.

13 DEPUTY DIRECTOR PAYNE: Motion
14 carries to accept the Republican ballot and reject
15 the issues ballot in envelope 27.

16 It appears the next category, 28
17 through 45, are the same issues with the exception
18 there are no poll worker instructions. Is that
19 correct?

20 MS. HEALY: Correct.

21 MEMBER MARINELLO: And there are two
22 ballots in those, too?

23 MS. HEALY: Yes.

24 CHAIRMAN PREISSE: And there's no
25 corrections sheet?

1 MS. HEALY: There's no problem with
2 the corrections page that was attached to it
3 because the poll worker didn't write it down.

4 DEPUTY DIRECTOR PAYNE: So the only
5 way we know that there are two ballots in there is
6 simply we're assuming by weight. We don't know
7 that there's two ballots in there, but we think
8 there are two ballots.

9 MEMBER SINNOTT: Same process.

10 MEMBER MARINELLO: Yes.

11 MEMBER SINNOTT: Here we go. Ballot
12 number 28. And inside the envelope --

13 MEMBER MARINELLO: I don't remember
14 this happening before so much. Is it one
15 particular poll location?

16 DEPUTY DIRECTOR PAYNE: Did we have
17 it in -- am I right in saying -- five different
18 polling locations?

19 MS. HEALY: Yes.

20 MEMBER SINNOTT: All right. There's
21 a Democratic ballot and an issues ballot. Only one
22 issue appears on this one, and it looks as though
23 it's been voted consistently.

24 MEMBER SEXTON: I would move that we
25 accept Democratic primary ballot number 28 and

1 reject the questions and issues ballot.

2 MEMBER MARINELLO: Second.

3 DEPUTY DIRECTOR PAYNE: It's been
4 properly moved and seconded.

5 Kim Marinello.

6 MEMBER MARINELLO: Yes.

7 DEPUTY DIRECTOR PAYNE: Michael
8 Sexton.

9 MEMBER SEXTON: Yes.

10 DEPUTY DIRECTOR PAYNE: Doug
11 Preisse.

12 CHAIRMAN PREISSE: Yes.

13 DEPUTY DIRECTOR PAYNE: And Brad
14 Sinnott.

15 MEMBER SINNOTT: Yes.

16 DEPUTY DIRECTOR PAYNE: Motion
17 carries to accept the Democrat ballot and reject
18 the issues ballot in envelope 28.

19 MEMBER SINNOTT: In 29 there's a red
20 ink notation on the envelope that "no party
21 selected." There is no party or issues-only
22 indication on the front of the envelope. And on
23 the back, and again in red ink, somebody has
24 written no party selected, poll pad says Dem.
25 Inside there's a Democratic ballot and issues

1 ballot and the issues have been voted consistently
2 on these two.

3 MEMBER MARINELLO: I move that we
4 accept the Democratic ballot of envelope 29 and
5 reject the issues-only ballot.

6 MEMBER SINNOTT: Second.

7 DEPUTY DIRECTOR PAYNE: It's been
8 properly moved and seconded.

9 Kim Marinello.

10 MEMBER MARINELLO: Yes.

11 DEPUTY DIRECTOR PAYNE: Michael
12 Sexton.

13 MEMBER SEXTON: Yes.

14 DEPUTY DIRECTOR PAYNE: Doug
15 Preisse.

16 CHAIRMAN PREISSE: Yes.

17 DEPUTY DIRECTOR PAYNE: And Brad
18 Sinnott.

19 MEMBER SINNOTT: Yes.

20 DEPUTY DIRECTOR PAYNE: Motion
21 carries to accept the Democrat ballot and reject
22 the issues ballot in envelope 29.

23 MEMBER SINNOTT: I just opened
24 envelope 30. It shows Republican on the envelope.
25 Inside is a Republican ballot and an issues ballot,

1 the issues have been voted on both and voted
2 consistently.

3 CHAIRMAN PREISSE: I move that we
4 accept the partisan ballot and reject the issues
5 ballot in envelope 30.

6 MEMBER SINNOTT: Second.

7 DEPUTY DIRECTOR PAYNE: It's been
8 properly moved and seconded.

9 Kim Marinello.

10 MEMBER MARINELLO: Yes.

11 DEPUTY DIRECTOR PAYNE: Michael
12 Sexton.

13 MEMBER SEXTON: Yes.

14 DEPUTY DIRECTOR PAYNE: Doug
15 Preisse.

16 CHAIRMAN PREISSE: Yes.

17 DEPUTY DIRECTOR PAYNE: And Brad
18 Sinnott.

19 MEMBER SINNOTT: Yes.

20 DEPUTY DIRECTOR PAYNE: Motion
21 carries to accept the Republican ballot, reject the
22 issues ballot in envelope number 30.

23 MEMBER SINNOTT: Envelope 31. The
24 indication on the envelope is it's a Democratic
25 voter. Inside is a Democratic ballot and an issues

1 ballot. This is like the first one we considered.
2 On the partisan ballot there is no voting on the
3 issues, but on the issues ballot there is voting.

4 MEMBER MARINELLO: So that's a
5 remake?

6 MEMBER SINNOTT: Yeah.

7 CHAIRMAN PREISSE: I move that the
8 Board staff remake the two pieces of paper
9 contained in provisional ballot envelope number 31.

10 DEPUTY DIRECTOR PAYNE: Is there a
11 second?

12 MEMBER SEXTON: Second.

13 DEPUTY DIRECTOR PAYNE: It's been
14 properly moved and seconded.

15 Kim Marinello.

16 MEMBER MARINELLO: Yes.

17 DEPUTY DIRECTOR PAYNE: Michael
18 Sexton.

19 MEMBER SEXTON: Yes.

20 DEPUTY DIRECTOR PAYNE: Doug
21 Preisse.

22 CHAIRMAN PREISSE: Yes.

23 DEPUTY DIRECTOR PAYNE: And Brad
24 Sinnott.

25 MEMBER SINNOTT: Yes.

1 DEPUTY DIRECTOR PAYNE: The motion
2 carries to accept and remake the two ballots in
3 envelope -- two pieces of paper in envelope 31.

4 MEMBER SINNOTT: And I'm opening 32.
5 And it indicates on the envelope Democratic voter,
6 a Democratic ballot. There's an issues ballot.
7 Both of them voted and they've been voted
8 consistently.

9 MEMBER MARINELLO: I move to accept
10 the Democratic ballot in envelope number 32 and
11 reject the issues-only ballot.

12 DEPUTY DIRECTOR PAYNE: Is there a
13 second?

14 CHAIRMAN PREISSE: Second.

15 DEPUTY DIRECTOR PAYNE: It's been
16 properly moved and seconded.

17 Kim Marinello.

18 MEMBER MARINELLO: Yes.

19 DEPUTY DIRECTOR PAYNE: Michael
20 Sexton.

21 MEMBER SEXTON: Yes.

22 DEPUTY DIRECTOR PAYNE: Doug
23 Preisse.

24 CHAIRMAN PREISSE: Yes.

25 DEPUTY DIRECTOR PAYNE: And Brad

1 Sinnott.

2 MEMBER SINNOTT: Yes.

3 DEPUTY DIRECTOR PAYNE: Motion
4 carries to accept the Democrat ballot and reject
5 the issues ballot in envelope 32.

6 MEMBER SINNOTT: I'm detecting a
7 point of emphasis for future training.

8 DEPUTY DIRECTOR PAYNE: Yes. Duly
9 noted.

10 MEMBER SINNOTT: Okay. I am opening
11 33. It's marked a Republican ballot. We also
12 have -- This is a poll pad receipt. And in
13 addition to that there's a Republican ballot and an
14 issues ballot, both voted, and they've been voted
15 consistently.

16 CHAIRMAN PREISSE: I move that we
17 accept the partisan ballot which is Republican and
18 reject the issues ballot in envelope number 33.

19 MEMBER SINNOTT: Second.

20 DEPUTY DIRECTOR PAYNE: It's been
21 properly moved and seconded.

22 Kim Marinello.

23 MEMBER MARINELLO: Yes.

24 DEPUTY DIRECTOR PAYNE: Michael
25 Sexton.

1 MEMBER SEXTON: Yes.

2 DEPUTY DIRECTOR PAYNE: Doug

3 Preisse.

4 CHAIRMAN PREISSE: Yes.

5 DEPUTY DIRECTOR PAYNE: And Brad

6 Sinnott.

7 MEMBER SINNOTT: Yes.

8 DEPUTY DIRECTOR PAYNE: Motion

9 carries to accept the Republican ballot and reject
10 the issues ballot in envelope number 33.

11 MEMBER SINNOTT: I'm opening 34.

12 According to the envelope, it's a Democratic voter.

13 Inside is a Democratic ballot and an issues ballot.

14 The partisan ballot does not contain a vote on the
15 issue and the issues ballot does.

16 CHAIRMAN PREISSE: I move that the

17 Board remake the two pieces of paper contained in
18 provisional ballot envelope 34.

19 DEPUTY DIRECTOR PAYNE: Is there a
20 second?

21 MEMBER MARINELLO: Second.

22 DEPUTY DIRECTOR PAYNE: It's been
23 properly moved and seconded.

24 Kim Marinello.

25 MEMBER MARINELLO: Yes.

1 DEPUTY DIRECTOR PAYNE: Michael
2 Sexton.

3 MEMBER SEXTON: Yes.

4 DEPUTY DIRECTOR PAYNE: Doug
5 Preisse.

6 CHAIRMAN PREISSE: Yes.

7 DEPUTY DIRECTOR PAYNE: And Brad
8 Sinnott.

9 MEMBER SINNOTT: Yes.

10 DEPUTY DIRECTOR PAYNE: Motion
11 carries to remake both pieces of paper in envelope
12 34.

13 MEMBER SINNOTT: I'm opening 35. By
14 the envelope, it's a Democratic voter. Inside is
15 two sheets, a Democratic ballot and an issues
16 ballot, and both have been voted and voted
17 consistently on the issues.

18 MEMBER MARINELLO: I move to accept
19 the Democratic ballot in envelope 35 and reject the
20 issues ballot.

21 MEMBER SINNOTT: Second.

22 DEPUTY DIRECTOR PAYNE: It's been
23 properly moved and seconded.

24 Kim Marinello.

25 MEMBER MARINELLO: Yes.

1 DEPUTY DIRECTOR PAYNE: Michael
2 Sexton.

3 MEMBER SEXTON: Yes.

4 DEPUTY DIRECTOR PAYNE: Doug
5 Preisse.

6 CHAIRMAN PREISSE: Yes.

7 DEPUTY DIRECTOR PAYNE: And Brad
8 Sinnott.

9 MEMBER SINNOTT: Yes.

10 DEPUTY DIRECTOR PAYNE: Motion
11 carries to accept the Democrat ballot and reject
12 the issues ballot in envelope 35.

13 MEMBER SINNOTT: I'm opening 36.
14 It's Republican, by the envelope. Inside there's a
15 Republican ballot and an issues ballot, and both
16 have been voted consistently on the issues.

17 I move that we accept the Republican
18 ballot and reject the issues ballot.

19 MEMBER MARINELLO: Second.

20 DEPUTY DIRECTOR PAYNE: It's been
21 properly moved and seconded.

22 Kim Marinello.

23 MEMBER MARINELLO: Yes.

24 DEPUTY DIRECTOR PAYNE: Michael
25 Sexton.

1 MEMBER SEXTON: Yes.

2 DEPUTY DIRECTOR PAYNE: Doug
3 Preisse.

4 CHAIRMAN PREISSE: Yes.

5 DEPUTY DIRECTOR PAYNE: And Brad
6 Sinnott.

7 MEMBER SINNOTT: Yes.

8 DEPUTY DIRECTOR PAYNE: Motion
9 carries to accept the Republican ballot and reject
10 the issues ballot in envelope 36.

11 MEMBER SINNOTT: This is another
12 curbside ballot, number 37, but there's a post-it
13 note on it that has red ink writing on it: Number
14 one, two ballots, one a Dem and one issues; number
15 two, two ballots, one Rep and one issues.

16 Mean anything to anyone?

17 MS. HEALY: I'm not sure. Let me
18 see. She's probably doing the count for this
19 particular LID.

20 MEMBER SINNOTT: Okay. A Democratic
21 voter, by the envelope. A Democratic ballot,
22 issues ballot. Democratic ballot is not voted on
23 one issue. Issues ballot is voted on one issue.

24 DIRECTOR LEONARD: Remake.

25 CHAIRMAN PREISSE: I move that the

1 Board remake the two pieces of paper contained in
2 envelope 37.

3 DEPUTY DIRECTOR PAYNE: Is there a
4 second?

5 MEMBER MARINELLO: Second.

6 DEPUTY DIRECTOR PAYNE: It's been
7 properly moved and seconded.

8 Kim Marinello.

9 MEMBER MARINELLO: Yes.

10 DEPUTY DIRECTOR PAYNE: Michael
11 Sexton.

12 MEMBER SEXTON: Yes.

13 DEPUTY DIRECTOR PAYNE: Doug
14 Preisse.

15 CHAIRMAN PREISSE: Yes.

16 DEPUTY DIRECTOR PAYNE: And Brad
17 Sinnott.

18 MEMBER SINNOTT: Yes.

19 DEPUTY DIRECTOR PAYNE: The motion
20 carries to remake the two pieces of paper in
21 envelope number 37.

22 MEMBER SINNOTT: And on number 38
23 I'm opening, it's a Republican voter by the
24 envelope. Inside there are two Republican ballots.
25 One has been voted -- one has been voted on the

1 first page and the other has been voted on the
2 second page.

3 MEMBER MARINELLO: I move to remake
4 the two pieces of paper in envelope number 38.

5 MEMBER SINNOTT: Second.

6 DEPUTY DIRECTOR PAYNE: It's been
7 properly moved and seconded.

8 Kim Marinello.

9 MEMBER MARINELLO: Yes.

10 DEPUTY DIRECTOR PAYNE: Michael
11 Sexton.

12 MEMBER SEXTON: Yes.

13 DEPUTY DIRECTOR PAYNE: Doug
14 Preisse.

15 CHAIRMAN PREISSE: Yes.

16 DEPUTY DIRECTOR PAYNE: And Brad
17 Sinnott.

18 MEMBER SINNOTT: Yes.

19 DEPUTY DIRECTOR PAYNE: Motion
20 carries to accept and remake the two pieces of
21 paper in envelope 38.

22 MEMBER SINNOTT: I'm opening 39. By
23 the envelope it's a Republican voter. Inside are
24 two sheets of paper, a Republican ballot and an
25 issues-only ballot. The issues have been voted

1 consistently.

2 I move acceptance of the Republican
3 ballot and rejection of the issues-only ballot.

4 MEMBER MARINELLO: Second.

5 DEPUTY DIRECTOR PAYNE: It's been
6 properly moved and seconded.

7 Kim Marinello.

8 MEMBER MARINELLO: Yes.

9 DEPUTY DIRECTOR PAYNE: Michael
10 Sexton.

11 MEMBER SEXTON: Yes.

12 DEPUTY DIRECTOR PAYNE: Doug
13 Preisse.

14 CHAIRMAN PREISSE: Yes.

15 DEPUTY DIRECTOR PAYNE: And Brad
16 Sinnott.

17 MEMBER SINNOTT: Yes.

18 DEPUTY DIRECTOR PAYNE: The motion
19 carries to accept the Republican ballot and reject
20 the issues ballot in 39.

21 MEMBER SINNOTT: I'm opening 40.

22 It's a Democratic voter by envelope. Inside is a
23 Democratic ballot and an issues ballot. There is
24 some voting on the Democratic ballot. On the one
25 issue there's marking on both ballots and it's

1 consistent.

2 MEMBER MARINELLO: I move to accept
3 the Democratic ballot in envelope 40 and reject the
4 issues-only ballot

5 DEPUTY DIRECTOR PAYNE: Is there a
6 second?

7 CHAIRMAN PREISSE: Second.

8 DEPUTY DIRECTOR PAYNE: It's been
9 properly moved and seconded.

10 Kim Marinello.

11 MEMBER MARINELLO: Yes.

12 DEPUTY DIRECTOR PAYNE: Michael
13 Sexton.

14 MEMBER SEXTON: Yes.

15 DEPUTY DIRECTOR PAYNE: Doug
16 Preisse.

17 CHAIRMAN PREISSE: Yes.

18 DEPUTY DIRECTOR PAYNE: And Brad
19 Sinnott.

20 MEMBER SINNOTT: Yes.

21 DEPUTY DIRECTOR PAYNE: Motion
22 carries to accept the Democrat ballot and reject
23 the issues ballot in envelope 40.

24 Coming down to the home stretch.

25 MEMBER SINNOTT: Yeah.

1 But there's an oddity on the
2 envelope on 41. It has been checked that an Ohio
3 driver's license has been presented, but in red ink
4 it's circled that there's no driver's license
5 number.

6 MS. HEALY: Interesting. This would
7 be a way to account for the two ballots.

8 DIRECTOR LEONARD: Just for them to
9 open it to verify that there are two ballots.

10 MEMBER SINNOTT: Fundamentally
11 there's nothing on here that indicates why this
12 voter's ballot ought to be counted.

13 DIRECTOR LEONARD: It appears that
14 it would be rejected no matter what, but to account
15 for ballots we still need to open it.

16 CHAIRMAN PREISSE: To account for?

17 DIRECTOR LEONARD: Reconciliation of
18 our ballot count.

19 DEPUTY DIRECTOR PAYNE: Normally we
20 wouldn't open a rejected ballot, but we probably
21 should because we want to make certain there are
22 actually two ballots for our count for
23 reconciliation.

24 MS. PATTON: Open without looking at
25 the votes. Verify that there's two sheets in

1 there, one says verified, and we can seal it back
2 up so as to ensure we're not looking at the
3 rejected vote.

4 MEMBER SINNOTT: Yes. I understand
5 resealing if we choose to reject, but don't you
6 need to know what sheets of paper are in there?

7 MS. PATTON: Yeah. We need to know
8 if there are two ballots in there.

9 CHAIRMAN PREISSE: But they're
10 necessarily going to be rejected because of
11 deficiency of the envelope. Right?

12 MS. PATTON: Those are being
13 rejected because of no ID being provided.

14 CHAIRMAN PREISSE: I understand.

15 MEMBER SINNOTT: By envelope this is
16 a Republican. And inside are issues and Republican
17 ballots.

18 I move to reject number 41 on the
19 basis of lack of identification.

20 MEMBER MARINELLO: Second.

21 DEPUTY DIRECTOR PAYNE: It's been
22 properly moved and seconded.

23 Kim Marinello.

24 MEMBER MARINELLO: Yes.

25 DEPUTY DIRECTOR PAYNE: Michael

1 Sexton.

2 MEMBER SEXTON: Yes.

3 DEPUTY DIRECTOR PAYNE: Doug

4 Preisse.

5 CHAIRMAN PREISSE: Yes.

6 DEPUTY DIRECTOR PAYNE: And Brad

7 Sinnott.

8 MEMBER SINNOTT: Yes.

9 DEPUTY DIRECTOR PAYNE: Motion
10 carries to reject envelope 41 for lack of proper
11 identification.

12 MEMBER SINNOTT: I'm opening 42. By
13 envelope, a Democratic voter. Inside is a single
14 sheet of paper which is a Democratic ballot. All
15 righty.

16 CHAIRMAN PREISSE: Sounds good.

17 MEMBER SINNOTT: I move to accept
18 ballot 42.

19 CHAIRMAN PREISSE: Second.

20 DEPUTY DIRECTOR PAYNE: It's been
21 properly moved and seconded.

22 Kim Marinello.

23 MEMBER MARINELLO: Yes.

24 DEPUTY DIRECTOR PAYNE: Michael

25 Sexton.

1 MEMBER SEXTON: Yes.

2 DEPUTY DIRECTOR PAYNE: Doug

3 Preisse.

4 CHAIRMAN PREISSE: Yes.

5 DEPUTY DIRECTOR PAYNE: And Brad

6 Sinnott.

7 MEMBER SINNOTT: Yes.

8 DEPUTY DIRECTOR PAYNE: Motion

9 carries to accept the ballot in envelope 42.

10 MEMBER SINNOTT: I'm opening 43. A

11 Democratic voter, by envelope. The envelope

12 indicates that a Democratic ballot was requested.

13 Inside there's only an issues ballot.

14 MS. HEALY: So they indicated that

15 they wanted a Democratic and it was an issue-only

16 ballot inside?

17 MEMBER SINNOTT: Correct.

18 I move to accept number 43.

19 MEMBER MARINELLO: Second.

20 DEPUTY DIRECTOR PAYNE: It's been

21 properly moved and seconded.

22 Kim Marinello.

23 MEMBER MARINELLO: Yes.

24 DEPUTY DIRECTOR PAYNE: Michael

25 Sexton.

1 MEMBER SEXTON: Yes.

2 DEPUTY DIRECTOR PAYNE: Doug

3 Preisse.

4 CHAIRMAN PREISSE: Yes.

5 DEPUTY DIRECTOR PAYNE: And Brad

6 Sinnott.

7 MEMBER SINNOTT: Yes.

8 DEPUTY DIRECTOR PAYNE: Motion

9 carries to accept the ballot in envelope 43, and

10 that was an issues-only ballot.

11 MEMBER SINNOTT: I'm opening 44. By

12 envelope, it's a Democratic voter. But inside,

13 again, there's only an issues ballot.

14 MEMBER MARINELLO: I move to accept

15 envelope 44 issues only.

16 MEMBER SINNOTT: Second.

17 DEPUTY DIRECTOR PAYNE: It's been

18 properly moved and seconded.

19 Kim Marinello.

20 MEMBER MARINELLO: Yes.

21 DEPUTY DIRECTOR PAYNE: Michael

22 Sexton.

23 MEMBER SEXTON: Yes.

24 DEPUTY DIRECTOR PAYNE: Doug

25 Preisse.

1 CHAIRMAN PREISSE: Yes.

2 DEPUTY DIRECTOR PAYNE: And Brad
3 Sinnott.

4 MEMBER SINNOTT: Yes.

5 DEPUTY DIRECTOR PAYNE: Motion
6 carries to accept the issues-only ballot in 44.

7 MEMBER SINNOTT: I'm opening 45. By
8 the envelope, a Democratic voter. Inside a single
9 sheet and it's the Democratic primary ballot.

10 MS. HEALY: These last three I'm not
11 understanding, but they should not be accepted
12 because they're actually -- So the 650 means that
13 they were at the wrong location. So they should
14 not be accepted based on the result code. That
15 means that they were in the wrong location.

16 MEMBER SINNOTT: Well, that would
17 explain the anomaly of the last envelopes having
18 only a single ballot in them.

19 MS. HEALY: But one had actually an
20 issue but they said it was a Democrat envelope.

21 MEMBER SINNOTT: That's true, there
22 was one such case.

23 MS. HEALY: I guess I'm a little
24 confused on these.

25 MEMBER SINNOTT: Well, when you say

1 "these," we're talking about 43, 44, and 45?

2 MS. HEALY: Yes.

3 MEMBER SINNOTT: And Alicia, you're
4 now telling us that there is -- there's a problem
5 with the ballot style that was issued to each
6 voter?

7 MS. HEALY: Yeah. So it looks like
8 this one is in the proper place. Number 45,
9 they're in the proper place but the wrong ballot
10 style was given. That's the way it appears on
11 here.

12 CHAIRMAN PREISSE: So we didn't vote
13 on 45 yet?

14 MEMBER SINNOTT: We voted on 43 and
15 44.

16 DIRECTOR LEONARD: Again, the form
17 would be -- I'm sorry.

18 MEMBER SINNOTT: We can reconsider.

19 DIRECTOR LEONARD: But that would be
20 reflective of the voter having insisted on voting
21 at that location even though they --

22 CHAIRMAN PREISSE: In 45? Can we
23 start with 43 and a description of what you're
24 trying to tell us because I think --

25 MS. HEALY: Can we rescind on --

1 MEMBER SINNOTT: Well, no. Let's
2 start over with --

3 MS. HEALY: Because I'm not really
4 understanding why they were in there as two ballots
5 because it's indicating here that there was a 12D
6 on them.

7 MEMBER SINNOTT: Well, let's not
8 talk in code or abbreviation.

9 What is the problem with 43, 44, and
10 45 you suspect?

11 MS. HEALY: I suspect they are not
12 in the correct location. So I'm trying to
13 determine why they were in the group with the two
14 ballots inside.

15 MEMBER SINNOTT: And you'll need
16 time to study that?

17 MS. HEALY: Yes.

18 MEMBER SINNOTT: Why don't we
19 rescind our votes on 43 and 44 and we need not
20 consider 45. I was in the major on both of those
21 votes.

22 I move that we rescind our
23 acceptance of ballots 43 and 44.

24 CHAIRMAN PREISSE: Second.

25 DEPUTY DIRECTOR PAYNE: It's been

1 properly moved and seconded.

2 Kim Marinello.

3 MEMBER MARINELLO: Yes.

4 DEPUTY DIRECTOR PAYNE: Michael
5 Sexton.

6 MEMBER SEXTON: Yes.

7 DEPUTY DIRECTOR PAYNE: Doug
8 Preisse.

9 CHAIRMAN PREISSE: Yes.

10 DEPUTY DIRECTOR PAYNE: And Brad
11 Sinnott.

12 MEMBER SINNOTT: Yes.

13 DEPUTY DIRECTOR PAYNE: Motion
14 carries and we will wait to consider 43, 44, and 45
15 when we reconvene.

16 MEMBER SINNOTT: Anything else we
17 need to do this morning?

18 DEPUTY DIRECTOR PAYNE: I don't
19 believe so. I think I can have a motion to recess.

20 MR. MANIFOLD: Absentees?

21 DEPUTY DIRECTOR PAYNE: I'm sorry.
22 Zach Manifold, I think there is one potential
23 remake of an absentee ballot.

24 MR. MANIFOLD: Yes.

25 MR. SHELL: This is the ballot we

1 need to have remade.

2 Gene Shell, Absentee Department.

3 CHAIRMAN PREISSE: And could you
4 describe the issue here?

5 MR. SHELL: Coffee or some liquid
6 has been absorbed into that ballot. That ballot
7 will not go through our scanners.

8 MEMBER SINNOTT: I move that the
9 Board authorize the staff to remake this absentee
10 ballot and that this remade ballot be tabulated and
11 included in the official canvass results of the May
12 2018 Primary Election with a report to be made to
13 the board later today.

14 DEPUTY DIRECTOR PAYNE: Is there a
15 second?

16 MEMBER MARINELLO: Second.

17 DEPUTY DIRECTOR PAYNE: It's been
18 properly moved and seconded.

19 Kim Marinello.

20 MEMBER MARINELLO: Yes.

21 DEPUTY DIRECTOR PAYNE: Michael
22 Sexton.

23 MEMBER SEXTON: Yes.

24 DEPUTY DIRECTOR PAYNE: Doug
25 Preisse.

1 CHAIRMAN PREISSE: Yes.

2 DEPUTY DIRECTOR PAYNE: And Brad
3 Sinnott.

4 MEMBER SINNOTT: Yes.

5 DEPUTY DIRECTOR PAYNE: Motion
6 carries.

7 And then there were also seven --

8 MR. MANIFOLD: We have seven ballots
9 with voter intent.

10 CHAIRMAN PREISSE: Are we going to
11 have to examine these?

12 MR. MANIFOLD: Yeah.

13 MEMBER SINNOTT: Let's take a brief
14 recess.

15 (Brief recess taken.)

16 MR. MANIFOLD: I am going to point
17 out that that was our one and only remake ballot on
18 absentee this election. Our 850 tabulators, our
19 new tabulators that we use, they really do do a
20 good job of taking everything that the voters send
21 back to us. So in a little over 12,000 votes we
22 had one remake, which is pretty amazing for a
23 tabulator.

24 There's one other point of
25 clarification. I believe there were four

1 provisional ballots since we're remaking the
2 ballots. The four provisional ballots that we were
3 remaking were the -- it was a partisan ballot and
4 an issue ballot, and one of them had a cast record
5 for the issue. We are remaking it with that cast
6 issue on the remake. Right?

7 CHAIRMAN PREISSE: That was the
8 Board's intent, I think.

9 MR. MANIFOLD: I just wanted to make
10 sure.

11 So here's the first one. And then
12 we're looking at U.S. Senate on this first ballot
13 for voter intent. There's some unclear marks and
14 we're just looking for some direction on what that
15 should be.

16 MEMBER SINNOTT: On the basis that
17 the voter's intent can't be determined, I move that
18 we not count the U.S. Senate vote on this ballot,
19 which is number 1.

20 MEMBER MARINELLO: Second.

21 DEPUTY DIRECTOR PAYNE: It's been
22 properly moved and second to reject the U.S. Senate
23 race on ballot number 1.

24 CHAIRMAN PREISSE: I think we can do
25 these by voice.

1 DEPUTY DIRECTOR PAYNE: All those in
2 favor signify by saying aye.

3 (Vote taken.)

4 DEPUTY DIRECTOR PAYNE: All opposed,
5 same sign.

6 (No response.)

7 DEPUTY DIRECTOR PAYNE: Motion
8 carries.

9 MR. MANIFOLD: On the second ballot,
10 the race we're looking at is Auditor of State. The
11 person missed the bubble. It's kind of off center
12 on some of the bubbles, but this is the first time
13 I've ever seen somebody basically write the -- make
14 a mark in the channel code beside a name rather
15 than marking the bubble.

16 MEMBER MARINELLO: Just that one
17 spot for Auditor. Okay.

18 I move that on ballot number 2 the
19 voter's intent for Auditor was Zack Space.

20 MEMBER SINNOTT: Second.

21 DEPUTY DIRECTOR PAYNE: It's been
22 moved and seconded.

23 All those in favor signify by saying
24 aye.

25 (Vote taken.)

1 DEPUTY DIRECTOR PAYNE: All opposed,
2 same sign.

3 (No response.)

4 DEPUTY DIRECTOR PAYNE: Motion
5 carries.

6 MR. MANIFOLD: So ballot 3, the
7 voter is making pretty consistent marks on the top
8 half and then you get to the bottom and there's
9 some sort of markings on the bubble but they're
10 inconsistent with the rest of the ballot. But
11 there's some shading there, so we wanted to get
12 some direction on what to do on a few of those
13 races at the bottom.

14 MEMBER SINNOTT: Looks like the pen
15 was running out of ink.

16 MR. SHELL: But then the pen is okay
17 on the back. Or he did back first and then he came
18 back to the front.

19 CHAIRMAN PREISSE: We would count
20 those probably.

21 MR. SHELL: But what happened, the
22 scanner kicked those out as unreadable, can't
23 determine what it is.

24 MEMBER SINNOTT: So do you need us
25 to tell you what votes to count?

1 MR. MANIFOLD: Uh-huh.

2 MR. SHELL: Yes.

3 CHAIRMAN PREISSE: Among those at
4 the bottom?

5 MR. SHELL: Yes. Well, I think the
6 other ones are clear. It's those ones that the
7 machine can't determine it's a dark enough color
8 there. It's picking up something, but it says,
9 hey, human, you need to figure this out.

10 CHAIRMAN PREISSE: Would the scanner
11 have counted it if the entire ballot in the
12 lighter --

13 MR. SHELL: It would have probably
14 kicked it out as blank chances are. If they were
15 all that color it would have probably kicked it out
16 as a blank ballot.

17 CHAIRMAN PREISSE: We might discuss
18 this as the entire ballot is filled out
19 consistently or not.

20 MR. SHELL: Exactly.

21 MEMBER SINNOTT: This is kind of a
22 hard one. Do we want to count the grays?

23 MEMBER MARINELLO: Yeah.

24 MEMBER SINNOTT: I move that on
25 ballot number 3 the ballot be interpreted as

1 showing a vote for Jim Hughes, Michael Cassone, Dan
2 Hawkins, Michelle Reynolds, Clarence Mingo, Cornell
3 Robertson, and Roby Schottke in those races where
4 there is only a gray marking on the ballot.

5 CHAIRMAN PREISSE: Second.

6 DEPUTY DIRECTOR PAYNE: All those in
7 favor of the motion signify by saying aye.

8 (Vote taken.)

9 DEPUTY DIRECTOR PAYNE: All opposed,
10 same sign.

11 (No response.)

12 DEPUTY DIRECTOR PAYNE: Motion
13 carries.

14 MR. MANIFOLD: All right. Number 4,
15 also inconsistent marks. You'll see on the
16 right -- The far right column I think is the only
17 column we're looking at here.

18 MR. SHELL: Starting from here down.
19 And the candidates are on the back, but then they
20 colored in the yes or no on the back of the issue.

21 MEMBER MARINELLO: You're
22 questioning the ones that just have a dot?

23 MR. MANIFOLD: The dot or the line.
24 Should those be considered.

25 MR. SHELL: Again, the scanner

1 thinks there's something there but doesn't know
2 enough to count that. So it's asking human
3 eyeballs to look at that.

4 CHAIRMAN PREISSE: The voter touched
5 those bubbles.

6 MEMBER SEXTON: Yeah.

7 MEMBER SINNOTT: I move the ballot
8 number 4 be interpreted as showing votes for Kim
9 Brown, Carl Aveni, Steve McIntosh, Elizabeth Gill,
10 James Brown, Jaiza Page, Terri Jamison, Monica
11 Hawkins, Marilyn Brown, and Mike Stinziano in those
12 instances where there is a light marking in the
13 candidate bubble.

14 DEPUTY DIRECTOR PAYNE: Is there a
15 second?

16 MEMBER MARINELLO: Second.

17 DEPUTY DIRECTOR PAYNE: It's been
18 properly moved and seconded.

19 All those in favor of the motion
20 signify by saying aye.

21 (Vote taken.)

22 DEPUTY DIRECTOR PAYNE: All opposed,
23 same sign.

24 (No response.)

25 DEPUTY DIRECTOR PAYNE: Motion

1 carries.

2 MR. MANIFOLD: All right. In the
3 fifth ballot we're looking at the U.S. Senate race.
4 It's another mark off the side away from the bubble
5 in the channel code. So we've never seen that
6 before, but we've seen it twice now in this
7 election.

8 MEMBER SEXTON: I would move that we
9 accept the vote for Sherrod Brown on ballot number
10 5.

11 MEMBER SINNOTT: Second.

12 DEPUTY DIRECTOR PAYNE: It's been
13 properly moved and seconded to accept the vote for
14 Sherrod Brown in the United States Senate race.

15 All those in favor of the motion
16 signify by saying aye.

17 (Vote taken.)

18 DEPUTY DIRECTOR PAYNE: All opposed,
19 same sign.

20 (No response.)

21 DEPUTY DIRECTOR PAYNE: Motion
22 carries.

23 MR. MANIFOLD: Another with
24 inconsistent marks, some lines and some dots. This
25 one is kind of the entire ballot. I think maybe we

1 could say that all markings should be --

2 MEMBER SINNOTT: Yeah.

3 I move that in each instance on
4 ballot number 6 where there is a marking in the
5 candidate bubble that that be interpreted as a vote
6 for the candidate.

7 CHAIRMAN PREISSE: Second.

8 DEPUTY DIRECTOR PAYNE: It's been
9 properly moved and seconded.

10 All those in favor of the motion
11 signify by saying aye.

12 (Vote taken.)

13 DEPUTY DIRECTOR PAYNE: All opposed,
14 same sign.

15 (No response.)

16 DEPUTY DIRECTOR PAYNE: Motion
17 carries.

18 MR. MANIFOLD: And one last
19 inconsistent. We've got circles and then we've got
20 dots.

21 Have you already did the remakes for
22 the provisionals?

23 DIRECTOR LEONARD: No, not yet.
24 That hasn't come back.

25 MEMBER SINNOTT: As to ballot 7, I

1 move that each instance where there is a marking in
2 the candidate bubble that that be interpreted as
3 being a vote for the candidate.

4 CHAIRMAN PREISSE: Second.

5 DEPUTY DIRECTOR PAYNE: All those in
6 favor of the motion signify by saying aye.

7 (Vote taken.)

8 DEPUTY DIRECTOR PAYNE: All opposed,
9 same sign.

10 (No response.)

11 DEPUTY DIRECTOR PAYNE: Motion
12 carries.

13 What were you suggesting we needed
14 to do?

15 DIRECTOR LEONARD: Whether there was
16 a resolution to authorize and remake all the
17 ballots that the Board has addressed here.

18 MR. MANIFOLD: The provisionals that
19 need to be remade. There's some that until they
20 opened them --

21 DIRECTOR LEONARD: They were given
22 authority. But I'm talking about the seven that
23 you're addressing here. Do you need specific
24 authority to remake all of those?

25 MEMBER SINNOTT: I think it was

1 voted --

2 MR. MANIFOLD: I don't think we need
3 actually to -- What we'll do is we'll mark with a
4 green pen the ones that need to be marked and then
5 we'll -- if there were any -- I don't remember if
6 any needed to be covered. So we don't need to
7 actually remake this.

8 DEPUTY DIRECTOR PAYNE: So we don't
9 need a motion or anything?

10 MR. MANIFOLD: Correct.

11 DEPUTY DIRECTOR PAYNE: I'm looking
12 for a motion to recess, then.

13 MEMBER SINNOTT: I move that we
14 recess until 3:00 p.m. today.

15 CHAIRMAN PREISSE: Second.

16 DEPUTY DIRECTOR PAYNE: All those in
17 favor of the motion signify by saying aye.

18 (Vote taken.)

19 DEPUTY DIRECTOR PAYNE: All opposed,
20 same sign.

21 (No response.)

22 DEPUTY DIRECTOR PAYNE: We are in
23 recess.

24 (Recess taken.)

25 - - -

1 Thursday Afternoon Session
2 3:06 p.m.
3 May 24, 2018

4 - - -

5 DEPUTY DIRECTOR PAYNE: Do I need a
6 motion to return from recess?

7 MEMBER SINNOTT: I move that we
8 return from recess.

9 MEMBER MARINELLO: Second.

10 DEPUTY DIRECTOR PAYNE: All those in
11 favor signify by saying aye.

12 (Vote taken.)

13 DEPUTY DIRECTOR PAYNE: All opposed,
14 same sign.

15 (No response.)

16 DEPUTY DIRECTOR PAYNE: We are back
17 from recess.

18 First thing we want to discuss is
19 the hiring of vote center managers for the August
20 special election. I think Zach is under the
21 impression, as we are, that we want to make certain
22 that when the eyes of the world are on us that we
23 have proper management in our early vote center for
24 the August; but typically for a special we would
25 not have voting managers, a Republican and a
Democrat. It's entirely your call. I think

1 Zach -- in lieu of voting managers we would have
2 Zach Manifold back there who will do other things
3 but he would serve in that capacity.

4 CHAIRMAN PREISSE: And there's one
5 thing on the ballot.

6 DEPUTY DIRECTOR PAYNE: There is one
7 thing on the ballot.

8 DIRECTOR LEONARD: And he had
9 expressed to me that oftentimes in those situations
10 Marcia McKnight would kind of serve in that role.

11 Zach, do you just want to get up to
12 speak to it?

13 MR. MANIFOLD: Yeah. Marcia is
14 usually -- In special elections Marcia, who has
15 been with us for more than a decade at least, who
16 handled provisional voters, she's kind of our super
17 seasonal for absentee. She has kind of served as
18 kind of a vote center manager when we just have
19 small special elections, just kind of overseeing
20 and making sure everything in the room is going
21 fine.

22 DEPUTY DIRECTOR PAYNE: So in lieu
23 of.

24 MR. MANIFOLD: So I think currently
25 we have two that are -- slated staff for the vote

1 center right now is two poll pad keyers, two
2 machine judges, and one greeter. So we have five
3 people slated to work as a bare bones staff DNR,
4 DNR on the keying, DNR on the machines, and then a
5 greeter.

6 DIRECTOR PREISSE: How many
7 machines?

8 MR. MANIFOLD: We have -- I think
9 we're going to program 40 machines just to be
10 prepared; but right now, just until we have a good
11 feel for what kind of turnout we're going to get.
12 Right now I think we probably have less than 50
13 applications.

14 DIRECTOR LEONARD: What you had
15 suggested is to authorize the hiring but then kind
16 of keep an eye on the -- on the absentee requests.
17 So the requests that we're getting in for mail
18 absentees will be an indicator of what we'll likely
19 get for in-person absentees. And if that number
20 seems to be high, then we would hire the vote
21 center managers.

22 MEMBER SINNOTT: How long will the
23 in-person early voting run?

24 MR. MANIFOLD: July 10th through
25 August 6th.

1 DIRECTOR LEONARD: The day before.
2 Well, no. That's right. They're on election day
3 as well.

4 MEMBER SEXTON: How does the
5 staffing compare with what we just did in the
6 primary?

7 MR. MANIFOLD: I think we had six
8 poll pad keyers, four machine judges, and two
9 greeters. Uhm, that's -- that was what we
10 basically used for the primary. We just kind of
11 have all our -- Right now we just have all our
12 staff on call waiting to see if we need to increase
13 or not.

14 DIRECTOR LEONARD: And as David
15 expressed, we will have the eyes of the country on
16 us on this election because of the fact that
17 there's very little else going to be going on at
18 the same time.

19 DEPUTY DIRECTOR PAYNE: We'll make
20 it work either way. It's the Board's decision.
21 That's why we left it kind of open-ended.

22 MEMBER SINNOTT: If we hire
23 bipartisan in-person voting directors, we're hiring
24 them for that full month. Right?

25 MR. MANIFOLD: Correct.

1 MEMBER SINNOTT: How much does that
2 cost us?

3 DEPUTY DIRECTOR PAYNE: \$10,000
4 apiece. It would go from July 5th to August 10th
5 is typically what we --

6 MEMBER SEXTON: That's the same for
7 past elections.

8 DEPUTY DIRECTOR PAYNE: Same period
9 of time and the same amount of money, compensation,
10 correct.

11 The other thing is, I mean, we've
12 got a June meeting. If you want to ponder and
13 think about it, we don't have to do it today. We
14 don't have to make a decision for or against today.

15 CHAIRMAN PREISSE: Well, it's good
16 to be nimble because we won't be able to tell
17 whether -- I don't know. Can't predict a big
18 turnout.

19 MEMBER SINNOTT: It's going to be a
20 relatively small turnout.

21 CHAIRMAN PREISSE: I think so, yet
22 it will be an intense effort sort of. But I agree,
23 I don't think we have to do it today. It's good
24 that we started the discussion.

25 DEPUTY DIRECTOR PAYNE: Okay. We'll

1 continue discussion in June and see what -- Then
2 we'll have a better idea. Okay.

3 The other discussion item is
4 Prime/3SG. As you'll recall from election day,
5 there were some voters in Grandview Heights that
6 were in the incorrect Congressional district.
7 After hearing that, we reached out to 3SG to find
8 out how that could happen, why that would happen,
9 et cetera. And they came back with sort of a
10 report on how to correct that. We've also since
11 then found voters sporadically in a couple of other
12 places. I believe Westerville and Worthington.

13 Was there a Worthington or am I --

14 MS. PATTON: It was kind of in --

15 DIRECTOR LEONARD: I thought it was
16 Westerville, 3C.

17 MS. PATTON: There was a
18 Westerville, but then there was another address
19 that was south of Worthington. It was more in the
20 probably Arlington area.

21 DEPUTY DIRECTOR PAYNE: So the
22 bottom line is it was not isolated as we thought to
23 that condo complex in Grandview Heights. You had a
24 great suggestion at our first meeting, to reach out
25 to the auditor's office, which the director did.

1 And I'll let him talk to what he found out.

2 DIRECTOR LEONARD: Again, the reason
3 we initially reached out to 3SG is because 3SG --
4 all those great GIS graphics that you see on
5 election night of the mapping of the county and the
6 turnout and so forth, that's all done through the
7 work and support of 3SG for that project. So given
8 that, and they have an existing contract with us
9 for the GIS work, we initially reached out to them.

10 Based on that inquiry that you made
11 of David about the auditor's office, I reached out
12 to Kevin Schultz who is the manager of the GIS
13 division for Auditor Mingo's office. And what I
14 laid out for him very quickly is here's what had
15 transpired on election day, that we had identified
16 some other isolated incidents, so what we want to
17 do is a review of all of layers of our GIS. And
18 these are the GIS for Congressional districts, for
19 State House, State Senate, and so forth, that we
20 wanted to do a thorough review of that and -- But I
21 also recognize I was coming to him on a tight time
22 frame and I explained to him that we would need to
23 turn this around by June 15th in order to assure
24 that we were ready when overseas and UOCAVA ballots
25 go out on June 23rd, if I remember correctly. And

1 so we had given that deadline of June 15th to have
2 everything done. They still felt that based on
3 what I was describing that they could do that. I
4 went ahead and sent them a copy of Prime/3SG's
5 proposal, and he was reviewing that as he and I
6 were talked. And he said based on the data files
7 that were being reviewed he was confident that they
8 could do it within the time frame.

9 MEMBER SINNOTT: "They," being the
10 county auditor's office?

11 DIRECTOR LEONARD: The county
12 auditor's office would be able to do it within the
13 time frame.

14 But, again, they're coming into it
15 fairly -- later than we were, very much compressed
16 for time. And my thought was to have both 3SG do
17 it and have the county auditor's office do it and
18 that way it's kind of a belts-and-suspenders
19 approach to it, that if we -- at least as it comes
20 to the Congressional races. And because it's such
21 a tight time frame, I'd hate to get into this and
22 dispense with 3SG, go forward with the county
23 auditor's office, and then they say, you know, we
24 really can't get it done by the 15th. But having
25 both companies -- or both the 3SG and the county

1 auditor's office move forward on the Congressional
2 review, then by the end, by June 15th, we could see
3 did they both get it done on time and actually
4 compare the two to one another and make sure that
5 there isn't any discrepancy between the two. If
6 there is some discrepancy, it gives us an
7 opportunity it ask why. And if we find that the
8 auditor's office did do a very good job on that
9 process, then we could utilize the county auditor's
10 office to do the review of House, the Senate, the
11 school districts, and all the other districts going
12 forward. But I think because of the time frame
13 that we're under, I'd hate to even --

14 DEPUTY DIRECTOR PAYNE: In the past,
15 am I correct we used the auditor's office for GIS?

16 DIRECTOR LEONARD: Correct.

17 DEPUTY DIRECTOR PAYNE: And then we
18 moved to 3SG. That goes -- that predates my tenure
19 here, but -- Right or not?

20 MR. MACKEY: I know it was before
21 you got here, but --

22 DIRECTOR LEONARD: But I think
23 there's been some changes in the leadership of that
24 division of the auditor's division.

25 MR. SINNOTT: Let me jump in here.

1 So the contractor wants \$50,000 to double check all
2 of the district assignments that we have made at
3 the Board?

4 DIRECTOR LEONARD: Right. All
5 levels of House, Senate, Congressional, all those
6 district layers of the GIS. And I have asked them,
7 well, we need to get a breakdown of hours, hourly
8 rate, and classification of the personnel assigned;
9 you know, is it a program or is it a GIS1, that
10 sort of thing.

11 MEMBER SINNOTT: But the county
12 auditor is now saying that he thinks he can do that
13 for us?

14 DIRECTOR LEONARD: Yes. They
15 believe they can do that, right.

16 MR. SINNOTT: And do we know how
17 much of the \$50,000 the contractor wants relates to
18 the 12th Congressional District?

19 DIRECTOR LEONARD: No. That's one
20 of the things I would ask of them is that we
21 structure it differently so that we'd have the
22 option to -- Regardless of whether the county
23 auditor could do it, if we came through the first
24 phase of it, the Congressional layer, and found
25 that they didn't meet the deadline or the work that

1 they did, you know, wasn't a hundred percent
2 accurate, well, then, we might want to look at a
3 different company.

4 So we structured the agreement so
5 that we have the option to utilize another -- we
6 could use the auditor's office for the next phase
7 of the project. And that's why we would ask them
8 to outline, okay, how much is the Congressional
9 review and then how much is the remainder. That
10 way we could structure it in such a way to give
11 ourselves the option of not going forward with
12 phase two. Because we may need to go forward with
13 the phase two, being the other districts, because
14 we may find when the auditor does their work that
15 maybe they weren't able to do it to the
16 satisfaction of the Board of Elections and we want
17 to have the option to keep 3SG on to do the
18 remainder.

19 MR. SINNOTT: Well, of the 850,000
20 odd registered voters in Franklin County, how many
21 reports have we had that somebody is being given
22 the wrong ballot because we've assigned them to the
23 wrong district?

24 DIRECTOR LEONARD: The -- Well, we
25 were able to intervene with regard to Summit Chase

1 My understand of that was 294 active voters --

2 Is that correct or approximately?

3 MS. PATTON: Uh-huh

4 DIRECTOR LEONARD: -- that were
5 involved in the Summit Chase situation.

6 DEPUTY DIRECTOR PAYNE: But only one
7 individual caught that.

8 DIRECTOR LEONARD: Because what
9 happened was as soon as it came to our attention we
10 sent an individual out to the voting location to
11 make sure that any voters who were in that address
12 were given the correct ballots. So we were able to
13 avoid any other voters being affected by it. But
14 in that instance there were 294 voters that were --

15 DEPUTY DIRECTOR PAYNE: Then since
16 then there was a story that I frankly think was
17 actually a pretty good story from Lu Ann Stoia who
18 said that the Board -- this happened but the Board
19 of Elections is on it. Since then, and I believe
20 because someone saw the story, we got a call from a
21 woman in Westerville and then that's when we
22 checked hers and sure enough she received the wrong
23 Congressional ballot as well. So then we knew it
24 wasn't isolated and we had more of an issue than
25 just Summit Chase.

1 MEMBER SINNOTT: Well, it may not
2 have been isolated to Summit Chase, but we're
3 talking about a very small sliver of registered
4 voters. And I think the reality is that there's
5 always been some approximation to what district
6 you're told that you're in, and that's as old as
7 democracy itself. \$50,000 is a lot of money,
8 especially if we have an arm of the government
9 that's telling us that they can perform that at no
10 additional cost.

11 I'm really curious as to how Prime
12 would charge us to do the 12th Congressional. And
13 I think, Ed, you're suggesting kind of a side by
14 side including an internal effort of the auditor's
15 office and the contractor. I'd certainly like to
16 see that happen before we commit to a \$50,000
17 countywide contract. Does that make sense?

18 DIRECTOR LEONARD: I think --
19 I apologize for interrupting.

20 MR. SINNOTT: No

21 DIRECTOR LEONARD: -- for them to do
22 the 12th District --

23 DEPUTY DIRECTOR PAYNE: I should say
24 it's not just the 12th. When you do that it's the
25 districts, so it would be the 12th and the 15th and

1 the 12th and the 3rd. Because there's some --

2 DIRECTOR LEONARD: You'll be
3 verifying all the boundaries for all the
4 Congressional districts in Franklin County.

5 CHAIRMAN PREISSE: Because I wonder
6 how they do that.

7 DEPUTY DIRECTOR PAYNE: Carla?

8 CHAIRMAN PREISSE: Look around the
9 edges?

10 MS. PATTON: What the explanation
11 was when they were showing us, they would take our
12 addresses and our voters and populate on the maps
13 and they would lay down the Congressional district
14 layers. And then they have a way that can identify
15 if according to a precinct split that that voter is
16 assigned to if they are assigned into the proper
17 Congressional district or not. So based on that
18 information, they give us a --

19 CHAIRMAN PREISSE: So they would
20 handle it in only split precincts?

21 MS. PATTON: No. They would analyze
22 all voters in the county to see which Congressional
23 district they're assigned to.

24 CHAIRMAN PREISSE: So it seems to me
25 that it's going to be little question of who lives

1 in downtown Columbus where Brad lives. There's no
2 question which district he's in.

3 DEPUTY DIRECTOR PAYNE: I think
4 that's correct.

5 DIRECTOR LEONARD: But you still
6 want to make sure that that district has the
7 correct House, Senate, Congressional for all the
8 split assignments. But, yes, you're right. I felt
9 that same way.

10 CHAIRMAN PREISSE: Oh. Oh. There
11 might be a state legislative district closer to his
12 house.

13 DIRECTOR LEONARD: In fact, when I
14 mentioned -- or when I sent the proposal to the
15 county auditor's representative, Kevin Schultz, he
16 had -- when he saw there was a reference to one of
17 the data files being actually the voter file, each
18 specific voter, he goes, oh, okay, that was a much
19 more comfortable approach to take to look at the
20 exact voter file as opposed to the street ranges
21 and that. It would actually look at each
22 individual voter and plotting those on the map.

23 MR. SINNOTT: I don't think we're in
24 a state of crisis now, even though we had a couple
25 of anecdotal reports of some houses being in the

1 wrong district. And if Prime wants to get paid
2 just about \$50,000 for whatever it does for us, my
3 inclination would be to let the auditor do his
4 work. If we can do a head-to-head comparison at a
5 reasonable price from Prime, that's fine. I'm just
6 disinclined to pay \$50,000 to do this tweaking.

7 DIRECTOR LEONARD: Okay.

8 CHAIRMAN PREISSE: Wonder if there's
9 a way for the county auditor to engage in this
10 process and then consider some kind of spot
11 checking on a limited basis.

12 MEMBER MARINELLO: Like a random
13 audit or something like that?

14 DIRECTOR LEONARD: The only concern
15 is that with the 12th Congressional being such a
16 tremendous interest as it is and if it ends up
17 being a very tight race, uhm --

18 MEMBER MARINELLO: You worried about
19 the time frame, getting it done?

20 DIRECTOR LEONARD: Getting it done
21 in time to make sure that we're ready when all
22 voting begins on the 23rd in the 12th Congressional
23 District.

24 MEMBER SEXTON: It would have to be
25 done when the early vote starts?

1 DIRECTOR LEONARD: It would have to
2 be done before all the ballots start going out.

3 CHAIRMAN PREISSE: Is that the 15th?

4 DEPUTY DIRECTOR PAYNE: The 15th is
5 a week before. So we have it in-house, we're ready
6 to go, and then we take a week of cushion.

7 DIRECTOR LEONARD: Again, if we
8 found that out that we're saying we sent a UOCAVA
9 ballot to a voter we thought was in the 12th
10 Congressional District and a review was done later
11 and found out, oh, that voter wasn't in the 12th,
12 they were actually in the 15th, then you would
13 simply not be able to count that ballot.

14 DEPUTY DIRECTOR PAYNE: We're
15 obviously fixing Summit Chase. I mean, that's the
16 one we found out about. And any ones we know about
17 we're fixing. So those will be correct without any
18 intervention from the auditor or Prime/3SG.

19 DIRECTOR LEONARD: So I assume
20 you're saying that in terms of the 15th if you had
21 UOCAVA voters who were sent a ballot that shouldn't
22 have been sent a ballot, you simply don't count
23 them if you didn't get it done. If you got it done
24 before early voting started -- But again, then
25 you're explaining to people you sent them a

1 ballot that --

2 MEMBER MARINELLO: Sounds like a
3 public relations nightmare. I mean --

4 DIRECTOR LEONARD: Part of the
5 concern about it is that it wouldn't reflect well
6 on the Board of Elections. Again, we're trying to
7 do everything we can to make sure that we have the
8 districts correct.

9 MEMBER SINNOTT: But at what price
10 then becomes part of the equation. There has
11 always been a measure of approximation in this and
12 probably always will be, and I don't know how much
13 of the people's money we want to spend on achieving
14 that. I mean, you could spend millions of dollars,
15 I presume, but I don't think it would be money well
16 spent.

17 DEPUTY DIRECTOR PAYNE: I just
18 thought of something that may not be even possible.
19 But sort of how we corrected the problem on
20 election day itself where we gave them the 12th
21 Congressional ballot, would it be -- Well, no. The
22 problem is people that didn't vote that should
23 have. I mean, obviously -- I was just thinking,
24 could we have -- Never mind.

25 MEMBER SINNOTT: Well, we do have a

1 Board meeting before we even have to start this.
2 Right?

3 DIRECTOR LEONARD: Yeah.

4 DEPUTY DIRECTOR PAYNE: Before we
5 have to start it? Not -- not -- not according to
6 3SG, but --

7 DIRECTOR LEONARD: 3SG would be in a
8 position that we've got to start right away in
9 order to hit the June 15th deadline.

10 DEPUTY DIRECTOR PAYNE: And
11 honestly, we've had the meetings and they've
12 already kind of come up with the plan and the
13 approach.

14 CHAIRMAN PREISSE: What does current
15 conditions mean?

16 MS. PATTON: Taking a snapshot of
17 how things are configured at this point in time as
18 they're assigned, street ranges that voters are
19 assigned to, precincts, splits. So just pretty
20 much a snapshot of everything prior to any changes
21 being made or any analysis being done.

22 MEMBER SINNOTT: Well, if I have to
23 decide today on the basis of the information that's
24 now in front of us, my choice would be to have the
25 county auditor go to work on it and we'll be

1 finished with it.

2 DIRECTOR LEONARD: We're in the
3 process of scheduling a meeting with them for
4 tomorrow.

5 MEMBER SINNOTT: If Prime can show
6 greater flexibility and be amenable to your test
7 project at a reasonable price, I'd be willing to
8 entertain that, too; but if I have to decide right
9 now on the basis of what's known, I'd opt for the
10 auditor. What do you guys think?

11 Well, I -- what do you -- Prime is
12 saying it has to receive a commission from us
13 before the 3rd day of June. What is it that you
14 want us to do?

15 DEPUTY DIRECTOR PAYNE: No. I
16 just -- I think this discussion is helpful. I
17 think also had we not found out about the county
18 auditor, thanks to your suggestion, I think we
19 would have been in a little different situation.
20 But now that we have talked to the auditor
21 initially and we have a meeting set up for tomorrow
22 morning or afternoon or whenever we're going to
23 have it, I feel much better and that's why it was a
24 discussion item. I think we have the sense of at
25 least one member of the board of how we want to

1 proceed.

2 DIRECTOR LEONARD: And I think also
3 the fact that just this conversation has prompted
4 the discussion regarding the UOCAVA deadline and
5 when we need to get this done. But through this
6 conversation we might have a little bit more
7 flexibility to be closer to when we actually --
8 Well, we still have to structure what the ballot --
9 Well, if they -- if we could wait until people
10 start showing up for early vote or requesting
11 absentee ballots, we have a little bit more time
12 than the June 15th deadline.

13 CHAIRMAN PREISSE: I'd be interested
14 in hearing from you all whether you have a
15 heightened, similar, or lesser degree of confidence
16 after you meet with our colleagues in the auditor's
17 office as to what your sense is.

18 DIRECTOR LEONARD: Okay. And in
19 that interim, as well, we could discuss the 3SG, a
20 different structure for the contract, structured
21 differently.

22 DEPUTY DIRECTOR PAYNE: Are we ready
23 to proceed to other items?

24 I think we have -- one of the
25 provisional ballots that we discussed in the

1 earlier session was the 26th. Can you give us a
2 refresher on 26? And we may need to rescind what
3 we did earlier.

4 MS. HEALY: This was one of the ones
5 that had a couple of ballots inside them.

6 DEPUTY DIRECTOR PAYNE: This is
7 envelope 26 we looked at earlier.

8 MR. SINNOTT: What was our decision?

9 MS. HEALY: To accept it; but it was
10 a 500, which was the signature did not match. So
11 we had already rejected it, but we needed to find
12 out what the two ballots were that were inside.

13 CHAIRMAN PREISSE: So you're asking
14 us to judge on the rejection?

15 DEPUTY DIRECTOR PAYNE: That's
16 correct. For our accounting purposes we needed the
17 Board to open it to see if there were two ballots.
18 There were two ballots. We mistakenly thought we
19 were asking you for a rejection or an acceptance of
20 the ballot, and by all accounts it's rejected on
21 its face.

22 MS. HEALY: Yes.

23 DEPUTY DIRECTOR PAYNE: But you
24 determined that -- you did the job you needed to do
25 in find out that, indeed, there were two ballots.

1 DIRECTOR LEONARD: But it was
2 rejected for other reasons.

3 DEPUTY DIRECTOR PAYNE: Right.

4 MEMBER SEXTON: And why was it
5 rejected?

6 MS. HEALY: A signature mismatch.

7 MEMBER SEXTON: So we're saying this
8 signature doesn't match?

9 MS. HEALY: What we have on system.

10 MEMBER SEXTON: Which is?

11 MS. HEALY: That there (indicating).

12 MEMBER SEXTON: Here?

13 MS. HEALY: Yes.

14 MEMBER SINNOTT: I don't know that I
15 see that.

16 DEPUTY DIRECTOR PAYNE: If that's
17 the case, then we're -- there is no --

18 MEMBER SINNOTT: We accepted it.

19 DEPUTY DIRECTOR PAYNE: We've
20 already voted on it and accepted it and there is
21 no --

22 MS. HEALY: Okay.

23 MEMBER SEXTON: I don't -- I think
24 it looks fine.

25 MEMBER SINNOTT: Okay.

1 DEPUTY DIRECTOR PAYNE: Then there
2 was the remaining items of the envelope 43, 44, and
3 45.

4 MS. HEALY: So these were the three
5 that you kind of looked at them, but we wanted to
6 see what ballot was in the inside because of the
7 fact that there were four Democrat ballots that it
8 stated that was given. One we had accepted it. So
9 once we opened that, which you guys approved number
10 42, that it was a Democrat ballot, and then when we
11 got to 43 it wasn't an issue but the person had
12 requested the Democrat. So for auditing purposes
13 we needed to know which ballot was the correct
14 ballot or the incorrect ballot in this case.

15 MEMBER SINNOTT: Wasn't there only
16 one slip of paper in those three?

17 MS. HEALY: Yes. So they were not
18 double ballots. They were actually single ballots.
19 It should have been a different category for these,
20 but somehow they were included in the double
21 ballots.

22 DIRECTOR LEONARD: The two you wrote
23 on were issues-only ballots?

24 MS. HEALY: No.

25 MEMBER SINNOTT: So I think at the

1 end of the morning we had taken no action on 43
2 through 45.

3 MS. HEALY: Correct.

4 MR. SINNOTT: All right.

5 MS. HEALY: So what we're saying is
6 you don't have to. We discovered when we -- when
7 you opened 43 that it was an issue-only ballot, but
8 if you note that the person said that they
9 requested a Democrat ballot. So for auditing
10 purposes we were not sure what the poll worker
11 actually gave to this particular person, so we had
12 to open it to find out.

13 MEMBER SINNOTT: So for those three
14 voters who were given only the issues ballot and
15 voted that ballot, what are we going to do with
16 their votes?

17 MS. HEALY: Well, these were in the
18 wrong place anyway, so we're going to reject these.
19 They're a 650. So they were in the wrong place.

20 DIRECTOR LEONARD: But the Board
21 does have to vote to reject them because they are
22 not with the count. You rejected 304 total
23 ballots. These three were not in that group.
24 Those three would have been in the group of 45 for
25 Board review.

1 CHAIRMAN PREISSE: Because they
2 weren't opened?

3 DIRECTOR LEONARD: No. They were --
4 The reason they were presented to you was because
5 they needed to be opened to see what ballots were
6 in there for ballot reconciliation. We're actually
7 keeping track of the ballots. So we needed to know
8 that there are one, two, or what type of ballot was
9 in there. But they would have been recommended for
10 rejection by virtue of the fact that they voted in
11 the wrong precinct location.

12 Is that correct, Alicia?

13 MS. HEALY: Correct.

14 MR. SINNOTT: And that's an
15 irremediable problem.

16 DIRECTOR LEONARD: Correct.

17 MEMBER SINNOTT: Well, then, I move
18 the rejection of envelopes 43 through 45.

19 DEPUTY DIRECTOR PAYNE: Is there a
20 second?

21 MEMBER SEXTON: Second.

22 DEPUTY DIRECTOR PAYNE: It's been
23 properly moved and seconded to reject the
24 provisional envelopes 43, 44, and 45.

25 Kim Marinello.

1 MEMBER MARINELLO: Yes.

2 DEPUTY DIRECTOR PAYNE: Michael
3 Sexton.

4 MEMBER SEXTON: Yes.

5 DEPUTY DIRECTOR PAYNE: Doug
6 Preisse.

7 CHAIRMAN PREISSE: Yes.

8 DEPUTY DIRECTOR PAYNE: And Brad
9 Sinnott.

10 MEMBER SINNOTT: Yes.

11 DEPUTY DIRECTOR PAYNE: Motion
12 carries.

13 The next item is --

14 Are we looking at Zach Manifold now
15 for a report?

16 MR. MANIFOLD: So we ended up with
17 the categories -- out of the category 600, which is
18 possible remakes, out of the 112, once we opened
19 them and saw is it the right ballot or not, we
20 ended up with 45 remakes that were a 600.

21 MS. HEALY: Would you like to see
22 that report?

23 CHAIRMAN PREISSE: This is --

24 MS. HEALY: Revised, yes.

25 MR. MANIFOLD: So that ended up

1 being all the final categories.

2 DEPUTY DIRECTOR PAYNE: Is there
3 anything else we need to report as far as you're
4 concerned, Zach?

5 MR. MANIFOLD: No. We just have
6 that one ballot we need you guys to look at. After
7 we were -- This ballot kicked out when we were
8 running it through the tabulator. It's one of the
9 voter intent issues.

10 CHAIRMAN PREISSE: Is this one we
11 saw earlier?

12 MR. MANIFOLD: No. This is one of
13 the 1,500 we ran. This one came out and the
14 tabulator doesn't like it.

15 MS. PATTON: That was one of the 600
16 remakes.

17 MR. SINNOTT: What was that?

18 MS. PATTON: That was one of the
19 600, the ones that we were remaking out of
20 provisionals where they voted in the right location
21 but were given the wrong ballot style. So in the
22 process of remaking it to the proper ballot style,
23 our staff noticed that there was inconsistent
24 marks.

25 MEMBER SEXTON: Is this just because

1 they're making X's?

2 MS. PATTON: The coloring in or the
3 X's as the vote or everything as the vote or --

4 MEMBER SINNOTT: You're looking for
5 instruction on --

6 MR. MANIFOLD: Yeah. Just what to
7 do with that.

8 MEMBER SINNOTT: I move that every
9 candidate bubble in which there is a marking be
10 interpreted as a vote for that candidate.

11 DEPUTY DIRECTOR PAYNE: Is there a
12 second?

13 MEMBER MARINELLO: Second.

14 DEPUTY DIRECTOR PAYNE: It's been
15 properly moved and seconded.

16 Kim Marinello.

17 MEMBER MARINELLO: Yes.

18 DEPUTY DIRECTOR PAYNE: Michael
19 Sexton.

20 MEMBER SEXTON: Yes.

21 DEPUTY DIRECTOR PAYNE: Doug
22 Preisse.

23 CHAIRMAN PREISSE: Yes.

24 DEPUTY DIRECTOR PAYNE: And Brad
25 Sinnott.

1 MEMBER SINNOTT: Yes.

2 DEPUTY DIRECTOR PAYNE: Motion
3 carries to accept the votes of this ballot wherever
4 there is any kind of marking within the bubble.

5 MS. PATTON: X or circle?

6 DEPUTY DIRECTOR PAYNE: Yeah.

7 And then that finishes you, Zach.

8 Right?

9 MR. MANIFOLD: Done.

10 DEPUTY DIRECTOR PAYNE: And now we
11 have Carla for the final.

12 MR. MANIFOLD: She has to hand enter
13 that out and then we'll have a final report.

14 DEPUTY DIRECTOR PAYNE: All right.
15 Certify the results.

16 MR. MACKEY: I can talk about
17 write-in candidates if you want me to.

18 MEMBER MARINELLO: Sure. I'd love
19 to hear it.

20 DIRECTOR LEONARD: Jeff, if you'll
21 state your name.

22 MR. MACKEY: Jeff Mackey.

23 So for the official write-in
24 candidates, U.S. Senator, Philena Farley ended up
25 with 67 actual votes for the Green Party. I made

1 copies. Carla has them. She'll give them to you
2 with the report.

3 Timothy Pinion, Republican, for
4 United States Senator had two actual votes. Paul
5 Curry, Treasurer of State, Green Party, had 71.

6 CHAIRMAN PREISSE: Jeff, you're
7 giving us the report on write-in --

8 MR. MACKEY: The actual certified
9 write-in canvass versus what we reported on
10 election night which could have included Mickey
11 Mouse or Superman. These were actual votes for
12 these individuals.

13 CHAIRMAN PREISSE: These are the
14 ones that we actually counted?

15 MR. MACKEY: Correct.

16 CHAIRMAN PREISSE: We wouldn't count
17 Mickey Mouse unless --

18 MR. MACKEY: But on election night
19 we wouldn't have known yet. So we would have
20 included those, but --

21 For State Senate, Jeff Brown, Green
22 Party, for the 15th Senate District received 17
23 votes. He needed 25 votes to be nominated. So he
24 was not nominated. He will not appear on the
25 November ballot. Because you have to receive at

1 least as many votes as the signature requirement
2 had you actually circulated a petition, and minor
3 party candidates need at least 25 signatures. So
4 he did not hit that threshold.

5 Katherine Chipps in the 3rd Senate
6 District, Democrat, received 4,500 votes; but she
7 was opposed by a candidate on the ballot, so she
8 lost. State Representative Kristin Boggs, Democrat
9 in the 18th District, received 3,096 write-in
10 votes. She only needed 50 to be nominated. So she
11 is nominated and she will appear on the November
12 ballot in the 18th House district. Torrin Jacobs,
13 Green Party candidate in the 18th House district,
14 received 13 votes. Had the same 25-vote threshold
15 to be nominated. So he was not nominated and does
16 not appear on the ballot in the 18th District as a
17 Green Party candidate.

18 And we have nine Republican County
19 Central Committee candidates. All received a vote.
20 This was an election. They only needed one vote to
21 be elected to the County Central Committee. All
22 write-in candidates for County Central Committee
23 received at least one vote and are on the Central
24 Committee now.

25 DEPUTY DIRECTOR PAYNE: Thank you

1 for that report, Jeff.

2 As soon as Carla returns, our final
3 act of business is to certify the results of the
4 May 8th election, and I have a form that I'm going
5 to have you sign once we do that. Because we are
6 the most populous county, we are required to get
7 certification notices from all of the adjoining
8 counties in the Congressional district. Madison
9 County is not certifying their votes until Tuesday.
10 Delaware is not certifying their results until
11 Friday.

12 So I have a document that I am
13 planning to, if can I, if you're around, to drive
14 around on Tuesday and get your signatures on this
15 document that we need to turn in to the Secretary
16 of State that you have seen Madison County and that
17 you have seen Delaware County's certification. And
18 this is frankly a new development that we have not
19 done in the past. Rather, in lieu of holding a
20 Board meeting on Tuesday --

21 CHAIRMAN PREISSE: We've seen those
22 two counties and the others?

23 DEPUTY DIRECTOR PAYNE: We have seen
24 the others. So we're set with the others. But we
25 have not received Madison County, we have not seen

1 Delaware County. So I need to show each of the
2 Board members that when we do get those that you've
3 seen them and I'll ask for your signature. If
4 you're around, I'll need where you are going to be
5 and I can meet up with you. Hopefully we have
6 three individuals that will be around on Tuesday.

7 MEMBER SINNOTT: So you'll be
8 carrying the other counties' reports with you?

9 DEPUTY DIRECTOR PAYNE: That's
10 correct.

11 DIRECTOR LEONARD: We will have
12 certified our results, which is what we're required
13 to do.

14 CHAIRMAN PREISSE: So what does this
15 document achieve, that we've seen all the counties
16 that are the biggest --

17 DEPUTY DIRECTOR PAYNE: Because
18 we're the most populous county that we've received
19 the certifications of the other surrounding
20 counties, and we will have done that. Up to this
21 point we have seen everybody with the exception of
22 Madison and Delaware. Delaware is certifying
23 tomorrow and Madison County is certifying on the
24 last day possible, which is Tuesday.

25 MEMBER SEXTON: What time are they

1 certifying?

2 DEPUTY DIRECTOR PAYNE: I think
3 Madison County is certifying at 9:00 a.m. in the
4 morning. So I can --

5 MEMBER SINNOTT: Well, I'm going to
6 be in Columbus in downtown on Tuesday.

7 CHAIRMAN PREISSE: I think I am,
8 too.

9 DEPUTY DIRECTOR PAYNE: Perfect.

10 MEMBER SINNOTT: Tim, what happened
11 in your case?

12 MR. LECKLIDER: We won on
13 jurisdictional grounds, which was the Attorney
14 General on behalf of the Secretary of State mostly
15 focused on the jurisdiction. Cuyahoga County and
16 Franklin County, we focused more on -- well, I did
17 on behalf of the Board, uhm, that they weren't
18 public records. And we also argued laches.
19 Cuyahoga County focused a little more on the laches
20 argument. So the court really didn't address
21 laches in public records because they dismissed it
22 on jurisdictional grounds.

23 MEMBER SINNOTT: Well,
24 congratulations, Tim.

25 MR. LECKLIDER: So that's the fourth

1 one in this cycle and we had four expedited
2 election cases that we defended in the Supreme
3 Court. We had the gubernatorial candidate,
4 Mr. Heavey, first based on a shortage of
5 signatures; and then we had Jonathan Beard
6 concerning Columbus City Council structure,
7 organizational structure; and then we had
8 Mr. Shuck, a similar issue; and then finally this
9 one.

10 And I should add that staff,
11 including the Director, Deputy Director, and Carla,
12 Zach, we had all kinds of people helping us out to
13 get affidavits in the different cases, you know, to
14 file with our briefs. And we had to turn these
15 around in very short order. When somebody files a
16 complaint, we have five days to answer and then the
17 complainant later has three days to file a brief
18 after the date of the last answer, and then we have
19 three days or 72 hours to file ours. It's very
20 expedited.

21 DIRECTOR LEONARD: And we have had a
22 conversation with the prosecutor's office as to how
23 we should prepare to proceed based on the court's
24 decision in this case.

25 MEMBER SINNOTT: Were we going to do

1 anything differently?

2 DIRECTOR LEONARD: I'm sorry?

3 MEMBER SINNOTT: Are we going to do
4 anything differently?

5 DIRECTOR LEONARD: At least explore
6 in terms of how we would handle if we get a similar
7 claim. As you mentioned, the court did just talk
8 about jurisdiction and if they were to choose to
9 refile.

10 MEMBER SINNOTT: Okay. Well, that's
11 probably enough on the record then.

12 DIRECTOR LEONARD: Exactly.

13 DEPUTY DIRECTOR PAYNE: Our last
14 order of business is to certify the May 8th primary
15 election. And I'll have Carla give you an overview
16 of turnout and the results and everything else.

17 MS. PATTON: I did provide you with
18 a copy of the write-in results that I believe Jeff
19 went over with you just a little bit ago. Other
20 than that, before you you have the official results
21 for Franklin County only. We had a total turnout
22 of 18.82 percent; 161,666 voters turned out out of
23 858,810 possible.

24 So the results before you are
25 complete of all votes cast in Franklin County, and

1 we recommend that you certify the results as they
2 appear on the report.

3 DEPUTY DIRECTOR PAYNE: Questions or
4 comments for Carla?

5 If not, I'd entertain a motion to
6 certify the results.

7 MEMBER SINNOTT: I move that the
8 Board certify and declare as final the official
9 canvass as votes cast in the May 2018 Primary
10 Election as submitted by staff.

11 DEPUTY DIRECTOR PAYNE: Is there a
12 second?

13 MEMBER SEXTON: Second.

14 DEPUTY DIRECTOR PAYNE: All those in
15 favor signify by saying aye.

16 (Vote taken.)

17 DEPUTY DIRECTOR PAYNE: All opposed,
18 same sign.

19 (No response.)

20 DEPUTY DIRECTOR PAYNE: Motion
21 carries. The results are certified.

22 MEMBER MARINELLO: Good job
23 everyone.

24 DEPUTY DIRECTOR PAYNE: Have you
25 sign that and pass that around.

1 I don't believe there are any more
2 issues or items before the Board. So a motion to
3 adjourn would be in order.

4 MEMBER SINNOTT: So moved.

5 MEMBER SEXTON: Second.

6 DEPUTY DIRECTOR PAYNE: All those in
7 favor signify by saying aye.

8 (Vote taken.)

9 DEPUTY DIRECTOR PAYNE: All opposed,
10 same sign.

11 (No response.)

12 DEPUTY DIRECTOR PAYNE: We are
13 adjourned.

14 - - -

15 Thereupon, the proceedings were
16 concluded at approximately 3:59 p.m.

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C E R T I F I C A T E

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THE STATE OF OHIO:

SS:

COUNTY OF FRANKLIN:

I, Carla D. Castle, a Professional Reporter and Notary Public in and for the State of Ohio, do hereby certify that the foregoing is a true, correct, and complete written transcript of the proceedings in this matter;

That the foregoing was taken by me stenographically and transcribed by me with computer-aided transcription;

That the foregoing occurred at the aforementioned time and place;

That I am not an attorney for or relative of any of the parties and have no interest whatsoever in the event of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 18th of June, 2018.

/s/Carla D. Castle
Notary Public, State of Ohio

My Commission Expires: September 29, 2021.

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