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FRANKLIN COUNTY BOARD OF ELECTIONS

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IN RE:
REGULAR MEETING

- - -

August 6, 2018

taken before me, Angela S. Moore, a Professional Reporter and Notary Public in and for the State of Ohio, at the offices of Franklin County Board of Elections, 1700 Morse Road, Columbus, Ohio, on Monday, August 6, 2018, commencing at approximately 3:13 p.m., and concluding at approximately 3:37 p.m.

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P R O C E E D I N G S

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3 MR. PAYNE: Let's call this meeting
4 to order. Appears we have a quorum. I will do a
5 roll to make sure.

6 Kim Marinello.

7 MS. MARINELLO: Here.

8 MR. PAYNE: Michael Sexton.

9 MR. SEXTON: Here.

10 MR. PAYNE: Michael Preasse.

11 CHAIRMAN PREASSE: Here.

12 MR. PAYNE: Brad Sennott.

13 MR. SENNOTT: Here.

14 MR. PAYNE: We indeed have a
15 quorum. There were no minutes to approve. So the
16 first item on the agenda is the paper ballot
17 allocation for August 7th. I believe this is the
18 third time that we've done it.

19 AUDIENCE PARTICIPANT: Yes, third
20 time within 30 days.

21 MR. PAYNE: Perfect. So let's do
22 that again.

23 AUDIENCE PARTICIPANT: You should
24 have Exhibit A. There's no changes to it, other
25 than we printed the complete report this time.

1 MR. SENNOTT: This seems akin to the
2 second reading.

3 MR. PAYNE: That's correct.

4 MS. MARINELLO: I move the board
5 adopt the paper ballot allocation form in Exhibit A
6 verified by the board staff for the August 7, 2018
7 special election.

8 MR. SENNOTT: Second.

9 MR. PAYNE: All of those in favor,
10 signify by saying aye.

11 CHAIRMAN PREASSE: Aye.

12 MS. MARINELLO: Aye.

13 MR. SENNOTT: Aye.

14 MR. SEXTON: Aye.

15 MR. PAYNE: All opposed, same sign.
16 The motion carries.

17 The next item is the voting machine
18 and E-pollbook allocation for the same election.
19 Again, this is the third time.

20 AUDIENCE PARTICIPANT: This is the
21 third and final reading, I hope. There's been no
22 changes. And we printed the entire report again.

23 MR. SEXTON: Seeing that, I move the
24 board adopt the voting machine allocation formula
25 in Exhibit B, compiled by the board staff for

1 August 7, 2018 special election.

2 MR. PAYNE: Is there a second?

3 CHAIRMAN PREASSE: Second.

4 MR. PAYNE: All in favor, signify by
5 saying aye.

6 CHAIRMAN PREASSE: Aye.

7 MR. SENNOTT: Aye.

8 MS. MARINELLO: Aye.

9 MR. SEXTON: Aye.

10 MR. PAYNE: All opposed, same sign.
11 Motion carries.

12 There are two candidates for
13 certification to the November ballot. They are
14 both Libertarians. I believe one you are
15 recommending we certify and the other you are
16 denying certification. So let's start with the one
17 where you are recommending certification.

18 MR. MACKEY: So the Libertarian
19 party circulated petitions this summer. July 13th,
20 Secretary of State informed us that the petition
21 seeking minor party status met the statutory
22 requirements, which led to the ability of
23 candidates to file by July 19th. On July 18th, we
24 received a petition for Jonathan Miller, a
25 candidate for the 15th Congressional District,

1 reviewed the signatures, indicated he had seven
2 valid signatures. Five are required. Staff found
3 the petition was timely filed, valid and
4 sufficient.

5 MR. SENNOTT: So, Jeff, it would
6 appear Mr. Miller would appear on the ballot as a
7 Libertarian?

8 MR. MACKEY: Right.

9 MR. SENNOTT: I move the board
10 certify Jonathan Miller, Libertarian candidate for
11 the 15th Congressional District, to the November 6,
12 2018 general election ballot, and his petitions
13 were timely filed and found to be valid and
14 sufficient.

15 MR. PAYNE: Is there a second?

16 CHAIRMAN PREASSE: Second.

17 MR. PAYNE: All in favor, signify
18 aye.

19 CHAIRMAN PREASSE: Aye.

20 MR. SEXTON: Aye.

21 MS. MARINELLO: Aye.

22 MR. SENNOTT: Aye.

23 MR. PAYNE: All opposed, same sign.
24 Motion carries.

25 In the 12th Congressional District,

1 we have another Libertarian candidate file, I
2 believe you are recommending denying certification.

3 MR. MACKEY: Also, on July 18th,
4 Matthew O'Connor filed a petition for the 12th
5 Congressional District Libertarian party. After
6 reviewing his five signatures, staff found only
7 four to be valid, one was out of the district. He
8 did not meet the sufficient requirements of the
9 petition and we have not found it so.

10 MS. MARINELLO: I move the board
11 deny Matthew O'Connor, Libertarian candidate to the
12 12th Congressional District certification to the
13 November 6th, 2018 general election ballot on the
14 basis that his petitions were found by the staff to
15 be invalid and insufficient.

16 MR. PAYNE: Is there a second?

17 CHAIRMAN PREASSE: Uh-huh.

18 MR. PAYNE: All in favor, signify by
19 saying aye.

20 CHAIRMAN PREASSE: Aye.

21 MS. MARINELLO: Aye.

22 MR. SENNOTT: Aye.

23 MR. SEXTON: Aye.

24 MR. PAYNE: All opposed, same sign.

25 Motion carries.

1 MR. PAYNE: The next item, I just
2 want to address that we did have two local options
3 we were going to bring before the board because
4 this morning there were only two local options that
5 we had filed. Deadline for filing those were
6 August 8th. Today we had eight additional options
7 filed. We simply haven't had the time to go
8 through all of those hundreds or thousands of
9 signatures. So what we are recommending is -- what
10 we will recommend is not doing those two today
11 because we will have to do the other eight, we will
12 do those some other time.

13 MR. LEONARD: The only reason for
14 doing them today is in hopes they were the only
15 local options.

16 MR. SENNOTT: I don't know what the
17 problem is, we got them this morning.

18 MR. PAYNE: The other thing is we
19 are expecting another one --

20 MR. MACKEY: At least two more.

21 MR. PAYNE: Even if we did those, we
22 would still have some others.

23 MR. SENNOTT: Fair enough.

24 MR. PAYNE: There is an item that we
25 would like to discuss of a legal matter, and I

1 don't know if the board would like to go into
2 executive session or do that in open session. But
3 if you care to go into executive session, we will
4 probably need a vote to do so.

5 MS. MARINELLO: Pursuant to Ohio
6 Revised Code Section 121.22(G), I move the Franklin
7 County Board of Elections go into executive session
8 to discuss the imminent litigation.

9 MR. SENNOTT: Second.

10 MR. PAYNE: I believe this requires
11 a roll call.

12 MR. PAYNE: Kim Marinello.

13 MS. MARINELLO: Yes.

14 MR. PAYNE: Michael Sexton.

15 MR. SEXTON: Yes.

16 MR. PAYNE: Doug Preasse.

17 CHAIRMAN PREASSE: Yes.

18 MR. PAYNE: Brad Sennott.

19 MR. SENNOTT: Yes.

20 MR. PAYNE: We are in executive
21 session.

22 (Executive Session.)

23 MR. SENNOTT: I move that the
24 Franklin County Board of Elections adjourn from
25 executive session and state no votes or official

1 actions were taken during executive session.

2 MS. MARINELLO: Second.

3 MR. PAYNE: I believe this requires
4 a roll call.

5 Kim Marinello.

6 MS. MARINELLO: Yes.

7 MR. PAYNE: Michael Sexton.

8 MR. SEXTON: Yes.

9 MR. PAYNE: Doug Preasse.

10 CHAIRMAN PREASSE: Yes.

11 MR. PAYNE: Brad Sennott.

12 MR. SENNOTT: Yes.

13 MR. PAYNE: We are out of executive
14 session.

15 There are two items remaining, the
16 opening -- actually, one item remaining, opening of
17 the polls for tomorrow's special election.

18 MS. MARINELLO: I move that the
19 polls be declared open on Tuesday, August 7, 2018
20 special election beginning at 6:30 a.m. and closing
21 at 7:30 p.m., in accordance with Ohio Revised Code
22 Section 3501.22. Any voter in line at the polls
23 prior to the close of the polls at 7:30 p.m. shall
24 be permitted to vote.

25 MR. PAYNE: Is there a second?

1 CHAIRMAN PREASSE: Second.

2 MR. PAYNE: All those in favor,
3 signify by saying aye.

4 CHAIRMAN PREASSE: Aye.

5 MS. MARINELLO: Aye.

6 MR. SENNOTT: Aye.

7 MR. SEXTON: Aye.

8 MR. PAYNE: All those oppose, same
9 sign.

10 We will open the polls tomorrow at
11 6:30 a.m.

12 I was going to say prior to
13 recessing, do we want to try to figure out dates
14 for the meeting for the --

15 MR. LEONARD: We can do that on the
16 record or off the record.

17 MR. PAYNE: There was a directive
18 from the Secretary of State that was a little bit
19 confusing in that it said certification should
20 occur 21 days after the special election, on the
21 17th, which is not 21 days after the election. Our
22 liaison to the Secretary of State called them and
23 found out and they said we are going with the date
24 of the 24th.

25 MR. SENNOTT: So we have to do

1 certification by the 24th?

2 MR. PAYNE: We have to do
3 certification by the 24th.

4 MR. LEONARD: Typically, we do it
5 21 days after the election, which would be the
6 28th. But per the directive, it will be the 24th.
7 Given we are the most populous county, we probably
8 should be the last to do it for reporting sake. We
9 didn't last time, we had to go around and get
10 signatures. This one, by being on the very last
11 day, all counties can certify, that we will be able
12 to certify our results and report the results of
13 the other counties.

14 MR. SENNOTT: How soon will our work
15 and their work be completed?

16 MR. PAYNE: Well, it sort of depends
17 on the number of provisional ballots, and we won't
18 know that yet. But we can do a canvas of the other
19 counties after the election and see when they are
20 planning on filing. But typically, the Director is
21 right, we need to be the last county to certify.

22 MR. LEONARD: So set it for the
23 24th. Again, if we find out from a canvas of the
24 other counties that they plan on certifying earlier
25 in the week, we can choose to do the same. Again,

1 all of the counties are addressing one contest, and
2 fairly limited number of provisional ballots
3 likely.

4 MR. PAYNE: And the other item is
5 that, as we mentioned with local options,
6 Wednesday, August 8th is a filing deadline for
7 those, we have to certify those prior to
8 August 20th or on -- on August 20th or by
9 August 20th. So we are looking at potentially two
10 meetings. One to certify tomorrow's election by
11 the 24th, and the other meeting to certify local
12 options that are being filed on the 8th. Those
13 have to be certified by the 20th.

14 MR. SENNOTT: Is there any chance we
15 could do a single meeting on the 20th?

16 MR. PAYNE: We can check with
17 people.

18 MR. LEONARD: If the other counties
19 are planning to certify. Keep in mind, you really
20 can't start anything until the 20th, because ten
21 days after the date of the election to return
22 overseas absentees, and people have an opportunity
23 to correct provisional ballots that may have left
24 off information. So you really can't do anything
25 official until ten days after the date of the

1 election, which would be Saturday, the 18th. So
2 for practical purposes, most counties won't -- that
3 first day they could even consider it would be the
4 20th. We can look into it.

5 MR. SENNOTT: It sounds like we are
6 looking at two meetings then.

7 MR. LEONARD: But they can both be
8 on the week of the 20th, one on Monday, one on
9 Friday. I was thinking also from a docket
10 perspective, your court work, if it's a Friday or a
11 Monday how much flexibility there is versus the
12 middle of the week.

13 MR. SENNOTT: Right now, it would be
14 fine for both Monday and Friday, I guess, for late
15 afternoon, I guess for the schedule.

16 MR. SEXTON: I'm good both of those
17 days.

18 CHAIRMAN PREASSE: I might be out of
19 town.

20 MR. LEONARD: The 20th will be very
21 short, all we are doing is dealing with local
22 options and we are done. It shouldn't be more than
23 15 minutes to half hour.

24 MR. SENNOTT: The one on Monday?

25 MR. LEONARD: The one on Monday,

1 yes. The one on Friday will have to be a little
2 bit longer because of all of the steps we do to
3 present you with a provisional ballot, any renames,
4 we have to open, you approve the provisional
5 ballots, they open them, deal with voter intent
6 issues. So Friday would be a little longer.

7 MR. SENNOTT: Second session, so a
8 little time in the morning and little --

9 MR. LEONARD: Little time in the
10 afternoon, right. And by the 20th, we should have
11 a better sense of how many provisionals we are
12 looking at. So we may have a better sense whether
13 Friday meeting would have to be a long one or not.

14 MR. SENNOTT: Okay. What I wrote
15 down is late afternoon meeting on the 20th, short
16 meeting on the morning of the 24th, and short
17 meeting on the afternoon of the 24th.

18 MR. LEONARD: Correct, that would be
19 likely scenario.

20 MR. SEXTON: I move the board recess
21 this meeting of board of elections subject to
22 recall until after the close of the election to be
23 held on Tuesday, August 7th.

24 MS. MARINELLO: Second.

25 MR. PAYNE: Kim Marinello.

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MS. MARINELLO: Yes.

MR. PAYNE: Michael Sexton.

MR. SEXTON: Yes.

MR. PAYNE: Doug Preasse.

CHAIRMAN PREASSE: Yes.

MR. PAYNE: And Brad Sennott.

MR. SENNOTT: Yes.

MR. PAYNE: We are in recess.

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Thereupon, the proceeding concluded at
approximately 3:37 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, Angela S. Moore, 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 either party and have no interest whatsoever in the event of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 20th of August, 2018.

/s/Angela S. Moore
Notary Public, State of Ohio

My Commission Expires: February 28, 2021.

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