BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
:
Regular Meeting. :

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PROCEEDINGS

before Chairman Douglas J. Preisse, Director Edward Leonard, Deputy Director David Payne, and Board Members Bradley K. Sinnott, Kimberly E. Marinello, and Michael Sexton, at the Franklin County Board of Elections, 1700 Morse Road, Columbus, Ohio, called at 2:09 p.m. on Wednesday, September 19, 2018.

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APPEARANCES:

FRANKLIN COUNTY PROSECUTOR'S OFFICE
By Timothy A. Lecklider, Esq.
Assistant Prosecuting Attorney
373 South High Street, 13th Floor
Columbus, Ohio 43215
(614) 525-3520,

On behalf of the Board.

Also present:

Jeffrey O. Mackey,
Petitions & Campaign Finance
Carolyn S. Gorup, Elections Technology
Aaron Blevins
Muktar Ibrahim
Lindsey Gardiner

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I N D E X

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ADDITIONAL ITEMS

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Wednesday Afternoon Session
September 19, 2018
2:09 p.m.

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DEPUTY DIRECTOR PAYNE: Looks like we have everyone here, but I will take roll to make sure that we have a quorum.

Kim Marinello.

MEMBER MARINELLO: Here.

DEPUTY DIRECTOR PAYNE: Michael Sexton.

MEMBER SEXTON: Here.

DEPUTY DIRECTOR PAYNE: Doug Preisse.

CHAIRMAN PREISSE: Here.

DEPUTY DIRECTOR PAYNE: And Brad Sinnott.

MEMBER SINNOTT: Here.

Last week this office experienced a great loss with the unsuspected passing of Cindy Balach. She worked here for 15 years. And I think it would be fitting and appropriate to honor Cindy's life and service to the Board of Elections. If we could just have a moment of silence for Cindy's life and her service.

DEPUTY DIRECTOR PAYNE: Thank you.

The first item on the agenda is the approval of the minutes. You should have received the August 20th, August 24th, August 27th, and August 29th minutes.

If there are no additions, deletions, or corrections, I would entertain a motion.

MEMBER KIMBERLY MARINELLO: I move that the Board approve the minutes of the August 20th, 24th, 27th and 29th, 2018, meetings of the Franklin County Board of Elections as submitted.

DEPUTY DIRECTOR PAYNE: Is there a second?

CHAIRMAN PREISSE: Second.

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

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All opposed, same sign.

(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries.

The next item on the ballot is the Long & 20th Carryout local option protest.

Jeff, if you could just give an

overview of what you have of the protest, that would be fantastic.

MR. MACKEY: Sure.

So at the 2018 primary election --

DIRECTOR LEONARD: I apologize. We've got roof work going on upstairs. That's the pounding you hear.

MR. MACKEY: I'll try to enunciate here.

So the 2018 primary election in the City of Columbus, Precinct 7D, there were two precinct-wide local option questions, numbers 7A and 8A. Those both failed which resulted in the drying up of the precinct for carryouts.

As part of this process, effected liquor license holders in the precinct were permitted 29 days to circulate a petition, to gather signatures, to place the location-specific question on the ballot.

We received one of these petitions from Muktar Incorporated doing business as Long & 20th Carryout. June 27th, the Board certified those petitions based on the staff recommendation that they were valid and sufficient.

On August 24th a protest was filed

against that local option petition. This is the second protest filed against the petition. The first hearing was on August 20th. I believe the protestor is here.

MEMBER SINNOTT: Jeff, please add some detail, if you would. So what is -- what is the summary of the reason for the new protest?

MR. MACKEY: My review of the protest has indicated three additional signatures that were not in the first protest that the protestor would like a chance to examine.

MEMBER SINNOTT: But the protest doesn't relate just to those three signatures. Correct?

MR. MACKEY: Correct.

MEMBER SINNOTT: How many signatures are there that are a part of the second protest that were already decided in the first protest?

MR. MACKEY: I believe we added those up and found -- seven and four is 11, and three -- 14 additional signatures.

MEMBER SINNOTT: So you understand that there's 17 signatures at issue in the second protest. Correct?

MR. MACKEY: Correct.

MEMBER SINNOTT: Fourteen of those signatures have already been considered and decided in the first protest. Right?

MR. MACKEY: That is my understanding.

MEMBER SINNOTT: And it looks as though there are three signatures that are being called into question by the second protestor which we had not already passed?

MR. MACKEY: Correct.

MEMBER SINNOTT: Does the Board staff have any opinion about the three signatures that have not already been decided?

MR. MACKEY: I can offer that.

The first signature appears on page one and two of the protest. It's a signature that was attributed to Muktar Ibrahim.

CHAIRMAN PREISSE: Say that again.

MR. MACKEY: Page one and two of the protest, they've brought into question Line 10 of Part 40. That's about halfway down on my summary section, if you're looking at it.

MEMBER SINNOTT: The staff counted the Muktar Ibrahim signature?

MR. MACKEY: Correct.

MEMBER SINNOTT: Okay. What is the issue relative to the second signature?

MR. MACKEY: The second signature, Susan Howard, protestor contends that is a printed signature that does not match the signature on file.

Our second review, which staff does on all petitions that are close, either short or just over the number of signatures, credit was given to that signature.

MEMBER SINNOTT: Okay. And the third signature on which we have not passed?

MR. MACKEY: Mr. Abdul Hakeem. Again, on the second pass, credit was given. You can see the signature on file there includes both that printed last name with his mark. So while the first person that looked at it did not give it credit for the printed signature, the second pass did give consideration to that one, but --

MEMBER SEXTON: Where is that in the packet?

MR. MACKEY: In the packet, this is page three, Abdul Hakeem. On the protest -- It's page four of the protest, sir.

CHAIRMAN PREISSE: The summary is on

the second to the last page.

MEMBER SINNOTT: So the staff counted all three of the signatures in question.

Having reviewed the protest, would you recommend any change in that position?

MR. MACKEY: I believe they are correct, that the first one, Muktar Ibrahim, that signature has now been credited to him. I don't believe that's a match there.

MEMBER SINNOTT: Upon additional review and the staff's recommendation you deem that we not accept the proffered signature of Mukar Ibrahim on the petitions?

MR. MACKEY: Correct.

MEMBER SINNOTT: Any recommended change regarding the Howard or Hakeem signatures?

MR. MACKEY: I will leave that up to your discretion.

MEMBER SINNOTT: It always is. But do you have a recommendation?

MR. MACKEY: I do not. I mean, our -- our friends from the Middle East, we have -- we are experiencing more and more of this as far as their names not matching our -- I don't know -- Roman nomenclature standards of name

identification. So we do have that problem that we contend with from time to time.

MEMBER SINNOTT: Uh-huh.

CHAIRMAN PREISSE: Okay. If there's not any questions for Jeff at this time, maybe we should hear from the protestor. Let's have a five-minute presentation by the protestor. Is that Aaron Blevins?

MR. BLEVINS: That's me, yes.

CHAIRMAN PREISSE: Thank you, sir, for being here.

MR. BLEVINS: Is it okay for Colleen Guezennec to come up as well?

CHAIRMAN PREISSE: She can stand there with you.

THE REPORTER: Colleen who?

MS. GUEZENNEC: Guezennec.

THE REPORTER: Colleen, C-o-l-l-e-e-n?

MS. GUEZENNEC: Correct.

THE REPORTER: Last name?

MS. GUEZENNEC: G-u-e-z-e-n-n-e-c.

THE REPORTER: And then --

MR. BLEVINS: Aaron Blevins.

CHAIRMAN PREISSE: Aaron, are you

giving the testimony today?

MR. BLEVINS: I can, yes. We're a group. So I am the protestor.

CHAIRMAN PREISSE: Fine.

MR. BLEVINS: However you guys would prefer it. I can or --

DIRECTOR LEONARD: I mean, I will state that the basis for allowing that second protest was it was a different protestor anticipating different evidence and as opposed to a recitation of what was presented at the last protest.

CHAIRMAN PREISSE: It sounds like Mr. Blevins is willing to do it and wants to do it.

MR. BLEVINS: Sure. Absolutely.

MEMBER SINNOTT: And my suggestion is that anybody who is going to speak who is not a lawyer be sworn in.

CHAIRMAN PREISSE: Okay.

You're not a lawyer, Mr. Blevins?

MR. BLEVINS: Correct. I am not.

CHAIRMAN PREISSE: And would you have the --

MEMBER SINNOTT: Is Mr. Blevins going to be the only one who speaks during the

presentation?

CHAIRMAN PREISSE: That's right.

(Witness sworn by reporter.)

CHAIRMAN PREISSE: Okay. Please walk us through your protest.

MR. BLEVINS: So I believe that the -- based on why we were here last from why we are here now, I think the biggest thing that we wanted to communicate is our understanding of the law and about how the law requires -- and I don't have, unfortunately, the specific law here in front of me. Or actually, I might -- I might have that here. But the law specifically requires that all signatures be cursive signatures and not printed signatures. And there was quite a few signatures on the petition that we felt were printed signatures. And in the last gathering that we attended with you guys, a lot of the signatures that we felt were printed signatures were deemed to be passable even though they are clearly printed signatures. And so that's -- that's the biggest point that in this petition that we wanted to make. And if we look at all of the printed signatures, then we believe that -- that this protest actually should stand.

And I think the last time, also, if I remember correctly, if I remember I believe that you guys deferred somewhat to the Franklin County Board of Elections. I think I also remember one of you saying that you want to give the power to the people, so there's a lot of potential leeway that you allow voters when they are signing a specific petition. But we as a group, we went through the same exact process that each of the carryouts have gone through. We worked our butts off to gather signatures and were very specific about following every letter of the law to ensure that we were doing it correctly. And these printed signatures we felt -- we feel that these printed signatures are given too much -- given too much leeway.

CHAIRMAN PREISSE: Is that all you wish to say?

MR. BLEVINS: I believe so unless you guys have questions for me.

CHAIRMAN PREISSE: Is there somebody standing in opposition of the protest here that would like to speak?

Yes, sir.

THE REPORTER: Say it and then spell it.

MR. IBRAHIM: Muktar, M-u-k-t-a-r. Last name is I-b-r-a-h-i-m.

MEMBER SINNOTT: Thank you, Mr. Blevins.

MR. BLEVINS: Thank you.

CHAIRMAN PREISSE: Would you swear the guest in, please?

(Witness sworn by reporter.)

MR. IBRAHIM: I just want -- I see you guys was complaining about the Muktar Ibrahim's signature.

(Mr. Mackey handed document to witness.)

MR. MACKEY: Is that your signature?

MR. IBRAHIM: Yes.

MR. MACKEY: Okay.

MR. IBRAHIM: Yeah.

I just want to know what was the issue about Muktar Ibrahim's signature.

CHAIRMAN PREISSE: So you are Mr. Ibrahim of 1032 East Long Street?

MR. IBRAHIM: Yes.

CHAIRMAN PREISSE: Well, I think you were sitting in the audience when there was a discussion several minutes ago --

MR. IBRAHIM: Yes.
CHAIRMAN PREISSE: -- related to the signature from the petition and its resemblance to the signature on file.
MR. IBRAHIM: So what you're saying is this doesn't match the signature on file and the signature on the petition?
CHAIRMAN PREISSE: That has been the suggestion.
MR. IBRAHIM: It's the same.
MEMBER SINNOTT: Do you say I-bra-heem?
MR. IBRAHIM: Yes.
MEMBER SINNOTT: All right. Mr. Ibrahim, you're telling us that the signature on file is the same as the signature that appears on the petitions?
MR. IBRAHIM: I guess so.
MEMBER SINNOTT: You're not saying that you have different ways of signing your name?
MR. IBRAHIM: I mean, I don't sign my name. I just (demonstrated).
MEMBER SINNOTT: You think these two signatures, the one on file and the one in the petitions, you believe they look the same?

MR. IBRAHIM: I mean, I think they look the same as in I'm the one signing it.

MEMBER SINNOTT: Is there anything else you have to tell us?

MR. IBRAHIM: No. Thank you.

CHAIRMAN PREISSE: Okay.

MR. IBRAHIM: Thank you.

MEMBER SINNOTT: Thank you.

CHAIRMAN PREISSE: Thank you.

MEMBER SINNOTT: I'll make some suggestions and we'll see if we agree with them.

First of all, as to the 14 signatures that we previously examined, I'm aware of no new evidence that reflects on the validity of our earlier determination and would see no need to revisit or reconsider our earlier decision as to those 14.

As to Mr. Hakeem and Ms. Howard's signatures, my belief is that there is enough similarity between the signatures on the petition and the signatures on file to warrant the inclusion of those signatures.

That takes us to Mr. Ibrahim's signature. Jeff, I would appreciate your staff's willingness to reconsider its own conclusions on

that subject.

MR. MACKEY: Sure.

In addition to the sections of law I cited there, there is some case law that could be pertinent if you were interested.

MEMBER SINNOTT: Sure.

MR. MACKEY: Our esteemed colleague from the prosecutor's office can assist me here in the Scott case. I believe the crux of that was if the signor of the petition did appear here before us, we have to take that into consideration.

MEMBER SINNOTT: Thank you. I know the Scott case.

Let me try to advance the ball by making a motion that speaks to the 14 signatures on which the Board has previously decided, the Hakeem signature and the Howard signature.

As to the 14 signatures that the Board previously counted, I move that they continue to be counted.

MEMBER SEXTON: Second.

DEPUTY DIRECTOR PAYNE: Would you like a roll call?

MEMBER SINNOTT: Let's do a roll call, sure.

DEPUTY DIRECTOR PAYNE: 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: The motion carries.

MEMBER SINNOTT: As to the signatures of Abdul Hakeem and Susan Howard, I would also move that they be counted.

DEPUTY DIRECTOR PAYNE: Is there a second?

MEMBER MARINELLO: I'll second.

DEPUTY DIRECTOR PAYNE: It's been properly moved and seconded. I'll take roll.

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: Motion carries.

MEMBER SINNOTT: I would be genuinely interested in hearing my colleagues' thoughts about Mr. Hakeem's signature.

CHAIRMAN PREISSE: Well, we can ask him to read it again.

MEMBER SINNOTT: Please, Michael. I thought you were going to say something.

MEMBER SEXTON: On his, it's -- you know, I think it's similar. I'm not sure. It's kind of all over the place. I would generally think that it does not seem to match, looking at it.

MEMBER MARINELLO: I'm going to have to agree.

CHAIRMAN PREISSE: I agree with

that.

MEMBER SINNOTT: I agree with that, too. Mr. Ibrahim appeared today and it's not as though he told us that he had a hand problem on the day he was signing the petitions and that sort of thing. That's the explanation for the difference. He said that he thinks that these two signatures are matches, which I don't see.

I think three of us were on the Board at the time that the Scott matter came through, though, and my recollection of what happened there is that there was a signature that we didn't count because it was plainly printed. There was no attempt made to -- made by whoever signed to apply a cursive signature that matched the one on record. And the person who purportedly signed came to the Board and quite clearly explained, along with some other witnesses, including the circulator of the petition, that, yeah, I was trying to be super clear, so I printed my name instead of signing it. We heard that and said, well, there's a failure there to satisfy the requirement that there be a signature, a voter's signature placed on the petition. That went to the courts, and the court seemed to think that the only

thing of interest was whether the person who appeared and said, yes, that's my mark on the signature was actually a qualified voter. And it was lost in the court's decision any consideration as to whether the voter had attempted to apply her signature on record. For that reason, the Board's decision was overturned and the candidate was allowed to appear on the ballot.

I think I heard in Mr. Ibrahim's testimony that he is valid and he's the one who put this marking on the petitions. But I also agree that there's nothing close to a match between the signature of record and the signature on the petitions.

So how do we resolve this?

CHAIRMAN PREISSE: I would move that we not count the purported signature of Muktar Ibrahim.

DEPUTY DIRECTOR PAYNE: Is there a second?

MEMBER MARINELLO: Second.

DEPUTY DIRECTOR PAYNE: It's been properly moved and seconded. We'll take a roll call vote.

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: Motion carried.
MR. MACKEY: If I may add now -- I don't think I covered this -- that they had 97 valid signatures when we started. So if you remove one signature, that would leave 96 valid signatures. The requirement was 95 valid signatures. So the issue would still be on the ballot. So there's a motion necessary to accept or reject the --
MEMBER SINNOTT: But does the protest relate to the validity of the circulator statement?
MR. MACKEY: Yes.
MEMBER SINNOTT: Is the protest

directed to the validity of the circulator's statement?

MR. MACKEY: I don't think so.

MEMBER SINNOTT: Hum.

DIRECTOR LEONARD: The reference on page one is that Muktar Ibrahim signed a six-part petition as circulator. So I don't know if there's an issue as it relates to his signature on those six-part petitions. I mean, it was raised in the protest.

MEMBER MARINELLO: The signature?

MR. MACKEY: I thought that was providing that there's further evidence of the signature not matching the one in the petition, was my understanding.

MEMBER SINNOTT: Let's pause here and look at the August 23 protest.

Well, Jeff, do you know if the petitions were invalidated that were circulated by Mr. Ibrahim would the option appear on the ballot or not?

MR. MACKEY: The option would not appear on the ballot if we invalidated the petition circulated by Mr. Ibrahim.

MEMBER MARINELLO: The signature

that was circulated matches the signature on file to me.

MEMBER SINNOTT: Huh. That's interesting.

MEMBER MARINELLO: I mean, you know, the way he signs.

MEMBER SEXTON: Where are you looking?

MEMBER MARINELLO: The signature of the circulator that is signed here looks like the signature on file. It's just --

MEMBER SEXTON: On here?

MEMBER MARINELLO: Yes. I mean, that's just --

MEMBER SINNOTT: I think we're going to need to be clear, because this is inherently confusing.

Mr. Preisse, is it correct that your motion spoke only to the signature of Mr. Ibrahim on the petition?

CHAIRMAN PREISSE: That's correct, on page -- on line ten, because I think that was a segregated question.

MEMBER SINNOTT: It seems as though the protest does also raise a question about the

circulator's signature that is separate, because we're dealing with a different universe of signatures.

CHAIRMAN PREISSE: I'm not -- Read this sentence, if you'll turn the page, please. I think this was an attempt to compare these signatures to this -- no -- to this. In other words, the question was whether this, if I'm reading this correctly, which is the same as that. Yeah. Because I don't think we're questioning his signature as a circulator. We're questioning the signature on line ten.

MEMBER SEXTON: That's my view.

MEMBER MARINELLO: Yeah.

MEMBER SINNOTT: So you don't see the protest as raising any challenge to the signature that appears on the circulator's statement?

CHAIRMAN PREISSE: I am not reading that.

MEMBER SINNOTT: Well, then, you've invalidated one of 98?

MR. MACKEY: 97, yes.

MEMBER SINNOTT: One of 97. So that would take us to 96. I don't know if there's any

additional actions which I suppose the Board should act on in the protest itself; rather, as to the overarching question as to whether the matter is placed on the ballot.

DIRECTOR LEONARD: Right.

MEMBER SINNOTT: Well, the Board having found that there are 96 valid signatures, I would move that the protest be denied.

MEMBER SEXTON: Second.

DEPUTY DIRECTOR PAYNE: It's been properly moved and seconded. We'll take roll.

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: Motion carries.

The next item on the agenda is the

certificate -- the certification of two write-in candidates, one for Ohio's 3rd Congressional District and the other for Ohio's 12th Congressional District.

You want to speak to that, Jeff?

MR. MACKEY: The staff has reviewed the declaration for intent to be a write-in candidate for Millie Milam in the 3rd Congressional District and Marc Fagin in the 12th Congressional District and found those declarations to be timely filed, valid, and sufficient.

MEMBER SEXTON: Mr. Chairman, I would move that the Board approve certifications of Millie Milam as a valid write-in candidate for Congress for Ohio's 3rd Congressional District and Marc Fagin as a valid write-in candidate for Congress in Ohio's 12th Congressional District and that their declaration of intent to be write-in candidates are valid and sufficient.

DEPUTY DIRECTOR PAYNE: Is there a second?

CHAIRMAN PREISSE: Second.

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

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All opposed, same sign.

(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries.

Next item of business is a paper ballot allocation. As you will recall, the Secretary of State requires that prior to each election that we have a paper ballot allocation that we have to approve at least two times. This is the first of the paper ballot allocations. And I'll let Carolyn speak to that.

MS. GORUP: Okay. As directed by the Secretary of State, we looked at 2006, 2010, and 2014 provisional ballots and increased the number by ten percent. And also, we have to give paper ballots for paper ballot by choice and looked at the total vote and increased -- and took 15 percent of that to compute how many paper ballots we needed in each ballot style.

We also looked at the 2014 and 2016 total paper ballot usage, and in eight cases we increased the number to meet the number that were used in those elections.

In the college precincts, we opted

to give them another pad of 25 ballots to hopefully meet any need. And the chart you have in front of you details it. There are a total of 87,400 ballots that we will print.

CHAIRMAN PREISSE: The extra is in the -- This is a -- Why are we doing more in the colleges? Because we think --

MS. GORUP: We traditionally have more provisional voters in the college precincts.

CHAIRMAN PREISSE: Makes sense.

MEMBER SINNOTT: Well, it sounds as though this allocation would provide plenty of paper ballots if we needed them.

MS. GORUP: We would hope so.

MEMBER MARINELLO: I move that the Board adopt the paper ballot allocation formula in Exhibit A compiled by the board staff for the November 6, 2018, general election.

DEPUTY DIRECTOR PAYNE: Is there a second?

MEMBER SINNOTT: There is.

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

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All opposed,

same sign.

(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries.

The next item is an allocation of the voting machine and the electronic poll book.

Carolyn?

MS. GORUP: The voting machine is fairly straightforward. We need one machine for every 175 voters at a location, and we never give less than three to a location. On the poll pads, there's no direction from the Secretary of State, but we allocate those as one book for every 900 voters plus one for our provisional ballot table, which serves as a backup.

MEMBER SINNOTT: I move that the Board adopt the voting machine allocation formula in Exhibit B compiled by the board staff for the November 6, 2018, general election.

DEPUTY DIRECTOR PAYNE: Is there a second?

MEMBER SEXTON: Second.

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

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All opposed, same sign.

(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries.

The next item is the certification of the Grandview Heights Green Space District issue. You have before you a letter we received from Ohio Secretary of State John Husted, dated September 12, 2018, breaking the tie against the motion to consider the petition invalid.

The Secretary of State's ruling is final, but I think it's appropriate to acknowledge the Secretary of State's letter and vote and certify it ourselves if the Board deems that appropriate.

DIRECTOR LEONARD: Essentially, the decision to rule it valid would ultimately mean it's on the ballot; but still I think the Board would have had to have taken that affirmative step, not just say that it's -- it is valid to be put on the ballot, but actually move to certify it on the ballot. So in an abundance of caution, it's just better to take that second step and do a formal certification to put that issue on the ballot.

MEMBER SINNOTT: Tim, are you aware of any litigation that was initiated upon the issuance of the Secretary's decision?

MR. LECKLIDER: Not off the top of my head.

MEMBER SINNOTT: Okay. Okay.

MEMBER SEXTON: All right. Having received the letter from Secretary of State John Husted, dated September 12th, 2018, breaking the tie against the motion to consider the petition invalid, I move that the Board certify to the November 6, 2018, general election ballot the Grandview Heights Green Space District issue.

CHAIRMAN PREISSE: Second.

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

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All opposed, same sign.

(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries.

The next item, Jeff, I'll call on you again for the certification of candidates for the Minerva Park Charter Commission.

MR. MACKEY: The Village of Minerva Park filed an ordinance with us to place the question of should a charter commission be established on the ballot for the November election. The second part of that is election of charter commission members. We received 13 nominating petitions from citizens of the Village of Minerva Park seeking to become members of the charter commission. We reviewed those nominating petitions and found them to be timely filed, valid, and sufficient.

MEMBER SEXTON: Mr. Chairman, I move that the Board certify to the November 6, 2018, general election ballot those Minerva Park Charter Commission candidates listed on Exhibit C, and that these petitions were filed timely and found to be valid and sufficient.

DEPUTY DIRECTOR PAYNE: Is there a second?

CHAIRMAN PREISSE: Second.

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

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All opposed, same sign.

(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries.

The next item on the agenda is holiday hours. Columbus Day is a county and federal holiday. The offices would typically be closed on October 8. We would like to ask the Board that we close to the public; however, we have a lot of work to do for the November 6th election and early vote, and the staff will be here at the Board of Elections. Anybody that comes by for registering to vote, we will accept those registrations out in front. We'll have like a tent or something out there to accept voter registrations. But all other -- for all practical purposes, the office will be closed, but we need to work that day. So we're asking the Board to take -- in lieu of having the October 8th day off, that we have the day following Thanksgiving off.

DIRECTOR LEONARD: This is a practice that we've done in the past on a number of occasions.

MEMBER SINNOTT: I move that the Board offices remain open for staff only, not to the general public, on Columbus Day, Monday,

October 8th, and that the Board close on Friday, November 23, subject to that matter being revisited if there is need.

CHAIRMAN PREISSE: Second.

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

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All opposed, same sign.

(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries.

The next item on the agenda is to hire Lindsey Gardiner as a voter services clerk. I think Lindsey is here in the audience. If you want to stand up and introduce yourself real quick.

MS. GARDINER: Sure. I'm Lindsey Gardiner. This is my third week right now with the Board of Elections. It's been wonderful. I cannot believe how wonderful all the staff are. It's a beautiful thing. I thank you all for the opportunity to work at the Board of Elections. It's been an incredible experience.

DEPUTY DIRECTOR PAYNE: You probably need to formalize her hiring. Anybody so inclined?

MEMBER SEXTON: Mr. Chairman, I move that the Franklin County Board of Elections hire Lindsey Gardiner as a full-time clerk in voter services beginning August 31st, 2018, at a salary of $33,280 per year, $16 per hour.

MEMBER SINNOTT: Second.

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

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All opposed, same sign.

(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries.

Congratulations, Lindsey.

CHAIRMAN PREISSE: Welcome aboard officially.

DEPUTY DIRECTOR PAYNE: The final item on the agenda is to discuss some pending litigation. I think if the Board would like to, we could go into executive session. I think we have Joe Mastrangelo here --

MR. MASTRANGELO: I'm over here.

DEPUTY DIRECTOR PAYNE: -- to speak to the item if the Board sees fit.

MEMBER MARINELLO: Pursuant to Ohio Revised Code Section 121.22 (G)(3), I move that the Franklin County Board of Elections go into executive session to discuss pending or imminent litigation.

DEPUTY DIRECTOR PAYNE: Is there a second?

MEMBER SINNOTT: Yes.

DEPUTY DIRECTOR PAYNE: It's been properly moved and seconded. We'll take a roll call vote.

DEPUTY DIRECTOR PAYNE: 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: The motion carries. We are in executive session.

(Board in executive session.)

MEMBER SINNOTT: I move that the Franklin County Board of Elections adjourn from executive session and note that no votes or official actions were taken during the executive session.

MEMBER MARINELLO: Second.

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

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: The motion carries. We are no longer in executive session.

MEMBER SINNOTT: I move that the Franklin County Board of Elections approve the proposed settlement of the Merrill claim for

$4,000.

DEPUTY DIRECTOR PAYNE: Is there a second?

MEMBER MARINELLO: I second.

DEPUTY DIRECTOR PAYNE: We'll take a roll call vote.

DEPUTY DIRECTOR PAYNE: 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: The motion carries.

I don't know of anything else on the agenda.

MEMBER SEXTON: I did have one matter I wanted to bring up.

On September 5th William Demora

filed a challenge of the right to vote against Janeisha Mitchell and had requested a hearing. I just kind of want to know what the status of that was and if we are going to have a hearing on this issue.

DIRECTOR LEONARD: As I shared in the email that was -- with regard to this, is that she had -- shortly after the -- the voter challenge got filed, is that she filed a change of address -- or a change of registration, and I was provided a copy of her, I guess, license change, temporary issuance of a new license for that address and then a copy, essentially a photograph of the registration form that she had filed.

And because the issue that would be addressed by the Board would be the issue is she registered to vote in Franklin County or is she validly registered at that address. And because she's reregistered in Fairfield County, the issue does become moot, that I didn't see that it was an issue that required the Board to hear it because the question that would be addressed is whether or not she should be removed from the voter rolls of Franklin County. And she had taken that affirmative step on her own to reregister at -- or

to register at an address in Fairfield County, and so it rendered the question moot.

MEMBER SINNOTT: It does sound like classic mootness.

DIRECTOR LEONARD: Exactly. Now, the only thing is that we hadn't been able to get that -- It's our understanding it's been filed with Fairfield County. But because, like we are, they've got tons of registrations to process and so it may not be on their system and on the Secretary of State's system, but we have been presented with sufficient evidence to indicate that she has changed her registration to Fairfield County.

MEMBER SINNOTT: I need to get to a 3:30 meeting. So I move that we adjourn.

CHAIRMAN PREISSE: Second.

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

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All opposed, same sign.

(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries. We are adjourned.

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Thereupon, the proceedings were concluded at approximately 3:01 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, Beth A. Higgins, 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 2nd of October, 2018.

/s/Beth A. Higgins_____
Notary Public, State of Ohio

My Commission Expires: July 16, 2020.

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