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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:**

Alicia Healy, Voter Services  
Carla Patton, Elections Operations  
Carolyn Gorup, Elections Technology  
Chris Walter, HR  
Allison Murray

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Monday Afternoon Session  
December 10, 2018  
2:03 p.m.

- - -

DEPUTY DIRECTOR PAYNE: First thing we'll do is take the roll.

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.

DEPUTY DIRECTOR PAYNE: We do indeed have a quorum.

The first item on the agenda is approval of the November 5th, 2018, minutes. I believe those were emailed to you, and we have a hard copy here if anybody would like to see them.

MEMBER MARINELLO: I move that the Board approve the minutes of the November 5th, 2018 meeting of the Franklin County Board of Elections.

1 DEPUTY DIRECTOR PAYNE: Is there a  
2 second?

3 MEMBER SINNOTT: There is.

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

6 (Vote taken.)

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

9 (No response.)

10 DEPUTY DIRECTOR PAYNE: The motion  
11 carries.

12 Carla brought to my attention  
13 today -- and there's an item on your desk that is  
14 not on the agenda, but I will ask Carla to just  
15 make a brief statement to that.

16 DIRECTOR LEONARD: As a result of  
17 the audit that was conducted of the election. So  
18 Carla, if you would --

19 MS. PATTON: As you're aware, we had  
20 to audit five percent of the votes from the general  
21 election in November pursuant to Directive 2018,  
22 dash, 38 in the Election Official Manual,  
23 Chapter 9, Section 1.03.

24 So five percent was 24,566 votes.  
25 We actually audited 25,192 votes, which was

1 5.13 percent of the votes cast. We'd like to  
2 report the findings of the audit.

3           There were no changes from the  
4 machines; however, there were two changes from the  
5 absentee paper and provisional paper ballots. One  
6 of those changes was for the Treasurer of State  
7 race. It was originally read through the machine  
8 as an under-vote; however, upon inspection of the  
9 ballot, the voter's mark did not hit the oval but  
10 the intent was clear that it should have been a  
11 vote for Richardson. Therefore, we are asking that  
12 we adjust that one under-vote from the treasurer's  
13 race to a vote for Richardson.

14           The other vote that we found that  
15 was a change was in the County Commissioner's race,  
16 and that vote was made in a pencil marking and was  
17 too light to be picked up by the scanner. So it  
18 was originally recorded as an under-vote, and we  
19 now recommend that that be amended to reflect a  
20 vote for Michelle Reynolds for commissioner.

21           We had a hundred percent accuracy on  
22 the governor's race and a 99.99 percent accuracy  
23 overall.

24           So at this time we're asking that  
25 you accept the results of the -- the amended

1 results of the general election as displayed on  
2 Exhibit A ahead of you. It shows the original  
3 results struck through with a red line and it shows  
4 you the amended results in the red numbers.

5 DIRECTOR LEONARD: This would, then,  
6 become Exhibit A for approval by the Board. So --

7 MEMBER MARINELLO: I move that the  
8 Board accept the amended results of the election  
9 for the Treasurer of State and Franklin County  
10 Commissioner races, as shown on Exhibit A, pursuant  
11 to the audit conducted as directed by the Secretary  
12 of State Directive 2018, dash, 38, Chapter 9,  
13 Section 1.03, of the Election Official Manual.

14 CHAIRMAN PREISSE: Second.

15 DEPUTY DIRECTOR PAYNE: All those in  
16 favor of the motion 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 Thank you, Carla.

24 DIRECTOR LEONARD: Thank you, Carla.

25 DEPUTY DIRECTOR PAYNE: The next

1 item on the agenda is that we have three voter  
2 registration challenges. And I'll call on Alicia  
3 Healy from voter services department to go through  
4 those.

5 MS. HEALY: Good afternoon,  
6 everybody.

7 The first challenge of right to vote  
8 is from a Thomas Howard Miller who is a qualified  
9 elector of Franklin County. His address is  
10 42 Nadine Place South, Westerville. He is  
11 requesting a correction for Briana Wagner who does  
12 not live at his current address. He moved there in  
13 April. And so now she -- he wants her basically to  
14 be removed from that address. And before you you  
15 do have a copy of a registration that Briana filled  
16 out, and that was in December of 2015. You also  
17 have a public records request of Briana Wagner  
18 which shows that she did vote from that address in  
19 2016, the general election of 2016, and there was  
20 no other voting at that address from her.

21 DIRECTOR LEONARD: And nothing to  
22 indicate that they voted in the 2018 election from  
23 that address?

24 MS. HEALY: Correct.

25 CHAIRMAN PREISSE: What's this

1 public record? What are you talking about?

2 MS. HEALY: You should have a sheet  
3 that shows a public records request for Briana.

4 DEPUTY DIRECTOR PAYNE: You're  
5 talking about the cover sheet?

6 MS. HEALY: This.

7 DEPUTY DIRECTOR PAYNE: All right.

8 MS. HEALY: Do you guys not have  
9 that?

10 MEMBER SEXTON: You talking about  
11 this here?

12 MS. HEALY: Yes.

13 MEMBER SINNOTT: Well, Alicia, I  
14 think what we have is Mr. Miller is saying that  
15 both Briana Wagner and Ashlee Wagner moved in April  
16 of 2018 when Mr. Miller bought the house.

17 MS. HEALY: Yes.

18 MEMBER SINNOTT: And so there were  
19 two different registered voters, one Briana and one  
20 Ashlee, previously at 42 Nadine Place.

21 MS. HEALY: Correct.

22 MEMBER SINNOTT: And neither one of  
23 them responded to the Board's letter sent to that  
24 address.

25 DIRECTOR LEONARD: We did happen to

1 look at their voter file looking for how we might  
2 be able to reach them. And I spoke to Ashlee on  
3 the phone, and they were a couple. That's her  
4 spouse, Briana is her spouse. They weren't aware  
5 of the hearing, but we informed them that they  
6 ought to update their voter registration address.

7 MEMBER SINNOTT: Okay. So they  
8 confirmed for you that they no longer live there?

9 DIRECTOR LEONARD: Correct. They  
10 don't live at the same address.

11 MEMBER SINNOTT: Okay.

12 MEMBER MARINELLO: Makes it easy.

13 MEMBER SEXTON: Well, with that, I  
14 would move that the Board approve the challenge of  
15 the right to vote filed by Thomas Howard Miller of  
16 42 Nadine Place South, Westerville, Ohio, against  
17 Briana Wagner and Brianna Coddington's registration  
18 and it be removed from the Franklin County voter  
19 file.

20 DEPUTY DIRECTOR PAYNE: Is there a  
21 second?

22 CHAIRMAN PREISSE: Second.

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

25 (Vote taken.)

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

3 (No response.)

4 DEPUTY DIRECTOR PAYNE: Motion  
5 carries.

6 MEMBER SINNOTT: I believe we've  
7 effectively covered the other Ms. Wagner situation.  
8 So I move that the Board approve the challenge of  
9 right to vote filed by Thomas Howard Miller of  
10 42 Nadine Place South, Westerville, Ohio, against  
11 Ashlee Wagner of 42 Nadine Place South,  
12 Westerville, Ohio, in order that Ashlee Wagner's  
13 registration be removed from the Franklin County  
14 voter file.

15 DEPUTY DIRECTOR PAYNE: Is there a  
16 second?

17 MEMBER SEXTON: Second.

18 DEPUTY DIRECTOR PAYNE: All those in  
19 favor of the motion 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           And I believe there's one more voter  
2 challenge?

3           MS. HEALY: Yes. There is one filed  
4 by Karen A. Yost who is also a qualified elector of  
5 Franklin County. Her address is 1426 South Ohio  
6 Avenue, Columbus. And she is challenging Ashley  
7 Speer who does not live at that address, but she  
8 submitted a registration in September of this year.  
9 But Ms. Yost states that Ashley does not live at  
10 that address, that she's lived there for 44 years.  
11 And she would like for her mail to stop being  
12 delivered to her address from the Franklin County  
13 Board of Elections.

14           MEMBER SINNOTT: Has Ms. Yost ever  
15 voted from this address?

16           MS. HEALY: Yes.

17           CHAIRMAN PREISSE: Yes?

18           MS. HEALY: Yes.

19           DEPUTY DIRECTOR PAYNE: She's the  
20 one filing it.

21           MEMBER SINNOTT: I'm sorry. I  
22 misspoke. Forgive me. Ashley Speer.

23           MS. HEALY: No, she has not.

24           MEMBER SINNOTT: So Ashley Speer has  
25 never voted from this address?

1 MS. HEALY: Correct.

2 CHAIRMAN PREISSE: And the  
3 registration dates to --

4 MEMBER SEXTON: 9-13-18.

5 MS. HEALY: Yes.

6 CHAIRMAN PREISSE: We don't keep an  
7 electronic version of people who sign any  
8 petitions, do we?

9 MS. HEALY: We would have it in our  
10 record that a person had signed a petition, yes.  
11 We would have that in the record.

12 CHAIRMAN PREISSE: Can we look to  
13 see if Ashley Speer signed any petitions?

14 MS. HEALY: We could check that, but  
15 on this it's just showing the voting history.

16 CHAIRMAN PREISSE: I don't want to  
17 delay this process, but I think we'd all be  
18 interested to learn if Ashley Speer's name shows up  
19 on any petitions.

20 MEMBER MARINELLO: Yeah, it would  
21 be.

22 MEMBER SINNOTT: I can't imagine how  
23 we would be able to do that except by hand search.

24 CHAIRMAN PREISSE: We have an  
25 electronic version of Ashley Speer's records,

1 right?

2 MS. HEALY: Yeah. We could check  
3 it.

4 MEMBER SINNOTT: Yeah. We have an  
5 electronic version of her voting record, but I  
6 don't think we have an electronic version of her --

7 MEMBER MARINELLO: Yeah.

8 MS. HEALY: We could look at her  
9 voting record to see that.

10 CHAIRMAN PREISSE: When staff checks  
11 petitions here and they look up Doug Preisse to  
12 confirm I signed -- I'm a registered voter, do they  
13 tag my record, my electronic record, that I signed  
14 a petition?

15 MS. HEALY: Yes.

16 MEMBER SINNOTT: Really?

17 DEPUTY DIRECTOR PAYNE: We have to  
18 do that because if you sign multiple -- if Doug  
19 signed the same petition five times we wouldn't  
20 give him five credits. So, yeah, we check them and  
21 then we --

22 MEMBER SINNOTT: So you're creating  
23 an electronic record of everyone who has signed a  
24 petition submitted to the Franklin County Board of  
25 Elections?

1 DEPUTY DIRECTOR PAYNE: Yes.

2 MEMBER SINNOTT: And that's  
3 searchable.

4 DIRECTOR LEONARD: And the other  
5 part, too, is that if the voter has some contact  
6 with the Board of Elections. So if they have not  
7 voted but they've had some other form of contact  
8 with the Board of Elections, the whole purge  
9 process is that if they have another contact, one  
10 of those being that they signed a petition, they  
11 would be removed from the rolls because they had  
12 contact with the Board. So that is one of the  
13 things we keep track of is the fact that they've  
14 signed a petition or not.

15 MEMBER SINNOTT: Well, if that's the  
16 case, then it ought to be pretty easy to satisfy  
17 our curiosity about whether Ms. Speer is a petition  
18 signer or not.

19 MS. HEALY: We're having Carla go  
20 check that.

21 DIRECTOR LEONARD: We can move on.

22 CHAIRMAN PREISSE: There's not a  
23 reason to wait. I just --

24 MEMBER MARINELLO: Right.  
25 Understood.

1                   DIRECTOR LEONARD: Will you identify  
2 yourself for the court reporter, please.

3                   MS. YOST: Karen Yost.

4                   I do here have a letter returned --  
5 that I'm returning back for Ashley again. I say  
6 she does not live here. But I don't know how else  
7 you can do that, but I've been there 44 years.  
8 There's no Ashley living at my house.

9                   MEMBER SINNOTT: Well, Ms. Yost,  
10 thank you for coming today. You don't know who  
11 Ashley Speer is?

12                   MS. YOST: I have no clue. And I've  
13 been there 44 years. I even don't know of an  
14 Ashley up and down our street.

15                   CHAIRMAN PREISSE: That's further  
16 good to know.

17                   MEMBER SINNOTT: Thank you.

18                   MS. HEALY: Ashley did not sign a  
19 petition.

20                   CHAIRMAN PREISSE: Okay.

21                   MEMBER MARINELLO: Thank you, Carla.

22                   I move that the Board approve the  
23 challenge of right to vote filed by Karen A. Yost  
24 of 1426 South Ohio Avenue, Columbus, Ohio, against  
25 Ashley Speer of 1426 South Ohio Avenue, Columbus,

1 Ohio, and order that Ashley Speer's voter  
2 registration be removed from the Franklin County  
3 voter files.

4 MEMBER SEXTON: 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 And I apologize. I didn't realize  
14 you were here today. So thank you for coming.

15 MS. YOST: What would you like me to  
16 do with her letter?

17 DEPUTY DIRECTOR PAYNE: Give it to  
18 that young lady right there.

19 (Ms. Yost handed letter to Alicia  
20 Healy.)

21 DEPUTY DIRECTOR PAYNE: The next  
22 item on our agenda is the EMCS contract, and I'll  
23 let Carolyn Gorup speak to that.

24 MS. GORUP: This is the annual  
25 renewal of support for the voter registration

1 software.

2 DEPUTY DIRECTOR PAYNE: And this  
3 goes up five -- In 2018 the Board signed the  
4 contract, and that 2018 contract allowed for a 2019  
5 one-year extension. And that's what we're asking  
6 the Board for. And it is a sole source provider.  
7 I think there was a question by one of the Board  
8 members as to why we didn't bid this out. And  
9 literally this group is the only one that can  
10 facilitate our present voter registration system.

11 Is that correct?

12 MS. GORUP: Correct.

13 DIRECTOR LEONARD: And because of  
14 its size, we have to bring it to the Board for  
15 approval.

16 MEMBER SINNOTT: What did we pay for  
17 it last year for the consulting service?

18 MS. GORUP: Five percent less.

19 MEMBER SINNOTT: So they've got  
20 about \$3,000.

21 MEMBER SEXTON: Seeing no other  
22 questions, I move the Board authorize the Director  
23 and Deputy Director to enter into a contract with  
24 Election Management Consulting Services in the  
25 amount of \$62,053.14 for continued support on the

1 Integrity System for the calendar year 2019.

2 CHAIRMAN PREISSE: Second.

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

5 (Vote taken.)

6 DEPUTY DIRECTOR PAYNE: All opposed,  
7 same sign.

8 (No response.)

9 DEPUTY DIRECTOR PAYNE: Motion  
10 carries.

11 The next item on the agenda are the  
12 holiday hours. In the past the Board has been kind  
13 enough to give the staff of the Board of Elections  
14 four days over the holidays to use as they please.  
15 Each division -- If it's granted again this year,  
16 each department, rather, would make sure that we  
17 are staffed here so that no department goes  
18 uncovered.

19 Any questions?

20 DIRECTOR LEONARD: Business still  
21 continues to operate, but we'll have the staff here  
22 to assist voters who might have registration issues  
23 or petitioner campaign finance questions and so  
24 forth.

25 MEMBER SINNOTT: I move that the

1 Franklin County Board of Elections authorize each  
2 full-time employee 32 hours, which is four days, of  
3 personal leave to be used by the employee at any  
4 time between Monday, December 17, 2018, and Friday  
5 January 4, 2019.

6 DEPUTY DIRECTOR PAYNE: Is there a  
7 second?

8 MEMBER SEXTON: Second.

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

11 (Vote taken.)

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

14 (No response.)

15 DEPUTY DIRECTOR PAYNE: Motion  
16 carries.

17 And on behalf of the Board, thank  
18 you very much.

19 DIRECTOR LEONARD: Yes. Thank you.

20 DEPUTY DIRECTOR PAYNE: The next  
21 item on the agenda is the updated employee  
22 handbook. And I'll turn this over to Director  
23 Leonard for an explanation of what we'd like to do  
24 there.

25 DIRECTOR LEONARD: As Board members

1 might recall, over the course of the year we've  
2 brought the employee handbook to you in sections,  
3 several sections, each time we brought the subject  
4 up. So this time around we've got the last segment  
5 of the handbook, and we would be looking for the  
6 Board to approve it in total.

7           Again, what remains that you haven't  
8 reviewed is I believe it was standards of conduct.  
9 And, again, these are all -- the manual is  
10 essentially mirroring the county's employee  
11 handbook, so essentially the standards of conduct  
12 and behavior.

13           The ability to flex schedules is one  
14 of those elements that's in the employee handbook.  
15 Outside employment, that employees can have outside  
16 employment as long as it doesn't present an  
17 appearance of a conflict or an actual conflict or  
18 it doesn't interfere with their other  
19 responsibilities. And so we allow somebody to have  
20 an outside position or an outside employment. We  
21 can actually revoke or ask them to not -- that they  
22 not be engaging in outside employment if it  
23 interferes with their ability to do their job, the  
24 basic work that we do here.

25           There is a section in there about

1 political activities and this is something that  
2 comes from neither our current handbook nor the  
3 commissioners' handbook. It was pulled from the  
4 Secretary of State's Election Official Manual. So  
5 we made sure we added that component of it to our  
6 employee handbook because it wasn't anywhere in the  
7 commissioner's. And, again, it's something that's  
8 unique to the Board of Elections and draws from the  
9 Election Official Manual.

10 Oh, I apologize. You should have  
11 the four-page memorandum that I prepared -- that we  
12 prepared. And, again, this four pages takes from  
13 the original two memos that I provided the Board as  
14 we developed the first two sections of it.

15 And then, finally, Allison and Chris  
16 Walter worked on the last section of it to round  
17 out the sections. Again, it spells out a lot of  
18 the number of practices that are currently in place  
19 with regard to health and safety; but it  
20 actually -- just actually puts those practices in  
21 writing. Whereas, in the past it's just always  
22 been practices of the Board.

23 But these policies will make it  
24 easier for employees to find information about what  
25 to do in the event of an accident or an injury that

1 occurs with regard -- and also with regard to  
2 workers' compensation. There's actually a new  
3 policy that outlines the support that's provided to  
4 employees in the event of workplace and family  
5 violence both in the workplace and at home. And,  
6 again, it's guidance and assistance to our  
7 employees on that.

8           The employee relations section,  
9 which are the 80 sections, the 80 subsections, 80,  
10 dash, 01 to 80, dash, 02, just outline the  
11 discipline policies and administrative leave  
12 policies. Again, they're similar to our current  
13 handbook, but clarifies that the choice of  
14 progressive discipline lies solely with the  
15 discretion of management.

16           MEMBER SINNOTT: Ed, is our entire  
17 attendance control policy described in the policy  
18 number 61.01?

19           DIRECTOR LEONARD: I'm sorry. What  
20 section was it?

21           MEMBER SINNOTT: 61.01. It's called  
22 attendance and tardiness.

23           DIRECTOR LEONARD: All right. I'm  
24 sorry. Your question was?

25           MEMBER SINNOTT: Is that the entire

1 Board policy on attendance control?

2 MS MURRAY: There's also a time  
3 clock policy.

4 MEMBER SINNOTT: I was going to ask  
5 that next, Allison.

6 CHAIRMAN PREISSE: Where is that  
7 located?

8 MS. MURRAY: Give me one moment.

9 MEMBER SINNOTT: Is there anyplace  
10 where we're telling employees how much time they  
11 can miss from work without creating problems?

12 DIRECTOR LEONARD: We don't. I  
13 mean, in terms of it just lays out that you can --  
14 we expect you to be here and good performance. It  
15 doesn't -- I'm not sure if you're talking about  
16 like a six-minute grace period.

17 MEMBER SINNOTT: No. I'm talking  
18 about the total amount of absence that can be  
19 accrued before your attendance becomes a problem.

20 DEPUTY DIRECTOR PAYNE: Well, I know  
21 we have in there --

22 MEMBER SINNOTT: It's a common  
23 employer practice.

24 DEPUTY DIRECTOR PAYNE: I mean, we  
25 have -- if you're absent for three days you need to

1 bring a doctor's excuse.

2 MEMBER SINNOTT: Where is that?

3 DEPUTY DIRECTOR PAYNE: Where is  
4 that? I know that's in there.

5 MEMBER SINNOTT: Let's see.  
6 Consequences?

7 MS. MURRAY: Just under sick leave,  
8 I believe, 42.01.

9 MEMBER SINNOTT: 42.01.

10 DIRECTOR LEONARD: But we don't have  
11 in terms of, okay, if you miss five days you're  
12 going to get written up, if you miss eight days  
13 you're going to get a day's discipline. I mean,  
14 it's really more of a -- the discretion --

15 DEPUTY DIRECTOR PAYNE: The other  
16 thing I think that the Director and I discussed  
17 with Allison and with our HR director was that this  
18 is a living and breathing document. Right now we  
19 are operating off of an employee handbook that is  
20 less than desirous. So if there are -- if we pass  
21 this and there are need for changes, we can  
22 absolutely change those. If there's something that  
23 you see now that you think needs changed, we can do  
24 that. But ongoing, you know, we'd be happy to make  
25 amendments or adjustments to the handbook.

1                   DIRECTOR LEONARD: And the  
2 consequences portion of it -- Is that what you were  
3 referring to? Unsatisfactory attendance, absence  
4 without authorized leave, three consecutive days of  
5 unreported absence or excessive tardiness will  
6 result in disciplinary action up to and including  
7 removal.

8                   MEMBER SINNOTT: Well, we have had  
9 problems in the past with long-term absenteeism.

10                  CHAIRMAN PREISSE: I was -- This  
11 line in the cover memorandum provoked my --  
12 certainly asked a similar question of flexible work  
13 schedules. This policy that is in place at the  
14 commissioners' office officially allows alternative  
15 work schedules and flex time. We don't -- Does  
16 anybody work that way here now? It's kind of  
17 related to the problem we've had in the distant  
18 past.

19                  DIRECTOR LEONARD: Right. But in  
20 terms of -- I know that Suzanne comes in anywhere  
21 between 9 and 9:30; but then she works eight hours,  
22 till 6 or 6:30.

23                  DEPUTY DIRECTOR PAYNE: We do have  
24 one employee that we allow to work from home, and  
25 that's -- I mean, that's Carolyn Gorup, but she can

1 access the computer from it. She works here a full  
2 eight-hour day, and when necessary she accesses the  
3 computer from home. So that's a bit of a flex.

4 DIRECTOR LEONARD: To allow some  
5 flexibility when it's necessary for operations.

6 MEMBER SEXTON: We only have one  
7 employee on flex time or --

8 DIRECTOR LEONARD: I mean --

9 MEMBER SEXTON: The standard hours  
10 are -- what? -- 8 to 5?

11 DIRECTOR LEONARD: 8 to 5. But then  
12 we do have some people who work 7:30 to 4:30 or  
13 8:30 to 5:30. But, again, that's kind of a minimum  
14 flex; not, like I said, where somebody is working,  
15 you know, four 10-hour days or something like that.  
16 We don't have anything like that, no.

17 MEMBER SEXTON: Okay.

18 DIRECTOR LEONARD: There's a small  
19 degree of flexibility within that normal eight-hour  
20 schedule.

21 DEPUTY DIRECTOR PAYNE: I think,  
22 like you said, there's only one employee that  
23 deviates from the flex time more than a half hour  
24 and that would be Suzanne who comes in at 9 and  
25 stays until 6. But everybody else comes in at 8

1 and stays till 5, or they can come in at 5 -- or  
2 7:30 and leave at 4:30.

3 MEMBER SINNOTT: Well, as a  
4 practical matter, what would the two of you do in  
5 this situation? It's the kind of thing that comes  
6 up all the time. You have an employee who provides  
7 you a little half sheet of paper filled out by her  
8 doctor that says please excuse Sally from work for  
9 the next two weeks or the next 30 days. What would  
10 you do?

11 DEPUTY DIRECTOR PAYNE: I would  
12 actually give that to our HR person and ask them  
13 what to do.

14 MR. WALTER: My name is Chris  
15 Walter. And Board Chairman and the Board members,  
16 in that situation they may be eligible for FMLA,  
17 and I would provide the information to them and the  
18 forms. And once it is approved by me, then we make  
19 that known to the other people and address each  
20 individual issue.

21 MEMBER SINNOTT: So it sounds as  
22 though you're really the one who's administering  
23 our attendance control policy, whatever that policy  
24 is.

25 MR. WALTER: The FMLA policy.

1                   MEMBER SINNOTT:   FMLA only.   Okay.

2                   Well, let's say that the request for  
3 leave is not FMLA qualifying.   Then what do you do?

4                   MR. WALTER:   Then I would have a  
5 discussion with the first line supervisor about the  
6 who, what, when, and where as described in their  
7 request for time.

8                   Another example is if a person had  
9 child care needs in getting the child to school or  
10 maybe picking them up from a car pool.   Once we get  
11 the particulars of that situation, that would be  
12 addressed with the supervisor for their  
13 recommendation and the Director or Deputy Director  
14 for their approval.

15                  DIRECTOR LEONARD:   And we would try  
16 to accommodate it as long as it doesn't interfere  
17 with the other operations.

18                  MEMBER SINNOTT:   Well, stay with my  
19 example, though.   So we'd consult with Chris and he  
20 says this is not FMLA qualifying and we're not  
21 concerned with compliance here.   What do you two do  
22 at that point?   You're the first line supervisors.

23                  DIRECTOR LEONARD:   Is that -- We'd  
24 have to look at it and talk about with their  
25 manager as to whether or not it would be approved

1 or not. Because if it's not FMLA qualifying,  
2 they're not entitled to be able to take it, then a  
3 determination has to be made as to whether or not  
4 it can be accommodated within the operational needs  
5 of the division.

6 MEMBER SINNOTT: Okay.

7 CHAIRMAN PREISSE: We don't have any  
8 such current problems or examples?

9 DIRECTOR LEONARD: I can't --

10 MEMBER SINNOTT: We've certainly had  
11 one in the past.

12 MEMBER MARINELLO: Yeah.

13 MEMBER SINNOTT: So it's difficult  
14 to develop policies on the basis of personnel  
15 you're presently employing.

16 DIRECTOR LEONARD: Exactly. So give  
17 us the flexibility to be able to determine --

18 DEPUTY DIRECTOR PAYNE: What I do  
19 think we have done that I think is good is actually  
20 attempted to develop an employee handbook that lays  
21 out what is expected of the employees. And  
22 frankly, before it didn't really exist. And the  
23 other thing that we did was we have access to our  
24 HR folks on discipline. Before it really was hit  
25 or miss. I tried to discipline employees, the

1 Director tried to discipline employees without  
2 instruction from HR. Now we're getting consistent  
3 feedback on discipline, we're getting  
4 recommendations from HR so that we're doing it  
5 legally and ethically and by the book, if that  
6 answers.

7 MEMBER SINNOTT: We have no  
8 long-term absenteeism policy at all. Is that  
9 correct?

10 MR. WALTER: The Director or Deputy  
11 Director would be better to answer that than I.  
12 I've been here since April.

13 DIRECTOR LEONARD: In here we don't  
14 have a long-term absence. Again, it all depends  
15 upon would the person qualify for FMLA, in which  
16 case if their absence is connected to their FMLA  
17 disability then we'd be required to allow it.

18 DEPUTY DIRECTOR PAYNE: To the  
19 extent that someone hasn't shown up, I mean, we  
20 have -- I mean, if they don't have any vacation and  
21 they don't have any sick, then they're on leave  
22 without pay.

23 MR. WALTER: And they can be  
24 disciplined pursuant to article 80 in the handbook.

25 DEPUTY DIRECTOR PAYNE: And we have

1 had that situation.

2 MEMBER SINNOTT: For long-term  
3 absenteeism alone?

4 MR. WALTER: Basically, in the short  
5 term we try to go with progressive discipline, if  
6 they miss this amount of days this could happen,  
7 and then the second time this could happen, and  
8 then the third time this could happen.

9 DIRECTOR LEONARD: And we've had --  
10 we've had folks who have been undergoing cancer  
11 treatment who have been off long-term, you know.  
12 Over the last couple of years we've had people off  
13 for long-term periods of time because of cancer  
14 treatment. But, again, that would be an FMLA  
15 qualifying circumstance.

16 MEMBER SINNOTT: Well, but not for  
17 six months.

18 DIRECTOR LEONARD: True. The  
19 12-week.

20 MEMBER SINNOTT: Well, I don't want  
21 to derail the process. I credit you for trying to  
22 bring our handbook into the 21st Century.

23 DIRECTOR LEONARD: Right. And it  
24 does mirror the county's handbook. So that was  
25 part of that reason for adopting something that

1 mirrors the county's is because it's been reviewed  
2 by counsel, it's been reviewed by the county HR  
3 department. So we feel like it's been well vetted.

4 MEMBER SINNOTT: Now, at a time in  
5 the not-so-distant past we did have some  
6 controversy about the time clock system. I think  
7 that has dissipated as a practical matter over the  
8 space of years and personnel changes. But I think  
9 somebody -- I believe it was Allison that mentioned  
10 where we'd find the time clock policy.

11 MS. MURRAY: If I can run to my  
12 computer really quickly, I can double check on  
13 that.

14 DEPUTY DIRECTOR PAYNE: That was  
15 passed by the Board --

16 MS. MURRAY: Yeah. Last October, I  
17 believe.

18 MEMBER SINNOTT: Did we incorporate  
19 that into the handbook?

20 DEPUTY DIRECTOR PAYNE: Yes.

21 The other thing I want to make sure  
22 is -- and I don't want it to be viewed later as  
23 self-serving, although it might well be -- is on  
24 page three, Director, do you want to talk about the  
25 overtime, compensatory time, and administrative

1 leave? That reflects the county commissioners, but  
2 it is a change to -- That's where the Director and  
3 the Deputy Director can earn up to --

4 DIRECTOR LEONARD: Right. Is that  
5 referring to specifically in the handbook or to the  
6 memo?

7 DEPUTY DIRECTOR PAYNE: I'm  
8 referring to the memo.

9 DIRECTOR LEONARD: Okay. Is that --  
10 Oh, there it is. Yes. If you look at page three  
11 of the memo, it references overtime, compensatory  
12 time, and administrative leave. If we mirror the  
13 county's to align with the commissioner practice,  
14 directors and deputy directors at county agencies  
15 could earn up to 80 hours of administrative leave  
16 rather than -- well, our current policy is a  
17 maximum of 40 hours.

18 I think the issue that arose was  
19 when large balances of overtime or comp time were  
20 accumulated and then cashed out at the end. And  
21 what we're proposing is that -- Because right now  
22 if we earn 40 hours of comp -- which the director  
23 and deputy director, we quickly do that when we've  
24 got two or three election cycles in a year. What  
25 this would do is allow us to -- the director and

1 deputy director as nonexempt employees that we  
2 could accrue up to 80 hours but we wouldn't be able  
3 to cash those in. Which currently we could earn up  
4 to 40 hours and cash in up to 40. And we felt  
5 like, well, to be in line with the commissioners,  
6 earning up to 80, but even commissioner agency  
7 directors could still cash out their up to 80 hours  
8 of comp time.

9 DEPUTY DIRECTOR PAYNE: So right now  
10 it's -- the policy right now is we can earn up to  
11 40 and we could cash them out. This is suggesting  
12 we can earn up to 80 but would be ineligible to  
13 cash any of those out. And I think the policy to  
14 take it to 40 was, as the Director said, in past  
15 years -- I don't know how many years ago, ten years  
16 ago or something -- there was somebody that left  
17 and they cashed out a lot of --

18 DIRECTOR LEONARD: Seems like an  
19 abuse of it.

20 So this one kind of makes it more in  
21 line with what we're doing in terms of the work  
22 that we put in here. But also recognizing not  
23 wanting to have a circumstance of abuse as to not  
24 allow the director or deputy director to cash in  
25 that comp time. So we wanted to make sure we made

1 that clear.

2 Thank you for that reminder, David.

3 Unless there's any other questions.

4 MEMBER SEXTON: I move the Board  
5 approve the updated employee handbook as presented  
6 and that the policies will take effect starting  
7 January 1 of 2019.

8 CHAIRMAN PREISSE: Second.

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

11 (Vote taken.)

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

14 (No response.)

15 DEPUTY DIRECTOR PAYNE: Motion  
16 carries.

17 And, again, I'd like to thank Chris  
18 and Allison for all of their hard work on this.  
19 Thank you very much.

20 The last item on the agenda is the  
21 memorandum of understanding from the county  
22 commissioners. And I'll turn this over to Director  
23 Leonard for some explanation.

24 DIRECTOR LEONARD: Certainly.

25 In the middle of November I met with

1 the commissioner staff on some matters relating to  
2 the voting machines, and at that point it was  
3 presented -- I was notified by the commissioners'  
4 budget staff that they were going to be asking the  
5 Board of Elections to enter into a memorandum of  
6 understanding between the Commissioners and the  
7 Board of Elections to -- to -- essentially  
8 requiring that the Board enter into the agreement  
9 to -- enter into contracts to advertise for -- to  
10 do public service announcements to inform residents  
11 about new voting machines, early voting center, and  
12 other outreach.

13           Essentially, what it would do is to  
14 require the Board to expend the funds that are  
15 appropriated for advertising in 2019. And at that  
16 time the figure is equivalent to what was  
17 appropriated in 2018. Essentially, that was the  
18 figure they used, but there was some flexibility in  
19 that. But it was essentially making it that  
20 appropriation of our 2019 budget would be  
21 contingent upon the execution by the Board of a  
22 memorandum of understanding between the  
23 Commissioners and the Board of Elections for the  
24 expenditure of these funds for advertising in 2019.

25           When it was presented to me, they

1 expressed that there was flexibility as to how we  
2 would advertise and the messages that might be  
3 subject of these public service announcements, but  
4 that that -- the requirement of the agreement would  
5 be to -- that the Board would allow for entering  
6 into contracts to do advertising.

7 MEMBER SINNOTT: Ed, this term  
8 public service announcements, it is one that the  
9 commissioners is -- that the commissioners are  
10 using, public service announcements?

11 DIRECTOR LEONARD: I'm sorry?

12 MEMBER SINNOTT: Public service  
13 announcements is a term that appears in those  
14 memoranda of understanding?

15 DIRECTOR LEONARD: Correct. As  
16 opposed to advertising it would be public service  
17 announcements.

18 MEMBER SINNOTT: Now, by definition,  
19 a public service announcement is an instance where  
20 a television station or a cable company will  
21 contribute broadcast time for dissemination of a  
22 message. That's not what we're talking about here?

23 DIRECTOR LEONARD: No.

24 MEMBER SINNOTT: We're talking about  
25 the Board's buying advertising time at standard

1 rates?

2 DIRECTOR LEONARD: Right.

3 And, again, this advertising can  
4 take any form, not necessarily just broadcast  
5 television.

6 MEMBER SINNOTT: And then the  
7 commissioners are proposing about a quarter of a  
8 million dollar budget for these advertisements.  
9 Would that be inclusive of the consulting fees or  
10 would consultants receive something beyond  
11 \$245,000?

12 DIRECTOR LEONARD: That, I haven't  
13 been made aware of. That was not discussed.

14 MEMBER SINNOTT: Has there always  
15 been substantial consulting fees associated with  
16 purchasing these advertisements in the past?

17 DIRECTOR LEONARD: In the past it's  
18 been 30,000. I mean, our 2018 budget was 245 for  
19 advertising and an additional 30 for consultants to  
20 produce the advertising, do the TV buys, that sort  
21 of thing.

22 MEMBER SINNOTT: And in years before  
23 that it appears as though consultants were being  
24 paid substantially by the commissioners for the  
25 advertisements that were placed?

1           DIRECTOR LEONARD: Correct. I  
2 believe it was the county auditor's office that  
3 ultimately advised the Board that those needed to  
4 be separated, that consultants couldn't be paid as  
5 a proportion of the advertising.

6           MEMBER SINNOTT: Okay. You didn't  
7 hear anything from the commissioners about the  
8 commissioners refusing to fund the conducting of  
9 the 2019 election if we don't sign this?

10          DIRECTOR LEONARD: No. Again, they  
11 would want to work with us. What they would do is  
12 if the agreement wasn't entered into that we would  
13 be essentially operating on a month-to-month basis.  
14 So as we needed to authorize purchase orders and  
15 invoices, then it would be done on a month-to-month  
16 basis as opposed to being allocated an entire  
17 year's budget like we normally are.

18          MEMBER SINNOTT: Okay.

19          MEMBER SEXTON: I would just point  
20 out, you know, I think the need for the  
21 advertising. I mean, obviously, we're going to new  
22 voting machines. We are going to -- you know, in  
23 the election in 2019, you know, we have a growing  
24 community, obviously thousands of newly registered  
25 voters. I think we're at an all-time high in

1 Franklin County.

2 DIRECTOR LEONARD: Correct.

3 MEMBER SEXTON: This is going to be  
4 the first time they're using the voting machines.  
5 I think that we need some education. We have  
6 thousands of new Americans, you know, coming here  
7 and registering to vote. We have major colleges.  
8 And even the post-election analysis by The  
9 Dispatch, the articles show that nearly 45 percent  
10 of the early in-person voters come from within a  
11 five-mile radius. And I think that takes a lot of  
12 ease off of the locations on election day. We had  
13 people voting by mail, we had people early voting,  
14 and we had people coming in on election day. It's  
15 going to kind of put down -- it's going to I think  
16 help in terms of there being lines on election day.  
17 Which I got some reports of some lines last  
18 election, but none that were hours long. So I just  
19 think it's important that all voters have as much  
20 information as possible about their voting options,  
21 and the more information they have about the  
22 process it will run smoothly on election day.

23 MEMBER MARINELLO: And we have all  
24 those new high schools, too, that will be  
25 generating new voters. And it's just important

1 that those new machines, with 2020 coming, that  
2 everybody knows how to use them.

3 DIRECTOR LEONARD: Yeah.

4 MEMBER SINNOTT: Well, let's talk  
5 about those new machines and the need for public  
6 education about how to use them. I think we're  
7 talking about the type of public education that  
8 would be obtained during the course of a 15 or 30  
9 second television commercial.

10 Right before this Board at its last  
11 meeting approved the expenditure of something in  
12 the eight figures for the purchasing of new voting  
13 machines we had an opportunity to consider  
14 specifically whether the new machines are going to  
15 be more user friendly or less user friendly than  
16 the machines that have been in operation. We had  
17 an opportunity to talk about whether they were  
18 going to be easier to operate or less easy to  
19 operate. We had an opportunity to talk about  
20 whether these machines required voters to undergo  
21 prior training before using the machines. And  
22 understandably, both Ed and David assured us that  
23 these machines are more user friendly, that they  
24 will be familiar to voters in format, that they  
25 require no advanced training in order to be used.

1                   We are making a step forward, not  
2 taking a step back when we purchased these new  
3 voting machines. I cannot conceive of how there is  
4 possibly a need for television advertising arising  
5 from the purchasing of better, more user friendly  
6 voting apparatuses. I remain unconvinced that it  
7 is a good expenditure of public funds to spend a  
8 quarter of a million dollars, which is five times  
9 the average household income in Franklin County, to  
10 tell people that there's going to be an election in  
11 early November. It's also true that people are  
12 regularly paying for the Board's staff and  
13 communication on that particular subject. That  
14 goes on year-round, 12 months out of the year. I  
15 simply don't see a need for a quarter of a million  
16 dollars to be expended on television advertising  
17 and consultants who create the ad and place the  
18 television advertising.

19                   CHAIRMAN PREISSE: I can't say it  
20 any better than Brad. I couldn't say it that well.  
21 But an analogy comes to mind, which is I've been a  
22 driver, motor vehicle driver, for many years. If I  
23 go out and buy a new SUV, I'm not going to need to  
24 go through driver's training all over again to  
25 learn how to cope with the new technology which is

1 going to be updated and easier and up-to-date. I'm  
2 glad Kim pointed out new voters, specifically,  
3 young voters; but it also strikes me that if we're  
4 going to reach young voters -- and I think to  
5 commend the Board and staff because of all of the  
6 programs that go on including Youth at the Booth.  
7 But we're not going to effectively reach it through  
8 broadcast television anyway. It's going to be  
9 through new media. And I believe there are works  
10 underway to prepare an updated new media plan for  
11 the Board, right, for '19?

12 DEPUTY DIRECTOR PAYNE: Uh-huh.

13 CHAIRMAN PREISSE: Is there a new  
14 media component to that?

15 DIRECTOR LEONARD: That was what was  
16 anticipated even within last year's broadcast  
17 advertising, a digital media component of that to  
18 reach people who either cut the cord or get their  
19 information from other sources.

20 CHAIRMAN PREISSE: And that's part  
21 of what -- the Board's staff plan for the earned  
22 media?

23 DEPUTY DIRECTOR PAYNE: For earned  
24 media, right.

25 MEMBER SINNOTT: Now, if the motion

1 were to direct the Board staff to develop and  
2 present to the Board a plan for earned media  
3 communication on the election, that would be one  
4 thing; but that's not the suggestion here. It's  
5 taking a quarter of a million dollars of the  
6 people's tax money and spending it on media  
7 consultants and television advertisements. I don't  
8 favor that.

9 Is there a motion now pending?

10 DEPUTY DIRECTOR PAYNE: I don't  
11 believe.

12 MEMBER MARINELLO: I move that the  
13 Board sign the memorandum of understanding between  
14 Franklin County Board of Elections and Franklin  
15 County Commissioners regarding the 2019 budget  
16 appropriations.

17 DEPUTY DIRECTOR PAYNE: Is there a  
18 second?

19 MEMBER SEXTON: Second.

20 DEPUTY DIRECTOR PAYNE: Is there a  
21 request for a voice vote?

22 MEMBER SINNOTT: Let's do a roll  
23 call.

24 DEPUTY DIRECTOR PAYNE: Roll call.

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: No.

8 DEPUTY DIRECTOR PAYNE: Brad  
9 Sinnott.

10 MEMBER SINNOTT: No.

11 DEPUTY DIRECTOR PAYNE: It's two,  
12 two. So the motion fails.

13 DIRECTOR LEONARD: For lack of a  
14 majority, correct.

15 MEMBER MARINELLO: So now we just do  
16 it month by month?

17 DIRECTOR LEONARD: Right. Well, we  
18 were hoping to have a representative from the  
19 commissioners' budget staff to give a clearer  
20 explanation of the impact of it, but what was  
21 explained to me was that we'll be operating on  
22 essentially a month-to-month basis.

23 MEMBER SINNOTT: Okay.

24 CHAIRMAN PREISSE: We'll see how  
25 long they wish to tax their staff and time doing

1 that and ours.

2 DEPUTY DIRECTOR PAYNE: I think  
3 the -- I'm sorry. I didn't mean to --

4 DIRECTOR LEONARD: And you think  
5 as --

6 CHAIRMAN PREISSE: I'm done.

7 MEMBER SINNOTT: I was going to move  
8 we adjourn.

9 DEPUTY DIRECTOR PAYNE: Before we  
10 move, I just wanted to on behalf of our staff thank  
11 the four Board members for the holiday lunch that  
12 we had today. It was very good and thank you so  
13 much. Appreciate it.

14 MEMBER SINNOTT: Pleasure.

15 DEPUTY DIRECTOR PAYNE: The staff,  
16 they all said in there to make sure that we thank  
17 the four Board members. So thank you very much.

18 CHAIRMAN PREISSE: And you guys  
19 contributed.

20 MEMBER SINNOTT: Absolutely.

21 DEPUTY DIRECTOR PAYNE: We did.

22 CHAIRMAN PREISSE: So we thank you,  
23 too.

24 DEPUTY DIRECTOR PAYNE: Well, you're  
25 welcome.

1                   MEMBER SEXTON: It's been a long  
2 year. I know there's been three major elections in  
3 Franklin County and your staff has done a great  
4 job.

5                   MEMBER MARINELLO: Yes.

6                   DIRECTOR LEONARD: And I'd say that  
7 there's a lot of exciting new challenges for us in  
8 terms of the new system. So I think we're all  
9 excited to begin the new year.

10                  MEMBER MARINELLO: Happy holidays to  
11 everyone.

12                  MEMBER SINNOTT: I move we adjourn.

13                  MEMBER MARINELLO: 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: We are  
21 adjourned.

22   - - -

23   Thereupon, the proceedings were  
24 recessed at approximately 4:26 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 9th day of January, 2019.

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

My Commission Expires: September 29, 2021.

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