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THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
:
Regular Meeting. :

- - -

VOLUME II

- - -

December 19, 2022

CONTINUATION OF PROCEEDINGS OF
THE FRANKLIN COUNTY BOARD OF ELECTIONS

before Chairman Douglas J. Preisse, Director Antone White, Deputy Director David Payne, and Board Members Kimberly E. Marinello, Michael Sexton, and Josh Jaffe, on Monday, December 19, 2022, beginning at approximately 3:03 p.m., and concluding at approximately 3:18 p.m.

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Higgins & Associates
Court Reporting - Legal Video - Videoconference
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APPEARANCES:

FRANKLIN COUNTY PROSECUTOR'S OFFICE
Jeanine Hummer, Esquire
Assistant Prosecuting Attorney
373 South High Street, 13th Floor
Columbus, Ohio 43215,

On behalf of the Board.

ALSO PRESENT:

Erin Gibbons
Carla Patton

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I N D E X

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Monday Afternoon Session
December 19, 2022
3:03 p.m.

- - -

DEPUTY DIRECTOR PAYNE: Looks like
we're back from recess.

I will take roll.

Kim Marinello.

MEMBER MARINELLO: Here.

DEPUTY DIRECTOR PAYNE: Mike Sexton.

MEMBER SEXTON: Here.

DEPUTY DIRECTOR PAYNE: Doug
Preisse.

CHAIRMAN PREISSE: Here.

DEPUTY DIRECTOR PAYNE: And Josh
Jaffe.

MEMBER JAFFE: Here.

DEPUTY DIRECTOR PAYNE: The first
item on the agenda is the employee compensation
study, and I'll turn it over to Director White to
walk us through that.

DIRECTOR WHITE: Good afternoon.

At the October 3rd Board meeting the
Board was presented with an executive summary of a
compensation study and wage analysis that was

1 presented by Heidi Miller from Clemans-Nelson.
2 Clemans-Nelson was contracted by Franklin County to
3 conduct wage analysis for various county agencies.
4 That executive summary was presented to the Board.
5 The Board had an opportunity to review that summary
6 and then ask any questions of the consultant at
7 that time to review the results of that report.

8 So at this time, I'd ask the Board
9 to review Exhibit A and take a motion on Exhibit A
10 to pass that study pending any questions.

11 MEMBER JAFFE: So for my
12 clarification --

13 I think David's probably answered
14 this.

15 -- but there are two things we'd be
16 implementing right away in terms of changes to
17 existing pay. One would be the -- It shows on here
18 the "cost to min" column. There are several
19 employees who are below the minimum of their salary
20 band. So we're bringing them up to parity there?

21 DIRECTOR WHITE: Correct.

22 MEMBER JAFFE: And then separately,
23 the additional hourly increase column would be the
24 years of service regularized paybacks?

1 DIRECTOR WHITE: That's correct.

2 So what this plan does is, it does
3 two things. One, it establishes pay grades here
4 for the Board of Elections. So full-time employees
5 will be placed into current pay grades that will be
6 established and sets minimum and maximums for the
7 pay grades and employees to be placed into those
8 pay grades. So any employee who currently doesn't
9 meet the minimum level for that pay grade will be
10 brought up to the minimum level to meet that pay
11 grade.

12 And then separately, there's a
13 longevity piece that's also part of this plan. So
14 for the number of years of service with Franklin
15 County, you'll be paid based upon the number of
16 years you've been working for Franklin County a
17 certain dollar amount that will be added to your
18 base salary.

19 MEMBER JAFFE: Right.

20 And the cost to mend thing is a
21 one-time balancing; and the years of service thing
22 for perpetuity, when someone hits their one-year
23 they're going to get 25, when they hit their
24 three-year they're going to get 50 cents, et

1 cetera?

2 DIRECTOR WHITE: Correct. That's
3 also one-time factored in as -- and they're doing
4 that -- that's been done to factor in for wage
5 compression too.

6 MR. JAFFE: Sure. Okay.

7 DEPUTY DIRECTOR PAYNE: And of
8 course, Antone, the Board always has flexibility
9 regarding the pay ranges and what they want to do
10 with individual employees?

11 DIRECTOR WHITE: That's correct.
12 The Board has the right to determine compensation
13 for Board employees. This, however, just sets
14 compensation based on current market analysis
15 that's been done. But at any time you have the
16 right to set compensation based on wherever you see
17 for training and/or recruiting employees at anytime
18 as you see fit by majority vote, of course.

19 MEMBER SEXTON: So this goes back
20 to -- this is retroactive to September?

21 DIRECTOR WHITE: Retroactive to the
22 September 9th pay of 2022.

23 MEMBER SEXTON: So all these
24 employees will get this increase on their next

1 paycheck?

2 DIRECTOR WHITE: Correct.

3 MEMBER SEXTON: Retroactive till
4 September?

5 DIRECTOR WHITE: That's correct

6 MEMBER SEXTON: And then, after the
7 first of the year, that's when the new pay raises
8 will go in for next year. Is that correct?

9 DIRECTOR WHITE: Yeah. There's an
10 allocation from the county commissioners for county
11 agencies. We received the memo last week. There's
12 a three percent across the board for county
13 agencies who opt in for 2023 for pay increases for
14 the 2023 fiscal year.

15 MS. HUMMER: And it's two
16 components.

17 DIRECTOR WHITE: There's two
18 components. There's a three percent across the
19 board pay increase for us to determine how we
20 allocate those funds for employees, and then the
21 second part of that is there's an additional
22 longevity increase that will be coming out in July
23 should the Board choose to opt into that as well,
24 similar to what you see in this current

1 compensation claim that's before you today. Same
2 type of allocations.

3 MEMBER JAFFE: Would we consider
4 those in January, then? We're not talking
5 about either of those --

6 DIRECTOR WHITE: You would consider
7 the second longevity allocation next year in July
8 when it's presented to us at that time.

9 MEMBER JAFFE: And then the across
10 the board would be the --

11 DIRECTOR WHITE: Yeah. That's right
12 now before us. We've got a pay memo that's been
13 sent to David and I.

14 MEMBER JAFFE: But it's not before
15 us today?

16 DIRECTOR WHITE: It's not before the
17 Board today, no.

18 MR. JAFFE: Thank you.

19 DIRECTOR WHITE: Excuse me. I
20 misspoke. It's not before the Board today. What's
21 before the Board today is just the compensation
22 plan for 2022. The 2023 money is not before the
23 Board today.

24 MEMBER SEXTON: Okay. So we have

1 this today --

2 DIRECTOR WHITE: Yes, sir.

3 MEMBER SEXTON: -- going back to
4 September?

5 DIRECTOR WHITE: Correct.

6 MEMBER SEXTON: Probably the first
7 week in January, I assume, we look at the 2023
8 raises and then longevity in July or --

9 DIRECTOR WHITE: That's correct.
10 That's the plan.

11 MEMBER JAFFE: Just because you used
12 the phrase "opt in" a couple of times, any of those
13 subsequent salary things we're talking about
14 contingent on adopting the consultant
15 recommendations?

16 DIRECTOR WHITE: No.

17 MEMBER SEXTON: Mr. Chairman,
18 Michael Sexton. I move that the Board approve
19 Exhibit A, the BOE compensation study performed by
20 Clemans-Nelson, and make any pay raises retroactive
21 to the first pay period in September 2022.

22 CHAIRMAN PREISSE: Doug Preisse,
23 second.

24 DEPUTY DIRECTOR PAYNE: It's been

1 properly moved and seconded.

2 All those in favor of the motion
3 signify by saying aye.

4 (Vote taken.)

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

7 (No response.)

8 DEPUTY DIRECTOR PAYNE: Motion
9 carries.

10 The next item on the agenda is the
11 recount certification of the November 8th General
12 Election results for the Ohio House of
13 Representatives race, 5th District.

14 And I'll turn that over to Carla
15 Patton, our Operations Manager, to brief us on
16 that.

17 MS. PATTON: Good afternoon.

18 Beginning on December 9th, by order
19 of the Board, we began the recount for the race of
20 State Representative for the 5th House District and
21 for the Judge of the Court of Common Pleas, full
22 term commencing 1-1-2023.

23 We hand counted a total of 23,331
24 ballots, which was five percent of each of the two

1 races. After hand counting those ballots, we then
2 scanned the ballots on our tabulators and those
3 results matched what the hand counts were.

4 Therefore, based on direction, we
5 were then able to scan the remaining 95 percent of
6 the ballots, which was 406,687 ballots. So as a
7 result of the recount, -- you have those in
8 Exhibit B before you -- there was a net loss of two
9 ballots cast as a result of the hand count. The
10 outcome does not change. Each candidate in the 5th
11 House District ended up losing a vote overall. So
12 the margin there remains at 145 votes, with Richard
13 Brown winning the seat.

14 In the judge of the Court of Common
15 Pleas 1-1-2023 commencement race, Gwin picked up
16 two votes, Holbrook lost five votes; therefore,
17 shrinking the margin from a 281-vote difference to
18 a 274-vote difference, with Holbrook winning that
19 seat.

20 So with these results before you, we
21 ask that you certify the results to amend the
22 official results for these two races to reflect the
23 new totals.

24 CHAIRMAN PREISSE: Questions,

1 comments, concerns, thoughts?

2 MEMBER SEXTON: Just have one
3 question.

4 Does this -- I think we said at the
5 last meeting -- does the -- Michael Holbrook, does
6 that win also serve as our audit or do we still
7 have go through the audit process?

8 MS. PATTON: With the countywide
9 recount, that does replace the mandatory audit,
10 post-election audit.

11 MEMBER SEXTON: Okay. So this will
12 serve as both the recount and the audit?

13 MS. PATTON: Correct.

14 MEMBER SEXTON: Thank you.

15 MR. JAFFE: And with that in mind,
16 what would be our percentage on the audit? Do you
17 know?

18 MS. PATTON: I didn't calculate
19 those numbers. It would fall within the audit
20 margin of error of less than one half of one
21 percent being changed.

22 MR. JAFFE: Very good.

23 Looks like we need to do two
24 separate motions for the two recounts. Is that

1 right?

2 CHAIRMAN PREISSE: Looks like it.

3 MR. JAFFE: I will do the first,
4 then.

5 I move that the Board certify and
6 declare as final, Exhibit B, the official results
7 of the recount for the November 8th, 2022, General
8 Election for the Ohio House of Representatives in
9 the 5th District.

10 MEMBER MARINELLO: Kim Marinello,
11 second.

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

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

16 (Vote taken.)

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

19 (No response.)

20 DEPUTY DIRECTOR PAYNE: Motion
21 carries.

22 MEMBER MARINELLO: Mr. Chairman, I
23 move that the Board certify and declare as final,
24 Exhibit B, the official results of the recount

1 results for the November 8th, 2022, General
2 Election for Judge of the Court of Common Pleas
3 commencing January 1st, 2023.

4 CHAIRMAN PREISSE: Doug Preisse,
5 second.

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

8 All those in favor of the motion
9 signify by saying aye.

10 (Vote taken.)

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

13 (No response.)

14 DEPUTY DIRECTOR PAYNE: Motion
15 carries.

16 The next item on the agenda is for
17 B. Fink Consulting chargebacks. This is some -- a
18 group that we hire to do the chargebacks for
19 subdivisions that decide to put issues on the
20 ballot. And then they are required to pay a
21 portion of the cost of running the election, and
22 it's done by formula. So we hire this firm to do
23 that so we get the correct amount back from the
24 subdivisions when they put something on the ballot.

1 MR. JAFFE: Quite a few local issues
2 on the ballot.

3 DEPUTY DIRECTOR PAYNE: Quite a few,
4 that's correct.

5 CHAIRMAN PREISSE: How many cycles
6 have we worked with these folks through?

7 DEPUTY DIRECTOR PAYNE: At least for
8 four years. Before that, we had some of our folks
9 in fiscal do it. And it is rather complicated, and
10 I'm not sure that we always got the proper amount
11 back from the subdivisions. So I think it's
12 worthwhile to hire B. Fink. But I think it's at
13 least four years.

14 CHAIRMAN PREISSE: And you're
15 satisfied with their performance?

16 DEPUTY DIRECTOR PAYNE: Very
17 satisfied, yeah.

18 CHAIRMAN PREISSE: Thank you.
19 Anybody else have any other
20 thoughts?

21 MEMBER JAFFE: If there's nothing
22 else, I will move that the Board authorize the
23 Director and Deputy Director to enter into an
24 agreement with B. Fink Consulting to perform an

1 election cost allocation and recovery for the May
2 election 2023, Special Election 2023, if necessary,
3 and November election 2023 in an amount not to
4 exceed \$37,500.

5 MEMBER SEXTON: Second.

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

8 All those in favor of the motion
9 signify by saying aye.

10 (Vote taken.)

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

13 (No response.)

14 DEPUTY DIRECTOR PAYNE: Motion
15 carries.

16 I don't see anything further on the
17 agenda.

18 CHAIRMAN PREISSE: Then we will
19 entertain a motion to adjourn.

20 MEMBER SEXTON: So moved.

21 MEMBER JAFFE: Second.

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

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1 Thereupon, the proceedings were
2 adjourned at approximately 3:18 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 May, 2023.

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

My Commission Expires: September 29, 2026.

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Exhibit A

Employee #	Last Name	First Name	(2.75% Increase)	
			2021 Hourly	2022 New Hourly
27287	BECK	HEIDI	19.6248	20.1645
55442	BINDER	CHRISTOPHER	25.2400	25.9341
17260	BOZ	TERESA	17.2842	17.7595
45811	BUBUTIEV	JIM	22.9008	23.5306
16761	BULEN	STEPHEN	36.2955	37.2936
5088	COUNTS	KATHRYN	30.9130	31.7631
50603	FRANCIS	HANNAH	16.1100	16.5530
29995	FUHRMANN	MELLISSIA	36.8447	37.8579
46017	GALLIERS	BRAYDON	20.4400	21.0021
18832	GAMINO	ROLAND	24.4939	25.1675
22692	GATTON	LAURIE	19.2500	19.7794
49173	GATWOOD	JEFFREY	49.0000	50.3475
55029	GIBBONS	ERIN	34.1300	35.0686
1480	GILL	FRANK	28.3748	29.1551
21086	GOLDING	SETH	23.8299	24.4852
22413	HARRIS	PATRICK	36.3008	37.2991
55650	HART	JOSHUA	16.1100	16.5530
28225	HICKS	DEVYN	16.1160	16.5592
19722	JOHNSON	DEBORAH	17.8614	18.3526
44374	KELLY	MATTHEW	35.2917	36.2622
20555	LANDUYT	DENNIS	37.3849	38.4130
15006	LINK	ROBIN	23.4300	24.0743
25616	LOOS	STEVEN	19.6287	20.1685
20998	MACKEY	JEFFREY	36.2955	37.2936
28745	MALONE	MATTHEW	20.4161	20.9775
48807	MCREYNOLDS	KATRINA	22.8400	23.4681
49211	MILLER-GNANN	TARA	15.5000	15.9263
24469	MINGO	LANCE	24.6019	25.2785
28221	MITCHELL	TERRI	16.1160	16.5592
26847	NGUYEN	THU	33.9844	34.9190
6930	PATTON	CARLA	36.2900	37.2880
26384	PAYNE	DAVID	66.3873	68.2130
10492	PHAIPHANYA	SONNY	27.3126	28.0637
12235	RUSHAY	MATTHEW	27.0065	27.7492
17780	SELLERS	AARON	34.2528	35.1948
19803	SIMMONS	TRAVIS	24.5000	25.1738
46086	SLANE	ADAM	26.5000	27.2288
45964	TODD	DAVID	16.3681	16.8182
6991	TOMPKINS	MARY	25.5946	26.2985
24032	WADE	TANIA	24.0201	24.6807
22620	WALTER	KIMBERLY	20.7848	21.3564
46016	WHITE	ANTONE	66.3873	68.2130
27380	ZIEMBA	SARA	25.0000	25.6875

November 8, 2022

Franklin Official Recount Group Detail

STATISTICS

	TOTAL	Mail Absentee	In Office Absentee	Election Day	Provisional
Election Day Precincts Reporting	0 of 884	0	0	0	0
Ballots Cast - Total	430,018	102,125	48,851	266,806	12,236

For State Representative (5th District)

Vote For 1

	TOTAL	VOTE %	Mail Absentee	In Office Absentee	Election Day	Provisional
Rep Ronald Beach IV	17,283	49.79%	3,417	527	13,013	326
Dem Richard Brown	17,428	50.21%	4,621	1,528	10,753	526
Overvotes	3		2	0	0	1
Undervotes	847		353	19	448	27

For Judge of the Court of Common Pleas (1/1)

Vote For 1

	TOTAL	VOTE %	Mail Absentee	In Office Absentee	Election Day	Provisional
Zach Gwin	180,136	49.96%	45,793	31,920	97,323	5,100
Michael J. Holbrook	180,410	50.04%	39,560	12,862	123,673	4,315
Overvotes	38		30	2	1	5
Undervotes	69,434		16,742	4,067	45,809	2,816