

1 BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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3 IN RE: :

4 Special Meeting :

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6 Proceedings before Chairman William A.

7 Anthony, Jr., Board Member Kimberly E.

8 Marinello, and Board Member Michael E.

9 Colley, taken at the Franklin County Board of  
10 Elections, 280 East Broad Street, Columbus,  
11 Ohio, on Wednesday, January 23, 2008, at 3:16  
12 o'clock p.m.

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1 APPEARANCES:

2 Butler, Cincione & DiCurrio  
3 2200 West Fifth Avenue  
4 Columbus, Ohio 43215  
5 By Mr. Matthew P. Cincione,  
6 Assistant County Prosecutor,  
7  
8 On behalf of Karen A.  
9 Cincione.

10 ALSO PRESENT:

11 Mr. Matthew Damschroder, Director  
12 Mr. Dennis White, Deputy Director  
13 Ms. Suzanne Brown  
14 Mr. Ralph A. Applegate  
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2 P R O C E E D I N G S

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4 CHAIRMAN ANTHONY: I call this  
5 Board of Elections meeting to order.

6 DIRECTOR DAMSCHRODER: Mr. Colley.

7 BOARD MEMBER COLLEY: Here.

8 DIRECTOR DAMSCHRODER:

9 Ms. Marinello.

10 BOARD MEMBER MARINELLO: Here.

11 DIRECTOR DAMSCHRODER: Chairman  
12 Anthony.

13 CHAIRMAN ANTHONY: Here.

14 DIRECTOR DAMSCHRODER: We do have a  
15 quorum. Mrs. Petree is not able to join with  
16 us today. She is out of the state.

17 The first item on the agenda is to  
18 hear two appeals, one filed by Ralph A.  
19 Applegate of 1544 Zettler, Z-e-t-t-l-e-r,  
20 Road in Columbus. Mr. Applegate had filed  
21 petitions seeking to be the Republican  
22 candidate for nomination as a representative  
23 of congress from the 15th Congressional  
24 District. The Board did not certify his

1 candidacy at the meeting January 11th, citing  
2 problems with the petition relative to the  
3 number of signatures that appear on the  
4 petition.

5 I do believe Mr. Applegate is here  
6 to speak directly to his appeal. And all of  
7 you have copies of his -- of his filing in  
8 the packet.

9 CHAIRMAN ANTHONY: Okay.

10 Mr. Applegate, are you here?

11 Would you like to be sworn in and  
12 give us --

13 (Thereupon, the witness was placed  
14 under oath by the reporter.)

15 CHAIRMAN ANTHONY: Yes, sir. How  
16 are you?

17 MR. APPLGATE: I'm fine.

18 CHAIRMAN ANTHONY: Good. Good.

19 MR. APPLGATE: Would you like to  
20 hear me speak?

21 CHAIRMAN ANTHONY: Yes, sir. We'd  
22 like to hear your side of the story.

23 MR. APPLGATE: I didn't hear you.

24 CHAIRMAN ANTHONY: Yes. We'd like

1 to hear why you feel your petitions are  
2 valid, or your signatures are valid.

3 MR. APPELEGATE: Still can't hear  
4 you.

5 CHAIRMAN ANTHONY: Do you have  
6 anything to say about your petitions --

7 MR. APPELEGATE: Oh, yes.

8 CHAIRMAN ANTHONY: -- on your  
9 behalf?

10 MR. APPELEGATE: Yes.

11 CHAIRMAN ANTHONY: All right.

12 MR. APPELEGATE: How many valid  
13 signatures are on the petitions of Ralph A.  
14 Applegate?

15 The law requires a minimum of 50.  
16 My voting information reflect that I have 12  
17 more than 50 required by law. My name should  
18 therefore appear on the ballot.

19 That's all I have to say, unless  
20 you'd like to hear some Shakespeare.

21 CHAIRMAN ANTHONY: Any questions of  
22 Mr. Applegate?

23 DIRECTOR DAMSCHRODER: I don't have  
24 any questions.

1           The issue that was problematic  
2   having to deal with this petition is that on  
3   each of the petitions, or on at least most of  
4   them, the number of signatures that appeared  
5   isn't --

6           THE REPORTER: Can you hold on one  
7   second?

8           (Brief interruption by reporter.)

9           THE REPORTER: Okay.

10          DIRECTOR DAMSCHRODER: Great.

11          The two issues, number one, was the  
12   use of Wite-Out, which is not permitted. But  
13   to me, far more concerning is that the number  
14   of signatures witnessed to on the circulator  
15   statement does not match the number of  
16   signatures that appear on the petition. For  
17   instance, on the first petition, it says that  
18   there were 12 signatures witnessed, but there  
19   are far more than 12 signatures that appear  
20   on the petition. Now, some of them have been  
21   struck through, which is acceptable, but  
22   still the number exceeds 12. And the rules  
23   are that you can -- you can have a higher  
24   number than signatures, but you can't have a

1 lower number than signatures, because we  
2 don't know which 12 are to be counted, which  
3 ones -- which of -- in this case, the  
4 circulator said, Mr. Applegate says, that he  
5 witnessed 12 signatures, but there's clearly  
6 more signatures, so we don't know which 12  
7 were actually witnessed.

8 MR. APPLGATE: Now, is there some  
9 case law about using Wite-Out on petitions,  
10 too?

11 DIRECTOR DAMSCHRODER: I think  
12 there is. I don't know exactly what the --  
13 what the case is, but if not I think it's in  
14 one of the manuals.

15 Like I said, I'm less -- personally  
16 less concerned about the Wite-Out than just  
17 the huge discrepancy between the number of  
18 signatures that appears and the number of  
19 signatures that the circulator said that the  
20 circulator witnessed.

21 CHAIRMAN ANTHONY: Even he had some  
22 of them crossed out.

23 DIRECTOR DAMSCHRODER: Right.

24 CHAIRMAN ANTHONY: Yeah.

1                   DIRECTOR DAMSCHRODER: And crossing  
2 a signature out is fine, and amending it, but  
3 if you -- let's say you -- a circulator got  
4 his petition with 10 signatures, and strikes  
5 1 out, they can have either 9 or 10, but if  
6 there's 10 signatures, and the circulator  
7 says that there should be 5 signatures,  
8 that's problematic.

9                   BOARD MEMBER MARINELLO: They  
10 aren't -- a lot of them have the number  
11 wrong, like, that's --

12                   DIRECTOR DAMSCHRODER: Right.

13                   BOARD MEMBER MARINELLO: I would  
14 like to know that.

15                   CHAIRMAN ANTHONY: Sir, can you --  
16 you probably don't have a copy of the  
17 petitions in front of you, do you?

18                   MR. APPLGATE: I have it.

19                   CHAIRMAN ANTHONY: Okay. The one  
20 we're looking at, a lot of the dates on it  
21 are like 10 -- October 2nd, this one right  
22 here (indicating), and then on the back of  
23 it, where you have -- looks like you used  
24 Wite-Out right down here, and then it looks

1 like you put 12. Then, you have 25 on there.

2 Why was 12 put on there instead of  
3 25?

4 MR. APPELATE: Is this for him or  
5 me?

6 CHAIRMAN ANTHONY: Yes, sir.

7 MR. APPELATE: I have been doing  
8 this for 20 years.

9 CHAIRMAN ANTHONY: Yes, sir.

10 MR. APPELATE: Did you know that?

11 CHAIRMAN ANTHONY: No, sir. I had  
12 no idea.

13 MR. APPELATE: And I know, as all  
14 of you know, that I have to instruct every  
15 one of my petitioners voters on the law. All  
16 right?

17 CHAIRMAN ANTHONY: All right.

18 MR. APPELATE: So when I instruct  
19 them, even though they're instructed, and in  
20 many, many of the cases, they still don't  
21 understand.

22 CHAIRMAN ANTHONY: Okay.

23 MR. APPELATE: So then I have to  
24 take it on good faith that they are, in fact,

1 registered. And I do.

2 CHAIRMAN ANTHONY: Okay.

3 MR. APPELATE: And there's a lot  
4 of problems here, which we don't really want  
5 to get into.

6 CHAIRMAN ANTHONY: You need some  
7 water?

8 BOARD MEMBER MARINELLO: (Coughing)  
9 I'm sorry.

10 CHAIRMAN ANTHONY: Okay.

11 BOARD MEMBER MARINELLO: She's  
12 getting me some water.

13 MR. APPELATE: So because of that,  
14 I frequently go in and check the signatures.

15 CHAIRMAN ANTHONY: Here?

16 MR. APPELATE: Yeah.

17 CHAIRMAN ANTHONY: Okay.

18 MR. APPELATE: Here, or I'm  
19 checking in almost every county in Ohio,  
20 because I ran twice for U.S. Senate.

21 CHAIRMAN ANTHONY: Right.

22 MR. APPELATE: You -- it's not  
23 uniform throughout Ohio.

24 CHAIRMAN ANTHONY: Okay.

1                   MR. APPELEGATE: For instance, last  
2 time when I ran, it was the 18th District. I  
3 would go into Zanesville Board of Elections  
4 there. I looked at a book, even though I  
5 insisted that I have the right to see the  
6 actual records, because in the law, the law  
7 says that they refer to registration records.  
8 They don't refer to computer records. All  
9 right?

10                   BOARD MEMBER MARINELLO: Are you  
11 saying, like, when you put 6 signatures, when  
12 there's really 22, that you went and looked,  
13 looked up 6?

14                   MR. APPELEGATE: No. I looked up  
15 all of them.

16                   BOARD MEMBER MARINELLO: We're  
17 wondering why you put, like, 6 signatures on  
18 22.

19                   MR. APPELEGATE: Because as far as  
20 I'm concerned, all right, I'm a scientist.

21                   BOARD MEMBER MARINELLO:  
22 Okey-dokey.

23                   MR. APPELEGATE: I check everything.  
24 As a matter of fact, Darcy said to me, she

