

1 BEFORE THE BOARD OF ELECTIONS

2 OF FRANKLIN COUNTY, OHIO

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4 IN RE: :

5 Board Meeting :

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7 Proceedings before Chairman William
8 A. Anthony, Jr., and Board members Michael
9 F. Colley, Kimberly E. Marinello and
10 Carolyn C. Petree with Executive Director
11 Matthew Damschroeder and Deputy Director
12 Dennis L. White, taken at the Franklin
13 County Board of Elections, 280 East Broad
14 Street, Columbus, Ohio, on Wednesday,
15 March 21, 2007, at 3:20 o'clock p.m.

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1 APPEARANCES:

2 Office of Donald McTigue
3 3886 North High Street
4 Columbus, Ohio 43214
5 By Mr. Donald McTigue,
6 On behalf of Ms. Weirdella
7 L. Shawna Gibbs.

6 ALSO PRESENT:

7 Ms. W. Shawna Gibbs

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2 P R O C E E D I N G S

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4 CHAIRMAN ANTHONY: I would like
5 to call the Franklin County Board of
6 Elections meeting to order.

7 May we have a roll call?

8 MR. DAMSCHROEDER: Mr. Colley?

9 MR. COLLEY: Here.

10 MR. DAMSCHROEDER:

11 Ms. Marinello?

12 MS. MARINELLO: Here.

13 MR. DAMSCHROEDER: Ms. Petree?

14 MS. PETREE: Here.

15 MR. DAMSCHROEDER: And Chairman

16 Anthony?

17 CHAIRMAN ANTHONY: Here.

18 MR. DAMSCHROEDER: All members

19 present.

20 Mr. Chairman and members of the
21 Board, the first item on the agenda is to
22 address a resolution that was enacted by
23 the Franklin County Commissioners
24 yesterday morning. The resolution

1 requests the removal of the Senior Options
2 levy from this spring's Primary and
3 General Election ballot.

4 As you know had the Senior
5 Options levy remained on the ballot, about
6 700 precincts in this county would be open
7 just for the purpose of voting on that
8 single question. The Commissioners felt
9 that it was in the interest of fiscal
10 prudence to remove that question from the
11 ballot this spring and cast ballots on it
12 this fall when all precincts would be open
13 and not just for this issue. This
14 resolution for the Board to accept the
15 request of the Commissioners is really a
16 formality.

17 CHAIRMAN ANTHONY: I will
18 entertain a motion.

19 MS. PETREE: Mr. Chairman, I
20 move to remove the Senior Options levy
21 from the May 7th, 2007 Primary and General
22 Election ballot pursuant to the request of
23 the Franklin County Commissioners.

24 CHAIRMAN ANTHONY: Is there a

1 second?

2 MS. MARINELLO: I second.

3 CHAIRMAN ANTHONY: All those in
4 favor, say aye.

5 (Unanimous aye.)

6 MR. DAMSCHROEDER: The motion
7 carries.

8 The next section of the agenda
9 has to do with two letters that were
10 received by the Board from candidates who
11 filed petitions seeking the office of a
12 member of Columbus Board of Education.

13 The first letter is from Joy
14 Marshall, who was a candidate for Columbus
15 Board of Education. In her letter she
16 basically asked for an appeal to the
17 finding of insufficient valid signatures
18 due to lack of voter participation and
19 opportunity as many registered voters were
20 denied a voice and participation in the
21 electoral process because of a change of
22 address, and in addition many voters were
23 denied because the signature did not match
24 exactly that used in registration.

1 Based upon the foregoing request
2 of the appeal against certification of her
3 on the ballot the Board staff has reviewed
4 the petitions that was submitted by
5 Ms. Marshall and it is still the opinion
6 of Staff -- and we are talking the County
7 Prosecuting Attorney's Office -- that the
8 reasons outlined in the recommendation by
9 Staff for disqualification of signatures
10 based on deciding how many had registered
11 not being registered at the address shown
12 on the petition as the address the voter
13 was registered at, signers printing their
14 name, signers living outside the district,
15 signers not including addresses, all of
16 those are inconsistent with law as
17 directed by the Secretary of State's
18 Petition Requirements and Candidate
19 Qualifications Guide.

20 I don't know if Ms. Marshall is
21 here today and would like to speak.

22 (No audible response)

23 MR. DAMSCHROEDER: If not, the
24 request for the Board's consideration is

1 to put her back on the ballot, but the
2 Staff's recommendation would be not to.

3 CHAIRMAN ANTHONY: Is there
4 anyone here representing Ms. Marshall?

5 (No audible response)

6 MR. DAMSCHROEDER: The next
7 candidate who filed a letter asking the
8 Board to reconsider its decision against
9 certification is Weirdella Shawna Gibbs.

10 The question at the time of the
11 last Board meeting was that the name that
12 appeared on the petition was inconsistent
13 with the name that Ms. Gibbs had provided
14 on her registration. At the time it was
15 the Staff's recommendation to deny
16 certification for that reason.

17 It is my understanding that
18 Ms. Gibbs is here today and represented by
19 counsel. I think it would be appropriate
20 to have Mr. McTigue make a presentation to
21 the Board at this time.

22 CHAIRMAN ANTHONY: Yes, sir.

23 MR. MCTIGUE: Good afternoon. I
24 am Don McTigue.

1 CHAIRMAN ANTHONY: Good
2 afternoon.

3 MR. MCTIGUE: Mr. Chairman and
4 members of the Board, as the Director
5 said, the original Staff recommendation
6 was based on an inconsistency in name on
7 the petition and the registration form for
8 Ms. Gibbs.

9 Ms. Gibbs' registration form has
10 her first name, which is Weirdella; and
11 then I believe it had the middle initial
12 L, which is LaRay or stands for LaRay, and
13 the last name Gibbs. The petition is
14 signed W. Shawna Gibbs.

15 What was not known at that time
16 by the Board Staff is that Shawna is
17 actually part of her lawful name and not
18 recently but the day she was born. We
19 have her birth certificate, and you should
20 have copies of that.

21 The birth certificate is a
22 little unusual in that she has five names,
23 Weirdella LaRay Shawna Marie Gibbs.
24 I think that -- and I hope I am not being

1 unfair here, but I think that if the Staff
2 had had this information prior to the
3 Board's meeting that you may have had a
4 different recommendation last time,
5 because there is nothing in the law that
6 says you have to put your name on a
7 petition and sign it.

8 The law doesn't actually say you
9 can't use variations of your full name.
10 The law doesn't say you have to register
11 your whole name.

12 In fact the Secretary of State's
13 guidelines on filling out petitions states
14 that the name a candidate uses in the
15 statement of candidacy may be any
16 combination of the first and middle names
17 or initials; but then what it says on
18 nicknames is you can only use natural
19 derivatives.

20 We are not talking about a
21 nickname here. Shawna is her name. So
22 she used the initial on the petition, W,
23 she used Shawna, which is a middle name.
24 She has a couple of different middle

1 names. She used her middle name and she
2 used her last name.

3 Plus at the time she filed her
4 petition she filled out the card that the
5 Board asks all candidates to fill out as
6 to how they would like their name to
7 appear on the ballot. She writes, "I
8 would like my name to appear as W. Shawna
9 Gibbs. I am registered as Weirdella
10 Gibbs." She actually signed it Weirdella
11 Gibbs here.

12 At the time she filed her
13 petition, the Board had who this person
14 was. That matches her registration as
15 well.

16 Although she signed it that way,
17 when the Board took her money, the Board
18 filled out a receipt for her as Shawna
19 Gibbs. And it should also be noted that
20 if you compared the signature on the
21 petition, the W and the Gibbs, compare
22 that to the signature on the voter
23 registration card, they match. It's the
24 same handwriting. I don't think there is

1 any question that it's the same person.

2 I would cite, one, there is not
3 a whole lot of case law on this point.
4 Maybe that's because the law, again,
5 doesn't say that you have to put your full
6 name.

7 One case in particular that some
8 of the Board members may remember, or
9 maybe this was before any of you were on
10 the Board, it's an Ohio Supreme Court case
11 Green versus Casey. In that case the
12 Supreme Court said with regard to defects
13 in names that the standard for reviewing
14 technical defects in the declaration of
15 candidacy and petition papers is whether
16 the defect would cause the signer who
17 signed that petition to be deceived or
18 misled.

19 In fact if she had probably
20 filled it out as Weirdella Gibbs that
21 would have confused and misled people
22 because no one calls her Weirdella Gibbs.

23 She was born in Columbus 33
24 years ago. Her friends, her family, her

1 co-workers, her colleagues, her bosses,
2 her neighbors, everybody calls her Shawna
3 Gibbs. You could probably count on one
4 hand the number of people who even know
5 what her first name is.

6 She is running for School Board.
7 She went through twelve years of school in
8 Columbus Public Schools and every single
9 teacher called her Shawna, not Weirdella.

10 I would also point out just to
11 back up what I have just said, we have a
12 couple of exhibits. One is her business
13 card, her employment. On every business
14 card she has ever had -- she is with the
15 Girl Scouts right now as Director of
16 Public Relations -- it says W. Shawna
17 Gibbs.

18 E-mail -- I guess e-mail is
19 really how we determine a name now. Her
20 e-mail is wshawna@coho.org. Her previous
21 employment was at Comocko with a picture
22 of W. Shawna Gibbs. Her checking account
23 has always been and still is W. Shawna
24 Gibbs. When she pays her bills she pays

