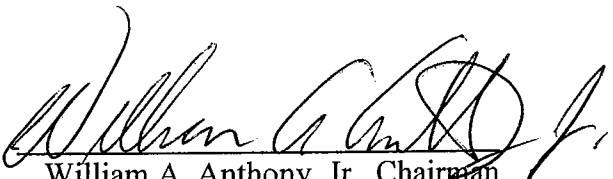



FRANKLIN COUNTY BOARD OF ELECTIONS
280 EAST BROAD STREET
COLUMBUS, OHIO 43215
(614) 462-3100


MINUTES OF THE MEETING ON
9/10/07

APPROVED ON 10-1-07

BY: 
William A. Anthony, Jr., Chairman


Michael F. Colley, Esq.


Kimberly E. Marinello


Carolyn C. Petree

ATTEST: 
Matthew M. Damschroder, Director

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<p>1 INDEX</p> <p>2 AGENDA ITEMS: PAGE NO.</p> <p>3 CALL TO ORDER/ROLL CALL 3</p> <p>4 APPEALS (CANDIDATES)</p> <p>5 STEVEN DONAHUE,</p> <p>6 MAYOR, VILLAGE OF CANAL WINCHESTER 3</p> <p>7 NANCY FERGUSON,</p> <p>8 MAYOR, VILLAGE OF NEW ALBANY 44</p> <p>9 STEVEN RAIMO,</p> <p>10 AT LARGE MEMBER OF COUNCIL,</p> <p>11 CITY OF GAHANNA 56</p> <p>12 APPEALS (LOCAL OPTIONS & ISSUES)</p> <p>13 43203 ZONE DRY COALITION PETITIONS 60</p> <p>14 CABELLROS, LIMITED 80</p> <p>15 AMENDMENT/APPROVAL OF MINUTES 107</p> <p>16 MISCELLANEOUS 111</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 statement on any of his part petitions. And</p> <p>2 Mr. Donahue has filed an appeal with the Board.</p> <p>3 I think all of you have received a copy of that</p> <p>4 letter.</p> <p>5 And Mr. Donahue is here today, and so</p> <p>6 we can call him to begin his presentation, if it</p> <p>7 pleases the Board.</p> <p>8 CHAIRMAN ANTHONY: Okay. Are there</p> <p>9 any questions from the Board before you start?</p> <p>10 (No response.)</p> <p>11 CHAIRMAN ANTHONY: Mr. Donahue, be</p> <p>12 sworn in and state your case before us.</p> <p>13 MR. DONAHUE: Yes, sir.</p> <p>14 (Steven Donahue was sworn.)</p> <p>15 MR. DONAHUE: Good afternoon. My name</p> <p>16 is Steve Donahue. I hope to be a candidate for</p> <p>17 the Mayor of the Village of Canal Winchester.</p> <p>18 Unfortunately, at this point, my name</p> <p>19 will not appear on the ballot. I made a mistake</p> <p>20 when I personally gathered signatures for my</p> <p>21 nominating petition and my statement of</p> <p>22 candidacy. I mistakenly thought that I did not</p> <p>23 have to sign the circulator statement because I</p> <p>24 had personally circulated my own petitions.</p>
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<p>1 -----</p> <p>2 PROCEEDINGS</p> <p>3 -----</p> <p>4 CHAIRMAN ANTHONY: I would like to</p> <p>5 call the Franklin County Board of Elections</p> <p>6 meeting to order.</p> <p>7 MR. DAMSCHRODER: Mr. Colley.</p> <p>8 MR. COLLEY: Here.</p> <p>9 MR. DAMSCHRODER: Ms. Marinello.</p> <p>10 MS. MARINELLO: Here.</p> <p>11 MR. DAMSCHRODER: Ms. Petree.</p> <p>12 MS. PETREE: Here.</p> <p>13 MR. DAMSCHRODER: Chairman Anthony.</p> <p>14 CHAIRMAN ANTHONY: Here.</p> <p>15 MR. DAMSCHRODER: All members are</p> <p>16 present, Mr. Chairman.</p> <p>17 CHAIRMAN ANTHONY: Thank you.</p> <p>18 -----</p> <p>19 MR. DAMSCHRODER: The first item on</p> <p>20 the agenda for today's regular meeting is to hear</p> <p>21 the appeal by Steven Donahue, who was a candidate</p> <p>22 for Mayor of the Village of Canal Winchester.</p> <p>23 The Board found his petitions to be</p> <p>24 invalid for lack of a complete -- or a circulator</p>	<p>1 Because I'm not an attorney nor I'm</p> <p>2 not an expert in the election laws, I asked for</p> <p>3 assistance when I filed my petitions two weeks</p> <p>4 prior to the filing deadline and was told by the</p> <p>5 clerk at the Board of Elections that my petitions</p> <p>6 looked okay.</p> <p>7 Relying on that statement, I continued</p> <p>8 to work on my campaign. What has occurred since</p> <p>9 August 13th, 2007, when I filed my petition, has</p> <p>10 caused me to seriously question the integrity of</p> <p>11 our system of elections.</p> <p>12 The Ohio Secretary of State Jennifer</p> <p>13 Brunner's number one goal that she has on all her</p> <p>14 sheets here is restore the trust to Ohio</p> <p>15 elections. She states, we want citizens to have</p> <p>16 faith in Ohio elections, that are free, fair,</p> <p>17 open, and honest.</p> <p>18 Well, if that's the standard, my</p> <p>19 experience has fallen short of that goal. I</p> <p>20 prepared booklets, which I believe all of you</p> <p>21 have, that document the chronology of events that</p> <p>22 led to me standing before you today.</p> <p>23 In a moment, I'll go through the time</p> <p>24 line and the documents for you. What you will</p>

<p>Page 6</p> <p>1 hear is a story of misinformation, misstatements, 2 an unfair dealing that will do nothing to restore 3 trust to Ohio elections. 4 All I'm asking of you today is that 5 you afford me equal treatment for all candidates 6 for office in Franklin County. What you will 7 hear is a story in which one candidate, with the 8 support of the deputy director of the Board, got 9 three opportunities to get his petitions 10 correctly filed. 11 And the first time I heard that there 12 was a problem with my petitions was when a 13 reporter from the Columbus Dispatch called me and 14 asked for a reaction about being disqualified. I 15 didn't receive a formal disqualification notice 16 from this Board until almost a week after the 17 Dispatch called. 18 As a non-lawyer, I do not understand 19 how a candidate can get three bites in an apple. 20 No declaration regarding Ohio Revised Code 21 Section 3501-38 -- no declaration of candidacy, 22 nominating petition, or other petition, for the 23 purposes of becoming a candidate, may be 24 withdrawn after it is filed in the public office.</p>	<p>Page 8</p> <p>1 9th, Ed Dildine filed his first petition for 2 Madison Township Trustee. And you'll find that 3 Exhibit No. 1 in your booklet. 4 On August 6th, Ed Dildine withdrew his 5 first petition, advised by the Board of Elections 6 office and advised he could not file again prior 7 to the filing deadline. If you'll notice, that 8 was August 6th at 11:30 a.m. 9 On the same day, August 6th, Ed 10 Dildine files as a write-in candidate for Madison 11 Township Trustee. That's Exhibit No. 3. That 12 was at 11:40 a.m., the same day. 13 On August 7th, David Brobst, was a 14 candidate for Canal Winchester Local Schools, 15 filed his petition. His petition was checked by 16 Marlene Worth. He was told he needed to check a 17 full-term box. She told him she was allowed to 18 help him as long as she had not done it as -- not 19 time-dated the petition. That's Exhibit 4. 20 Also in his Exhibit 4, if you'll 21 notice, that he was -- just recently received a 22 letter from the Board of Elections stating that, 23 yes, he is on the ballot for the Canal Winchester 24 City Schools. That is not correct. It's a Canal</p>
<p>Page 7</p> <p>1 And if somehow -- and if it's somehow 2 possible for a candidate to get more than one 3 opportunity to correct his petition, why didn't 4 the Board call all of the candidates with 5 petition problems and afford them the same 6 opportunity to correct their problems? 7 Again, I'm not a lawyer. But if a 8 member of the Board staff helps one candidate and 9 not all candidates, then the Board is no longer 10 acting as an independent Board running fair 11 elections. It's picking winners and losers, and 12 it's not the job of the Board to do that. 13 I stand before you as a person who is 14 not an expert in election law nor as a person who 15 is interested in partisan politics. I stand 16 before you as a person who is interested in 17 becoming mayor of a small community in order to 18 continue to service my community. 19 I stand before you asking that this 20 Board treat all candidates for public office 21 equally. I stand before this Board to say that 22 it has not done so in this election. 23 And if you'll turn to your time line, 24 I'd like to go over that real quickly. On July</p>	<p>Page 9</p> <p>1 Winchester Local Schools. 2 Okay. August 13th. This is when I 3 filed my petition. And I was told by the Board 4 of Elections employee, Peggy Howell, that the 5 petitions were fine. They were filed. 6 August 15th. Prior to the Madison 7 Township Trustee meeting, Deputy Director Dennis 8 White had conversations with Susan Brobst. If 9 you look at Exhibit 6, in her letter she asked 10 about a directive from the Secretary of State's 11 office allowing candidates whose petitions were 12 not correctly filled out to again come in and 13 take out new petitions and would be allowed to be 14 filed as long as they were filed before the 15 original date, or before the due date. 16 Also, in the next paragraph, she says, 17 I then made a comment that I suppose the Board of 18 Elections would have to notify all candidates 19 that were affected by this directive. Again, 20 Mr. White will comment, but said, yes, that all 21 candidates would be notified. Well, I was not 22 notified. 23 August 17th. This is Exhibit No. 7. 24 Matt Damschroder e-mails the new check-in policy</p>

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1 to staff. The new policy states that staff
 2 should not check any petitions for validity until
 3 the deadline had expired. He also stated that
 4 they should not release information about the
 5 status or findings of any of the petitions that
 6 have been checked prior to this announcement.
 7 Now, I have a hard time understanding
 8 how Mr. White can tell Mr. Dildine, as the deputy
 9 director, that he can refile -- and then there's
 10 an e-mail sent out to the workers down at the
 11 front office down here that they can't even look
 12 or tell anybody.
 13 So, in other words, if you filed your
 14 petition prior to this date, you could not get
 15 help, okay?
 16 August 17th. If you'll notice, that
 17 e-mail went out at 8:10 in the morning.
 18 Approximately 10:59, same day, Ed Dildine
 19 withdraws as a write-in candidate. He was
 20 informed by the Franklin County Board of
 21 Elections that he may file to be a candidate on
 22 the ballot.
 23 August 17th, 11:10, he submits another
 24 petition. He's on the ballot. The filing

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1 deadline was the 24th. It wasn't till August
 2 29th that I was contacted by the Columbus
 3 Dispatch reporter that the petitions were not
 4 approved and I was not on the ballot.
 5 That same day, I talked to
 6 Mr. Damschroder. I said -- he said because the
 7 circulator portion of the petition was not
 8 signed, that was a fatal error. I told him that
 9 Peggy Howell said the petitions were fine. He
 10 said, that's not her responsibility, that's my
 11 responsibility. But I could file as a write-in
 12 candidate as long as I did it prior to September
 13 5th.
 14 So I came down the next day, August
 15 30th, to file as a write-in candidate. And I'll
 16 let you know that we had signs printed August
 17 30th that we had changed that say write-in
 18 candidate. Those were \$1500 worth of signs.
 19 I come down to the office down here
 20 and Marlene Worth says, no, I can't file as a
 21 write-in candidate. I said, your boss told me
 22 yesterday I could. I asked to see
 23 Mr. Damschroder, he wouldn't see me.
 24 She then showed me an e-mail from

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1 Brian Shinn from the Ohio Secretary of State's
 2 Office. I then went over there. He said I
 3 couldn't file. So I've got from the director
 4 that I could file, and now I can't file.
 5 On that same day, two people contacted
 6 us. One contacted me, and one contacted my
 7 treasurer about checking how Ed Dildine got on
 8 the ballot. They said, you need to follow up on
 9 that, and that's what we did.
 10 August 31st. I came in. That was a
 11 Friday, right before Labor Day. I brought my --
 12 I wanted to file as a write-in candidate.
 13 Marlene says you can't. I said, Marlene, I can't
 14 believe what you're saying because your boss -- I
 15 haven't heard from him and he said file. So I
 16 filed as a write-in candidate.
 17 I also told her that I would drop off
 18 to her the letter of appeal that you have in this
 19 booklet. I also dropped one off to the Secretary
 20 of State. September 4th, after the weekend,
 21 11 a.m., tried to file new petitions.
 22 I went out over the weekend and picked
 23 up signatures for new petitions, signed
 24 everywhere. Tried to file them. Marlene says,

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1 you can't file them; it's after the deadline. I
 2 said, Marlene, Mr. Dildine filed them. You guys
 3 never contacted me. If you would have contacted
 4 me, I would have filed them prior to the
 5 deadline.
 6 At that point in time, I asked to see
 7 Mr. Damschroder. Mike Ebert and I met with
 8 Mr. Damschroder. I asked him if I got the -- if
 9 he got the letter of appeal. His comment was,
 10 yes, but it probably won't do you any good.
 11 Mr. Damschroder said I was responsible
 12 for the petition, and the law says you can only
 13 file once. Mr. -- I said Peggy Howell, Board of
 14 Elections worker, said it was okay when I filed
 15 it. He said, the ladies are not to help people,
 16 that Mr. Donahue was responsible, that I was
 17 responsible.
 18 If you look at Exhibit 12, that is
 19 when I first came to pick up my petitions. And
 20 that's Marlene Worth, in her writing, saying, if
 21 you have any questions, make sure you call me.
 22 Now, I'm getting, should we call; shouldn't we
 23 call? I'm hearing, yes, we should get help; no,
 24 we shouldn't. I find out certain people got help

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1 to correct theirs, certain people didn't.
 2 Okay. I asked Mr. Damschroder if I
 3 could turn in the petitions that I had. He said,
 4 no, they were collected over the weekend, they
 5 were after the deadline, and the law states you
 6 can only file once. I heard that again. And we
 7 know that Mr. Dildine filed three times.
 8 Okay. I asked Mr. Damschroder why
 9 Mr. Dildine was allowed to file three times. He
 10 said, Mr. Dildine was informed by the Board of
 11 Elections offices that there was a problem with
 12 his original petition and he should file as a
 13 write-in candidate. Mr. Damschroder said Deputy
 14 Dennis White shouldn't have done that.
 15 Then I said, Mr. Dildine was called by
 16 the Board of Elections office again to say that
 17 he should submit a new petition, and he commented
 18 he shouldn't have done that, once again.
 19 If you'll notice, the letters are in
 20 here from Mr. Dildine and in both cases say that
 21 he was informed by the Board of Elections. So he
 22 was given an extra advantage. I asked why
 23 Mr. Dildine could be put on the ballot and I
 24 could not. He said he understood how I felt and

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1 he would be mad if it happened to him. But, by
 2 law, you can only register once.
 3 I told Mr. Damschroder that, in this
 4 case, both he and Mr. White knowingly, then,
 5 broke the law, because you aided him in filing
 6 three times and you should be criminally
 7 prosecuted for tampering with an election. I
 8 said, if he wasn't on the ballot, then they
 9 should be out of a job, plain and simple.
 10 September 4th, I finally received a
 11 letter from the Board of Elections Office that I
 12 wouldn't be on the ballot.
 13 Now, I want to read an article that's
 14 in a newspaper today, the Southeast Messenger.
 15 And it says, Mr. White responds in a telephone
 16 interview September 5th. Mr. White clarified
 17 recent changes in the election law made by the
 18 Secretary of State Jennifer Brunner's office
 19 regarding candidate petitions.
 20 I might add, I tried to see the
 21 Secretary of State three times. Called her
 22 scheduler, and they never called back. He said,
 23 the secretary ruled regardless of time stamping
 24 of the petitions, that a candidate could withdraw

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1 their petitions and then resubmit them, provided
 2 the Board of Elections had not yet met, which he
 3 reported to be the case with Dildine's documents.
 4 I'm hearing two different stories
 5 here. I'm hearing one story from the director
 6 that you could only file once. I'm reading here
 7 that you can take it off and file again. Nobody
 8 ever told me that.
 9 White said that changes were also made
 10 regarding write-in candidates. He said, in the
 11 past, a candidate could file a write-in even the
 12 day after they filed the candidacy petitions;
 13 however, that provision was removed.
 14 Since I am a Madison Township Trustee,
 15 I have an interest in the trustee's race. Ed
 16 Dildine filed his petitions very early. And
 17 someone told me his petition had a date error,
 18 which, in the past, would have been a fatal
 19 error. Well, my question, people: if you're
 20 going to tell one person they have a fatal error,
 21 why are we not telling everybody? What's fair is
 22 fair.
 23 I called him. I told him about the
 24 mistake. On his own, Ed decided to file as a

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1 write-in. But he found out about the new
 2 directive, so I told him that he couldn't do
 3 that. With the changes by the Secretary of
 4 State, there was enough time for him to withdraw,
 5 then refile.
 6 My petitions were 11 days in, 11 days
 7 prior to the filing deadline. I could have got
 8 the 19 signatures needed in less than a half an
 9 hour. If I'd have known about the Canal
 10 Winchester mayor's candidate, I would have let
 11 him know, too. But what about the other
 12 candidates?
 13 Later, I talked with the Board of
 14 Elections Director, Matt Damschroder, about the
 15 changes, and then he issued an e-mail saying not
 16 to check petitions, except the usual things,
 17 until after the filing deadline.
 18 So we're going to check some people,
 19 take care of them, and then we're going to send
 20 an e-mail and say nobody else will be checked,
 21 even if there were mistakes. It doesn't seem
 22 fair to me.
 23 In closing, let's go back to the
 24 Secretary of State's number one goal that she

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1 probably shows on every one of her flyers. To
 2 restore trust in Ohio elections because we want
 3 citizens to have faith that Ohio elections are
 4 free, fair, open, honest, and to encourage the
 5 highest level of participation in our democracy.
 6 I haven't seen that.

7 In this case, I've documented at least
 8 one candidate receiving advantage that was not
 9 available to me. And why? Because by his very
 10 own words, the deputy director of the Board of
 11 Elections had an interest in that race.
 12 Apparently, based that interest -- upon that
 13 interest, he contacted one candidate and provided
 14 him with an opportunity to correct a problem with
 15 his petitions.

16 If one candidate is going to be
 17 contacted by this Board and be afforded an
 18 opportunity to correct petitions, then all
 19 candidates must be afforded the same
 20 opportunity.

21 Instead, after Mr. Dildine was allowed
 22 to correct his petitions two times and still a
 23 week prior to the filing of the deadline, this
 24 Board prohibited any other assistance to any

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1 other candidates through Mr. Damschroder's
 2 e-mail.

3 Let me be very clear, I have nothing
 4 against Ed Dildine. He has been completely
 5 honest and open with me, and I appreciate that.
 6 I just want the same opportunity that he was
 7 afforded and be allowed to correct an error with
 8 my petitions.

9 Whether or not the opportunity is
 10 afforded me and all other candidates who never
 11 got the opportunity to correct their petitions,
 12 then this Board needs to take a serious look at
 13 the actions of your deputy director for a sitting
 14 Madison Township Trustee and an employee of this
 15 Board, to inject himself into the process of not
 16 only receiving the petitions of a candidate but
 17 to provide an extraordinary advantage to that
 18 candidate, raising serious questions about the
 19 integrity about the entire elections process.

20 Rather than a process that will allow
 21 citizens of Franklin County to have faith that
 22 Ohio elections are free, fair, open, and honest.
 23 The process I've been subjected to demonstrates
 24 that if the right person has an interest in the

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1 outcome, you have a huge advantage.
 2 I urge this Board to accept my
 3 corrected petitions and allow my name to appear
 4 on the ballot. Thank you for your time.

5 CHAIRMAN ANTHONY: Thank you, sir.
 6 Thank you very much. Before you go, Mr. Donahue,
 7 is there any questions for Mr. Donahue?

8 MS. PETREE: I have one, sir.
 9 MR. DONAHUE: Yes.

10 MS. PETREE: You did get all the
 11 signatures, yourself.

12 MR. DONAHUE: Oh, yes, ma'am.
 13 MS. PETREE: Thank you.

14 MR. DONAHUE: Yeah. We had four
 15 meetings at my home; and after two meetings, we
 16 had enough signatures.

17 MS. PETREE: Thank you.

18 CHAIRMAN ANTHONY: Thank you. All
 19 right. Any other questions of Mr. Donahue?
 20 (No response.)

21 CHAIRMAN ANTHONY: And is there anyone
 22 else in the audience that would like to speak on
 23 behalf of Mr. Donahue?

24 MR. EBERT: Good afternoon. My name

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1 is Mike Ebert.

2 CHAIRMAN ANTHONY: Oh, you have to be
 3 sworn in, please.

4 (Mike Ebert was sworn.)

5 MR. EBERT: Good afternoon again. My
 6 name is still Mike Ebert. I first became
 7 acquainted with Steve Donahue back in 1985 when
 8 he moved to Canal Winchester as my next-door
 9 neighbor.

10 Over the past 22 years, you know, I
 11 couldn't have asked for anybody who would be a
 12 better neighbor. We've done a lot of things
 13 together, family-wise, and we go on golf outings
 14 and so forth.

15 What I want to talk about, mainly, is
 16 the petitions, the petitions in question. Those
 17 petitions -- and I'm glad Ms. Petree asked the
 18 question, because that is exactly what he did.
 19 He did gather all the signatures, himself. I was
 20 on his committee. He wouldn't even let anybody
 21 on the committee touch the petitions. He wanted
 22 to do it himself, and he did it by himself.

23 And I think that's mostly what I want
 24 to say. Thank you for your time.

