

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

MINUTES OF THE MEETING ON

5/21/09


APPROVED ON

7/1/09


BY:



Douglas J. Preisse, Chairman



Michael F. Colley, Esq.



Kimberly E. Marinello



Joseph L. Mas, Esq.

ATTEST:

Michael Stinziano, Director

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1 APPEARANCES:
 2 Franklin County Prosecuting Attorney
 3 373 South High Street
 4 13th Floor
 5 Columbus, Ohio 43215
 6 By Mr. Patrick J. Piccininni,
 7 Assistant Prosecuting Attorney,
 8
 9 On behalf of the Board.
 10
 11 McTigue and McGinnis, LLC
 12 550 East Walnut Street
 13 Columbus, Ohio 43215
 14 By Mr. Donald J. McTigue,
 15 On behalf of City of Columbus
 16 and Candidate Carol Perkins.
 17
 18 ALSO PRESENT:
 19 Ms. Suzanne Brown
 20 Ms. Karen Cotton
 21 Mr. Eric Nickolas
 22 Mr. Ben Piscitelli
 23
 24

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1 -----
 2 PROCEEDINGS
 3 -----
 4 CHAIRMAN PREISSE: Mr. Director, are
 5 we prepared to proceed?
 6 DIRECTOR STINZIANO: We are. This
 7 is the Franklin County Board of Elections
 8 Special Meeting for May 21st, 2009. We will
 9 do a roll call.
 10 Mr. Colley?
 11 MR. COLLEY: Here.
 12 DIRECTOR STINZIANO: Chairman
 13 Preisse?
 14 CHAIRMAN PREISSE: Here.
 15 DIRECTOR STINZIANO: Mr. Mas?
 16 MR. MAS: Here.
 17 DIRECTOR STINZIANO: Ms. Marinello?
 18 MS. MARINELLO: Here.
 19 DIRECTOR STINZIANO: The first item
 20 on the agenda is, we have a new Board member.
 21 And I just wanted to recognize that we now
 22 have a full complement, and we can proceed and
 23 address all issues that had been held up while
 24 we waited for the new member. So the staff is

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1 excited by having the new Board member, and
 2 we're all looking forward to working with you.
 3 MR. MAS: Thank you very much, Mr.
 4 Stinziano. And, Mr. Chairman, I am delighted
 5 to have the opportunity and the privilege to
 6 serve on this Board, particularly coming from
 7 my background as a refugee from a country that
 8 does not have two- or multi-party elections.
 9 This means a lot to me and to my family.
 10 CHAIRMAN PREISSE: We are delighted
 11 to welcome you on board, and we'll get some
 12 good work done for the good citizens of
 13 Franklin County, we hope.
 14 MR. MAS: And we shall together.
 15 CHAIRMAN PREISSE: Yes.
 16 MS. MARINELLO: Welcome. Glad to
 17 have you.
 18 MR. MAS: Thank you.
 19 CHAIRMAN PREISSE: Next is the
 20 official certification for the May 5th, 2009
 21 Primary and Special Election. Karen Cotton,
 22 manager of operations, is going to present the
 23 staff report.
 24 MS. COTTON: The official canvass of

<p style="text-align: right;">Page 6</p> <p>1 the election results and returns of votes cast 2 at the May 5th, 2009 Primary/Special Election 3 began on May the 18th. All election results 4 have been canvassed and are reported to you in 5 the summary reports provided in your packets. 6 You have two reports. One is a 7 summary report and one is a summary report 8 with detail, providing the information by the 9 various groups of votes. We ask for your 10 certification of those election results, and I 11 have prepared a certification page for your 12 signatures. 13 None of the races were close enough 14 to require a recount. 15 CHAIRMAN PREISSE: Okay. 16 MS. MARINELLO: Mr. Chairman, I move 17 that the results of the official canvass of 18 votes cast during the May 5th, 2009 Primary 19 and Special Elections be certified as 20 reported. 21 MR. COLLEY: Second the motion. 22 DIRECTOR STINZIANO: All in favor? 23 BOARD MEMBERS: Aye. 24 DIRECTOR STINZIANO: Those opposed,</p>	<p style="text-align: right;">Page 8</p> <p>1 BOARD MEMBERS: Aye. 2 DIRECTOR STINZIANO: Hearing none 3 opposed. 4 The hearing is regarding the need to 5 seek supplemental appropriations from the 6 Board of Commissioners. Given that the August 7 election was a Special Election, we do not 8 have funding for that election, and so we need 9 the Board to approve the supplemental funding 10 that we would petition to the commissioners. 11 MR. MAS: Mr. Chairman, once again, 12 I move that the Board authorize the Director 13 and Deputy Director to petition the Franklin 14 County Board of Commissioners for supplemental 15 funding in the estimated amount of \$721,075.61 16 to cover the necessary and proper expenses of 17 the Board of Elections for the August 4 18 Special Election. 19 DEPUTY DIRECTOR DAMSCHRODER: As the 20 motion has been made and the issue started to 21 be put on the table, I'd draw the Board's 22 attention to the spreadsheet in your packets 23 that has the number that Mr. Mas referenced. 24 As we put together the budget for</p>
<p style="text-align: right;">Page 7</p> <p>1 same sign. 2 Seeing none, the next item on the 3 agenda is the certification of issues for the 4 August 4th, 2009 Special Election. 5 MS. COTTON: The filing deadline for 6 the August 4th, 2009 Special Election was 4:00 7 p.m. this afternoon. We had two issues that 8 have been filed. Both of the issues were 9 filed early enough that we could forward them 10 to the Prosecuting Attorney's Office for 11 review. We have received confirmation that 12 they are approved as to form. A total of 356 13 voting locations will be open to conduct this 14 election. 15 MR. MAS: Mr. Chairman, I move that 16 the Board accept the staff report and hereby 17 certify to the August 4, 2009 special election 18 ballot the income tax question certified to 19 the Board by the City of Columbus and the 20 property tax levy question certified to the 21 Board by the Southwestern City Schools. 22 MR. COLLEY: Mr. Chairman, I second 23 the motion. 24 DIRECTOR STINZIANO: All in favor?</p>	<p style="text-align: right;">Page 9</p> <p>1 the Special Election in terms of what we 2 anticipate needing in terms of supplemental 3 requests from the commissioners, we looked at 4 the five primary categories of office 5 operations, absentee voting, election 6 operations, which is where we create the 7 ballots, do the tabulation and program the 8 voting machines and create the supplies for 9 the precincts. 10 The second is the logistics 11 division, which would handle the voting 12 location rental, voting machine programming, 13 delivery, et cetera. And then, obviously, the 14 biggest chunk is always precinct election 15 official payroll and training. 16 So there's two different rates that 17 the board staff would like to present to the 18 Board. One is the rate referenced by Mr. Mas 19 in his motion, and then also another rate that 20 would be consistent with the Board's practice 21 for request of the county commissioners, both 22 in 2008 and in 2009, and that would be that we 23 have additional funding for the Board to mail 24 to every eligible elector for this election,</p>

<p style="text-align: right;">Page 10</p> <p>1 mail to them an absentee ballot application. 2 As you all know, under Ohio law now, 3 voters can vote early by mail in the 4 convenience and privacy of their own home 5 without having to have an excuse to do so, as 6 they did in the past. And voters in Franklin 7 County have overwhelmingly in the past 8 elections, specifically 2008, chosen that 9 option. 10 I would also draw your attention to 11 a press release from Cuyahoga County Board of 12 Elections that's in your packet as well as 13 some reporting from WKYC in Cuyahoga County. 14 Our sister board of elections there mailed 15 absentee ballot applications to all eligible 16 electors for their May election of this year, 17 and it increased turnout for that May election 18 as compared to a May election two years ago, 19 and again this concept is consistent with the 20 requests that we've made of the commissioners 21 in the past. 22 We made the request for the May and 23 November elections this year to mail absentee 24 applications. They did not choose to fund</p>	<p style="text-align: right;">Page 12</p> <p>1 historically somewhat lower participation rate 2 with absentee. We're expecting about 10,000. 3 We had 8,000 in May. 4 If we were to mail absentee 5 applications, obviously the costs would be 6 more for that mailing, and it would also 7 increase the cost for the absentee department 8 because we would be having more ballots, more 9 mail, more postage, and a little bit more 10 staff to handle the additional volume. 11 CHAIRMAN PREISSE: All right. So 12 there's a motion before us. We need a second 13 to proceed, I believe. 14 DEPUTY DIRECTOR DAMSCHRODER: If 15 there's not a second, then the motion wouldn't 16 be properly before the Board for a vote. 17 MR. MAS: And, Mr. Chairman, if the 18 motion were to fail, then you would not have 19 supplemental funding and not be able to carry 20 out the election. 21 DIRECTOR STINZIANO: Correct. It's 22 still the staff's desire that the Board 23 approve supplemental funding to present to the 24 commissioners so we don't fall into any</p>
<p style="text-align: right;">Page 11</p> <p>1 those requests, but should the Board choose to 2 do an additional amount for that kind of 3 mailing, it would be consistent with our past 4 practice. 5 CHAIRMAN PREISSE: Okay. We have a 6 motion before us. I'm not sure I heard a 7 second. 8 SPEAKER: There has not been a 9 second, Mr. Chairman. 10 CHAIRMAN PREISSE: And does everyone 11 understand what the Deputy Director just 12 described? 13 The question is, the initial amount 14 would anticipate a number of absentee ballots 15 much less than mailing to all eligible voters 16 in the city of Columbus. 17 DEPUTY DIRECTOR DAMSCHRODER: That's 18 correct. And if I'm correct, either Mr. 19 Director or Mr. Mas, that the amount in Mr. 20 Mas' motion is kind of the bare bones of the 21 cost at the minimum to run the election for 22 August; assuming that a voter has to contact 23 us or go to our Web site to get an application 24 for an absentee ballot, it would have a</p>	<p style="text-align: right;">Page 13</p> <p>1 problems with our budget. 2 MR. MAS: I would suggest, Mr. 3 Chairman, that it is the responsibility of the 4 Board to make sure that the election can go 5 forward and to provide necessary funding, at 6 whatever number. 7 DIRECTOR STINZIANO: To be clear, 8 the election could go forward. It would be 9 just dipping into our money reserved for the 10 General Election that we'll have in November. 11 So at some point, we will have to present or 12 go before the commissioners because of the 13 Special Election, the supplemental budget. 14 MR. MAS: Thank you. 15 MR. PICCININNI: These funds are 16 chargebackable. 17 DIRECTOR STINZIANO: As the 18 Prosecutor's Office points out, these funds 19 are chargebackable, so while the county and 20 the Board would pay the costs up front, 21 ultimately the entities that are placing the 22 questioning on the ballot would be charged 23 back the costs associated with the election. 24 CHAIRMAN PREISSE: Well, if we can't</p>

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1 muster a second --
 2 MS. MARINELLO: I'll second the
 3 motion, Chairman.
 4 CHAIRMAN PREISSE: Okay. I heard a
 5 second.
 6 DIRECTOR STINZIANO: We'll take a
 7 roll call vote.
 8 Mr. Colley?
 9 MR. COLLEY: No.
 10 DIRECTOR STINZIANO: Chairman
 11 Preisse?
 12 CHAIRMAN PREISSE: No.
 13 DIRECTOR STINZIANO: Mr. Mas?
 14 MR. MAS: Yes.
 15 DIRECTOR STINZIANO: Ms. Marinello?
 16 MS. MARINELLO: Yes.
 17 DIRECTOR STINZIANO: The vote has
 18 resulted in a tie vote.
 19 DEPUTY DIRECTOR DAMSCHRODER: Are
 20 there any other motions that we want to
 21 consider on this?
 22 CHAIRMAN PREISSE: Yes.
 23 MR. COLLEY: Mr. Chairman, I move
 24 that the Board direct the Director and Deputy

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1 Director to request supplemental appropriation
 2 from the Franklin County Board of
 3 Commissioners in the estimated amount of
 4 \$1,028,275.61 to cover the necessary and
 5 proper expenses of the Board of Elections for
 6 the August 4 Special Election, including the
 7 mailing of an absentee ballot application to
 8 every active registered voter eligible to vote
 9 at that election.
 10 CHAIRMAN PREISSE: And I'll second
 11 the motion.
 12 DIRECTOR STINZIANO: Any discussion,
 13 or are you ready for a roll call vote?
 14 MR. MCTIGUE: Mr. Chair, can I
 15 address or ask a question about the motion?
 16 CHAIRMAN PREISSE: Sure.
 17 MR. MCTIGUE: I am Donald McTigue.
 18 I represent the committee, the Ballot Issue
 19 Committee that will be in favor of the City of
 20 Columbus ballot issue.
 21 And the question I have is, as I
 22 understand it, the city was informed before
 23 the city placed the issue on the ballot as
 24 they were informed by the Board of Elections

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1 as to what the chargeback cost would be to the
 2 city, and that that was figured at roughly, I
 3 think, a thousand dollars per precinct, and
 4 the city moved forward on that basis.
 5 Now my question is, if the Board
 6 decides to adopt this motion, which is
 7 something that's not required by law,
 8 certainly it's within your prerogative but
 9 it's not required by law, is that going to
 10 increase the chargeback to the city, and by
 11 how much, and if it is, whether or not it
 12 might be judicious to seek some input from the
 13 city with respect to that.
 14 As I understand it, the city is
 15 operating on the information that they had
 16 previously from the Board and not on any new
 17 information regarding chargebacks.
 18 Thank you.
 19 CHAIRMAN PREISSE: All right. Thank
 20 you.
 21 DEPUTY DIRECTOR DAMSCHRODER: I
 22 think a couple things. One is that the amount
 23 from the first resolution that the Board tied
 24 on is an amount in excess of the number that

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1 has been reported by the media as the amount.
 2
 3 To my knowledge, while there may
 4 have been staff level conversations about what
 5 the estimated costs might be for an election,
 6 I don't think there's been an official request
 7 from the City of Columbus for the Board to
 8 certify an amount for the cost of the election
 9 contemplated under, I think, 3501.17.
 10 So I think this office would be
 11 happy to provide that kind of estimate to the
 12 city, if it would ask for it in that official
 13 process.
 14 And as with other aspects, I think
 15 it's the Board of Election's charge, generally
 16 speaking, to determine what is necessary and
 17 proper for the conduct of the election.
 18 MR. MCTIGUE: Mr. Chairman, if I
 19 might add one further comment?
 20 CHAIRMAN PREISSE: Sure.
 21 MR. MCTIGUE: Obviously, this would
 22 substantially increase the cost of the
 23 election that the city would have to bear.
 24 And I do have some concern that that should be

