

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

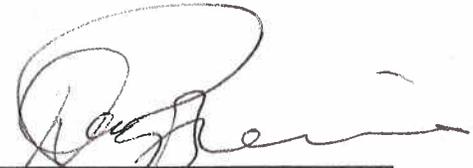
MINUTES OF THE MEETING ON

12-6-10

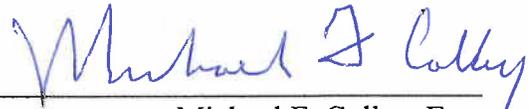
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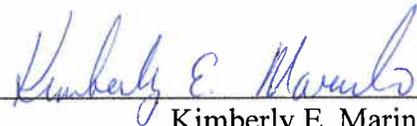
BY:



Douglas J. Preisse, Chairman



Michael F. Colley, Esq.



Kimberly E. Marinello



Zachary Manifold

ATTEST:



William A. Anthony, Jr., Director

1 ORIGINAL

2 MEETING: Franklin County BOE Board Meeting

3 DATE OF DELIVERY:

4 Franklin County BOE  
5 280 East Broad Street  
6 Columbus, Ohio 43215  
7 By Ms. Suzanne Brown

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9 Suzanne Brown

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BEFORE THE BOARD OF ELECTIONS  
OF FRANKLIN COUNTY, OHIO

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IN RE:  
Board Meeting  
Proceedings before Chairman Douglas J.  
Preisse, Board Members Michael F. Colley,  
Kimberly E. Marinello, and Zachary E.  
Manifold, with Director William A. Anthony,  
Jr., and Deputy Director Matthew Damschroder,  
taken at the Board of Elections, 280 East  
Broad Street, Columbus, Ohio, on Monday,  
December 6, 2010 at 3:10 o'clock p.m.

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1 APPEARANCES:

2 Franklin County Prosecutor's Office  
3 13th Floor  
4 373 South High Street  
5 Columbus, Ohio 43215  
6 By Mr. Patrick Piccininni,  
7 On behalf of the Board.

8 ALSO PRESENT:

9 Ms. Suzanne Brown  
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P R O C E E D I N G S

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DIRECTOR ANTHONY: Good afternoon.  
I would like to call the Franklin County  
Board of Elections meeting to order. I'll do  
the roll call. Kimberly Marinello?

MS. MARINELLO: Here.

DIRECTOR ANTHONY: Zachary Manifold?

MR. MANIFOLD: Here.

DIRECTOR ANTHONY: Douglas Preisse?

CHAIRMAN PREISSE: Here.

DIRECTOR ANTHONY: Michael Colley?

MR. COLLEY: Here.

DIRECTOR ANTHONY: All are present  
and accounted for. The first item on the  
agenda would be to approve the Board minutes  
of November 23, 2010.

MS. MARINELLO: Mr. Chairman, I move  
that the minutes of the meeting of the Board  
held on November 23, 2010 be approved as  
submitted.

DIRECTOR ANTHONY: Is there a second  
to that?

1 MR. COLLEY: Second.

2 DIRECTOR ANTHONY: All those in  
3 favor?

4 (All say aye.)

5 DIRECTOR ANTHONY: Minutes are  
6 approved and pass them down for signature.  
7 The next item is the recount. It went pretty  
8 good, Matt. Do you have anything -- it was  
9 like the regular votes cast election. There  
10 were no changes in it. We held them here and  
11 at the warehouse and we had observers and it  
12 went smoothly.

13 MR. DAMSCHRODER: Yep. We -- yeah,  
14 it went very smoothly.

15 MR. MANIFOLD: Mr. Chairman, I move  
16 that the results of the recounts conducted  
17 for Issue 18b, the Local Liquor Option  
18 Election for Columbus Ward 38, Precinct B,  
19 and Issue 5, the Gahanna-Jefferson City  
20 School District Levy, be officially certified  
21 as submitted.

22 DIRECTOR ANTHONY: Is there a  
23 second?

24 CHAIRMAN PREISSE: Probably worth

1 seconding.

2 DIRECTOR ANTHONY: All those in  
3 favor say aye.

4 (All say aye.)

5 DIRECTOR ANTHONY: All right. The  
6 next item on the agenda is I guess as a  
7 result of the election we had a couple of  
8 presiding judges that ended up going to a  
9 tie; is that what it was?

10 MR. DAMSCHRODER: Correct. The  
11 major party candidates for Governor in two  
12 precincts, being Westerville Ward 5, Precinct  
13 A, and Columbus Ward 80, Precinct C,  
14 Strickland and Kasich, tied in those two  
15 precincts which means we have to flip a coin  
16 to decide which party will have the presiding  
17 judge in those two precincts for the next  
18 four years.

19 So we provided Ms. Marinello with a  
20 quarter. If you want to do two flips. The  
21 first one will be for Columbus Ward 80,  
22 Precinct C, and we'll do Republican, heads;  
23 Democrat, tails. And then we'll flip it on  
24 the other one.

1 MS. MARINELLO: Ready? (Flips.) It  
2 is a tail.

3 MR. DAMSCHRODER: So Democrats in  
4 Columbus Ward 80, Precinct C.

5 MS. MARINELLO: (Flips.) That's  
6 heads.

7 MR. DAMSCHRODER: So if you want to  
8 fill out Democratic and then Republican on  
9 the two lines respectively, and then we'll  
10 have that motion.

11 MS. MARINELLO: Mr. Chairman, the  
12 vote totals of the major political party  
13 candidates for Governor having resulted in a  
14 tie at the November 2, 2010 general election  
15 and the decision having been made by the flip  
16 of a coin pursuant to state law, I move that  
17 the Board assign a member of the Democratic  
18 Party to be the presiding judge for Columbus  
19 Ward 80, Precinct C, and a member of the  
20 Republican Party to be the presiding judge  
21 for Westerville Ward 5, Precinct A.

22 DIRECTOR ANTHONY: Is there a  
23 second?

24 MR. COLLEY: Second.

1                   DIRECTOR ANTHONY: All in favor say  
2 aye.

3                                   (All say aye.)

4                   DIRECTOR ANTHONY: Motion carries.  
5 We also got a -- next item on the agenda, we  
6 received a letter from the Secretary of State  
7 that said Columbus Ward 69, we have more than  
8 the prescribed 1400 registered voters in that  
9 ward and we needed to shift it, move some  
10 folks around so that we would be within the  
11 guidelines of the 1400 persons per precinct.

12                   MS. BROWN: The Board members have a  
13 copy of the letter.

14                   MR. DAMSCHRODER: It's Precinct I  
15 and I think there's a letter from the  
16 Secretary in your packet.

17                   MS. BROWN: On the inside of your  
18 folder.

19                   MR. MANIFOLD: Is that the only  
20 precinct we have? I thought when I was going  
21 through some of the results, the numbers and  
22 registered voters, aren't there precincts  
23 with more than 1400?

24                   MR. DAMSCHRODER: It may very well

1 be that after we finish doing data entry of  
2 provisionals and other voter registration  
3 forms that there might be a couple other  
4 ones. But this is one that Secretary of  
5 State and that office is continuing pursuit  
6 of accurately and effectively implementing  
7 the League of Women Voters' consent order,  
8 decides to send pro-active letters to Boards  
9 asking -- reminding us of our statutory  
10 obligation.

11 MS. MARINELLO: Mr. Chairman, the  
12 number of active registered voters in  
13 Columbus Ward 69, Precinct I, having exceeded  
14 the statutory threshold of 1400, I move that  
15 the Board divide the precinct along the  
16 boundaries and with the new naming  
17 designations as proposed by staff.

18 DIRECTOR ANTHONY: Is there a  
19 second?

20 MR. COLLEY: Second.

21 DIRECTOR ANTHONY: All those in  
22 favor, say aye.

23 (All say aye.)

24 MR. DAMSCHRODER: Just a brief

1 commentary on the next one that there's three  
2 places -- six precincts, three pairs where  
3 the precincts can be combined and within the  
4 same voting location and not be near the 1400  
5 threshold. This is similar to what we did  
6 earlier this year, there's these six that can  
7 be consolidated down to three.

8 MS. MARINELLO: I move that Columbus  
9 Ward 17, Precinct B be merged with Columbus  
10 Ward 17, Precinct D; that Columbus Ward 26,  
11 Precinct B be merged with Columbus Ward 26,  
12 Precinct C; and that Columbus Ward 84,  
13 Precinct F be merged with Columbus Ward 84,  
14 Precinct H with the new naming designations  
15 as proposed by staff.

16 DIRECTOR ANTHONY: Is there a  
17 second?

18 MR. COLLEY: Second.

19 DIRECTOR ANTHONY: All those in  
20 favor say aye.

21 (All say aye.)

22 MR. DAMSCHRODER: The next one as we  
23 discussed at a couple previous meetings, as  
24 you recall there was a question on election

1 night as to the perceived legality or  
2 illegality of a long-standing Board practice  
3 that when we mail a voting location change  
4 reminder or just a notice from the Board of  
5 Elections, as we may from time to time to a  
6 person, if that comes back as undeliverable,  
7 we treat them as in the same manner as we do  
8 notices sent under a different section of the  
9 law which results in a person -- since we  
10 know they've moved, or at least the post  
11 office says they've moved, treating them as a  
12 provisional voter in the poll book and they  
13 go back to their old voting location.

14 That question as you recall came  
15 under fire election night. Now that the dust  
16 has kind of settled from the election and  
17 people are moving on, I think it is prudent  
18 for the Board to take the steps to determine  
19 whether or not that practice should be  
20 continued or not.

21 And I think the first step is to  
22 determine whether or not it's legal for us to  
23 do that. So this would be to ask our  
24 statutory -- legal counsel to give us a

1 formal written opinion on the matter.

2 DIRECTOR ANTHONY: Speaking of  
3 which, welcome back, sir.

4 MR. PICCININNI: Thank you.

5 MS. MARINELLO: Oh, I thought you  
6 were going to speak to that, Patrick. I'm  
7 sorry.

8 MR. PICCININNI: No. I will let you  
9 guys make the formal request that I do that.  
10 I won't speak to it at this point. We'll get  
11 the formal request and then we'll deal with  
12 it in the course of business in our office.  
13 We will comply with the request for opinion  
14 by our client.

15 MS. MARINELLO: In that case, I move  
16 that the Board request a formal written legal  
17 opinion from the Franklin County Prosecuting  
18 Attorney on the question, "Does the Franklin  
19 County Board of Elections abuse its  
20 discretion and authority when treating voters  
21 whose voting location reminder notices sent  
22 under 3501.21 and 3503.17, or as may  
23 otherwise be sent from time to time, are  
24 returned as undeliverable by the United

1 States Postal Services, in the same manner in  
2 which voters whose voter registration  
3 confirmation notices sent under 3501.01(V)  
4 and 3503.19(C)(1) are returned as  
5 undeliverable by the United States Postal  
6 Service?"

7 DIRECTOR ANTHONY: Is there a  
8 second?

9 MR. COLLEY: Second.

10 DIRECTOR ANTHONY: All those in  
11 favor say aye.

12 (All say aye.)

13 DIRECTOR ANTHONY: Motion carries.  
14 The next item on the agenda has to do with  
15 some reimbursements. Harold Fielder bought  
16 some doughnuts and stuff for the Board  
17 employees, the warehouse has worked really  
18 hard. And I bought some pizza and lunch for  
19 employees over here working long hours during  
20 the election period.

21 CHAIRMAN PREISSE: Well, that was  
22 generous of you.

23 DIRECTOR ANTHONY: Thanks.

24 MR. MANIFOLD: Mr. Chairman, I move

1 that the Board reimburse Harold Fielder and  
2 Bill Anthony for food provided to elections  
3 workers in the amount of \$85.17 and \$287.36  
4 respectively.

5 MR. COLLEY: Second.

6 DIRECTOR ANTHONY: All those in  
7 favor?

8 (All say aye.)

9 DIRECTOR ANTHONY: That's all I had.  
10 Was there a need to go to Executive Session?

11 MR. DAMSCHRODER: No.

12 DIRECTOR ANTHONY: Is there a motion  
13 to adjourn?

14 MS. MARINELLO: I move that we  
15 adjourn.

16 MR. MANIFOLD: I'll second.

17 DIRECTOR ANTHONY: All in favor?

18 (All say aye.)

19 DIRECTOR ANTHONY: Thank you. We  
20 stand adjourned.

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22 Thereupon, the proceedings were  
23 concluded at 3:21 o'clock p.m.

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CERTIFICATE

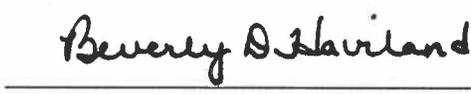
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The undersigned do hereby certify that the foregoing proceedings were digitally recorded, electronically transmitted, and transcribed via audible playback, and that the foregoing transcript of such proceedings is a full, true and correct transcript of the proceedings as so recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 17<sup>th</sup> day of December, 2010.



MICHELLE K. SALINAS  
Certified Digital Reporter  
Notary Public - State of Ohio  
My commission expires June 11, 2013



BEVERLY D. HAVILAND  
Certified Digital Transcriber