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APPEARANCES:

Franklin County Prosecutor's Office  
By Harold J. Anderson, III  
Assistant Prosecuting Attorney  
373 South High Street, 13th Floor  
Columbus, Ohio 43215

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown,  
Executive Assistant to the Board

Ms. Karen Cotton,  
Operations Manager,  
Franklin County Board of Elections

Ms. Renee Klco,  
Manager of Voter Services,  
Franklin County Board of Elections

Mr. Todd Wedekind,  
Manager of the Absentee Department  
Franklin County Board of Elections

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1                   Tuesday Morning Session,  
 2                   November 20, 2012.

3                   - - -

4                   DIRECTOR ANTHONY: Good morning,  
 5 everyone. I'd like to call the Franklin County Board  
 6 of Elections meeting to order and do the roll call.

7                   Kim Marinello.

8                   BOARD MEMBER MARINELLO: Here.

9                   DIRECTOR ANTHONY: Zachary Manifold.

10                  BOARD MEMBER MANIFOLD: Here.

11                  DIRECTOR ANTHONY: Douglas Preisse.

12                  CHAIRMAN PREISSE: Here.

13                  DIRECTOR ANTHONY: Brad Sinnott.

14                  BOARD MEMBER SINNOTT: Yes.

15                  DIRECTOR ANTHONY: We're all here and  
 16 accounted for, Mr. Chairman.

17                  The first item on the agenda is the  
 18 remaking of absentee ballots. I'll let Todd Wedekind  
 19 explain what that process will be.

20                  MR. WEDEKIND: We have 260 absentee  
 21 ballots and 76 Election Day ballots that we had to  
 22 remake due to things such as this (indicating).  
 23 These are some examples of the kind of ballots we  
 24 have to remake because these don't go through the

1 scanners. So those are remade, and then the Election  
2 Days.

3 Sample of some of the Election Days, the  
4 problem we run into is when the poll workers tear off  
5 the ballots from the stubs, they tear off quite a bit  
6 of the ballot with it and that part of the ballot is  
7 required to scan. So we have to remake those ballots  
8 as well, and for the official that's what we have,  
9 260 absentees and 76 Election Days.

10 DIRECTOR ANTHONY: And those will be  
11 remade in teams of Democrats and Republicans?

12 MR. WEDEKIND: That's correct.

13 DIRECTOR ANTHONY: Any questions?

14 BOARD MEMBER SINNOTT: We have the  
15 agreement of bipartisan staff that there are 260  
16 absentee ballots and 76 Election Day ballots that  
17 need to be made?

18 MR. WEDEKIND: That's correct, yes.

19 BOARD MEMBER SINNOTT: Then I move that  
20 the Board authorize the staff to remake 260 absentee  
21 ballots and 76 Election Day paper-by-choice ballots  
22 and that these remade ballots be tabulated and  
23 included in the official canvass.

24 DIRECTOR ANTHONY: Is there a second?

1 CHAIRMAN PREISSE: Second.

2 DIRECTOR ANTHONY: All those in favor.

3 BOARD MEMBERS: Aye.

4 DIRECTOR ANTHONY: All right. And then  
5 the next item on the agenda is provisional ballots.

6 DEPUTY DIRECTOR WALCH: Wait a minute.  
7 Sorry, Bill, excuse me for just one moment.

8 We do have two absentee ballots that our  
9 teams looked over and I guess could not come to a  
10 determination on that we are bringing to the four of  
11 you today to make a determination on.

12 Is that correct, Todd?

13 MR. WEDEKIND: Yes. We have two ballots  
14 and we'll pass them around. These are for you guys.  
15 This is a situation where they filled in the write-in  
16 bubble and then wrote in a presidential candidate,  
17 but you guys have to determine the intent on these.

18 It's not a double-bubble situation where  
19 they filled in the bubble for the candidate and then  
20 the write-in bubble and write it in, they just wrote  
21 in the write-in bubble and they wrote in a candidate  
22 for president. So the Board has to make a  
23 determination on those, whether to count those, what  
24 the voter intent actually is on those.

1 BOARD MEMBER SINNOTT: So you want us to  
2 focus on the vote for president?

3 MR. WEDEKIND: Correct. Everything else  
4 was voted okay.

5 CHAIRMAN PREISSE: Todd, describe to me  
6 again what is contrary to what should have been here.

7 MR. WEDEKIND: Well, what they should  
8 have done is simply filled in --

9 CHAIRMAN PREISSE: Oh, I see. Of course.

10 MR. WEDEKIND: Yes. And the directive  
11 for tabulating speaks to the double-bubble situation  
12 where they fill in both, but it doesn't speak to the  
13 situation that we have here where they fill in the  
14 write-in bubble and then write in a valid candidate.  
15 It says anything that's not marked correctly has to  
16 be determined by you guys.

17 DIRECTOR ANTHONY: What's the prognosis?

18 BOARD MEMBER MARINELLO: It looks pretty  
19 clear.

20 CHAIRMAN PREISSE: It looks pretty clear.

21 BOARD MEMBER SINNOTT: Perhaps the motion  
22 should come from the left side of the table.

23 BOARD MEMBER MANIFOLD: Mr. Chairman, I  
24 move that the two absentee ballots examined by the

1 Board be accepted.

2 CHAIRMAN PREISSE: And I'll second it.

3 MR. ANDERSON: As what?

4 BOARD MEMBER MANIFOLD: As what?

5 DIRECTOR ANTHONY: Accepted to be remade?

6 BOARD MEMBER MANIFOLD: Oh, okay. Well,  
7 there are only two people, right?

8 DIRECTOR ANTHONY: Well, what's --

9 DEPUTY DIRECTOR WALCH: We need your  
10 authorization to remake it and in that specific race.

11 BOARD MEMBER MANIFOLD: Oh, it has to  
12 be --

13 DEPUTY DIRECTOR WALCH: Determine who the  
14 vote was cast for in that.

15 BOARD MEMBER MANIFOLD: All right. Let  
16 me redo the motion.

17 DIRECTOR ANTHONY: Okay.

18 BOARD MEMBER MANIFOLD: Mr. Chairman, I  
19 move that the Board accept the two absentee ballots  
20 and remake said ballots.

21 CHAIRMAN PREISSE: Indicating that?

22 MR. ANDERSON: Indicating a vote for?

23 BOARD MEMBER MANIFOLD: Oh. Indicating a  
24 vote for Barack Obama for president.

1 DIRECTOR ANTHONY: Is there second?

2 CHAIRMAN PREISSE: I'll second it.

3 DIRECTOR ANTHONY: All in favor, say  
4 "aye."

5 BOARD MEMBERS: Aye.

6 DIRECTOR ANTHONY: Motion carries and we  
7 will do that.

8 Anything else?

9 DEPUTY DIRECTOR WALCH: I think that's it  
10 for these gentlemen. Is that it, Todd?

11 MR. WEDEKIND: That's for the absentees  
12 and Election Days that we had.

13 DIRECTOR ANTHONY: All right. The next  
14 item on the agenda will be the provisional ballots.  
15 Renee Klco, did you want to give a report?

16 MS. KLCO: After reviewing all the  
17 provisional ballots we had a total of 29,751 to be  
18 processed. Of those we have a total so far of 20,545  
19 that need to be opened and ballots extracted. We are  
20 waiting on a total of 2,438 responses from other  
21 counties which we should have by the end of today.

22 DIRECTOR ANTHONY: So we need a motion to  
23 basically open 20,545 ballots; is that correct?

24 DEPUTY DIRECTOR WALCH: That's correct.

1           CHAIRMAN PREISSE: What's the difference  
2 between 20545 and 29751? You just haven't processed  
3 that many?

4           DEPUTY DIRECTOR WALCH: There's a number  
5 of them that we know our recommendation will be to  
6 reject them, but, because we have this 2,438 from  
7 other counties that we still don't know yet, we know  
8 that 20,545 are the ones we've examined and we  
9 believe to be valid and would ask the Board for  
10 authorization to determine the validity on those  
11 ballots.

12           And then at our meeting tomorrow  
13 afternoon that we will have we will present to you  
14 our findings on the remainder of the ballots once we  
15 hear back from the counties in question that we can  
16 determine additional validity. Obviously, a vast  
17 number of those will be valid once we hear from the  
18 other counties, we just can't make that determination  
19 yet.

20           CHAIRMAN PREISSE: Is that just the  
21 checking registration status?

22           DEPUTY DIRECTOR WALCH: Checking  
23 registration and making sure that they did not, in  
24 fact, vote in the other county either. So at

1 tomorrow's meeting we will bring before you the  
2 validation of additional provisionals which will then  
3 give us the total count, and then we will also ask  
4 for approval on the rejection for the ones that are  
5 needing to be rejected once we have that final number  
6 available.

7 But to get us along in the process we are  
8 asking for you to validate the 20,545 that our  
9 bipartisan team has deemed valid at this time.

10 DIRECTOR ANTHONY: And you saw the table  
11 set up on the other side of that room there. Once we  
12 get the okay, we'll fill those tables and start  
13 extracting ballots.

14 BOARD MEMBER MANIFOLD: Renee, do you  
15 have any -- I know we'll have the final numbers  
16 tomorrow. Do you have any preliminary numbers on  
17 maybe the top couple categories for rejection out of  
18 the 27,300 or something that are done with the 2400  
19 remaining? Do you have --

20 MS. KLCO: Our biggest category are  
21 people who are not registered in the state.

22 BOARD MEMBER MANIFOLD: Is it a large --  
23 do you have any number on how many of the 27,000 that  
24 you have?

1 MS. KLCO: About 2700. Our second  
2 biggest category would be voted in the wrong precinct  
3 and the wrong polling location.

4 BOARD MEMBER MANIFOLD: How big is that?  
5 Do you have a number for that?

6 MS. KLCO: Just over 1800.

7 BOARD MEMBER MANIFOLD: Okay.

8 MR. WEDEKIND: So in accordance with  
9 Secretary of State directives we will not -- we will  
10 not begin counting anything until after you have  
11 determined the validity of all or rejection of all  
12 provisional ballots, but in an effort to allow us to  
13 begin the process with 20,000 of them, we wanted to  
14 go ahead and get your authorization on the validity  
15 of those 20,000 today so that we can begin opening  
16 them and scanning them in, but we will not tabulate  
17 them until such time as we have the final number.

18 BOARD MEMBER MANIFOLD: Mr. Chairman, I  
19 move that the Board accept the staff recommendation  
20 for the validation of 20,545 provisional ballots as  
21 submitted.

22 DIRECTOR ANTHONY: Is there a second?

23 BOARD MEMBER SINNOTT: Yes.

24 DIRECTOR ANTHONY: All those in favor?

1 BOARD MEMBERS: Aye.

2 DIRECTOR ANTHONY: So holler down the  
3 hallway and tell them to get started.

4 MS. KLCO: We also have a total of 193  
5 NEOCH ballots, those are people who voted in the  
6 right location but got the wrong precinct or the  
7 wrong ballot.

8 MR. WEDEKIND: It's the last item on the  
9 agenda.

10 MS. KLCO: And they will also need to be  
11 extracted and remade.

12 MR. WEDEKIND: Because they are the  
13 correct polling location but the wrong precinct but  
14 fall under the NEOCH provision, we know that these  
15 are ballots that will need to be remade because we  
16 can only count the ballots -- the races for which  
17 they are actually eligible to vote.

18 So we know that the ballot that's in  
19 there will need to be remade in some way because of  
20 this exception, so that's why we're asking for  
21 authorization to move forward proactively with the  
22 remainder of those 193 ballots.

23 BOARD MEMBER MARINELLO: Mr. Chairman, I  
24 move that the Board authorize the staff to remake 193

1 provisional ballots that were cast in the correct  
2 polling location but the wrong precinct. These  
3 ballots shall be remade in such a way that they can  
4 only be counted for those contests for which the  
5 voter was eligible to vote.

6 DIRECTOR ANTHONY: Is there a second?

7 BOARD MEMBER MANIFOLD: Second.

8 DIRECTOR ANTHONY: All those in favor?

9 BOARD MEMBERS: Aye.

10 DIRECTOR ANTHONY: Motion carries.

11 We also have -- you need to examine 46  
12 provisional ballots?

13 MS. KLCO: Yeah, I'm going to let Julie  
14 talk about those. We also have -- we also have --  
15 how many are there? -- sixty-eight where we have a  
16 mismatched signature and the Board needs to make a  
17 determination whether or not we're going to accept  
18 these or reject them.

19 DEPUTY DIRECTOR WALCH: I guess, Bill, I  
20 don't know how you've done this in the past, I think  
21 we'll probably need to go through these one by one.

22 DIRECTOR ANTHONY: One at a time.

23 DEPUTY DIRECTOR WALCH: Just sort of pass  
24 down the list here and let you all take a look at

1 them.

2 DIRECTOR ANTHONY: Vote on that one.

3 DEPUTY DIRECTOR WALCH: Yeah, vote on  
4 that individual one.

5 MS. KLCO: And if we look through here,  
6 you can see where, as you're going through here, this  
7 is where the voter signs the provisional and this is  
8 the signature we have on record.

9 BOARD MEMBER SINNOTT: Renee, you have  
10 the category of 68 provisional ballots, right?

11 MS. KLCO: Uh-huh.

12 BOARD MEMBER SINNOTT: But there's a  
13 mismatch between the signature --

14 MS. KLCO: On file and how they signed  
15 the provisional.

16 BOARD MEMBER SINNOTT: And this is simply  
17 an eye test on the part of the staff as to whether  
18 the signatures look the same or not?

19 MS. KLCO: Yes. Yes. So if you want to  
20 start with those.

21 DEPUTY DIRECTOR WALCH: I would say --

22 DIRECTOR ANTHONY: Do one at a time.

23 DEPUTY DIRECTOR WALCH: -- do one at a  
24 time.

1 BOARD MEMBER MANIFOLD: I was going to  
2 say, how are we going to --

3 BOARD MEMBER SINNOTT: Yeah, we need a  
4 process.

5 DEPUTY DIRECTOR WALCH: I would say take  
6 the top one, pass it down, once all four of you have  
7 had a chance to take a look at it, discussion, then a  
8 motion on that individual one.

9 DIRECTOR ANTHONY: Whether to accept it  
10 or reject it.

11 CHAIRMAN PREISSE: I think we can  
12 probably put them in two stacks.

13 MS. KLCO: I believe so.

14 DEPUTY DIRECTOR WALCH: We can do that,  
15 sure.

16 CHAIRMAN PREISSE: If we get to the end  
17 and have a consensus Yes, we'll put it in a stack and  
18 if we have a discrepancy one, we'll put it in a  
19 different stack.

20 DEPUTY DIRECTOR WALCH: That will work.

21 Does that work, Counselor?

22 MR. ANDERSON: Yeah, that works.

23 MS. KLCO: If you look here on the second  
24 page, this is how they're signed. This is what we

1 have on file.

2 BOARD MEMBER SINNOTT: This is how the  
3 voter signed it?

4 MS. KLCO: This is how they signed the  
5 provisional here, and that's what we have on file.

6 CHAIRMAN PREISSE: What's the front page?

7 MS. KLCO: That's the back of this  
8 provisional ballot.

9 BOARD MEMBER SINNOTT: And this also  
10 bears a signature.

11 MS. KLCO: Yes.

12 BOARD MEMBER SINNOTT: So, Renee . . .

13 (Discussion off the record.)

14 DIRECTOR ANTHONY: Brad, Doug, and Renee,  
15 we need you all to speak up so she can hear you.

16 MS. KLCO: Okay.

17 DIRECTOR ANTHONY: This is all on the  
18 record.

19 CHAIRMAN PREISSE: So, once again, Renee,  
20 you're going to be passing -- you're going to be  
21 passing down the two pieces of paper for each record.

22 MS. KLCO: Yes.

23 CHAIRMAN PREISSE: This is the back --

24 MS. KLCO: Yes.

1           CHAIRMAN PREISSE:  -- of the provisional  
2 envelope which has been signed, and this is the  
3 front?

4           MS. KLCO:  Yes.

5           CHAIRMAN PREISSE:  With the voter's  
6 signature again.  And this insert is a facsimile of  
7 their registration record.

8           MS. KLCO:  The signature we have on file,  
9 yes.

10          DEPUTY DIRECTOR WALCH:  So what we would  
11 need the Board to compare is that page you have to  
12 the right there, Mr. Chairman, where it would be how  
13 they signed their affirmation statement next to what  
14 we have on file for them.

15          CHAIRMAN PREISSE:  Okay.

16          BOARD MEMBER SINNOTT:  Bill, how's this  
17 been done in the past?

18          DIRECTOR ANTHONY:  We did it one at a  
19 time and we would look at the signature and you make  
20 a determination whether you think that's similar,  
21 that signature is the voter's signature, either  
22 affirmation or you deny it.

23          BOARD MEMBER SINNOTT:  So there was a  
24 motion made as to each of the ballots so that we

1 would be looking at 68 separate motions?

2 DIRECTOR ANTHONY: Yes. Or you could,  
3 like Bill suggested, you could put them in piles of  
4 yea and nay.

5 BOARD MEMBER SINNOTT: I kind of like  
6 that idea.

7 MR. ANDERSON: Yeah.

8 DEPUTY DIRECTOR WALCH: That's fine.

9 BOARD MEMBER SINNOTT: I think perhaps  
10 what would make that work is if as we go down the  
11 line, as we look at it, we'll signal whether we have  
12 agreement about the -- the yes or the no and then  
13 we'll wind up with perhaps a disputed column too.

14 DIRECTOR ANTHONY: And why don't you  
15 number them, too, so we know we've got all 68 done.  
16 So the first one, just put a number "1" on there.

17 BOARD MEMBER SINNOTT: Okay. I can  
18 number them as they go down.

19 DIRECTOR ANTHONY: Yeah.

20 BOARD MEMBER SINNOTT: Very good. All  
21 right.

22 DIRECTOR ANTHONY: We can't hear you all  
23 talk, guys. Doug and Brad.

24 (Discussion off the record.)

1 BOARD MEMBER SINNOTT: What I'm going to  
2 do, for anybody reading this record, I'm going to  
3 mark underneath the number that we're going to  
4 identify each ballot, I'm going to mark "Y" if I  
5 think there is a match or an "N" if I think there is  
6 no match.

7 CHAIRMAN PREISSE: And then I'll do the  
8 same, and you do the same, and you do the same, and  
9 then you'll know which pile to put it in.

10 BOARD MEMBER MARINELLO: Okay.

11 CHAIRMAN PREISSE: Consensus one way or  
12 another, or dispute and we'll look at it again and  
13 vote on it individually. That make sense?

14 BOARD MEMBER SINNOTT: Okay. Start  
15 feeding me, Renee.

16 MS. KLCO: Okay.

17 BOARD MEMBER SINNOTT: It might be  
18 helpful if you put this page on the top.

19 MS. KLCO: Okay.

20 DEPUTY DIRECTOR WALCH: Just if I could,  
21 just for the record, tell everybody that these, of  
22 course, what the Board is examining here is the  
23 outside of the provisional envelopes. We made copies  
24 of the affirmation statement and subsequent

1 information on the back of the envelope, but, again,  
2 just for the record, all these envelopes have not  
3 been opened. We know nothing about the ballot  
4 itself. The Board is simply making a determination  
5 on the information provided by the voter on their  
6 affirmation.

7 BOARD MEMBER SINNOTT: I have a question  
8 for counsel of staff. Must there be a match on  
9 signature between the Step 3 Voter Signature line and  
10 the signature on file, or is it sufficient if the  
11 match is between No. 14, line 14, and the signature  
12 on file?

13 MS. KLCO: It has to match in Step 3.

14 BOARD MEMBER SINNOTT: Are we agreed?

15 MR. ANDERSON: Yes.

16 BOARD MEMBER SINNOTT: Thank you.

17 BOARD MEMBER MANIFOLD: I guess I have a  
18 question. Should there -- in the cases where  
19 somebody provided either a photo ID or a driver's  
20 license where the person has been identified as being  
21 that person, should that have any bearing on the  
22 signature mismatch?

23 MR. ANDERSON: Statutorily, it's the  
24 Board's responsibility to make sure that they agree

1 that the signatures match.

2 BOARD MEMBER MANIFOLD: All right.

3 DIRECTOR ANTHONY: Somebody can steal  
4 your ID.

5 MR. ANDERSON: Mr. Manifold, part of the  
6 reason for that is because they're not required to  
7 just show a picture ID. So it's hard for you to at  
8 this point know whether it was a photo ID, a utility  
9 bill, or something like that. So that's why the  
10 Board -- that's why statutorily the Board's vested  
11 with this responsibility.

12 BOARD MEMBER MANIFOLD: What did we  
13 discuss? I'm sorry, what did we say earlier about  
14 one of them matches and one of them doesn't, which  
15 one has to -- do they both have to match?

16 BOARD MEMBER SINNOTT: It's Step 3 that  
17 has to match.

18 BOARD MEMBER MANIFOLD: Step 3.

19 BOARD MEMBER SINNOTT: I believe we have  
20 a duplicate here.

21 MS. KLCO: I beg your pardon. This was  
22 done at a quarter till 3 this morning, so it's going  
23 to happen.

24 BOARD MEMBER SINNOTT: Zach, Kim, would

1 you agree that those are duplicates, just a  
2 photocopying error?

3 BOARD MEMBER MANIFOLD: Yeah.

4 BOARD MEMBER MARINELLO: Yeah.

5 CHAIRMAN PREISSE: Maybe we can just put  
6 them both together as record 12. Does that make  
7 sense?

8 BOARD MEMBER SINNOTT: Or we can just  
9 kick one out.

10 CHAIRMAN PREISSE: Can we take one out?

11 BOARD MEMBER SINNOTT: Yeah, why don't we  
12 just take one out.

13 The Chairman noticed the duplication, but  
14 I do want you to know that I had decided both of them  
15 the same way.

16 MS. KLCO: Thank you.

17 BOARD MEMBER SINNOTT: So we're now at  
18 13.

19 MS. BROWN: Someone got sleep last night.

20 CHAIRMAN PREISSE: This one would be 13.

21 I think this is a duplicate of one we saw  
22 earlier as well, I think. Is there a Carmen Edmond?  
23 Carmen Lee Edmond?

24 DEPUTY DIRECTOR WALCH: Cameron L.

1 Edmond?

2 CHAIRMAN PREISSE: Yeah, that's the same  
3 as this one. What did we do last time, agree it was  
4 a duplicate and --

5 DEPUTY DIRECTOR WALCH: Do you want to  
6 take a look at that and make sure.

7 BOARD MEMBER MANIFOLD: Yeah, it's the  
8 same one.

9 BOARD MEMBER SINNOTT: It's a duplicate?

10 CHAIRMAN PREISSE: Yeah.

11 DEPUTY DIRECTOR WALCH: Okay.

12 CHAIRMAN PREISSE: I don't think there's  
13 any magic to the numerical order of that so you could  
14 come up with a new 16.

15 MS. KLCO: This one you need to look at  
16 the registration form on the second page.

17 BOARD MEMBER SINNOTT: Folks, on 25 the  
18 signature page is going to be on the second one Renee  
19 says. The second page.

20 BOARD MEMBER MANIFOLD: Okay.

21 MS. KLCO: Same with this one.

22 That's all I have for now. I'll have the  
23 rest for you tomorrow. As I said, this was done at a  
24 quarter till 3 this morning.

1 BOARD MEMBER SINNOTT: So it's 26 of 68  
2 mismatched signatures.

3 MS. KLCO: Right.

4 DEPUTY DIRECTOR WALCH: Our team already  
5 down in the atrium just got a big shush, so --

6 MS. KLCO: You have to look on the second  
7 page.

8 BOARD MEMBER MANIFOLD: Oh, this is that  
9 one.

10 MS. KLCO: That's it. So you only have  
11 one that you're split on.

12 BOARD MEMBER MARINELLO: Yeah.

13 BOARD MEMBER MANIFOLD: Yeah.

14 I guess it depends on the -- on this one  
15 it looked like, I don't know, the R -- I'm not sure  
16 it's -- like if you look through here, the b-e-r-t on  
17 Robert is similar here, this part, but then the H  
18 looks similar and then there's kind of a squiggle  
19 after and then it kind of just dies off and they  
20 didn't complete the match.

21 I guess it just depends, looks like maybe  
22 about half of the signature is a match. I guess this  
23 is the dispute as to whether it's -- I'll let you  
24 guys look at that, see if . . .

1 BOARD MEMBER SINNOTT: That's a close  
2 call.

3 BOARD MEMBER MANIFOLD: It is.

4 BOARD MEMBER SINNOTT: What struck me was  
5 that.

6 BOARD MEMBER MANIFOLD: The R.

7 BOARD MEMBER SINNOTT: Yeah, the R  
8 doesn't match the R on Robert.

9 BOARD MEMBER MANIFOLD: Yeah.

10 BOARD MEMBER SINNOTT: The first R that  
11 is.

12 CHAIRMAN PREISSE: I think in the  
13 interest of erring on the side of -- I'll go like  
14 that.

15 BOARD MEMBER MANIFOLD: So should we have  
16 a motion on one?

17 BOARD MEMBER SINNOTT: No, I think upon  
18 reconsideration we can put that into the approved  
19 category.

20 DIRECTOR ANTHONY: Was that all of them,  
21 or do you still have some more?

22 DEPUTY DIRECTOR WALCH: That's all of  
23 them for now. We'll have to bring the rest of them  
24 before the Board at the meeting we have tomorrow.

1           So how many did we have in each category?

2           I guess we need to make a motion.

3           MR. ANDERSON: We need to make a motion  
4           for each.

5           BOARD MEMBER SINNOTT: I think that's 66,  
6           but -- I think that 68 number was actually knocked  
7           down by 2.

8           MR. ANDERSON: Yes.

9           MS. KLCO: We have three yeses and the  
10          rest nos.

11          DIRECTOR ANTHONY: So what was the total?

12          MS. KLCO: We looked at 26 today, 3 of  
13          them were yeses, the rest are nos.

14          BOARD MEMBER SINNOTT: Are we going to be  
15          able to attach to the Board's minutes the two columns  
16          or the two stacks that we made so they're actually  
17          exhibits? How else are we going to have a record as  
18          to which ones we approved?

19                 Or, you know what we could do, because we  
20          do have their names, we could create a motion that  
21          includes everyone's names being -- why don't we do  
22          that.

23          MR. ANDERSON: That's what I was going to  
24          suggest, Mr. Sinnott.

1 MS. KLCO: I will deal with that.

2 MR. ANDERSON: They need to do it now.

3 MS. KLCO: Here are your yeses.

4 BOARD MEMBER SINNOTT: Mr. Chairman, I  
 5 will move the acceptance by the Board for inclusion  
 6 in counting the three provisional ballots where the  
 7 staff thought there was a mismatch of signature  
 8 involving Robert Hyremr, H-y-r-e-m-r; William Huber,  
 9 H-u-b-e-r; and Regina Slatter, S-l-a-t-t-e-r.

10 DIRECTOR ANTHONY: Is there a second?

11 BOARD MEMBER MARINELLO: Second.

12 DIRECTOR ANTHONY: All those in favor,  
 13 say "aye."

14 BOARD MEMBERS: Aye.

15 DIRECTOR ANTHONY: Motion carries.

16 BOARD MEMBER SINNOTT: As to the  
 17 provisional ballots we've just examined where the  
 18 staff identified the potential for a mismatch of  
 19 signature, I propose for exclusion from the count the  
 20 ballots cast by -- or the ballots cast under the name  
 21 of George Andrew Bailey, B a-i-l-e-y;

22 Leigha Iadoonisy-Yost, I-a-d-o-o-n-i-s-y  
 23 - Y-o-s-t;

24 Jordon Gaines, G-a-i-n-e-s;

1           Brett Williams, W-i-l-l-i-a-m-s;  
 2           Amber Anderson, A-n-d-e-r-s-o-n;  
 3           Jefferson Carey, C-a-r-e-y;  
 4           Randy Wolff, W o-l-f-f;  
 5           Duaa Dakhlallah, D-a-k-h-l-a-l-l-a-h;  
 6           William Blubaugh, B-l-u-b-a-u-g-h;  
 7           Veronica Scott, S-c-o-t-t;  
 8           James Coyne, C-o-y-n-e;  
 9           Cameron Edmond, E-d-m-o-n-d;  
 10          Rodo Said, S-a-i-d;  
 11          Olna Kurpita, K-u-r-p-i-t-a;  
 12          Zaid Abuunijim, A-b-u-u-n-i-j-i-m;  
 13          Nacumo Mire, M-i-r-e;  
 14          Malinda Johnson, J-o-h-n-s-o-n;  
 15          Lillie Crowder, C-r-o-w-d-e-r;  
 16          Nickolas Takach, T-a-k-a-c-h;  
 17          Arianna Scott, S-c-o-t-t;  
 18          Melissa Sheehan, S-h-e-e-h-a-n;  
 19          Sommer, S-o-m-m-e-r, Chaney, C-h-a-n-e-y;  
 20          Mohamad Jama, J-a-m-a; and  
 21          Thomas Phillips, P-h-i-l-l-i-p-s.  
 22          DIRECTOR ANTHONY: Is there a second?  
 23          BOARD MEMBER MARINELLO: Second.  
 24          DIRECTOR ANTHONY: All those in favor say

1 "aye."

2 BOARD MEMBERS: Aye.

3 DIRECTOR ANTHONY: Motion carries.

4 DEPUTY DIRECTOR WALCH: The last item we  
5 have for today is -- what was our last item?

6 MS. KYLE: There's two.

7 DEPUTY DIRECTOR WALCH: Thee's two last  
8 items.

9 MS. KYLE: Two last items.

10 DEPUTY DIRECTOR WALCH: Our next-to-last  
11 item for your consideration this morning is -- Julie.

12 MS. KYLE: I have a voter who lives in a  
13 multiprecinct list. The voter has filled out two  
14 provisionals, one in her correct location and one in  
15 another precinct within the facility, and I need the  
16 Board to decide what to do with these two ballots.

17 They're both filled out, they've --  
18 inside there is a paper from the poll workers stating  
19 that the person is not within -- not in the poll  
20 book. That is not true, she is in the poll book.  
21 There is no signature in the poll book. These are  
22 two different ballots. This one here is the correct  
23 one that she lives in, this one here is another one.

24 CHAIRMAN PREISSE: And we're speculating

1 that the voter would cast -- cast a provisional  
2 ballot because there's no signature in the poll book?  
3 Or, no --

4 MS. KYLE: That was the original -- she  
5 has a hyphenated last name, and whether she told them  
6 she was "Brown" or "Brown-Little" or just "Little" is  
7 only speculation.

8 BOARD MEMBER SINNOTT: Renee, so that I  
9 understand, she shows up at the right polling place.

10 MS. KYLE: Correct.

11 BOARD MEMBER SINNOTT: And she is given  
12 two provisional ballots.

13 MS. KYLE: I'm not sure of a timeframe.  
14 I cannot get a timeframe as to whether she got one,  
15 left, and came back. Whether she got the wrong one,  
16 realized it and came back. I don't know. I cannot  
17 give you any information.

18 BOARD MEMBER SINNOTT: In any event, on  
19 election day she is given two provisional ballots.

20 MS. KYLE: Correct.

21 BOARD MEMBER SINNOTT: One is cast in the  
22 right precinct.

23 MS. KYLE: Correct.

24 BOARD MEMBER SINNOTT: The other is cast

1 in the wrong precinct.

2 MS. KYLE: Correct.

3 BOARD MEMBER SINNOTT: And you want us to  
4 give you instruction about which of these ballots, if  
5 either, to count.

6 MS. KYLE: Correct.

7 DEPUTY DIRECTOR WALCH: As we've said  
8 before to the members of the Board and others, voters  
9 at times can get very creative with things, and in  
10 this case it appears we've had a poll worker who got  
11 a little creative too.

12 BOARD MEMBER MARINELLO: I don't remember  
13 this situation ever coming up before.

14 My recommendation would be to count the  
15 correct --

16 CHAIRMAN PREISSE: Why don't you make a  
17 motion.

18 BOARD MEMBER MARINELLO: Mr. Chairman, I  
19 move to count the ballot from Annie Brown-Little  
20 where she was in the right precinct at the right  
21 polling location --

22 CHAIRMAN PREISSE: Why don't you extend  
23 that to reject the other.

24 BOARD MEMBER MARINELLO: -- and reject

1 the ballot where she voted in the wrong precinct,  
2 wrong -- wrong precinct.

3 DIRECTOR ANTHONY: Is there a second?

4 BOARD MEMBER SINNOTT: Second.

5 DIRECTOR ANTHONY: All those in favor,  
6 say "aye."

7 BOARD MEMBERS: Aye.

8 DIRECTOR ANTHONY: Motion carries.

9 DEPUTY DIRECTOR WALCH: And now I believe  
10 the final thing on our agenda today, unless Julie or  
11 Renee tells me different --

12 MS. KYLE: As far as I know.

13 DEPUTY DIRECTOR WALCH: -- I'll let Julie  
14 take it from here.

15 MS. KYLE: Okay. What I have here is 44  
16 ballots where the voter signed the poll book and also  
17 voted a provisional ballot. In some cases it was in  
18 the old precinct and a provisional in the new  
19 precinct, in some cases it was the same precinct.  
20 And I need the Board to make a decision on how we  
21 should handle these, okay?

22 I probably should have done this -- we  
23 can look at them one at a time if you prefer.

24 DIRECTOR ANTHONY: Yes.

1 MS. KYLE: They are in order. There are  
2 reasons on some of them that in the poll book  
3 workbook and -- there was no notes on why they signed  
4 and why they did a provisional, especially in the  
5 same precinct. Nothing was written down.

6 DIRECTOR ANTHONY: And the rule is if  
7 they could sign the poll book, they should have  
8 gotten a regular ballot.

9 MS. KLECO: Unless they requested a paper  
10 ballot.

11 DIRECTOR ANTHONY: A paper ballot.

12 MS. KYLE: And none of these requested  
13 paper ballots.

14 BOARD MEMBER MARINELLO: Could they have  
15 been given the wrong ballot.

16 MS. KYLE: The ballots are all fine.

17 BOARD MEMBER MARINELLO: I mean wrong  
18 paper like versus provisional?

19 MS. KYLE: Nothing inside the papers  
20 indicated that. The ones that did, you know, we  
21 processed. But these here have nothing, and the  
22 notes inside don't indicate. In a lot of cases they  
23 were indicating that the voter was not in the  
24 signature poll book, which they were. In other

1 instances they were stating that the voter was marked  
2 in No. 3, which they were not.

3 DIRECTOR ANTHONY: And in No. 3 is what,  
4 to be helpful?

5 MS. KYLE: Basically, that we have  
6 received confirmation cards stating they no longer  
7 live at that address or it was a returned  
8 confirmation card.

9 DEPUTY DIRECTOR WALCH: But in each  
10 instance these voters did sign the poll book.

11 MS. KYLE: They did sign the poll book,  
12 correct. We can go -- in instance No. 1 Megan Smith,  
13 she signed the poll book in her old precinct and  
14 voted a provisional in her new precinct.

15 BOARD MEMBER SINNOTT: Is it true that  
16 the act of signing the poll book is the proof that  
17 the Board has that you have voted a regular ballot?

18 DIRECTOR ANTHONY: Correct.

19 CHAIRMAN PREISSE: Well, may I suggest  
20 that it's evidence that the voter advanced to that  
21 stage in the process of voting a -- well, likely on  
22 the machine, right?

23 MS. KYLE: Correct.

24 CHAIRMAN PREISSE: So it's not I guess

1 proof that they did, but it's evidence that they  
2 advanced to the final stage to do so. I think.

3 DEPUTY DIRECTOR WALCH: I think that's  
4 correct.

5 BOARD MEMBER SINNOTT: That would be the  
6 only evidence that the Board would have as to whether  
7 somebody voted on election day.

8 DIRECTOR ANTHONY: Were these folks --

9 MS. KLCO: Sometimes -- I'm sorry, Bill.

10 DIRECTOR ANTHONY: Were these folks given  
11 an authority-to-vote slip?

12 MS. KLCO: I have no idea.

13 MS. KYLE: Nothing is indicated in the  
14 poll books at all.

15 DIRECTOR ANTHONY: So it could have been  
16 that they wanted to vote a paper ballot?

17 MS. KLCO: It could. It could also mean  
18 that they got to the step where they signed the  
19 signature poll book and say, "Oh, by the way, I  
20 changed my name," or, "Oh, by the way, I moved. Does  
21 that matter?" And of course it would matter. In  
22 which case the poll worker should have marked that  
23 there was a problem with them signing the poll book  
24 and sent them on to the paper judge.

1 BOARD MEMBER SINNOTT: Now, are you  
2 saying that among these 46 there will be some  
3 instances where you have notes about why a  
4 provisional ballot was given?

5 MS. KYLE: Not notes, but I do have in  
6 some instances where I can identify that there was an  
7 address change or there was a name change. Those I  
8 can identify just based upon what's on the back of  
9 the --

10 CHAIRMAN PREISSE: But each of these did  
11 sign --

12 MS. KYLE: Each of these did sign the  
13 poll book.

14 CHAIRMAN PREISSE: -- the poll book.  
15 What you're saying is in addition to that you have  
16 other information that you are speculating, with some  
17 good reason probably, that may have triggered a  
18 provisional ballot such as --

19 MS. KYLE: Address change or name change.

20 BOARD MEMBER SINNOTT: How many of the 46  
21 have a name change or an address change?

22 MS. KYLE: Okay, there is 1 name change  
23 that I can identify and there is -- excuse me, 2 name  
24 changes, and 9 address changes out of the 44.

1           Generally the reasons for the -- on the  
2 sheet are basically saying that they're not in the  
3 precinct, which means that they went to the new  
4 precinct. The ones saying that they basically are  
5 identified as No. 3s, like I said, that we got a  
6 confirmation card but it was not in the poll book in  
7 that section.

8           CHAIRMAN PREISSE: When you're saying  
9 there's an address change, are you also saying those  
10 are the ones as well that signed but voted  
11 provisionally in a new precinct?

12           MS. KYLE: Yes. There is one that signed  
13 in the same precinct -- there are two, one was an  
14 address change and one was a change of an apartment  
15 number.

16           CHAIRMAN PREISSE: In the same precinct.

17           MS. KYLE: Yes.

18           CHAIRMAN PREISSE: And the other address  
19 changes --

20           MS. KYLE: Were all a separate precinct,  
21 if you will, a new precinct.

22           DIRECTOR ANTHONY: And these precincts  
23 were not at that location.

24           MS. KYLE: Correct.

1           DIRECTOR ANTHONY: So did these voters go  
2 to the, physically go to the new location?

3           MS. KYLE: Yes, they did.

4           DIRECTOR ANTHONY: Did they vote a ballot  
5 there as well?

6           MS. KYLE: Yes, they did.

7           MS. KLCO: A provisional ballot.

8           DIRECTOR ANTHONY: So they voted a  
9 provisional ballot in two locations?

10          MS. KYLE: No. Poll book in one  
11 location, in their old location, provisional in their  
12 new location.

13          BOARD MEMBER SINNOTT: I take it that  
14 there's no directive or other instruction from the  
15 Secretary's office about such a situation?

16          DEPUTY DIRECTOR WALCH: None that's come  
17 out in a directive that meets this situation. I  
18 guess we could put a call in to the Secretary of  
19 State's office to ask for guidance on this and bring  
20 them back before you at your meeting tomorrow.

21          BOARD MEMBER SINNOTT: Has this Board  
22 dealt with this situation before?

23          DIRECTOR ANTHONY: You know, I don't  
24 recall that.

1 Doug --

2 CHAIRMAN PREISSE: I don't remember.

3 DIRECTOR ANTHONY: -- do you recall?

4 BOARD MEMBER MANIFOLD: I can't remember  
5 this.

6 DEPUTY DIRECTOR WALCH: I just asked  
7 Karen too, who's been here 30 years, she doesn't.

8 Renee and Suzanne, I don't know if you  
9 guys ever remember anything like this.

10 BOARD MEMBER SINNOTT: Well, we certainly  
11 had a lot of it this year.

12 DIRECTOR ANTHONY: So is my  
13 understanding, so I have a clarification, these folks  
14 went to a polling location, their name was in the  
15 book, they somehow realized that they was possibly in  
16 the wrong location, they signed the book, voted --  
17 did they vote a -- were they given an  
18 authority-to-vote slip?

19 MS. KLCO: Don't know.

20 DIRECTOR ANTHONY: Can we research that  
21 and find out?

22 MS. KLCO: Authority-to-vote slips aren't  
23 attributable to any individual.

24 DIRECTOR ANTHONY: All right. So they

1 could have voted on the machine or they could have  
2 requested a paper ballot, and then they left and went  
3 to their old precinct, or the new precinct, and redid  
4 the process again.

5 MS. KYLE: That's a possibility.

6 DIRECTOR ANTHONY: Yeah, we need to  
7 research this.

8 BOARD MEMBER SINNOTT: Yeah, my  
9 suggestion would be that we consider this matter  
10 again tomorrow but instruct the staff today to  
11 inquire of the Secretary's office for advice or  
12 perhaps even information about how other boards have  
13 handled the same issue around the state.

14 DIRECTOR ANTHONY: Were these in various  
15 polling locations, or were some of them in the same  
16 locations?

17 MS. KYLE: Yeah. I've listed the polling  
18 locations there, that's the first number -- first  
19 line.

20 CHAIRMAN PREISSE: Yeah, I'd like to know  
21 what the Secretary of State has to say about it.

22 DIRECTOR ANTHONY: All right.

23 DEPUTY DIRECTOR WALCH: We will place a  
24 call after this meeting to our counsel at the

1 Secretary of State's office to see if this situation  
2 has occurred in any other counties and how it was  
3 resolved and certainly then hear the opinion that the  
4 Secretary of State's office has for us. Make sense?

5 DIRECTOR ANTHONY: Zach, let me see that.

6 DEPUTY DIRECTOR WALCH: If the director  
7 has any questions. Bill, do you know of anything  
8 else we need to do today?

9 DIRECTOR ANTHONY: Not today. So there's  
10 a motion to adjourn till 4 o'clock tomorrow?

11 DEPUTY DIRECTOR WALCH: That's correct.

12 BOARD MEMBER SINNOTT: There is.

13 DIRECTOR ANTHONY: Is there a second?

14 BOARD MEMBER MANIFOLD: I'll second.

15 DIRECTOR ANTHONY: We stand adjourned.

16 (The meeting adjourned at 9:20 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, November 20, 2012, and carefully compared with my original stenographic notes.

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Maria DiPaolo Jones, Registered Diplomate Reporter and CRR and Notary Public in and for the State of Ohio.

My commission expires June 19, 2016.

(MDJ-4085)

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