

BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

- - -

In Re: :  
Special Meeting :

- - -

PROCEEDINGS

before Chairman Douglas J. Preisse, Director William A. Anthony, Jr., Deputy Director Dana Walch, and Board Members Kimberly E. Marinello, and Bradley K. Sinnott, at the Franklin County Board of Elections, 1700 Morse Road, Columbus, Ohio, called at 3:08 p.m. on Monday, November 17, 2014.

- - -

ARMSTRONG & OKEY, INC.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
Fax - (614) 224-5724

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

APPEARANCES:

Franklin County Prosecutor's Office  
By Mr. Tim Lecklider  
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

Mr. Ben Piscitelli,  
Public Information Officer,  
Franklin County Board of Elections

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

Mr. Gene Shell  
Absentee Department  
Franklin County Board of Elections

Mr. Howard Heard  
Absentee Department  
Franklin County Board of Elections

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

INDEX

- - -

ITEM	PAGE
Approval of Minutes	4
Provisional Ballot Count	5
Remaking of Absentee Ballots	40
Adjourn	46

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

- - - - -

P R O C E E D I N G S

- - - - -

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

BOARD MEMBER MARINELLO: Here.

DIRECTOR ANTHONY: Douglas Preisse.

CHAIRMAN PREISSE: Here.

DIRECTOR ANTHONY: And Bradley Sinnott.

BOARD MEMBER SINNOTT: Here.

DIRECTOR ANTHONY: We do have a quorum. Mr. Haas is -- won't be able to be with us today.

CHAIRMAN PREISSE: Traveling, I think.

DIRECTOR ANTHONY: Yes.

The first item on the agenda is the approval of the minutes for the November 3rd, 2014, meeting.

BOARD MEMBER MARINELLO: Mr. Chairman, I move the Board approve the minutes of the November 3rd, 2014, meeting of the Franklin County Board of Elections as submitted.

BOARD MEMBER SINNOTT: Second.

1 DIRECTOR ANTHONY: All those in favor?

2 (All ayes heard.)

3 DIRECTOR ANTHONY: Motion carries. I  
4 will pass this out for everybody to put their John  
5 Hancock on.

6 The next item of business is the  
7 provisional ballot count.

8 DEPUTY DIRECTOR WALCH: We had a total of  
9 7,379 provisional ballots cast either on Election Day  
10 or early in-person, in-house. The bipartisan staff  
11 who's gone over and checked all these has recommended  
12 the counting of 6,735 and the rejection of 601  
13 provisional ballots. And then there are some that  
14 they want to present to you for consideration for  
15 whether to count them or not count them. So that is  
16 the recommendation of the staff, 6,735 to count, 601  
17 to reject at this point.

18 BOARD MEMBER SINNOTT: Is there any  
19 description of why the 601 are being rejected by  
20 category?

21 DEPUTY DIRECTOR WALCH: We have this  
22 spreadsheet here. It says 644 on there. There's 43  
23 of them that are in the reject column currently on  
24 there. They are the ones we're going to present to

1 you today that are for signature issues that are  
2 currently in the reject, but we are bringing them to  
3 you.

4 Then the remainder were date of birth  
5 issues. There's a provision of the new directive  
6 from the Secretary of State's office about bringing  
7 before the Board date of birth issues for your  
8 consideration.

9 CHAIRMAN PREISSE: What's the directive?

10 DEPUTY DIRECTOR WALCH: About counting  
11 provisional ballots, Renee Klco is here from our  
12 Voter Services Department if you have specific  
13 questions. It is about if all other information on  
14 the provisional ballot envelope is correct and we can  
15 verify it and that if there is a date of birth issue  
16 on the provisional ballot envelope, it comes before  
17 the Board, and if three members of the Board vote to  
18 accept it, because all other information is correct,  
19 we can do so. Specifically on birthday.

20 BOARD MEMBER SINNOTT: Let's pause before  
21 we do that so that Kim can see the reason for the  
22 rejected votes. So 301 of the 601 rejected are being  
23 rejected because there's no registration; is that  
24 right?

1 MS. KLCO: There's 324 not registered.

2 BOARD MEMBER SINNOTT: Oh, okay.

3 CHAIRMAN PREISSE: Election Day,  
4 in-house.

5 BOARD MEMBER SINNOTT: Yeah. We have two  
6 rows on this document. One shows "Election Day" and  
7 the other "in-house."

8 MS. KLCO: Election Day would be in the  
9 precincts; in-house would be everything that was done  
10 during early voting here in this building.

11 BOARD MEMBER SINNOTT: So there's 324 of  
12 those. That's more than half being rejected because  
13 they're not registered in the first place.

14 DEPUTY DIRECTOR WALCH: Which generally  
15 is the number one reason that a provisional ballot is  
16 rejected historically. Is that correct, Renee?

17 MS. KLCO: That's correct.

18 BOARD MEMBER MARINELLO: Voted in wrong  
19 precinct.

20 BOARD MEMBER SINNOTT: You know what, I  
21 kind of think this is important enough for us to hear  
22 an explanation as to why the 601 are being rejected.  
23 There are abbreviations here and that sort of thing  
24 that I'm not following.

1                   DIRECTOR ANTHONY: Would you each like  
2 your own copy of that?

3                   BOARD MEMBER SINNOTT: If it's handy,  
4 yeah.

5                   CHAIRMAN PREISSE: You want to walk us  
6 through it?

7                   DIRECTOR ANTHONY: She's going to make  
8 copies so everybody has one of those.

9                   You know, the guidelines give us specific  
10 reasons when it comes to provisional ballots, what we  
11 can count and what we cannot count, and we try our  
12 best to go through and get everything we can, but the  
13 number one reason is folks are just not registered to  
14 vote and there are some where they're in the wrong  
15 precinct still.

16                  CHAIRMAN PREISSE: Yeah, that's the  
17 second category.

18                  DIRECTOR ANTHONY: Right. And those are  
19 the ones we really try to find out why and try to fix  
20 those. That's kind of hard for us to even get our  
21 arms around that one at times.

22                  DEPUTY DIRECTOR WALCH: The Secretary of  
23 State now issues, in their directive, a step-by-step  
24 process that boards are required to go through to say

1 is all this information there, if it is, go to the  
2 next step; is this there; can you confirm this. You  
3 know, it goes through all that. And if you get  
4 through all that then those are the ones we count.  
5 If, at any point along the way, there's something  
6 missing from that, those are the ones that we reject  
7 for the various reasons that are on that sheet before  
8 you.

9 DIRECTOR ANTHONY: Would you like to see  
10 that as well, the step process, we could pull, we  
11 could get a copy of that, too.

12 BOARD MEMBER SINNOTT: I don't know that  
13 that would be helpful now, Bill. Maybe. We'll see  
14 where the conversation goes.

15 DIRECTOR ANTHONY: All right.

16 BOARD MEMBER SINNOTT: Well, how about  
17 those Buckeyes.

18 MS. KLCO: I won 50 bucks.

19 (Discussion off the record.)

20 CHAIRMAN PREISSE: Do you want to walk us  
21 through?

22 MS. KLCO: Sure. The very first one,  
23 incomplete, those four envelopes were totally blank.  
24 They had absolutely no information whatsoever on

1 them.

2 CHAIRMAN PREISSE: So we don't know who  
3 submitted them --

4 MS. KLCO: No.

5 CHAIRMAN PREISSE: -- at all.

6 MS. KLCO: No.

7 DIRECTOR ANTHONY: You are on the second  
8 column down, Renee?

9 MS. KLCO: Under the first 006.

10 DIRECTOR ANTHONY: 006. Okay. Gotcha.

11 MS. KLCO: This election, the Secretary  
12 of State broke our 006, which were always incomplete  
13 forms, into different categories.

14 The second one that says no address,  
15 that's where the voter did not put any address on the  
16 envelope, so we were unable to precinct them to  
17 determine whether or not they went to the right place  
18 or received the right ballot.

19 DEPUTY DIRECTOR WALCH: That prevents  
20 somebody, for example, let's take, I always use the  
21 example of myself of I live in Canal Winchester,  
22 saying I want to go vote in Dublin just because I  
23 might like something better up there, so I go vote in  
24 Dublin. You have to provide that precinct in which

1 you now reside in order for us to put you in the  
2 proper precinct to make sure that you're casting a  
3 ballot in the right place. If you don't give any  
4 address, we don't know that, I could go somewhere  
5 every different election and vote everywhere  
6 different.

7 MS. KLCO: Where it says "no DOB."  
8 That's where there's absolutely no date of birth on  
9 the envelope and that's an automatic rejection from  
10 the Secretary of State.

11 The 26 under the date of birth mismatch,  
12 those are the ones where the Secretary of State said  
13 that we had to bring those to the Board to let you  
14 decide whether or not they were valid or invalid.  
15 Where all the rest of the information on the envelope  
16 was correct and we could verify that the voter was in  
17 the right precinct, did vote the right ballot, and  
18 gave us the correct ID information; however, maybe  
19 the day, the month, or the year was off.

20 We have 324 people who voted who were not  
21 registered anywhere in the State of Ohio. We had 29  
22 envelopes with no signature of the voter which is an  
23 automatic invalidation. We had 17 people who already  
24 voted. We have 17 people whose signature on their

1 envelope does not match what we have on our files and  
2 I have copies of all those that you can either make  
3 them valid or reject them.

4 Three with no printed name on the  
5 envelope and that's an automatic rejection.  
6 Thirty-six with no ID on the envelope anywhere; that,  
7 too, is an automatic rejection. And the last one,  
8 where we could determine that the voter went to the  
9 wrong precinct, wrong LID, and voted the wrong  
10 ballot.

11 DIRECTOR ANTHONY: There's 152 of those.

12 MS. KLCO: 152 of those.

13 BOARD MEMBER SINNOTT: Give me an example  
14 on that last category, what's happening there, the  
15 voting wrong precinct.

16 DEPUTY DIRECTOR WALCH: That would be an  
17 instance where the voter put down their address is  
18 123 Elm Street which is in Columbus 1-A, but they  
19 went to vote at Columbus 14-C.

20 MS. KLCO: That's correct. A lot of  
21 people go back to their previous location and insist  
22 on voting there because that's where they've always  
23 voted even though they've now moved into another  
24 precinct and another LID.

1 BOARD MEMBER SINNOTT: Okay. And that's  
2 an automatic rejection under the SOS directive?

3 DIRECTOR ANTHONY: Yes, it is. It's been  
4 that way a long time.

5 DEPUTY DIRECTOR WALCH: You can only vote  
6 in the precinct where you currently reside.

7 BOARD MEMBER SINNOTT: Even if you're  
8 gaining access to the proper ballot for your actual  
9 residence?

10 DIRECTOR ANTHONY: If you're in the wrong  
11 precinct, we cannot count it, because the likelihood  
12 of it being the same ballot is not that great. There  
13 may be a liquor option, there may be a school levy,  
14 may have crossed over a House or Senate district, and  
15 a lot of times folks just don't change their address,  
16 they move and don't give us their updated information  
17 or they give us the updated information, forget they  
18 gave us the updated information, and they go back to  
19 where they voted before.

20 BOARD MEMBER SINNOTT: And then what  
21 happens to the 17 people who voted twice?

22 DEPUTY DIRECTOR WALCH: We will look at  
23 the circumstance around those and see what the deal  
24 is. Many times those situations like that, as we've

1 seen in previous years, they may have mailed their  
2 absentee ballot very late, they got worried, so they  
3 went to vote and voted on Election Day also, and then  
4 the absentee came in. But we'll look at those to see  
5 what the circumstance is around each one of them as  
6 to when they voted, et cetera.

7 BOARD MEMBER SINNOTT: What does it mean  
8 to look at that?

9 DEPUTY DIRECTOR WALCH: To try and  
10 determine if there's anything unusual about that.  
11 Many times these are folks who maybe mail it the day  
12 before the election, are worried that oh, my ballot  
13 is not going to get there in time, so they do go vote  
14 on Election Day.

15 We would have flagged the pollbook as  
16 they did receive an absentee ballot so they are then  
17 required to vote a provisional ballot. So they cast  
18 a provisional ballot on Election Day which is sealed.  
19 And then we get the absentee, it's postmarked the day  
20 before the election, but we get it after the  
21 election, so we count the absentee and not the  
22 provisional.

23 BOARD MEMBER SINNOTT: I think you bring  
24 us a report then on what you discover about the

1 people who vote twice.

2 DEPUTY DIRECTOR WALCH: Uh-huh. We can  
3 provide you with that. Sure. That's why I said the  
4 circumstances around it, we can track when their  
5 absentee ballot arrived for example, how they  
6 voted -- well, these are all in-person on Election  
7 Day here. We can certainly provide you that.

8 BOARD MEMBER SINNOTT: I think we want to  
9 hear about that.

10 CHAIRMAN PREISSE: You're not supposed to  
11 try to vote twice. I think a lot of these are people  
12 forget and then there's the scenario you provided.

13 DEPUTY DIRECTOR WALCH: We have heard  
14 before that folks that do it very early, say, you  
15 know, I didn't remember that I sent it. There are  
16 some people then that vote very late and are worried  
17 that it didn't get here in time, so to safeguard that  
18 they go vote on Election Day also as a safeguard  
19 measure to make sure they got in to vote. So we can  
20 certainly provide members of the Board the timing  
21 associated with each of these.

22 DIRECTOR ANTHONY: Sometimes it may be  
23 they think they didn't have the right postage because  
24 it's not a regular stamp. And so, they may put the

1 postage on it and then sit around and say oh, crap,  
2 that wasn't -- it takes more than a regular stamp,  
3 but the Post Office will deliver those to us  
4 irregardless. So they may think there wasn't enough  
5 postage on it; yet, we still get it. So they may  
6 think they still need to vote at their regular  
7 polling location because they didn't have the correct  
8 postage on their absentee ballot.

9 BOARD MEMBER SINNOTT: Your practice is  
10 to ask the people who voted twice why did you vote  
11 twice, right?

12 DEPUTY DIRECTOR WALCH: We haven't done  
13 that with this group. We will certainly do that.

14 DIRECTOR ANTHONY: When it happens -- we  
15 did it in '12 as well.

16 CHAIRMAN PREISSE: Are we under any sort  
17 of guidance or directive to proactively do that or is  
18 that just a habit we developed a few years ago  
19 because we saw this happening?

20 DEPUTY DIRECTOR WALCH: The only time  
21 I've been involved with it was in 2012 and we did it  
22 proactively to try and find out why folks had done  
23 that.

24 CHAIRMAN PREISSE: I think it's a good

1 habit to adopt, whether we're directed to or not.

2 BOARD MEMBER SINNOTT: I agree. I think  
3 that's the first step, you ask somebody why did you  
4 vote twice.

5 DIRECTOR ANTHONY: And the law allows you  
6 to cast a provisional ballot even if you requested an  
7 absentee ballot. But, you know, anyway, we check it  
8 out just to make sure.

9 BOARD MEMBER SINNOTT: I've heard that  
10 interpretation of the law. Well, thank you. I found  
11 that helpful.

12 CHAIRMAN PREISSE: That's good, too, I  
13 didn't understand some of these abbreviations.

14 MS. KLCO: Now would you like to look at  
15 the 17 signatures that we feel are not valid, but  
16 make the final determination?

17 DEPUTY DIRECTOR WALCH: Can we go ahead  
18 and do the first ones first and then get on to those?

19 MS. KLCO: Oh. I'm sorry. Sure.

20 DEPUTY DIRECTOR WALCH: That's okay.

21 BOARD MEMBER SINNOTT: So we wound up  
22 with a class of 62 that you want us to consider  
23 individually.

24 DEPUTY DIRECTOR WALCH: 43.

1 BOARD MEMBER SINNOTT: 43.

2 DEPUTY DIRECTOR WALCH: The two that are  
3 highlighted.

4 BOARD MEMBER SINNOTT: I move that the  
5 Board approve the counting of 6,735 provisional  
6 ballots and the rejection of 601 provisional ballots,  
7 and that all provisional ballots deemed valid will be  
8 counted and included in the official canvass of  
9 results from the 2014 General Election.

10 DIRECTOR ANTHONY: Is there a second?

11 BOARD MEMBER MARINELLO: Second.

12 DIRECTOR ANTHONY: All those in favor?

13 (All ayes heard.)

14 DIRECTOR ANTHONY: Motion carries.

15 DEPUTY DIRECTOR WALCH: Now we have  
16 some -- what's the first group, Renee?

17 MS. KLCO: These are the signatures that  
18 don't match. The front copy is the most recent  
19 signature we have on file, and then on the yellow  
20 you'll see where the voter signs there. That's our  
21 most recent and that's --

22 DEPUTY DIRECTOR WALCH: Is it the  
23 recommendation of the staff, Renee, that these be  
24 rejected, but we want to get --

1 MS. KLCO: Yes.

2 DEPUTY DIRECTOR WALCH: -- our  
3 recommendation is that they be rejected, but want  
4 Board agreement on that.

5 MS. KLCO: Yes.

6 BOARD MEMBER SINNOTT: Would someone  
7 remind us what is the statutory standard? What are  
8 we looking for here?

9 CHAIRMAN PREISSE: Well, this is --

10 DIRECTOR ANTHONY: Any similarities.

11 CHAIRMAN PREISSE: We're not looking at  
12 the voter card, the registration.

13 MS. KLCO: Well, this is the voter card  
14 from the last provisional that he filled out or the  
15 most recent signature that we have on file.

16 CHAIRMAN PREISSE: We wouldn't be looking  
17 at the voter registration?

18 MS. KLCO: This is the voter  
19 registration. This is just the old provisional  
20 ballot is also a voter registration.

21 DEPUTY DIRECTOR WALCH: When a voter  
22 moves and doesn't update their registration through  
23 the traditional means of filling out a new form --

24 CHAIRMAN PREISSE: Okay. This is the

1 record we have on file. This is the most recent  
2 registration signature.

3 MS. KLCO: Yes.

4 CHAIRMAN PREISSE: Okay. But we're going  
5 to be looking at other documents.

6 MS. KLCO: Yes.

7 CHAIRMAN PREISSE: Okay. I see.

8 DIRECTOR ANTHONY: Point of order here,  
9 we should number those or somehow identify each one  
10 of those for the record. We can say whatever, but we  
11 should have some type of numbering system to that.

12 BOARD MEMBER MARINELLO: Everything else  
13 matches, but the signature.

14 MS. KLCO: Yes. Everything else is good  
15 but the signature.

16 BOARD MEMBER SINNOTT: What remains is  
17 whether there is some construction in the law that  
18 the signature on the registration be the same as the  
19 signature on the envelope.

20 DEPUTY DIRECTOR WALCH: It is a Board  
21 determination of it. There's no standard by which we  
22 have to go by of --

23 CHAIRMAN PREISSE: I think Brad's  
24 question is is it in the law that they have to match,

1 and the answer is yes, but it's subjective.

2 DEPUTY DIRECTOR WALCH: Yes. We have to  
3 use some basis on our end, and the basis we have is  
4 the last signature we have from them to compare to  
5 the current signature they gave us. That is up to  
6 Board determination. I mean, there's no, you know,  
7 we don't have the technology by which to say this  
8 matches 40 percent or something like that. We have  
9 to go by what record we have at the Board and just  
10 compare it to what the voter has offered to us this  
11 time around. It's much like the same thing we do on  
12 candidate and issue petitions is does that signature  
13 match; well, does it.

14 (Discussion among Board members.)

15 BOARD MEMBER SINNOTT: What I'm hearing  
16 is that everybody on the staff thinks there has to be  
17 a signature match.

18 DEPUTY DIRECTOR WALCH: That's per  
19 directive of the Secretary of State's office.

20 BOARD MEMBER SINNOTT: There we go.

21 DEPUTY DIRECTOR WALCH: I'm sorry. I'm  
22 sorry I wasn't clarifying that before. That is one  
23 of the things that we do have to match against, and  
24 the directive does say if you cannot match it, then

1 that is a rejection.

2 BOARD MEMBER SINNOTT: Okay. So the  
3 Secretary of State told us these two signatures need  
4 to match.

5 DEPUTY DIRECTOR WALCH: Yes. Sorry, I  
6 wasn't making that clear before. I was hearing you  
7 wrong. My fault. I was misunderstanding you.

8 CHAIRMAN PREISSE: Those do not match.

9 BOARD MEMBER MARINELLO: No.

10 CHAIRMAN PREISSE: We call that "1."

11 BOARD MEMBER SINNOTT: We also have the  
12 names here, so we could very well use the name, I  
13 think.

14 DIRECTOR ANTHONY: I don't know that --

15 BOARD MEMBER SINNOTT: It's a matter of  
16 public record.

17 MS. KLCO: It's a matter of record.

18 DIRECTOR ANTHONY: Then we just use the  
19 names.

20 CHAIRMAN PREISSE: All right. Then we  
21 don't need to -- we'll just put them in different  
22 piles. That's the rejection pile on the left, and  
23 we'll put, if there are any, here.

24 Here we have -- this is a voter

1 registration.

2 MS. KLCO: This is an absentee. It was  
3 just easier to read on here than it was off the voter  
4 registration. The voter registration looked like  
5 that though.

6 CHAIRMAN PREISSE: Aren't we supposed to  
7 be comparing it to the voter registration?

8 MS. KLCO: The voter registration, when I  
9 printed it, did not print as clearly as this did, so  
10 that's why we used this instead, but we determined it  
11 was the same on the voter registration. And on all  
12 his other documents he's always -- it's always looked  
13 like that, and then all of a sudden . . .

14 And that's the same with this one as  
15 well.

16 CHAIRMAN PREISSE: What's going on here,  
17 Renee?

18 MS. KLCO: This was from another county.  
19 This is the registration they had on hand there.

20 CHAIRMAN PREISSE: What's this?

21 MS. KLCO: This is the form that we sent  
22 to the other county asking them to verify that this  
23 person was registered there.

24 BOARD MEMBER MARINELLO: This is a copy

1 of this.

2 MS. KLCO: Yeah. But this is, see this  
3 little form right here, this voter has voted here and  
4 then they checked yes or no whether or not the  
5 voter -- yes, the voter was registered, see attached  
6 for the registration, because they wouldn't commit on  
7 the signature, and no, they did not vote in their  
8 county.

9 CHAIRMAN PREISSE: So this is our old  
10 registration here?

11 MS. KLCO: This a copy of this.

12 CHAIRMAN PREISSE: Oh, I see.

13 MS. KLCO: And they just moved from this  
14 county to this county. From this county which is  
15 Muskingum to Franklin County.

16 CHAIRMAN PREISSE: Okay. And this is --  
17 are they registered in Franklin County?

18 MS. KLCO: They're registered in  
19 Muskingum with the signature.

20 CHAIRMAN PREISSE: But they're not  
21 registered in Franklin County?

22 MS. KLCO: No. But this will register  
23 them here.

24 CHAIRMAN PREISSE: Oh, okay. So this is

1 a registration and provisional.

2 MS. KLCO: Correct.

3 CHAIRMAN PREISSE: Okay. So if we're  
4 trying to compare their current attempt to register  
5 to vote, we're comparing it to the last registration  
6 signature from another county.

7 MS. KLCO: Correct.

8 CHAIRMAN PREISSE: Under the sort of  
9 standards we've been deploying here, I don't think  
10 it's a match.

11 BOARD MEMBER MARINELLO: I agree.

12 CHAIRMAN PREISSE: I think that's not a  
13 match.

14 BOARD MEMBER SINNOTT: I agree.

15 BOARD MEMBER MARINELLO: I agree.

16 MS. KLCO: Now, this is a pollbook page,  
17 we're also allowed to clip signatures from, and  
18 that's the most recent one we have for that voter.

19 CHAIRMAN PREISSE: John D. Barker, which  
20 one is -- which one --

21 MS. KLCO: Oh. This is John.

22 CHAIRMAN PREISSE: John David Barker.

23 MS. KLCO: Yeah.

24 CHAIRMAN PREISSE: Well, it's very

1 different.

2 BOARD MEMBER SINNOTT: Uh-huh.

3 BOARD MEMBER MARINELLO: Yeah.

4 CHAIRMAN PREISSE: Faisal Ali Abdi. It  
5 doesn't look the same.

6 BOARD MEMBER MARINELLO: I must agree.

7 (Discussion among Board members.)

8 CHAIRMAN PREISSE: I vote no.

9 BOARD MEMBER MARINELLO: I agree.

10 CHAIRMAN PREISSE: I don't think they're  
11 very similar.

12 BOARD MEMBER MARINELLO: They didn't try  
13 hard enough.

14 BOARD MEMBER SINNOTT: I agree.

15 CHAIRMAN PREISSE: Rodney Kashaw Davis.  
16 What is this document?

17 MS. KLCO: That's an absentee  
18 application.

19 BOARD MEMBER SINNOTT: Those are not the  
20 same.

21 CHAIRMAN PREISSE: I agree.

22 BOARD MEMBER MARINELLO: I agree.

23 CHAIRMAN PREISSE: Melissa Ann Kennedy.  
24 Those are -- there is an "M," but that's about it.

1 This could be anything in the world.

2 BOARD MEMBER MARINELLO: Uh-huh.

3 CHAIRMAN PREISSE: Jose Zakateko.

4 BOARD MEMBER SINNOTT: Not close enough.

5 CHAIRMAN PREISSE: Even with the shady  
6 image.

7 BOARD MEMBER MARINELLO: Uh-huh.

8 CHAIRMAN PREISSE: That's completely  
9 different.

10 BOARD MEMBER MARINELLO: Yup.

11 CHAIRMAN PREISSE: Lauren Satterfield.

12 Once again there's -- these are some kind of  
13 initials.

14 BOARD MEMBER MARINELLO: That's just  
15 initials or something.

16 MS. KLCO: It's their grocery store  
17 signature.

18 BOARD MEMBER SINNOTT: You're absolutely  
19 right about that. I know because I do the same.

20 MS. KLCO: I do the same.

21 BOARD MEMBER SINNOTT: I do too.

22 CHAIRMAN PREISSE: Joseph Lynch. Not the  
23 same.

24 BOARD MEMBER SINNOTT: Just the first

1 letter.

2 CHAIRMAN PREISSE: Jason Alan Spiker.  
3 That's the print and that's some kind of signature.

4 BOARD MEMBER MARINELLO: Yeah.

5 CHAIRMAN PREISSE: Looks like the last  
6 one. Anthony Grober. Don't match.

7 BOARD MEMBER MARINELLO: Yeah.

8 DEPUTY DIRECTOR WALCH: Are they all in  
9 the pile to reject?

10 BOARD MEMBER MARINELLO: Yes.

11 CHAIRMAN PREISSE: They are.

12 MS. KLCO: Yes.

13 DEPUTY DIRECTOR WALCH: My suggestion  
14 would be to do a blanket motion to reject all 17 of  
15 them if that's okay with the members of the Board.  
16 You can do it however you like, but if they're all  
17 rejected, you can just do it in one motion.

18 BOARD MEMBER SINNOTT: Well, the members  
19 of the Board, just having had an opportunity to  
20 review the signatures of the 17 provisional ballots  
21 in question, I move that all 17 be rejected on the  
22 basis of a lack of signature match between the  
23 provisional ballot envelope and the signature  
24 registered with the Board.

1 DIRECTOR ANTHONY: Is there a second?

2 BOARD MEMBER MARINELLO: Second.

3 DIRECTOR ANTHONY: All those in favor?

4 (All ayes heard.)

5 DIRECTOR ANTHONY: Motion carries.

6 MS. KLCO: These are the day, month, and  
7 year. Do you want to go through them or just explain  
8 them?

9 DEPUTY DIRECTOR WALCH: What occurs here,  
10 through SOS directive again, if there's no date of  
11 birth by the voter on a provisional, that's an  
12 automatic reject. We've included those on the ones  
13 you rejected earlier today.

14 The directive does tell us, though, that  
15 if there is a month or a year mismatch, but all --  
16 or, I'm sorry, month or day mismatch, but all other  
17 information on the provisional ballot envelope can be  
18 attributed to that voter, identification, signature  
19 match, the other items that are on there, that if  
20 three members of the Board do vote to count that  
21 ballot, we can do that. And these are ones that do  
22 have some sort of date of birth issue on them.

23 I did also speak to the Secretary of  
24 State's office today about these. When this law was

1 changed earlier this year and then the subsequent SOS  
2 directive that came out, it talked about day and  
3 month. But I brought up to them also the issue of a  
4 year because there's a number of times that voters  
5 will put down the correct day and month of their  
6 birthdate and inadvertently write down 2014 for their  
7 year of birth because we're all just so used to  
8 putting down today's date and year.

9 CHAIRMAN PREISSE: I was going to ask  
10 you, do people -- some of these just have the  
11 Election Day date on them?

12 MS. KLCO: Well, 17 of those have 2014 as  
13 the year of their birth, but the month and day is  
14 right.

15 DEPUTY DIRECTOR WALCH: The SOS, today,  
16 did inform me that it was their belief that those  
17 should count if the month and day are correct.

18 CHAIRMAN PREISSE: Well, based on what  
19 you just shared, I would concur, I would say we would  
20 count those because I think it's human habit that  
21 they might --

22 BOARD MEMBER SINNOTT: Yes, but I'm  
23 curious about something, did you say the Secretary  
24 advised you that if everything is correct, except for

1 the calendar year, those votes should be counted?

2 DEPUTY DIRECTOR WALCH: Yes. And, in  
3 fact, the law is written oddly, okay? Would you  
4 concur with me on that?

5 MS. KLCO: Yes, I agree with that.

6 DEPUTY DIRECTOR WALCH: And it  
7 specifically talks about the day and month, if the  
8 day and month are incorrect, but all other  
9 information on the provisional ballot envelope can be  
10 attributed to that voter, it comes before the Board.  
11 It does not specifically mention the year, if the  
12 year is incorrect.

13 Now, in talking to one of the counsel at  
14 SOS today, she said it is oddly worded, oddly  
15 written, and that their belief is that the real thing  
16 here was month and day, that the General Assembly was  
17 trying to say if the year doesn't match, but they got  
18 the month and the date right, count it.

19 CHAIRMAN PREISSE: The General Assembly  
20 thinks --

21 DEPUTY DIRECTOR WALCH: But it doesn't  
22 really say that.

23 CHAIRMAN PREISSE: -- it's okay to forget  
24 what day and month you were born, but it's not okay

1 to forget what year you were born.

2 DEPUTY DIRECTOR WALCH: I think they  
3 contemplated because a lot of people will put down,  
4 in doing this in haste, the current year, they will  
5 just write '14 as the year and not think through the  
6 year of their birth.

7 CHAIRMAN PREISSE: Well, under that  
8 description, the month and day on those 17 are  
9 fine --

10 DEPUTY DIRECTOR WALCH: Correct.

11 CHAIRMAN PREISSE: -- as it relates to  
12 matching to their birthdates.

13 DIRECTOR ANTHONY: Do we need a motion  
14 for that?

15 BOARD MEMBER SINNOTT: We may not even  
16 have discretion to exercise over that subject. If  
17 the Secretary is saying we can ignore --

18 CHAIRMAN PREISSE: Yeah, you're right.

19 BOARD MEMBER SINNOTT: -- the calendar  
20 year difference, but I think that's the right thing  
21 to do in any event.

22 BOARD MEMBER MARINELLO: Yes.

23 BOARD MEMBER SINNOTT: Why don't you hand  
24 us the batch.

1 MS. KLCO: Okay. Of the years that are  
2 wrong?

3 BOARD MEMBER SINNOTT: Yeah. Where the  
4 only defect in the provisional ballot --

5 MS. KLCO: Is the year.

6 BOARD MEMBER SINNOTT: -- is the year of  
7 birth.

8 MS. KLCO: Okay. I'm sorry. There were  
9 14 that have 2014 on them. That's wrong. I'm sorry.  
10 There was seven that had 2014, 10 that had other  
11 things like the last four digits of their Social  
12 Security or the last four digits of their driver's  
13 license.

14 CHAIRMAN PREISSE: Oh. Everything else  
15 was correct --

16 MS. KLCO: Everything else was correct.

17 CHAIRMAN PREISSE: -- but they put some  
18 other numbers, which you, in some cases, could  
19 attribute to some other aspect of their personal  
20 information?

21 MS. KLCO: Yes. They're just all -- like  
22 2014, here is --

23 BOARD MEMBER SINNOTT: They are  
24 intermixed, aren't they?

1 MS. KLCO: Yes, they are.

2 BOARD MEMBER SINNOTT: Gotcha. Maybe we  
3 just create the two piles again.

4 So we've been handed a batch of 17,  
5 right?

6 MS. KLCO: Correct. This is where the  
7 year is different.

8 CHAIRMAN PREISSE: Well, in that case, I  
9 think I heard agreement that we might not even have  
10 discretion, but, if we did, we'd agree to count it.

11 MS. KLCO: Yes.

12 CHAIRMAN PREISSE: This is the same.

13 MS. KLCO: This is the last four digits  
14 of her Social.

15 CHAIRMAN PREISSE: I would count it.

16 BOARD MEMBER MARINELLO: Yeah, everything  
17 else matched.

18 CHAIRMAN PREISSE: I mean, I can see a  
19 person also, when you put some numbers down, then two  
20 in the middle, oh, and then the four that come after  
21 that, because that's how you do your Social Security  
22 number.

23 BOARD MEMBER MARINELLO: Uh-huh.

24 CHAIRMAN PREISSE: Okay.

1 BOARD MEMBER SINNOTT: Yeah.

2 MS. KLCO: This person put down they're  
3 born in '67. We have on file '69. Everything else  
4 on the envelope matches. They have two forms of ID.

5 CHAIRMAN PREISSE: Well, this is the same  
6 as the 2014 category.

7 MS. KLCO: Uh-huh. Same with that one.

8 CHAIRMAN PREISSE: This person is just  
9 trying to lie about --

10 MS. KLCO: Good luck with that.

11 CHAIRMAN PREISSE: -- his age.

12 (Laughter.)

13 CHAIRMAN PREISSE: Once again --

14 MS. KLCO: Yes.

15 Some people go back and forth on every  
16 single document.

17 CHAIRMAN PREISSE: You don't know what  
18 that is.

19 MS. KLCO: I have no idea what that is.

20 CHAIRMAN PREISSE: Then again, it could  
21 be a date.

22 BOARD MEMBER SINNOTT: But if the year  
23 doesn't matter, the year doesn't matter.

24 CHAIRMAN PREISSE: Right.

1 MS. KLCO: Yeah.

2 CHAIRMAN PREISSE: This one's different.

3 MS. KLCO: 2014.

4 CHAIRMAN PREISSE: Yeah, but this is  
5 their birthdate?

6 MS. KLCO: No. This whole thing is  
7 wrong.

8 CHAIRMAN PREISSE: They put the -- they  
9 put Election Day.

10 MS. KLCO: Yeah. They put the whole  
11 Election Day on there.

12 BOARD MEMBER MARINELLO: Bless their  
13 hearts.

14 MS. KLCO: Yeah.

15 BOARD MEMBER SINNOTT: Shall we do a  
16 motion as to those?

17 DIRECTOR ANTHONY: Yes.

18 DEPUTY DIRECTOR WALCH: These are ones  
19 that the year is the only thing wrong; is that  
20 correct?

21 MS. KLCO: There's 17 of them.

22 DEPUTY DIRECTOR WALCH: 17 of them.

23 BOARD MEMBER SINNOTT: Inasmuch as the  
24 Board members have had an opportunity to inspect 17

1 provisional ballot envelopes where the only  
2 discrepancies from the Board's records is the year of  
3 birth, I move that all 17 of those provisional  
4 ballots be counted.

5 DIRECTOR ANTHONY: Is there a second?

6 BOARD MEMBER MARINELLO: Second.

7 DIRECTOR ANTHONY: All those in favor?

8 BOARD MEMBER MARINELLO: Aye.

9 DIRECTOR ANTHONY: All those in favor?

10 All those in favor?

11 BOARD MEMBER SINNOTT: Aye.

12 CHAIRMAN PREISSE: Aye.

13 (Laughter.)

14 DIRECTOR ANTHONY: All right. Motion  
15 carries.

16 MS. KLCO: Then I have three here where  
17 just the month is wrong but everything else is  
18 correct.

19 DIRECTOR ANTHONY: How many of those,  
20 Renee?

21 MS. KLCO: Three.

22 BOARD MEMBER SINNOTT: So the only defect  
23 is the month of birth has been mistakenly reported.

24 MS. KLCO: Correct.

1           DEPUTY DIRECTOR WALCH: And these would  
2 be ones, per SOS directive, per the changes in the  
3 law, that it is up to the members of the Board, that  
4 if they are satisfied that, you know, this was some  
5 kind of just mistake that they made, that they  
6 inadvertently put down the wrong month or something  
7 like that, that it's up to the discretion of the  
8 Board, if that's the only defect of it, those are  
9 able to be counted.

10           BOARD MEMBER SINNOTT: And it looks as  
11 though on these three we verified driver's license  
12 and Social Security number?

13           MS. KLCO: Uh-huh.

14           BOARD MEMBER SINNOTT: That's right?

15           MS. KLCO: Uh-huh. Yes. And signature.

16           CHAIRMAN PREISSE: Then I'm fine with it.

17           BOARD MEMBER MARINELLO: I am too.  
18 They're good.

19           BOARD MEMBER SINNOTT: The Board, having  
20 had an opportunity to inspect three provisional  
21 ballot envelopes where the only discrepancy from the  
22 Board's records would be the month of birth, I move  
23 that all three of those provisional ballots be  
24 counted.

1 DIRECTOR ANTHONY: Is there a second?

2 BOARD MEMBER MARINELLO: Second.

3 DIRECTOR ANTHONY: All those in favor?

4 (All ayes heard.)

5 DIRECTOR ANTHONY: Motion carries.

6 MS. KLCO: In the same vein, these are  
7 six where the day was wrong. All the rest of the  
8 information, the ID, the signature, is all correct.

9 CHAIRMAN PREISSE: I think we set our  
10 tone here by accepting them.

11 BOARD MEMBER MARINELLO: Right.

12 BOARD MEMBER SINNOTT: How many are  
13 there, Renee?

14 MS. KLCO: Six.

15 BOARD MEMBER SINNOTT: The Board, having  
16 had an opportunity to inspect six provisional ballot  
17 envelopes where the only discrepancy is the wrong  
18 date of birth, I move that all six of those  
19 provisional ballots be counted.

20 DIRECTOR ANTHONY: Is there a second?

21 BOARD MEMBER MARINELLO: Second.

22 DIRECTOR ANTHONY: All those in favor?

23 (All ayes heard.)

24 DIRECTOR ANTHONY: Motion carries.

1 MS. KLCO: Thank you for your time.

2 BOARD MEMBER MARINELLO: Thank you,  
3 Renee.

4 DEPUTY DIRECTOR WALCH: Thank you, Renee.

5 DIRECTOR ANTHONY: The next item on the  
6 agenda is the remaking of absentee ballots.

7 DEPUTY DIRECTOR WALCH: We have 19.  
8 These are ballots that came in after Election Day,  
9 but were postmarked by the day before the election,  
10 absentees, which are eligible to be counted.

11 We have 19 that our bipartisan staff in  
12 the Absentee Department could not be read through the  
13 readers for, as we know, a variety of different  
14 reasons as we've seen before. Torn, coffee spilled  
15 on them, you know, there's a variety of different  
16 reasons that voters sometimes do to mutilate their  
17 ballots. So we need authority on 19 absentee paper  
18 ballots to have the bipartisan staff remake them.

19 DIRECTOR ANTHONY: Would you like to get  
20 a closer inspection of them?

21 DEPUTY DIRECTOR WALCH: Are they mainly  
22 the typical kind of stuff? Torn --

23 MR. HEARD: Yes, they are.

24 DEPUTY DIRECTOR WALCH: -- spills or

1 water or something like that?

2 MR. SHELL: Water's gotten on them.

3 BOARD MEMBER SINNOTT: And the bipartisan  
4 staff thinks there's enough information there to  
5 remake a ballot?

6 MR. SHELL: (Nods.)

7 THE COURT REPORTER: "Yes"?

8 BOARD MEMBER SINNOTT: Say "yes."

9 MR. SHELL: Yes.

10 DEPUTY DIRECTOR WALCH: I was trying to  
11 egg you on there.

12 (Laughter.)

13 MR. SHELL: Yes, there is.

14 CHAIRMAN PREISSE: Well, you've described  
15 in detail and demonstrated to us, as recently as  
16 several days ago, what you've dealt with and how you  
17 got there, and we can see significant damage to the  
18 examples you've shown us, so I don't need to look  
19 through all of them.

20 BOARD MEMBER SINNOTT: I agree. I move  
21 that the Board authorize the staff to remake 19  
22 absentee paper ballots and that these remade ballots  
23 be tabulated and included in the official canvass of  
24 results for the 2014 General Election.

1 DIRECTOR ANTHONY: Is there a second?

2 BOARD MEMBER MARINELLO: Second.

3 DIRECTOR ANTHONY: All those in favor?

4 (All ayes heard.)

5 DIRECTOR ANTHONY: Motion carries.

6 DEPUTY DIRECTOR WALCH: Now there were  
7 four that we had where we, as we had in the  
8 unofficial canvass that we did, where we need the  
9 Board to determine voter intent. These were ones  
10 that could not be read through the machine for some  
11 reason and it was due to some indeterminate marking  
12 of some sort on. So if you guys would bring forth  
13 what you have here.

14 CHAIRMAN PREISSE: You're going to have  
15 to walk us --

16 MR. HEARD: We also have one of these  
17 that also has an indeterminate on it, overvote.

18 DEPUTY DIRECTOR WALCH: This first one is  
19 one again where it appears the voter circled yes, in  
20 fact --

21 CHAIRMAN PREISSE: But we don't have the  
22 rest of them.

23 DEPUTY DIRECTOR WALCH: We don't. When  
24 we separate them, Mr. Chairman, we separate them so

1 we keep the identity of the voter separate, and  
2 sometimes the first page doesn't stay with the second  
3 page, and things of that sort, once the ballot has  
4 been deemed appropriate to count.

5 BOARD MEMBER SINNOTT: These are  
6 anonymous, so I'm going to mark them 1 through 4 in  
7 the upper right-hand corner.

8 DEPUTY DIRECTOR WALCH: That's fine.

9 MR. SHELL: You stopped at No. 10 the  
10 last time we had the Board meeting about blank  
11 ballots. We did those. You stopped at No. 10. I  
12 mean, if you want to do 11, 12, and 13.

13 BOARD MEMBER SINNOTT: All right. I'll  
14 pick up at No. 11 then.

15 MR. SHELL: Those were originally kicked  
16 out of the machine as blank ballots.

17 DEPUTY DIRECTOR WALCH: Whenever we have  
18 a blank ballot that goes through, then we have a  
19 bipartisan team inspect them to see if it's truly  
20 blank or if there's some abnormality like these  
21 ballots before you today. So that one would be  
22 No. 12.

23 CHAIRMAN PREISSE: I think we count that.

24 BOARD MEMBER MARINELLO: Yeah.

1           DEPUTY DIRECTOR WALCH: So that would be  
2 No. 12.

3           MR. SHELL: Do you see where that is,  
4 Dana, upper right-hand corner?

5           DEPUTY DIRECTOR WALCH: And then on what  
6 will be ballot No. 14, if you look in the upper  
7 right-hand corner, the race for Court of Appeals,  
8 you'll see that there is one oval that is all the way  
9 filled in and a second one that is partially filled  
10 in, let's say. The machine kicked that out as an  
11 overvote. In inspecting it, we thought we'd bring it  
12 before you to determine what you thought.

13           BOARD MEMBER SINNOTT: I'm glad that's  
14 not outcome determinative.

15           (Laughter.)

16           BOARD MEMBER MARINELLO: Yeah. No  
17 kidding.

18           CHAIRMAN PREISSE: It appears to me that  
19 the vast majority of ovals that are clearly filled  
20 out, these are uncontested. You know what I mean,  
21 they're uncontested, so a quick vote and then --

22           BOARD MEMBER MARINELLO: Right.

23           DEPUTY DIRECTOR WALCH: I guess the  
24 question would be is that a vote for I believe it's

1 Schuster or is that an overvote, I guess, is the  
2 question before you.

3 BOARD MEMBER MARINELLO: Oh, God.

4 CHAIRMAN PREISSE: I think most of the --  
5 most of these are comparatively well filled out --

6 BOARD MEMBER MARINELLO: Right.

7 CHAIRMAN PREISSE: -- except for these  
8 two which were not contested races, so the voter may  
9 just have quickly marked them. Look at this. I  
10 think it was -- the intent was to vote for Betsy.

11 BOARD MEMBER MARINELLO: I agree.

12 BOARD MEMBER SINNOTT: Since the Board  
13 has had an opportunity to inspect the ballots marked  
14 11 through 14, I move that the Board count 11 through  
15 13 as "yes" votes, and 14 as a vote for Betsy Luper  
16 Schuster.

17 CHAIRMAN PREISSE: Second.

18 DIRECTOR ANTHONY: All those in favor?

19 (All ayes heard.)

20 DIRECTOR ANTHONY: Motion carries.

21 DEPUTY DIRECTOR WALCH: Mr. Director, are  
22 we going to hold on that last item?

23 DIRECTOR ANTHONY: Yes, we will hold on  
24 the last item. That concludes the Special Meeting of

1 the Board of Elections.

2 MR. HEARD: Thank you.

3 MR. SHELL: Thanks, guys.

4 BOARD MEMBER SINNOTT: Thank you.

5 DIRECTOR ANTHONY: Is there a motion to  
6 adjourn?

7 BOARD MEMBER SINNOTT: There is.

8 DIRECTOR ANTHONY: Is there a second?

9 BOARD MEMBER MARINELLO: Second.

10 DIRECTOR ANTHONY: All those in favor?

11 (All ayes heard.)

12 DIRECTOR ANTHONY: We stand adjourned.

13 (Thereupon, the meeting concluded at 3:58  
14 p.m.)

15 - - -

16

17

18

19

20

21

22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Monday, November 17, 2014, and carefully compared with my original stenographic notes.

---

Carolyn M. Burke, Registered Professional Reporter, and Notary Public in and for the State of Ohio.

My commission expires July 17, 2018.

- - -