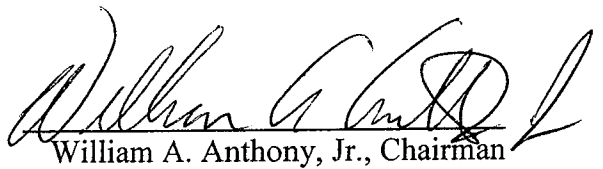


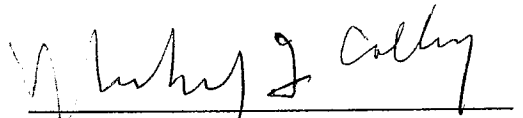
FRANKLIN COUNTY BOARD OF ELECTIONS
280 EAST BROAD STREET
COLUMBUS, OHIO 43215
(614) 462-3100

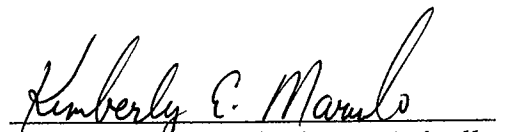
MINUTES OF THE MEETING ON
8/29/07

APPROVED ON 10-1-07

BY:


William A. Anthony, Jr., Chairman


Michael F. Colley, Esq.


Kimberly E. Marinello


Carolyn C. Petree

ATTEST:


Matthew M. Damschroder, Director

1 ORIGINAL

2 PROCEEDINGS OF: Special Meeting,
3 Franklin County Board
of Elections

4 DATE OF DELIVERY: September 14, 2007

5 Franklin County
6 Board of Elections
280 East Broad Street
7 Columbus, Ohio 43215
By Ms. Suzanne Brown,

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Ms. Suzanne Brown

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1 APPEARANCES:

2 Franklin County
3 Prosecuting Attorney
4 Civil Division
5 373 South High Street
6 Columbus, Ohio 43215
7 By Mr. Patrick J. Piccininni,
8 Assistant Prosecuting Attorney,
9
10 On behalf of the Board.

11 ALSO PRESENT:

12 Mr. Eric M. Seabrook, Esquire
13 Mr. Pete Sullivan
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2 P R O C E E D I N G S

3 - - - - -

4 CHAIRMAN ANTHONY: I would like
5 to call the Franklin County Board of
6 Elections meeting to order.

7 Roll call?

8 MR. DAMSCHRODER: Ms. Petree?

9 MS. PETREE: Here.

10 MR. DAMSCHRODER: Ms. Marinello?

11 MS. MARINELLO: Here.

12 MR. DAMSCHRODER: Mr. Colley?

13 MR. COLLEY: Here.

14 MR. DAMSCHRODER: Chairman

15 Anthony?

16 CHAIRMAN ANTHONY: Here.

17 MR. DAMSCHRODER: All members

18 are present, Mr. Chairman.

19 The first item on the agenda is
20 the certification of candidates. Having
21 filed petitions for the November 6th, 2007
22 General Election, we have a report from
23 Peggy Howell of the Petitions and Filings
24 Department.

1 MS. HOWELL: On your candidate
2 lists those candidates in bold are those
3 that have been certified prior to the
4 election for November either out of the
5 primary or by appointment. The unbolded
6 ones are those that we have to address
7 today.

8 The majority of them are
9 qualified and did meet the minimum number
10 of valid signatures. We do have a few
11 that we have to rule on that possibly
12 would be removed from this ballot.

13 I don't know how you want to put
14 that motion into effect.

15 MR. DAMSCHRODER: We have got
16 the first motion that Kim has, a motion to
17 accept what will appear as Exhibit A.
18 It's basically all the names that follow
19 here.

20 - - - - -
21 Thereupon, Exhibit A was marked
22 for purposes of identification.

23 - - - - -
24 MR. DAMSCHRODER: Those are the

1 ones that were found to be valid and
2 sufficient.

3 And we will deal with each of
4 the problem children individually.

5 CHAIRMAN ANTHONY: We should
6 entertain a motion then?

7 MR. DAMSCHRODER: Yes.

8 MS. MARINELLO: Mr. Chairman, I
9 move that the following candidates be
10 certified to the November 6th, 2007
11 General Election ballot.

12 CHAIRMAN ANTHONY: Which will we
13 do first?

14 MR. DAMSCHRODER: We will do the
15 valid candidates first, Exhibit A. Kim
16 will read the resolution.

17 Instead of reading all the names
18 we will attach an exhibit.

19 CHAIRMAN ANTHONY: It is pages 1
20 through 11 that have them.

21 MS. MARINELLO: Mr. Chairman, I
22 move that the candidates be certified to
23 the November 6th, 2007 General Election
24 ballot.

1 CHAIRMAN ANTHONY: Is there a
2 second?

3 MR. COLLEY: Second.

4 CHAIRMAN ANTHONY: All those in
5 favor, say aye.

6 (Unanimous aye)

7 MR. DAMSCHRODER: The motion
8 carries.

9 If you skip over, we will come
10 back to the issues. There is a list. I
11 think it's three pages in the back.

12 Of the the list that Peggy gave
13 you, there are two sets of names
14 petitions. Some of the petitions are
15 fatally flawed in that they didn't have
16 sufficient signatures or some failed to
17 appropriately complete the circulators
18 statement or some of those things. Those
19 are indeed fatal flaws.

20 Other names that appear here in
21 your agenda are people who made some kind
22 of error but the law requires only
23 substantial compliance with the
24 requirements. For instance, if a person

1 didn't put down the county of their
2 residence on their petition, we know they
3 live in Franklin County. They have
4 substantially complied with the
5 requirements.

6 For these we need to memorialize
7 them individually as being certified to
8 the ballot by their name and the office.
9 These are the ones that substantially
10 complied.

11 We would recommend that we not
12 even address in resolution form the
13 individuals who did have fatal flaws, but
14 we would be happy to answer any questions
15 you would have about them at this time.

16 CHAIRMAN ANTHONY: I see a lot
17 of stuff.

18 So who would be the first one
19 that would have that recommendation?

20 MR. DAMSCHRODER: David Samuel,
21 a City of Gahanna Ward 3 Member of
22 Council, would be the first of the
23 individuals that we would recommend that
24 you certify to the ballot. Their flaw was

1 not fatal. It was in substantial
2 compliance.

3 CHAIRMAN ANTHONY: And we have a
4 supplement. These are the ones that you
5 are saying there may be a minor error.

6 MR. DAMSCHRODER: Right.

7 CHAIRMAN ANTHONY: That would be
8 David Samuel, City of Gahanna, and Abdi
9 Issa, Village of Urbancrest?

10 MR. DAMSCHRODER: Yes.

11 CHAIRMAN ANTHONY: We could put
12 those to the ballot?

13 MR. DAMSCHRODER: That's
14 correct.

15 CHAIRMAN ANTHONY: I will
16 entertain a motion.

17 MS. MARINELLO: Mr. Chairman, I
18 move that the following candidates be
19 certified to the November 6, 2007 General
20 Election ballot: City of Gahanna Ward 3
21 Member of Council, David Samuel; Village
22 of Urbancrest Member of Council, Abdi O.
23 Issa; Brown Township Trustee, Pamela
24 Sayer; Brown Township Fiscal Officer,

1 Barbara Bloxam; Mifflin Township Fiscal
2 Officer, Nancy White; Prairie Township
3 Trustee, Douglas Stormont; Washington
4 Township Trustee, Gene Bostic; and New
5 Albany-Plain Local School District Member
6 of the Board of Education, David Martin.

7 CHAIRMAN ANTHONY: Is there a
8 second?

9 MS. PETREE: I second.

10 CHAIRMAN ANTHONY: All those in
11 favor, say aye.

12 (Unanimous aye)

13 MR. DAMSCHRODER: The motion
14 carries.

15 We had two requests for a name
16 change, one from Walter H. Roch Von
17 Rochsburg, who requests that his name
18 appear on the ballot as Rocky Von
19 Rochsburg.

20 I would recommend that we not
21 address that because it's a nickname.
22 It's not a derivative of Walter's proper
23 name.

24 However, there is one, Melinda

1 Garverick, that Melinda has requested that
2 her name appear on the ballot as Mindy. I
3 think that's the Board's discretion if you
4 believe that Mindy is a justifiable
5 derivative of Melinda. I don't know if
6 there are derivatives of Melinda or not.

7 CHAIRMAN ANTHONY: How does
8 Walter H. Roch Von Rochsburg -- what's on
9 his --

10 MR. DAMSCHRODER: His voter
11 registration is Walter H. Roch Von
12 Rochsburg.

13 CHAIRMAN ANTHONY: Okay. And is
14 Melinda as --

15 MR. DAMSCHRODER: It is on her
16 registration as Melinda Garverick.

17 CHAIRMAN ANTHONY: Is Rocky
18 here?

19 (No audible response)

20 CHAIRMAN ANTHONY: Is Melinda
21 here?

22 (No audible response)

23 CHAIRMAN ANTHONY: I will
24 entertain a motion.

1 MS. MARINELLO: Mr. Chairman, I
2 move that Melinda Garverick, a candidate
3 for the Board of Education for
4 Southwestern City Schools appear on the
5 November 7, 2007 ballot as Mindy
6 Garverick.

7 CHAIRMAN ANTHONY: Is there a
8 second?

9 MR. COLLEY: Second.

10 CHAIRMAN ANTHONY: All those in
11 favor, say aye.

12 Ms. Marinello: Aye.

13 MR. COLLEY: Aye.

14 CHAIRMAN ANTHONY: Aye.

15 MS. PETREE: I abstain.

16 MR. DAMSCHRODER: The motion
17 passes.

18 And then the last candidates
19 specific is the withdrawal of John
20 Campbell as candidate for Columbus City
21 Council and another motion replacing him
22 with Jim O'Grady by his nominating
23 committee.

24 MS. PETREE: Mr. Chairman, I

1 move that the Board accept the withdrawal
2 of John Campbell as a candidate for the
3 full-term office of member of Columbus
4 City Council.

5 MR. COLLEY: Second.

6 CHAIRMAN ANTHONY: It has been
7 moved and seconded.

8 All in favor, say aye.

9 (Unanimous aye)

10 MR. DAMSCHRODER: The motion
11 carries.

12 MS. PETREE: Mr. Chairman, the
13 nomination, having been properly submitted
14 by the nominating committee of John
15 Campbell, a former candidate for the
16 office of Columbus City Council for an
17 annual term, I move that the Board certify
18 James O'Grady as a candidate for the
19 office of member of the Columbus City
20 Council for a full term and that the
21 candidate's name appear on the ballot as
22 Jim O'Grady.

23 CHAIRMAN ANTHONY: Is there a
24 second?

1 MR. COLLEY: Second.

2 CHAIRMAN ANTHONY: All those in
3 favor, say aye.

4 (Unanimous aye)

5 MR. DAMSCHRODER: The motion
6 carries. I want to drop back to the
7 issues now.

8 In the list that you have in
9 front of you in the agenda there is one
10 that, after consultation with the
11 Prosecuting Attorney's Office, they do not
12 at this time recommend that the Board
13 certify that issue. It's the third
14 Clinton Township issue on the list. It's
15 a proposed replacement levy for police
16 protection. It was the resolution 0706-32
17 from the township.

18 There seems to be some confusion
19 between election records, the township
20 records, and the auditor's records as to
21 the exact millage that they are
22 replacing. Their resolution was to
23 replace 1.3 mills, and the previous or the
24 original election that was presented to

1 the voters was 1.5 mills.

2 We are going to recommend that
3 we not certify that issue, and that will
4 allow the township time to appeal the
5 Board's decision and clarify their
6 resolution so they can be accurate for the
7 voters.

8 There are several local options
9 that did not have sufficient petitions,
10 sufficient signatures, that we are
11 recommending that we exclude from the
12 resolution.

13 Also I think of particular note,
14 because it has received some media
15 attention, Staff is at this time
16 recommending that the Board not certify
17 any of the local option for Columbus Ward
18 7 to dry up all of Columbus Ward 7 due to
19 invalid signatures and also insufficiency
20 of the filing. There is a question of the
21 affidavit that was filed whether that
22 filing was sufficient.

23 Counsel for the petitioners Eric
24 Seabrook is here. I talked to him before

1 the meeting. I think there is an
2 inclination to protest the Board not
3 certifying today. That will allow us more
4 time to look into some of the legal
5 questions here, and if those are answered
6 properly for the petitioners, they can
7 come back and have the Board certify the
8 issue.

9 The question is, I guess there
10 is one of several projects that actually
11 does have enough signatures. And the
12 question then becomes whether the filing
13 was sufficient in that does the one
14 affidavit that was filed for all the
15 projects -- does that indeed cover all the
16 problems or should one affidavit have been
17 filed. There is some confusion over
18 that.

19 Staff believes that a separate
20 affidavit has to be filed for each
21 project, and only one was filed for all of
22 the projects. I think that's one of the
23 items that the petitioner will be coming
24 back to the Board with arguments on.

1 MR. WHITE: For not sufficient
2 signatures?

3 MR. DAMSCHRODER: If there are
4 not enough signatures, there are not
5 enough signatures. I think for the one
6 project -- and I don't remember which
7 specific precinct it was that did have
8 enough valid signatures, whether or not
9 the rest of the instrument was sufficient
10 or not.

11 CHAIRMAN ANTHONY: You said was
12 there any other questions of Matt on this.
13 I have one.

14 All these are Ward 7; right,
15 Matt?

16 MR. DAMSCHRODER: Yes.

17 CHAIRMAN ANTHONY: And our legal
18 opinion would be --

19 MR. DAMSCHRODER: The problem
20 with local options is that there are two
21 state agencies involved in the process
22 plus the Board of Elections. And then we
23 maintain the maps.

24 And the Prosecutor -- unlike the

1 issues provided by local jurisdictions,
2 the Prosecutor doesn't approve language
3 for these. So we will have to reach out
4 to the Liquor Control Commission to get
5 additional information.

6 CHAIRMAN ANTHONY: You say there
7 is someone here today to talk about this?

8 MR. DAMSCHRODER: Eric, I don't
9 know if you want to make any comments at
10 all.

11 (Mr. Seabrook approaches podium)

12 MR. DAMSCHRODER: Please state
13 your name and position.

14 MR. SEABROOK: Eric M. Seabrook,
15 counsel for petitioners.

16 I are not going to elaborate.
17 We are going to file a protest. I think
18 it will speak for itself. Part of it is
19 technical and part is sufficiency of
20 signatures.

21 However, we feel it is a
22 question of how and when and really
23 refining, also getting some clarity. We
24 submitted over 100 percent above the

1 required number of signatures for most of
2 those areas; so, obviously, we have some
3 concerns about the signatures that were
4 disqualified and will be part of the
5 protest process. We are, you know, simply
6 following the process and procedures and
7 going forward.

8 Also the issue of sufficiency of
9 one of the affidavits, given that it
10 covers the issue there.

11 Does the simple reading of it on
12 its face mean that it identifies all the
13 areas make that sufficient for the filing,
14 particularly given the tendency of the
15 precedent to suggest that the objective is
16 to see it presented to voters?

17 Where should just discretion
18 roll? I think at this point it is a
19 matter of actually filing the protest and
20 looking at the actual facts, of
21 signatures, and what is the precedent on
22 the sufficiency of the affidavit.

23 I don't know if there are any
24 particular questions. I am open to

1 questions.

2 CHAIRMAN ANTHONY: I don't have
3 any.

4 Do the Board members have any?
5 (No audible response)

6 CHAIRMAN ANTHONY: Thank you,
7 Mr. Seabrook.

8 MR. WHITE: This gives them an
9 opportunity to review signatures.

10 CHAIRMAN ANTHONY: Is there
11 anyone to speak on this matter?

12 MR. SULLIVAN: My name is Pete
13 Sullivan, a resident in Ward 7.

14 We raised some issues as far as
15 the legitimacy of signatures and the
16 version used to obtain signatures. We
17 have at least 25 residents in the
18 neighborhood that say they were told that
19 this issue was about keeping stores open
20 later and keeping beer and wine for sale.

21 That said, we came down here and
22 asked if there were rules to see if all
23 the signatures were right. I personally
24 went to ask what was said. They said they

1 were told the issue was to keep the sale
2 of beer and wine.

3 Also this was not attached to
4 any of the forms when they obtained
5 signatures. It was just the process they
6 went through to get signatures.

7 First when they went to get the
8 signatures, the legitimacy of the
9 signatures. One of the store owners was
10 not given -- Steve's Food Market & Deli
11 was not even given a certified letter
12 stating that their beer license was going
13 to be revoked. To date they still haven't
14 gotten it. It was sent to the
15 petitioner's address but the petitioner
16 wanted the form. They sent it to their
17 home address. We have some concerns.

18 CHAIRMAN ANTHONY: Yes. That
19 can all be addressed during the hearings.
20 We will have a hearing to reconsider.

21 Any questions of Mr. Sullivan?

22 (No audible response)

23 CHAIRMAN ANTHONY: There was
24 none. Thank you, sir.

1 MR. DAMSCHRODER: Any other
2 questions?

3 (No audible response)

4 CHAIRMAN ANTHONY: We will now
5 have a motion and put in everything but
6 Ward 7.

7 MR. DAMSCHRODER: On the Exhibit
8 B that we will attach to the record we
9 will exclude 7 and the third Clinton
10 Township issue. We will amend that
11 exhibit and give it to the reporter.

12 CHAIRMAN ANTHONY: All right.
13 I will entertain a motion.

14 MS. MARINELLO: I move that the
15 issues listed on Exhibit B be certified to
16 the 2007 General Election ballot.

17 CHAIRMAN ANTHONY: Is there a
18 second?

19 MS. PETREE: I second.

20 CHAIRMAN ANTHONY: All in favor,
21 say aye.

22 (Unanimous aye)

23 MR. DAMSCHRODER: The motion
24 carries.

1 I want to jump back to the first
2 page of the agenda, the certification to
3 the Special Election. This is the August
4 7th, 2007 Special Election that was held
5 in the Westerville Public Library.

6 CHAIRMAN ANTHONY: We will
7 entertain a motion.

8 MS. MARINELLO: Mr. Chairman, I
9 move that the results of the Tuesday
10 August 7th Special Election held for the
11 Westerville Public Library be certified as
12 reported.

13 CHAIRMAN ANTHONY: Is there a
14 second?

15 MR. COLLEY: Second.

16 CHAIRMAN ANTHONY: All those in
17 favor, say aye.

18 (Unanimous aye)

19 MR. DAMSCHRODER: The motion
20 carries and I will send the signature page
21 down the row for everyone to sign.

22 Moving to the end of the agenda,
23 there are a couple of miscellaneous items
24 that we have to address. When the Board

1 passed its policy for public meetings we
2 didn't anticipate or think about Mondays.
3 In some cases they are federal holidays.

4 So we will amend that policy
5 such that if the regular Board meeting, as
6 in the case of next week, would fall on a
7 Monday, a federal holiday, the Board
8 meeting would be held on the immediate
9 following Monday.

10 CHAIRMAN ANTHONY: I will
11 entertain a motion.

12 MS. PETREE: Mr. Chairman, I
13 move that the Board amend its public
14 meetings policy to reflect that when
15 regular meetings of the Board fall on a
16 federal, state, county, or Columbus City
17 legal holiday, that the regular meeting of
18 the Board shall be held on the following
19 Monday.

20 CHAIRMAN ANTHONY: Is there a
21 second?

22 MR. COLLEY: Second.

23 CHAIRMAN ANTHONY: All in favor,
24 say aye.

1 (Unanimous aye)

2 MR. DAMSCHRODER: The motion
3 carries.

4 The next two motions are
5 requirements of the Ohio Revised Code that
6 the Board appoint poll workers and adopt a
7 program for training of said poll
8 workers.

9 This is largely a formal
10 process. As you know we approve poll
11 workers for every election and place them.
12 From time to time they come back and at
13 other times they don't.

14 Also the program for training
15 poll workers under 3501.27 of the Ohio
16 Revised Code, all of our poll workers are
17 required to take the training class for
18 every election. We have a DVD that is
19 somewhat outdated, given the new rules of
20 the Secretary of State.

21 As you will recall from the last
22 meeting when we approved the budget to be
23 submitted to the commissioners, I
24 requested funding for an online training

1 program for next year. That would replace
2 the DVD and also every give everybody a
3 several page training manual that gives
4 them the information they need to be a
5 poll worker.

6 Those are the two resolutions
7 that need to be approved to satisfy those
8 two statutory requirements.

9 CHAIRMAN ANTHONY: I will
10 entertain a motion.

11 MS. MARINELLO: I move that the
12 Board vest in the Director and Deputy
13 Director its authority to appoint electors
14 to serve as precinct election officials
15 for a term of one year pursuant to Section
16 3501.22 of the Ohio Revised Code.

17 CHAIRMAN ANTHONY: Is there a
18 second?

19 MR. COLLEY: Second.

20 CHAIRMAN ANTHONY: All those in
21 favor, say aye.

22 (Unanimous aye)

23 MR. DAMSCHRODER: The motion
24 carries.

1 MS. MARINELLO: And, Mr.
2 Chairman, I move that the Board adopt the
3 program of instruction for precinct
4 election officials presented by the
5 Director and Deputy Director pursuant to
6 Section 3501.27 of the Ohio Revised Code.

7 CHAIRMAN ANTHONY: Is there a
8 second?

9 MR. COLLEY: Second.

10 CHAIRMAN ANTHONY: All in favor,
11 say aye.

12 (Unanimous aye)

13 MR. DAMSCHRODER: The motion
14 carries.

15 The last item on the agenda, Mr.
16 Chairman -- there actually might be
17 another one after this.

18 The Prosecuting Attorney just
19 left to check on something. We may have
20 to take a brief recess for him to research
21 a matter. I know that one of our Board
22 members needs to leave for another
23 appointment, so I don't know if we want to
24 talk about this now or do it at a

1 subsequent meeting.

2 As you recall, at a previous
3 meeting of the Board the Director and
4 Deputy Director presented a plan to
5 provide for employee parking in the School
6 Employees Retirement System garage
7 immediately to the east of us, given that
8 we need to accommodate voters in our
9 parking lot here because of the number of
10 meters that have been closed down on Gay
11 Street, and also to find parking for
12 employees who would be displaced by the
13 eminent closing of the lots north of us
14 between Gay and Long.

15 We have talked with the folks
16 next door. They have spots for us. We
17 can negotiate a lower than market rate.
18 As Denny and I shared with you last time,
19 we have a concern about locking in both
20 those spaces and rates before market
21 prices drive the rates up and demand
22 reduces the number of available spaces due
23 to the closing of the lots.

24 What we would ask is permissive

1 authority from the Board to negotiate and
2 enter into a contract that will take us
3 through the end of this calendar year,
4 because we can't enter into a contract for
5 multiple years without the commissioners
6 approving it. This will allow us and give
7 us to the end of this year to have
8 renewable periods as the commissioners
9 give us future funding.

10 I don't know if there are
11 questions. Since then we have researched
12 the matter, and there are several county
13 agencies who do provide parking for their
14 employees as a benefit.

15 CHAIRMAN ANTHONY: Are there any
16 questions from the Board as to what Matt
17 is talking about?

18 (No audible response)

19 CHAIRMAN ANTHONY: Then I will
20 entertain a motion.

21 MS. MARINELLO: Mr. Chairman, I
22 move that the Board authorize the Director
23 and Deputy Director to enter into a
24 contractual agreement with the School

1 Employees Retirement System parking garage
2 for purposes of providing parking to
3 employees of the Board of Elections at a
4 rate not to exceed \$75 per space per month
5 through December 31st of 2007 with an
6 option to automatically renew the contract
7 for two additional calendar years.

8 CHAIRMAN ANTHONY: Is there a
9 second?

10 MR. COLLEY: Second.

11 CHAIRMAN ANTHONY: All those in
12 favor, say aye.

13 (Unanimous aye)

14 MR. DAMSCHRODER: The motion
15 carries.

16 That is all the business we have
17 to bring before the Board unless you guys
18 have any questions.

19 (No audible response)

20 CHAIRMAN ANTHONY: Thank you
21 again for coming.

22 MR. DAMSCHRODER: Is there a
23 motion to adjourn?

24 MS. PETREE: Mr. Chairman, I

1 move that we adjourn.

2 MS. MARINELLO: Second.

3 MR. DAMSCHRODER: All in favor,
4 say aye.

5 (Unanimous aye)

6 - - - - -

7 Thereupon, the proceeding was
8 concluded at 3:30 o'clock p.m.

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CERTIFICATE

I, Patricia W. White, Court Reporter and Notary Public in and for the State of Ohio, do hereby certify that I reported the foregoing proceedings and that the foregoing transcript of such proceedings is a full, true and correct transcript of my stenotypy notes as so taken.

I do further certify that I was called there in the capacity of a Court Reporter, and am not otherwise interested in this proceeding.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 14th day of September, 2007.

Patricia W. White

PATRICIA W. WHITE, Notary Public - State of Ohio.

My commission expires May 30, 2012.