

1 BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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3 IN RE: :

4 Board Meeting :

5 - - - - -

6 Proceedings before Chairman William A.
7 Anthony, Jr., Board Member Kimberly E.
8 Marinello, Board Member Michael E. Colley,
9 and Board Member Carolyn C. Petree, taken at
10 the Franklin County Board of Elections, 280
11 East Broad Street, Columbus, Ohio, on Friday,
12 January 11, 2008, at 3:28 o'clock p.m.

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Page 2

1 APPEARANCES:
 2 Franklin County Prosecuting Attorney
 3 373 South High Street
 4 13th Floor
 Columbus, Ohio 43215
 By Mr. Patrick Piccininni,
 Assistant County Prosecutor,
 5
 On behalf of the Board of
 6 Elections.
 7 Perez & Morris, LLC
 8 8000 Ravine's Edge Court
 Suite 300
 Columbus, Ohio 43235
 9 By Ms. Angela Alexander Savino,
 Attorney at Law,
 10
 On behalf of the Petitioner,
 11 Mariachi Mexican Restaurant.
 12
 13
 14 ALSO PRESENT:
 15 Mr. Matthew Damschroder, Director
 Mr. Dennis White, Deputy Director
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Page 4

1 INDEX (Cont'd)
 2 Witnesses Page No.
 3 Victoria Parks 69
 4 Marian Lupo 73
 5 Dan Stanton 82
 6 Carla Patton 104
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24

Page 3

1 INDEX
 2 Agenda Item Page No.
 3 Call to Order 5
 4 Approval of Minutes 5
 5 Candidate Certification 6
 6 Local Option Certification Appeal 19
 7 Directive 2008-01 42
 8 Directive 2008-02 96
 9 Fiscal 98
 10 Audit Log 101
 11 Directive Request 108
 12 Executive Session 114
 13 Personnel 116
 14 Adjournment 122
 15
 16 Meeting Exhibit Page No.
 17 A - Candidates List 8
 18 B - Transcript Excerpt 112
 19 C - Salaries List --
 20
 21 Witnesses Page No.
 22 Paddy Shaffer 43
 23 Leonard Samuelson 55
 24 Teresa Blakely 66

Page 5

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 2 PROCEEDINGS
 3 -----
 4 CHAIRMAN ANTHONY: Hello. I'd like
 5 to call the Franklin County Board of
 6 Elections meeting to order, please.
 7 DIRECTOR DAMSCHRODER: Mr. Colley.
 8 BOARD MEMBER COLLEY: Here.
 9 DIRECTOR DAMSCHRODER:
 10 Ms. Marinello.
 11 BOARD MEMBER MARINELLO: Here.
 12 DIRECTOR DAMSCHRODER: Ms. Petree.
 13 BOARD MEMBER PETREE: Yes.
 14 DIRECTOR DAMSCHRODER: Chairman
 15 Anthony.
 16 CHAIRMAN ANTHONY: Here.
 17 DIRECTOR DAMSCHRODER: All members
 18 are present.
 19 The first item on the agenda is the
 20 approval of previous minutes that have been
 21 distributed to the Board.
 22 CHAIRMAN ANTHONY: Is there a
 23 motion to approve the minutes of that Board
 24 meeting?

Page 6	Page 8
<p>1 BOARD MEMBER PETREE: I make a 2 motion. 3 CHAIRMAN ANTHONY: All those in -- 4 well, let me do it right. 5 I move that the Board approve the 6 minutes of the meeting of Franklin County 7 Board of Elections, November 5th, 2007, and 8 November 27th, 2007, as submitted. 9 Is there a second? 10 BOARD MEMBER PETREE: Second. 11 CHAIRMAN ANTHONY: All those in 12 favor, say aye. 13 (Board votes aye unanimously.) 14 DIRECTOR DAMSCHRODER: That motion 15 carries. 16 The next item on the public portion 17 of the agenda is candidate certification. 18 There before you in the large packet is the 19 list of all of the candidates having timely 20 filed petitions last Friday to appear on the 21 March 4th, 2008 Primary Election ballot. 22 Everyone contained on this list was 23 identified by staff as having filed, timely 24 filed, ballots, sufficient petitions.</p>	<p>1 of those candidates submitted by the Director 2 and Deputy Director and reviewed by the Board 3 be attached to the record of the proceedings 4 as Exhibit A. 5 CHAIRMAN ANTHONY: Is there a 6 second? 7 BOARD MEMBER PETREE: I second 8 that. 9 CHAIRMAN ANTHONY: All those in 10 favor, say aye. 11 (Board votes aye unanimously.) 12 DIRECTOR DAMSCHRODER: And I will 13 give this to the court reporter to attach to 14 the record. 15 The next four resolutions we need 16 to handle one-by-one, because some Board 17 members need to abstain, either because they 18 themselves are the candidate being certified 19 or it's a family member or close associate. 20 CHAIRMAN ANTHONY: Okay. And this 21 is for the County Central Committees? 22 DIRECTOR DAMSCHRODER: The first 23 one is the candidacy of Michael Colley. So 24 once that motion has been made and seconded,</p>
Page 7	Page 9
<p>1 And this list has been gone 2 through, also, so that we can take out the 3 individual motions that each Board member has 4 to vote on for the roll call for extensions. 5 So it will be staff's 6 recommendation that we accept this list in an 7 omnibus kind of resolution as printed on 8 the -- on the agenda. And then, we'll go 9 through the other ones individually. 10 CHAIRMAN ANTHONY: Okay. So how do 11 you want us to start again, now? 12 DIRECTOR DAMSCHRODER: Let's handle 13 the first paragraph that appears under 14 candidate certification as one motion. 15 CHAIRMAN ANTHONY: Okay. 16 BOARD MEMBER MARINELLO: 17 Mr. Chairman? 18 CHAIRMAN ANTHONY: Yes. 19 BOARD MEMBER MARINELLO: I move 20 that the Board certify to the March 4th, 2008 21 Primary Election ballot those candidates 22 whose petitions have been timely filed on or 23 before Friday, January 4th, 2008, were found 24 to be valid and sufficient, and that the list</p>	<p>1 we'll do a roll call vote with Mr. Colley 2 abstaining. 3 CHAIRMAN ANTHONY: Okay. Then I 4 would entertain a motion. 5 BOARD MEMBER PETREE: Mr. Chairman? 6 CHAIRMAN ANTHONY: Yes, ma'am. 7 BOARD MEMBER PETREE: I move that 8 Michael F. Colley be certified to the March 9 4th, 2008 Primary Election ballot, as a 10 candidate for member of the Republican State 11 Central Committee from the 16th Ohio Senate 12 District. 13 CHAIRMAN ANTHONY: Okay. We ought 14 to do a roll call vote on that. 15 DIRECTOR DAMSCHRODER: A second. 16 CHAIRMAN ANTHONY: Oh, is there a 17 second for that? 18 BOARD MEMBER MARINELLO: Second. 19 CHAIRMAN ANTHONY: Okay. Roll 20 call. 21 DIRECTOR DAMSCHRODER: Roll call 22 vote: Mr. Colley. 23 BOARD MEMBER COLLEY: Abstain. 24 DIRECTOR DAMSCHRODER:</p>

Page 10	Page 12
<p>1 Ms. Marinello. 2 BOARD MEMBER MARINELLO: Yes. 3 DIRECTOR DAMSCHRODER: Ms. Petree. 4 BOARD MEMBER PETREE: Yes. 5 DIRECTOR DAMSCHRODER: Chairman 6 Anthony. 7 CHAIRMAN ANTHONY: Yes. 8 DIRECTOR DAMSCHRODER: And motion 9 carries. 10 The next motion is the candidacy of 11 Carolyn Petree for State Central Committee, 12 with once the motion is made and seconded Ms. 13 Petree needs to abstain. 14 CHAIRMAN ANTHONY: I would 15 entertain a motion. 16 BOARD MEMBER MARINELLO: 17 Mr. Chairman? 18 CHAIRMAN ANTHONY: Yes. 19 BOARD MEMBER MARINELLO: I move 20 that Carolyn C. Petree be certified to the 21 March 4th, 2008 Primary Election ballot as a 22 candidate for the member of the Republican 23 State Central Committee from the 15th Ohio 24 Senate District.</p>	<p>1 respectively. 2 Is there a second? 3 BOARD MEMBER PETREE: Second. 4 CHAIRMAN ANTHONY: We need a roll 5 call vote. 6 DIRECTOR DAMSCHRODER: Mr. Colley. 7 BOARD MEMBER COLLEY: Yes. 8 DIRECTOR DAMSCHRODER: 9 Ms. Marinello. 10 BOARD MEMBER MARINELLO: Abstain. 11 DIRECTOR DAMSCHRODER: Ms. Petree. 12 BOARD MEMBER PETREE: Yes. 13 DIRECTOR DAMSCHRODER: Chairman 14 Anthony. 15 CHAIRMAN ANTHONY: Yes. 16 DIRECTOR DAMSCHRODER: And again, 17 the last one, with Chairman Anthony 18 abstaining. 19 BOARD MEMBER MARINELLO: I move 20 that Ruth E. Lawson, David S. Anthony, 21 Richard L. Vinson, be certified to the March 22 4th, 2008 Primary Election ballot as 23 candidates for members of the Democratic 24 County Central Committee from Wards 3, 4, and</p>
Page 11	Page 13
<p>1 CHAIRMAN ANTHONY: Is there a 2 second? 3 BOARD MEMBER COLLEY: Second. 4 CHAIRMAN ANTHONY: Roll call vote. 5 DIRECTOR DAMSCHRODER: Mr. Colley. 6 BOARD MEMBER COLLEY: Yes. 7 DIRECTOR DAMSCHRODER: 8 Ms. Marinello. 9 BOARD MEMBER MARINELLO: Yes. 10 DIRECTOR DAMSCHRODER: Ms. Petree. 11 BOARD MEMBER PETREE: Abstain. 12 CHAIRMAN ANTHONY: Chairman 13 Anthony. 14 CHAIRMAN ANTHONY: Yes. 15 DIRECTOR DAMSCHRODER: Motion 16 carries. 17 The next one, we'll handle again 18 with Ms. Marinello abstaining. 19 CHAIRMAN ANTHONY: All right. Then 20 I move that Joy Fielder, Dennis L. White, be 21 certified to the March 4th, 2008 Primary 22 Election ballot as candidates for members of 23 the Democratic County Central Committee from 24 Columbus Ward 29 and Madison Township</p>	<p>1 51 respectively. 2 CHAIRMAN ANTHONY: Is there a 3 second? 4 BOARD MEMBER COLLEY: Second. 5 CHAIRMAN ANTHONY: Roll call vote. 6 DIRECTOR DAMSCHRODER: Mr. Colley. 7 BOARD MEMBER COLLEY: Yes. 8 DIRECTOR DAMSCHRODER: 9 Ms. Marinello. 10 BOARD MEMBER MARINELLO: Yes. 11 DIRECTOR DAMSCHRODER: Ms. Petree. 12 BOARD MEMBER PETREE: Yes. 13 DIRECTOR DAMSCHRODER: Chairman 14 Anthony. 15 CHAIRMAN ANTHONY: I abstain. 16 DIRECTOR DAMSCHRODER: Motion 17 carries. 18 The next group of petitions that we 19 need to discuss are all the candidates or all 20 the petitions that were found as having some 21 question either of substantial compliance 22 that needs to be handled by the Board or 23 other petitions that were just outright 24 insufficient or invalid.</p>

Page 14	Page 16
<p>1 The Board does not have to act on 2 the insufficient or invalid. 3 Denny? 4 DEPUTY DIRECTOR WHITE: We didn't 5 act on Kim's Central Committee petition. 6 DIRECTOR DAMSCHRODER: Oh, I'm 7 sorry. 8 BOARD MEMBER MARINELLO: I'm not on 9 there. 10 BOARD MEMBER PETREE: Oh, that's 11 true. 12 CHAIRMAN ANTHONY: Oh, you're on 13 the Central Committee? 14 What's your ward? 15 BOARD MEMBER MARINELLO: 49. 16 CHAIRMAN ANTHONY: 41? 17 BOARD MEMBER MARINELLO: 49. 18 DEPUTY DIRECTOR WHITE: Somebody 19 just needs to make that motion. 20 CHAIRMAN ANTHONY: I'll make that 21 motion. 22 DEPUTY DIRECTOR WHITE: And she 23 would abstain. 24 CHAIRMAN ANTHONY: And I move --</p>	<p>1 petitions that have questions. There were a 2 number that were just found to have 3 insufficient number of valid signatures; 4 others that failed to properly execute their 5 circular statement. 6 There are a couple, Jeni Horn, Ryan 7 Frazee, Tim Kenney, Kari Hertel, Michael 8 Cline, and Shawn Dingus, that made some kind 9 of, each different, but minor clerical errors 10 that have either been found in the past, 11 through court decisions, recommendations from 12 Prosecuting Attorney, or from the Secretary 13 of State, or prior action of the Board, to be 14 found to be, like I said, minor clerical 15 errors, that do meet substantial compliance. 16 You can go through each one of those and 17 discuss them if you would like to, or you can 18 move forward with staff recommendation and 19 just begin with the motions. 20 CHAIRMAN ANTHONY: Now, are you 21 saying that these have problems or -- 22 DEPUTY DIRECTOR WHITE: The 23 original list that he gave over, on the first 24 resolution, these are ones that we had some</p>
Page 15	Page 17
<p>1 yeah. I move that Kim Marinelli [sic] be 2 certified to the March 4th, 2000 [sic] 3 Primary Election ballot as a candidate for 4 the member of the Democratic Central 5 Committee from Ward -- 6 BOARD MEMBER MARINELLO: 49, Ward 7 49. 8 CHAIRMAN ANTHONY: Ward 49. 9 Is there a second? 10 BOARD MEMBER PETREE: I'll second. 11 DIRECTOR DAMSCHRODER: Mr. Colley. 12 BOARD MEMBER COLLEY: Yes. 13 DIRECTOR DAMSCHRODER: 14 Ms. Marinello. 15 BOARD MEMBER MARINELLO: Abstain. 16 DIRECTOR DAMSCHRODER: Ms. Petree. 17 BOARD MEMBER PETREE: Yes. 18 DIRECTOR DAMSCHRODER: Chairman 19 Anthony. 20 CHAIRMAN ANTHONY: Yes. 21 DIRECTOR DAMSCHRODER: Sorry about 22 that, Kim. 23 The next group, as we were talking 24 about, are the candidates that have --</p>	<p>1 concerns with, so we got with either the 2 Prosecutor's Office or Brian from the 3 Secretary of State's office, and they said 4 that it would be okay to put these on the 5 ballot. They weren't on the original 6 resolution. 7 CHAIRMAN ANTHONY: Okay. All 8 right. Then I would entertain a motion. 9 BOARD MEMBER MARINELLO: 10 Mr. Chairman? 11 CHAIRMAN ANTHONY: Yes, ma'am. 12 BOARD MEMBER MARINELLO: I move 13 that Jeni Horn, Ryan Frazee, Timothy Kenney, 14 and Kari Hertel be certified to the March 15 4th, 2008 Primary Election ballot as 16 candidates for member of the Republican 17 County Central Committee from Ward 3, Ward 18 59, Reynoldsburg Ward 4, and Dublin Ward 2 19 respectively. 20 CHAIRMAN ANTHONY: Is there a 21 second? 22 BOARD MEMBER PETREE: I'll second. 23 CHAIRMAN ANTHONY: All those in 24 favor, say aye.</p>

Page 18

1 (Board votes aye unanimously.)
 2 DEPUTY DIRECTOR WHITE: The other
 3 two the same.
 4 DIRECTOR DAMSCHRODER: The other
 5 two are the same way.
 6 DEPUTY DIRECTOR WHITE: The next
 7 two are the same, too.
 8 CHAIRMAN ANTHONY: I'll entertain a
 9 motion.
 10 BOARD MEMBER PETREE: Mr. Chairman?
 11 CHAIRMAN ANTHONY: Yes, ma'am.
 12 BOARD MEMBER PETREE: I move that
 13 Michael Cline be certified to the March 4th,
 14 2008 Primary Election ballot as a candidate
 15 for Democratic County Central Committee from
 16 Plain Township.
 17 CHAIRMAN ANTHONY: Is there a
 18 second?
 19 BOARD MEMBER MARINELLO: Second.
 20 CHAIRMAN ANTHONY: All those in
 21 favor, say aye.
 22 (Board votes aye unanimously.)
 23 DIRECTOR DAMSCHRODER: And then the
 24 last one.

Page 19

1 BOARD MEMBER MARINELLO:
 2 Mr. Chairman, I move that Shawn Dingus be
 3 certified to the March 4th, 2008 Primary
 4 Election ballot as a Democratic candidate for
 5 Judge of the Court of Common Pleas, General
 6 Division, with full term commencing July 1st,
 7 2009.
 8 CHAIRMAN ANTHONY: Is there a
 9 second?
 10 BOARD MEMBER PETREE: Second.
 11 CHAIRMAN ANTHONY: All those in
 12 favor, say aye.
 13 (Board votes aye unanimously.)
 14 DIRECTOR DAMSCHRODER: That motion
 15 carries.
 16 The next item on the agenda is to
 17 consider an appeal of a local option that was
 18 previously filed by the Board -- before the
 19 Board, that the Board denied based on
 20 interpretation from both the Secretary of
 21 State and the Prosecuting Attorney's Office.
 22 I think the appeal was mailed to each of the
 23 Board members. I think we do have some
 24 copies, if you need to review it.

Page 20

1 And I believe someone is here
 2 representing the Mariachi Mexican Restaurant.
 3 The local option was for 4740 East Main
 4 Street in Whitehall. I believe someone is
 5 here representing the petitioner.
 6 CHAIRMAN ANTHONY: Yes, ma'am.
 7 How are you?
 8 MS. ALEXANDER SAVINO: I'm fine,
 9 thank you. Thank you for your time.
 10 I trust you --
 11 CHAIRMAN ANTHONY: Can you give us
 12 your name?
 13 MS. ALEXANDER SAVINO: My name is
 14 Angela Alexander Savino. I'm counsel for
 15 Mariachi and petitioner.
 16 She's reminding me I was before you
 17 not long ago.
 18 Thank you for your time, again.
 19 I trust you received the appeal.
 20 And it looks like, after talking with your
 21 counsel --
 22 BOARD MEMBER MARINELLO: Can you
 23 speak louder, please?
 24 MS. ALEXANDER SAVINO: Sure.

Page 21

1 It looks like, after talking with
 2 your counsel, the issue seems to stem on the
 3 statute 4301.333(B)(3)(a), specifically that
 4 in addition to identifying the type of liquor
 5 permit on each petition, it should include a
 6 description of the type of beer or
 7 intoxicating liquor sales authorized by each
 8 permit as provided by these sections.
 9 I should mention, I'm assuming you
 10 already know, but there was adequate
 11 signatures.
 12 The question came down to what was
 13 considered to be a flaw to the description of
 14 the liquor permits on the petition. I submit
 15 to you that nothing within that statute says
 16 where on the petition the description of the
 17 type of liquor permits has to be included.
 18 On our petition, we did include
 19 that it's a D-5 and D-6, and that they were a
 20 holder of the D-5 and D-6, and they were not
 21 applying for any other permit. We also
 22 described that, as a holder of a D-5 and D-6,
 23 they were seeking to sell what they could
 24 sell under those permits, beer, wine, mixed

Page 22	Page 24
<p>1 beverages, spirituous liquor, on Sunday for 2 on-premise consumption. All the information 3 is on the petition. 4 The disagreement I think that I am 5 having with some of the interpretation is 6 the -- that there's some who believe it 7 states exactly where that information should 8 be contained on the petition form. There is 9 nothing in the statute that says that. The 10 statute merely says you describe the liquor 11 permits. You describe the type of local 12 option that you are asking voters to support. 13 That has all been done on the petition. 14 Nowhere in the statute does it say on which 15 line in which place on that petition form you 16 need to include it. 17 In this situation, they're not 18 applying for any new privileges. Clearly, 19 the petition says they are a holder of a D-5, 20 D-6, and it outlines what all those 21 privileges are, and that they're seeking that 22 for Sunday on-premise consumption. So I 23 submit to you that the petition is not 24 flawed. It is complete. It does comply with</p>	<p>1 (No response is heard.) 2 CHAIRMAN ANTHONY: Have we had a 3 chance to have an opinion on this? 4 DIRECTOR DAMSCHRODER: I think the 5 Prosecuting Attorney's Office has talked with 6 the Secretary of State, and I think they're 7 prepared -- 8 (Interruption in proceedings occurs 9 as reporter's equipment comes unplugged.) 10 PROSECUTOR PICCININNI: Gretchen 11 Quinn is an elections -- one of the elections 12 attorneys that are in the Secretary of 13 State's office, and I believe that she does a 14 lot of the review of these petitions, or did 15 a lot of these review of these petitions as 16 to form prior to submission to the Ballot 17 Board for the final ballots to be -- for the 18 ballots to be finalized. And she was not -- 19 unable to approve a bunch of them as to form 20 because of this issue. 21 At that time, for the November 22 election, it was left to the discretion of 23 the boards on whether or not they were going 24 to revisit the issues, because all the boards</p>
Page 23	Page 25
<p>1 the statute. 2 Not only is there a concern that 3 there has been a misunderstanding as it 4 relates to this petition, as it relates to 5 the statute, but also to -- to rule 6 otherwise, to continue to not certify this 7 petition, would actually be to the detriment 8 of the Franklin County voters. If it's 9 compliant with the statute, there's been no 10 change in statutory law, there's been no case 11 law to change the interpretation of that 12 statute, and all the information is before 13 the voters for them to make an informed 14 decision, to rule otherwise would be 15 denying -- excuse me -- the citizens on the 16 right to vote on something that they had 17 signed valid and legal petitions for. 18 So I would ask you to reconsider 19 the petition. I would ask you to reconsider 20 and to certify the petition. 21 And I certainly am willing to 22 answer any questions. 23 CHAIRMAN ANTHONY: Okay. Are there 24 any questions for her?</p>	<p>1 had already certified the issues to the 2 ballot. 3 Now, in review of the statute in 4 question, 4301.333, the statute specifically 5 (B) -- I'm sorry. (B)(3)(a) specifically 6 states that the type of each -- that the 7 petition shall contain the following: The 8 type of each liquor permit applied for by the 9 applicant, or held by the liquor permit 10 holder as described in other sections of the 11 revised code, including a description of the 12 type of beer or intoxicating liquor sales 13 authorized by each permit as provided in 14 those sections. 15 So not only does it say list the 16 type of permit you have, be it D-1, D-4, D-6, 17 et cetera, but say what those permits allow 18 you to do. And in this case, this petition 19 fails to describe that. 20 Now, this is -- this petition is 21 asking for the sale of beer, wine, mixed 22 beverages, and spirituous liquor, for 23 on-premise consumption between -- on -- for 24 sales on Sunday, between the hours of 10:00</p>

<p style="text-align: right;">Page 26</p> <p>1 a.m. to midnight, and it further goes on to 2 say that the holder -- that the restaurant is 3 a holder of a D-5 and D-6 liquor permit. 4 What's absent there is what the D-5 and D-6 5 allow you to do. Yes, it may be repetitive 6 to what you're asking for, but for clarity to 7 the voters they know that you already have 8 the permit that would allow you to do this; 9 you're asking for expanded sales, or Sunday 10 sales, in this case. 11 Based on the what the secretary -- 12 the Secretary of State's Office has given us, 13 this permit, this particular petition, does 14 not describe what the D-5 or D-6 permit is to 15 contain, what the D-5 or D-6 permit does, so 16 it is not informing the voters of what's -- 17 what the permits are. The voter is left to 18 guess, what do they have? What are they 19 allowed to do now? Am I allowing them to do 20 more by increasing their -- am I giving them 21 a new permit? Am I -- what am I doing? 22 So, I mean, I see the policy behind 23 the section of the statute. Unfortunately, 24 this petition does not comply with it.</p>	<p style="text-align: right;">Page 28</p> <p>1 The part they're seeking is the on-premise 2 consumption for Sunday. And that is listed, 3 to be seeking the on-premise consumption for 4 Sunday. 5 So I think this can be 6 distinguished, perhaps, from the scenario 7 that your counsel has referred to, because it 8 is not an applicant for a new privilege. 9 They have these permits. 10 The other issue is this is -- and 11 I'm sure you're well-versed. This is a 12 reinterpretation of existing law. This same 13 language has been adequate, has been 14 sufficient, for both Board of Elections and 15 for Franklin County voters for years. And 16 that's because it does describe what is being 17 sought. They're seeking beer, wine, mixed 18 beverages, and spirituous liquor. 19 The change with this local option, 20 that's why a 5-R, is to have that on Sunday, 21 and to have it in certain respects on Sunday. 22 And in this case, it's for on-premise during 23 certain hours. 24 And so the concern is that, here,</p>
<p style="text-align: right;">Page 27</p> <p>1 MS. ALEXANDER SAVINO: If I may 2 reply? 3 CHAIRMAN ANTHONY: Yes, ma'am. 4 MS. ALEXANDER SAVINO: To 5 distinguish what I think has been described, 6 when it says it doesn't describe that there's 7 additional privileges that are being sought, 8 the petition is pretty clear they're a 9 holder. They're not applying for different 10 permits. They are the holder of the D-5, 11 D-6. 12 The local option also makes it 13 clear that the only thing they're seeking is 14 the Sunday sales from 10:00 a.m. to midnight 15 of the privileges of the sale of beer. It 16 lists the sale of beer, the sale of wine, the 17 sale of mixed beverages, and spirituous 18 liquor. Those are the things that are 19 permitted to a holder of a D-5, D-6. 20 In this case, they're not applying 21 for it. It's not as if they're coming and 22 saying, I don't have anything, and so I want 23 these privileges. In this case, they are a 24 holder. They already have the privileges.</p>	<p style="text-align: right;">Page 29</p> <p>1 without a change in statutory language, 2 without a change in case law, you know, by 3 people who are elected and/or placed into 4 positions to interpret the law, that there is 5 now a change in provisions that have been 6 adequate for both Board of Elections and for 7 both voters, and in fact meets the current 8 statutory requirements. 9 If you look at what those 10 requirements are, it lists the address. It's 11 been signed by 35 percent of the voters. It 12 lists the types of privileges that are 13 granted. It lists the types of permits. It 14 lists what's been sought. All the premises 15 of the statute are there. 16 The difference here -- not the 17 difference, but the discrepancy here that I 18 think we're arguing over interpretation, is 19 where it lists it, but the voters still can 20 understand everything from what's before you. 21 The voter can -- the language on 22 the petition is shall sell beer, wine, mixed 23 beverages, spirituous liquor, for on-premise 24 consumption on Sunday between the hours of</p>

Page 30

1 10:00 and midnight, because they are a holder
 2 of a D-5, D-6. It's all there. And it's
 3 been clear enough for the voters for years.
 4 And I also submit to you that I
 5 understood that it's this forum's ability to
 6 be able to go ahead and certify the language
 7 if it meets all the statutory requirements,
 8 and I ask that you do that.
 9 BOARD MEMBER MARINELLO: I have a
 10 question.
 11 CHAIRMAN ANTHONY: Thank you.
 12 BOARD MEMBER MARINELLO: Because it
 13 says insert, including description of liquor
 14 permit, that's the problem?
 15 PROSECUTOR PICCININNI: That's the
 16 problem, including the description of the
 17 liquor permit.
 18 BOARD MEMBER MARINELLO: That is
 19 black and white.
 20 PROSECUTOR PICCININNI: I mean,
 21 looking at this, does the average voter know
 22 what a D-5 or D-6 is?
 23 BOARD MEMBER MARINELLO: No. I
 24 didn't -- no, not at all.

Page 31

1 PROSECUTOR PICCININNI: That's --
 2 that's what's the statutory language.
 3 And I understand the argument
 4 that's being made. I mean, yes, this may be
 5 a new interpretation, but the issue of we've
 6 always done it this way, therefore, we should
 7 continue to do it this way, well,
 8 unfortunately maybe shortcuts were taken in
 9 the past, and this is the interpretation
 10 that -- and actually, it's a correct
 11 interpretation. It's actually not an
 12 interpretation; it's a flat-out application
 13 of .33(B)(3)(A).
 14 MS. ALEXANDER SAVINO: And I object
 15 to the summarization that it's correct.
 16 But the other thing is you're
 17 reading the form, the petition form. That is
 18 not the statutory requirement.
 19 DEPUTY DIRECTOR WHITE: It's not a
 20 requirement when it says insert description
 21 of the liquor permit?
 22 MS. ALEXANDER SAVINO: No.
 23 DEPUTY DIRECTOR WHITE: Why would
 24 we put it on there if it's not a requirement?

Page 32

1 MS. ALEXANDER SAVINO: The
 2 language -- the language in the statute, if
 3 you pull the statute, says the type of liquor
 4 permit applied for by the applicant or held
 5 by the liquor permit holder as described.
 6 And it gives the code sections of the various
 7 permits, including a description of the type
 8 of beer or intoxicating liquor sales
 9 authorized by each permit as provided in
 10 those sections.
 11 It does not have a line saying,
 12 insert it here.
 13 DEPUTY DIRECTOR WHITE: Well,
 14 right. This form is prescribed by the
 15 Secretary of State's Office.
 16 MS. ALEXANDER SAVINO: Mm-hmm. I
 17 understand that.
 18 DEPUTY DIRECTOR WHITE: And the
 19 Secretary of State goes to the extent of
 20 putting right here on the form, insert,
 21 include description of your liquor permit.
 22 Now, if the Secretary of State
 23 wouldn't want you to put a description on
 24 there, why would she tell you to put a

Page 33

1 description on there?
 2 MS. ALEXANDER SAVINO: If I may,
 3 Commissioner?
 4 DEPUTY DIRECTOR WHITE: Please. I
 5 want to understand this.
 6 MS. ALEXANDER SAVINO: We did
 7 include a description there. We included
 8 it's a D-5, D-6.
 9 DEPUTY DIRECTOR WHITE: The D-5,
 10 D-6 doesn't describe your liquor permit.
 11 MS. ALEXANDER SAVINO: But that
 12 describes the liquor permit. That answers
 13 that question. If she put describe the type
 14 of liquor permit, we did put it there.
 15 BOARD MEMBER MARINELLO:
 16 Description of liquor permit. D-5 and D-6
 17 may be a liquor permit, but it says
 18 description of liquor permit.
 19 PROSECUTOR PICCININNI: If I may
 20 for the record --
 21 DEPUTY DIRECTOR WHITE: Correct me
 22 if I'm wrong.
 23 PROSECUTOR PICCININNI: No. If I
 24 may, for the record, for the record, I'm

Page 34

1 going to -- we're actually going to read the
 2 entire section into the record here.
 3 DEPUTY DIRECTOR WHITE: But has the
 4 Secretary of State recommended to us to deny
 5 this from being on the ballot?
 6 PROSECUTOR PICCININNI: That's --
 7 that's our -- that's what we're reading the
 8 e-mails, the information we received from the
 9 Secretary prior to the November election.
 10 DEPUTY DIRECTOR WHITE: Because
 11 they haven't met her requirements for this
 12 form?
 13 DIRECTOR DAMSCHRODER: They're not
 14 saying this specific one. They sent out an
 15 e-mail last fall when all the county boards
 16 of elections began submitting their --
 17 PROSECUTOR PICCININNI: Local
 18 options.
 19 DIRECTOR DAMSCHRODER: -- ballot
 20 language for all the ballot issues, including
 21 local options, and said at that time --
 22 DEPUTY DIRECTOR WHITE: A
 23 description has to be in there.
 24 DIRECTOR DAMSCHRODER: -- the

Page 35

1 description of what a --
 2 DEPUTY DIRECTOR WHITE: D-5 and
 3 D-6.
 4 DIRECTOR DAMSCHRODER: -- D-5 means
 5 has to be in there.
 6 Now, what they did -- what they
 7 said last year was because that -- their
 8 application of the law at that time was
 9 different than from what most boards had done
 10 previously.
 11 DEPUTY DIRECTOR WHITE: Right.
 12 DIRECTOR DAMSCHRODER: This Board
 13 and a lot of other boards across the state
 14 used their discretion, because it was after
 15 that -- kind of that guidance came after the
 16 fact to put issues on the ballot last year,
 17 but we've been following that, that
 18 application of the law, since then.
 19 DEPUTY DIRECTOR WHITE: So we can
 20 have empathy for this petitioner.
 21 DIRECTOR DAMSCHRODER: I have great
 22 empathy for her.
 23 DEPUTY DIRECTOR WHITE: Because at
 24 one time, we operated under the same premise

Page 36

1 that she's thinking about.
 2 However, where the Secretary of
 3 State told our Board not to operate that way.
 4 DIRECTOR DAMSCHRODER: Right.
 5 And there's still an opportunity
 6 for this petitioner to appeal this Board's
 7 decision, not to the Board, but to take it --
 8 DEPUTY DIRECTOR WHITE: To court.
 9 DIRECTOR DAMSCHRODER: -- into the
 10 court system, at which time the court may
 11 have an entirely different --
 12 DEPUTY DIRECTOR WHITE: Opinion
 13 than the Secretary of State.
 14 DIRECTOR DAMSCHRODER: -- opinion
 15 than the Secretary of State's interpretation
 16 or application of the law.
 17 DEPUTY DIRECTOR WHITE: But I would
 18 think our Board needs to follow the
 19 directions of the Secretary of State's
 20 office. It would be like us not following
 21 one of their directives, and you're in
 22 violation of -- and you need to do what the
 23 Secretary of State's Office tells you.
 24 PROSECUTOR PICCININNI: I won't

Page 37

1 speak to that issue.
 2 What I will speak to is what the
 3 law actually says.
 4 DEPUTY DIRECTOR WHITE: Okay.
 5 PROSECUTOR PICCININNI: And for the
 6 record, this is what the statute actually
 7 says:
 8 I'm sorry.
 9 Okay. This is section 4301.333,
 10 local option petition contesting a particular
 11 location. (B), section (B), says the
 12 petition shall be signed by the electors of
 13 a precinct equal in number to at least 35
 14 percent of the total number of votes cast in
 15 the precinct to the officer of governor at
 16 the preceding general election for that
 17 office, and shall contain all of the
 18 following.
 19 And then, you go down to (3)(a),
 20 the type of each liquor permit applied for by
 21 the applicant or held by the liquor permit
 22 holder as described in sections 4303.11 to
 23 4303.183 of the revised code, including a
 24 description of the type of beer or

Page 38

1 intoxicating liquor sales authorized by each
 2 permit as provided in those sections.
 3 So the D-5 or D-6 is the type of
 4 permit that this applicant currently holds.
 5 Then, it requires a description of what the
 6 D-5 or D-6 is -- what it does. And that's
 7 the -- that's the reading of the statute.
 8 That's the way the language is written.
 9 BOARD MEMBER MARINELLO: And it's
 10 clear on there.
 11 PROSECUTOR PICCININNI: It -- it's
 12 clear. So it says put the type down. That's
 13 the D-5 or D-6. And then it's our
 14 interpretation that you describe what the D-5
 15 and D-6 is. That's what's missing in this
 16 petition.
 17 CHAIRMAN ANTHONY: Any comment?
 18 MS. ALEXANDER SAVINO: And I
 19 submit it all is there. It might not be on
 20 that line.
 21 CHAIRMAN ANTHONY: Yes, ma'am.
 22 MS. ALEXANDER SAVINO: I submit
 23 that all of that's there. The difference is,
 24 as I said before, it's not on the line, the

Page 39

1 one line that you're referring to, on the
 2 line that your counsel is saying that he
 3 wishes it was on there.
 4 CHAIRMAN ANTHONY: Any other
 5 questions for counsel?
 6 DEPUTY DIRECTOR WHITE: This has
 7 already been denied?
 8 DIRECTOR DAMSCHRODER: The Board
 9 did not certify this to the ballot at its
 10 previous meeting. So if --
 11 DEPUTY DIRECTOR WHITE: So if we
 12 don't want to certify it, it can do nothing.
 13 Then, will the next thing on the
 14 agenda be to certify that?
 15 DIRECTOR DAMSCHRODER: Right.
 16 To --
 17 DEPUTY DIRECTOR WHITE: We need a
 18 motion to certify that.
 19 My recommendation would follow the
 20 Secretary of State's position.
 21 BOARD MEMBER MARINELLO: Yes.
 22 DIRECTOR DAMSCHRODER: And
 23 Patrick's position.
 24 DEPUTY DIRECTOR WHITE: Right.

Page 40

1 PROSECUTOR PICCININNI:
 2 Prosecutor's position.
 3 DIRECTOR DAMSCHRODER: The
 4 Assistant Prosecuting Attorney's position.
 5 CHAIRMAN ANTHONY: Well, I just
 6 got -- I think there's -- I think you ought
 7 to pursue it, because it puts us in kind of a
 8 precarious position as -- as a Board.
 9 This is the Secretary of State's
 10 form. They have sent us e-mails about how
 11 they wanted it done.
 12 For me, I don't know why they don't
 13 include the description, if they want it,
 14 include all the nomenclatures for it, that it
 15 just -- I think there is some confusion on
 16 it. I mean, I kind of agree with you, but,
 17 you know, I'm in a position where I think if
 18 the Secretary of State has given us direction
 19 that we have to follow that, that direction.
 20 So the will of the Board is to --
 21 BOARD MEMBER MARINELLO: Do
 22 nothing.
 23 CHAIRMAN ANTHONY: -- do nothing.
 24 And then --

Page 41

1 DIRECTOR DAMSCHRODER: If -- if
 2 someone -- if they were to put this issue on
 3 the ballot would require a motion, a second,
 4 and an affirmative majority vote of the
 5 Board.
 6 CHAIRMAN ANTHONY: And no action.
 7 Okay.
 8 DEPUTY DIRECTOR WHITE: And as a
 9 director, she could go to court, if she
 10 chooses to. And the court is not binded.
 11 The Secretary of State --
 12 MS. ALEXANDER SAVINO: I can't
 13 hear.
 14 CHAIRMAN ANTHONY: Oh, he said the
 15 court would not be binded.
 16 DEPUTY DIRECTOR WHITE: I'm not a
 17 lawyer.
 18 CHAIRMAN ANTHONY: He's not a
 19 lawyer.
 20 So, anyway, so, ma'am, what's going
 21 to happen is we're not going to act on it.
 22 MS. ALEXANDER SAVINO: Okay.
 23 CHAIRMAN ANTHONY: And so urge you
 24 to pursue it in another venue.

Page 42

1 MS. ALEXANDER SAVINO: And that's
 2 been consensus?
 3 CHAIRMAN ANTHONY: Yes. Well, yes.
 4 I don't think you take a vote.
 5 DIRECTOR DAMSCHRODER: Is there
 6 a -- why don't you call for a motion, and if
 7 a Board member wants to make a motion.
 8 CHAIRMAN ANTHONY: Is there a
 9 motion to --
 10 DIRECTOR DAMSCHRODER: Certify the
 11 petition.
 12 CHAIRMAN ANTHONY: To certify this
 13 local option to the March 4th Primary Ballot?
 14 (No response is heard.)
 15 CHAIRMAN ANTHONY: Hearing no
 16 motion, we're going to vow issue dead.
 17 MS. ALEXANDER SAVINO: Thank you.
 18 CHAIRMAN ANTHONY: Thank you so
 19 much.
 20 DIRECTOR DAMSCHRODER: Now, we turn
 21 to a discussion of Secretary of State
 22 Directive 2008-01, which I think all of the
 23 Board members have received a copy of. If
 24 not, I think we have a couple floating around

Page 43

1 here. It's in your packet.
 2 I believe there are some
 3 individuals who would like to address the
 4 Board on the matter of voting machines and
 5 security and paper ballots. Now would
 6 probably be a good time to allow them to
 7 address the Board, if the Board so chooses.
 8 CHAIRMAN ANTHONY: Is there anyone
 9 out there who would like to address it?
 10 Come forward. Give us your name
 11 and where you're from.
 12 MS. SHAFFER: I'm Paddy Shaffer,
 13 and I'm the Director of the Ohio Election
 14 Justice Campaign. And we've seen just a few
 15 comments from the media coming in on that
 16 there are issues about you having paper
 17 ballots available, how many ballots, the
 18 Secretary of State's directive not being
 19 clear, how many to interpret, how many you
 20 need.
 21 We've read the directive. We also
 22 find it confusing. And we wish it was
 23 clearer for all 88 boards of elections to
 24 understand. So we do understand that there

Page 44

1 is an issue of interpreting what is it that
 2 they're asking us to do. And our thoughts
 3 are with you on that one.
 4 We also are very interested in
 5 addressing the many problems with the voting
 6 machines in Ohio. And we know that there are
 7 big problems with the machines. I personally
 8 was involved in the audit for the Squire v.
 9 Geer case, and audited 25 percent of your
 10 records, and I saw that it's a mess. And
 11 Karen Cotton from the Franklin County Board
 12 of Elections admitted in court that she
 13 couldn't balance your books here. So there
 14 are things that need a lot of improvement,
 15 and that's something we want to help you
 16 with.
 17 In bringing that forward to today
 18 in the paper ballot issue, and just playing
 19 with the math, from what was in an NBC report
 20 that I was sent, the number in this says
 21 you're needing to spend about 200,000 dollars
 22 on ballots.
 23 The total voter registration, as of
 24 this morning, the number that we were given

Page 45

1 was 7,072 -- 772 -- 772,114. Let me just say
 2 that number again, as I botched it: 772,114
 3 registered voters for Franklin County.
 4 In doing the math, if you're
 5 looking at spending 200,000 dollars, which is
 6 what's in this -- this article refers to --
 7 it actually said about 180,000 dollars, but
 8 if we round it up to 200,000, that's 23 cents
 9 per voter that it would cost you to have
 10 paper ballots in place.
 11 I don't know, if their numbers are
 12 right, how that's going to correspond to the
 13 totals that you -- what you decide. It's a
 14 number that we want to hear, though, when you
 15 decide how many ballots you need, what the
 16 cost for them is, and how much does it work
 17 out to per voter.
 18 Because our concerns with the
 19 machines are high, and if it is something in
 20 the realm of 26 cents a voter to have paper
 21 ballots in place, we feel that it is worth
 22 the investment.
 23 Thank you.
 24 DEPUTY DIRECTOR WHITE: Can I ask a

Page 46

1 couple questions, Mr. Chairman?
 2 CHAIRMAN ANTHONY: Thank you so
 3 much.
 4 Yes, you can.
 5 DEPUTY DIRECTOR WHITE: Could you
 6 give us a number what you folks think we
 7 should print?
 8 Jennifer says print 10 percent on a
 9 like election, which would be about, what,
 10 Matt, 20,000, Jennifer's 10 percent?
 11 DEPUTY DIRECTOR WHITE: If we did
 12 10 percent off of the 2004 Primary Election,
 13 the public count, total ballots cast in 2004,
 14 was 197,073.
 15 DEPUTY DIRECTOR WHITE: So 10
 16 percent of that would be about --
 17 DIRECTOR DAMSCHRODER: A little
 18 under 20,000. 19,070.
 19 DEPUTY DIRECTOR WHITE: -- a little
 20 under 20,000 ballots. Okay. Which --
 21 MS. SHAFFER: We don't think
 22 that's enough. I can tell you right off the
 23 top.
 24 DEPUTY DIRECTOR WHITE: I mean,

Page 47

1 that's Matt's concern. Okay.
 2 MS. SHAFFER: Yeah. That would
 3 not be enough.
 4 DEPUTY DIRECTOR WHITE: However, I
 5 got commissioners who have fiscal
 6 responsibility for the county that are
 7 concerned about us printing the statutory
 8 requirements under another section, if you go
 9 all paper ballots. Which would be 772 plus,
 10 what, one percent?
 11 DIRECTOR DAMSCHRODER: It would
 12 be --
 13 DEPUTY DIRECTOR WHITE: So and
 14 that's why we're having a real --
 15 MS. SHAFFER: Yeah. It's a
 16 quandary.
 17 DEPUTY DIRECTOR WHITE: -- problem
 18 deciding what do we print.
 19 MS. SHAFFER: The directive is
 20 very hard to understand.
 21 DEPUTY DIRECTOR WHITE: I was
 22 telling the Board members, I mean, I got the
 23 Secretary of State saying she's going to
 24 request a paper ballot, because she doesn't

Page 48

1 have confidence in electronic machines that
 2 are certified by her office. You don't have
 3 confidence in them, don't certify them.
 4 MS. SHAFFER: Thank you.
 5 UNIDENTIFIED SPEAKER: Thank you.
 6 DEPUTY DIRECTOR WHITE: Okay. Now,
 7 I'm not saying decertify them.
 8 MS. SHAFFER: That's what I'm
 9 saying.
 10 DEPUTY DIRECTOR WHITE: Okay.
 11 However, how many votes did Jennifer get in
 12 the last General Election here?
 13 Couple hundred thousand?
 14 So she's got a couple hundred
 15 thousand people out there to support here in
 16 the changes she wants to bring. We could
 17 have 200,000 people requesting paper ballots
 18 on election day.
 19 So that's what I was trying to get
 20 a feel from what you folks what you think the
 21 number should be.
 22 And the Board has a tough decision
 23 to make here today to figure out, because we
 24 don't want to run out of ballots.

Page 49

1 MS. SHAFFER: No, you don't.
 2 DEPUTY DIRECTOR WHITE: Because
 3 we'll be the bad people, not you, not
 4 Jennifer.
 5 MS. SHAFFER: No.
 6 And the view of the voter on the
 7 election boards in the state of Ohio needs to
 8 be raised quickly, drastically. The fact
 9 that Ohio is the laughingstock of this
 10 country is not good. I mean, I had a friend
 11 contact me recently with problems with the
 12 New York election, and he said, when he went
 13 in and addressed it, he told them they won't
 14 even let them do this in Ohio. I mean,
 15 that's sad.
 16 DEPUTY DIRECTOR WHITE: So back to
 17 my original question --
 18 MS. SHAFFER: So -- but your
 19 question here with it --
 20 DEPUTY DIRECTOR WHITE: What do you
 21 think we need?
 22 MS. SHAFFER: I would love to see
 23 the machines gone and paper ballots for
 24 everyone. And I know we're not going there

Page 50

1 this time.

2 DEPUTY DIRECTOR WHITE: But this --

3 yeah. This election right now, the Secretary

4 of State has not decertified our electronic

5 machines. She said also put in paper

6 ballots.

7 So what does your organization

8 think we need?

9 What is your recommendation?

10 MS. SHAFFER: We did not discuss

11 this as a group to give you a number on that.

12 I was not prepared for that today. Coming

13 from me --

14 DEPUTY DIRECTOR WHITE: Well, we

15 have to vote today.

16 MS. SHAFFER: Coming from me

17 personally, though, I would like to see

18 enough paper ballots for everyone, and I

19 would like to see the money raised to pay for

20 them, because you simply don't deliver the

21 voting machines or need the technicians. You

22 would save money.

23 DEPUTY DIRECTOR WHITE: So you want

24 to see about 800,000 ballots printed.

Page 51

1 MS. SHAFFER: I would love to have

2 that. Keep the machines in the warehouse,

3 and use that money that you would use to

4 deliver them, technicians, and all that

5 stuff, and let's go to paper right now.

6 I also understand from talking to

7 Jo Anne Karasek today about this issue, she

8 is the statewide coordinator for the

9 Hand-Counted Paper Ballot Initiative, and

10 when I talked to her about that she had

11 concern on me even bringing that up, that the

12 voting machines stay in the warehouses and

13 aren't delivered, because it's her estimate

14 you guys would need three months to do it.

15 And she's very happy to explain to you what

16 needs done. She's looked at it extensively.

17 She's also talked to Matt about

18 having a table next week at the Ohio

19 Association of Election Officials meeting,

20 and was told it would be 500 dollars. I

21 think it would be the best investment that

22 the O -- OAEO could ever do if you, rather

23 than charged her, if you welcomed her in,

24 provided her with a table, allowed her to

Page 52

1 speak, and let her explain to the whole state

2 what's in front of you. With paper ballots

3 coming, you have access to an expert in the

4 field. She's a retired attorney. She knows

5 her stuff.

6 DEPUTY DIRECTOR WHITE: Well, I

7 appreciate her wanting to do that, but what

8 is the pressing demand for my Board members,

9 they have to vote on today to decide --

10 MS. SHAFFER: I know.

11 DEPUTY DIRECTOR WHITE: -- how many

12 paper ballots do we put out along with our

13 electronic voting machines that have been

14 certified by the Secretary of State, that

15 work. That's where I need your help.

16 MS. SHAFFER: I would say 100

17 percent.

18 And I think those machines need

19 decertified, and I think the State of Ohio

20 needs to do lawsuits for a recall.

21 DEPUTY DIRECTOR WHITE: Well, we

22 can't decertify machines. Only the Secretary

23 of State can decertify them.

24 MS. SHAFFER: I know. But in --

Page 53

1 maybe the counties could do it individually,

2 but a recall and a refund.

3 And know that we've already

4 delivered product liability lawsuits on

5 November 30th to the Governor, the Secretary

6 of State, the Attorney General, and the State

7 Senate to the Controlling Board. They have

8 sample lawsuits that if they took that

9 action, they've got a template to work from.

10 DEPUTY DIRECTOR WHITE: And I

11 understand all that stuff is going on, but

12 that's out of my Board members' hands.

13 MS. SHAFFER: That's out of it?

14 DEPUTY DIRECTOR WHITE: My Board

15 members' job right now is to figure out how

16 many ballots do we put out on this election

17 coming up less than a month and a half away.

18 MS. SHAFFER: Well, it's all part

19 of it, but it's all something, for the line

20 of work you're in, you should all be aware of

21 and where do we go.

22 And with the problems with the

23 machines, does Ohio step to the front of the

24 line for a refund, or are we at the back of

Page 54

1 the line when there's no money left to ask
 2 for?
 3 DEPUTY DIRECTOR WHITE: I think you
 4 need to direct that to the Secretary of
 5 State.
 6 MS. SHAFFER: And it's
 7 something -- we have, we will, and we
 8 continue to, but it greatly affects what you
 9 will do.
 10 DEPUTY DIRECTOR WHITE: But we
 11 appreciate you coming in and wanting to help
 12 us.
 13 MS. SHAFFER: We do.
 14 DEPUTY DIRECTOR WHITE: Because we
 15 do need help. We do.
 16 MS. SHAFFER: We do.
 17 And that is not the only directive
 18 that's a mess. The directive on recounts,
 19 that the recounts for Ohio are no longer
 20 random, is an absolute disaster.
 21 Also, that the BOE's in every
 22 county already know which precincts will be
 23 audited, and I'm appalled.
 24 DEPUTY DIRECTOR WHITE: Okay.

Page 55

1 Mr. Chairman --
 2 MS. SHAFFER: And I hope that they
 3 get better with writing the directives. You
 4 guys have enough.
 5 DEPUTY DIRECTOR WHITE: I don't
 6 have anymore questions, but some of the Board
 7 members might ask questions.
 8 Mr. Chairman, thank you for letting
 9 me ask that.
 10 CHAIRMAN ANTHONY: You're so
 11 welcome.
 12 Any other questions from other
 13 people?
 14 MS. SHAFFER: We have several other
 15 speakers that would like to address you.
 16 CHAIRMAN ANTHONY: Thank you.
 17 Any questions for this speaker?
 18 BOARD MEMBER MARINELLO: No, I
 19 don't.
 20 CHAIRMAN ANTHONY: All right. Next
 21 speaker?
 22 Give us your name and the agency
 23 you represent, please.
 24 MR. SAMUELSON: Certainly. First,

Page 56

1 my name is Leonard Samuelson, live in
 2 Clintonville, and I'm actually representing
 3 myself as a software engineer. Mostly, I'm
 4 coming to talk about the machines, and, you
 5 know, to describe where we're coming from.
 6 My 30-year career has been spent
 7 building embedded computer systems intended
 8 to control real hardware. Currently, my
 9 software is flying unmanned aerial vehicles
 10 for a company in Dublin. All right. I've
 11 worked in Bell labs. I've worked in systems
 12 doing air -- aircraft cockpit flight control
 13 systems.
 14 To the best -- based on the study
 15 that I have done of these machines, they are
 16 not built according to any of the common,
 17 well-understood standards of real-time
 18 systems design. We need to make sure that
 19 whatever systems we do use are well-audited,
 20 well-managed, and well-written.
 21 And what I'm asking for here, I'm
 22 supporting various friends of people here, my
 23 request is that we provide a mechanism to the
 24 voters by which they can be confident that

Page 57

1 the systems that they've been using, be they
 2 computer-based or manual, are well-audited
 3 and trustworthy. And in any way that I can,
 4 I want to -- I'd like to offer my assistance,
 5 if I can, to anyone.
 6 I don't really know what that
 7 means. I'm way out of my comfort zone here.
 8 I'm a programmer, have been for 30 years, but
 9 I would like to advocate strongly, whatever
 10 mechanism is used in this process, please
 11 make sure it's verified, audited, and done in
 12 public, so that we can understand what we
 13 have seen.
 14 And if there's any -- any questions
 15 I can answer, I'd be glad to.
 16 DEPUTY DIRECTOR WHITE:
 17 Mr. Chairman, I just want to make sure that
 18 he realizes the process.
 19 The Secretary of the State of Ohio
 20 certifies what machines we can use, what
 21 voting methods we can use, the procedures for
 22 setting up the machines, the manuals, the
 23 training. We can only use what the Secretary
 24 of State certifies. Okay. So if you have

Page 58	Page 60
<p>1 concerns with the machines, that you don't 2 think they should be certified, you need to 3 address those concerns to the Secretary of 4 the State of Ohio, because that person 5 decides what type of machines my Board of 6 Elections can use on election day and what 7 type we can't use. She has the statutory 8 authority to certify these machines and say 9 we can use them; or decertify them, we can't 10 use them.</p> <p>11 And as long as these machines are 12 certified by the Secretary of State's Office, 13 and we have confidence in these machines, 14 we're going to use them.</p> <p>15 MR. SAMUELSON: So you have the 16 ability to make that choice yourself.</p> <p>17 DEPUTY DIRECTOR WHITE: No.</p> <p>18 MR. SAMUELSON: And you -- at this 19 time you --</p> <p>20 DEPUTY DIRECTOR WHITE: Well, our 21 choice is by whatever the Secretary of State 22 certifies, tells us, our choices are.</p> <p>23 At this time right now, the 24 Secretary of State, for this coming election,</p>	<p>1 Secretary of State says we can.</p> <p>2 MR. SAMUELSON: Including paper, 3 right?</p> <p>4 DEPUTY DIRECTOR WHITE: Excuse me?</p> <p>5 MR. SAMUELSON: Including paper?</p> <p>6 DEPUTY DIRECTOR WHITE: If she 7 tells us can't use paper, can't use paper. 8 She controls the voting methods.</p> <p>9 MR. SAMUELSON: Okay. Has she said 10 paper ballots are not an acceptable means 11 for --</p> <p>12 DEPUTY DIRECTOR WHITE: No. Right 13 now, she said to add paper ballots to your 14 electronic systems.</p> <p>15 MR. SAMUELSON: Okay.</p> <p>16 DEPUTY DIRECTOR WHITE: Which might 17 solve your problem. If you have a concern 18 about the electronic machines, the paper 19 ballot will be out there for people like you 20 who are concerned about it.</p> <p>21 MR. SAMUELSON: Mm-hmm. Yeah. 22 Mostly we're concerned --</p> <p>23 DEPUTY DIRECTOR WHITE: But if you 24 really want the electronic machines</p>
Page 59	Page 61
<p>1 has said we can use the machines, they've 2 been certified by our office, and/or a paper 3 ballot. And that's what we're going to do, 4 for every voting location. We're going to 5 put the machines out, because they're 6 certified by her office that they work, and 7 paper ballots.</p> <p>8 MR. SAMUELSON: And I'm here to 9 advocate strongly for having sufficient paper 10 ballots --</p> <p>11 DEPUTY DIRECTOR WHITE: Okay.</p> <p>12 MR. SAMUELSON: -- to cover the 13 need. Especially --</p> <p>14 DEPUTY DIRECTOR WHITE: And we 15 appreciate your concerns on that.</p> <p>16 MR. SAMUELSON: Okay. That's -- 17 that's really --</p> <p>18 DEPUTY DIRECTOR WHITE: As far as 19 if you're really concerned about the 20 machines, I think you need to direct your 21 attention and your energy to the person who 22 decides what machines my Board members and 23 our Board of Elections can use. We can't use 24 any elections system here in Ohio unless the</p>	<p>1 completely out of Ohio to where boards of 2 elections do not have an opportunity to even 3 choose that as a choice for their citizens to 4 vote, I would direct your energy and efforts 5 to the Secretary of State, who controls what 6 systems we can use in the State of Ohio.</p> <p>7 MR. SAMUELSON: Okay. But you 8 can't --</p> <p>9 DEPUTY DIRECTOR WHITE: But you 10 said you didn't understand all this. I'm 11 just trying to focus you where your energies 12 and efforts could best be applied.</p> <p>13 MR. SAMUELSON: It has been my 14 assumption that the Board of Elections is 15 permitted to print and use paper ballots.</p> <p>16 DEPUTY DIRECTOR WHITE: Yes.</p> <p>17 MR. SAMUELSON: It is my 18 understanding, perhaps I'm wrong --</p> <p>19 DEPUTY DIRECTOR WHITE: Right.</p> <p>20 MR. SAMUELSON: -- but that the 21 Board of Elections is capable of choosing the 22 audit methods that they use to verify the 23 election.</p> <p>24 DEPUTY DIRECTOR WHITE: Yes.</p>

Page 62

1 MR. SAMUELSON: Whatever systems
 2 have been used, I'm here to advocate for a
 3 high-quality, business-level audit of the
 4 process --
 5 DEPUTY DIRECTOR WHITE: Okay.
 6 MR. SAMUELSON: -- a classical
 7 statistical methods audit that manufacturers
 8 use everyday successfully.
 9 I mean, we all use computers here.
 10 We know how they work. Okay. What's true,
 11 though, is that we always validate the
 12 results. Okay. And I'm here to ask, beg, if
 13 necessary, that that's what happens here.
 14 All right. I am a computer
 15 programmer. I use these machines every
 16 single day. I'm perfectly fine with
 17 computers. I also understand, though, that
 18 we, as citizens, citizens as people who use
 19 computers, every day, we verify the results
 20 of what we're doing. All right. And I'm
 21 here to ask that the Board of Elections in
 22 Franklin County perform the same kind of
 23 quality operation that is a classical and
 24 standard approach in business today.

Page 63

1 DEPUTY DIRECTOR WHITE: Are you
 2 familiar with our auditing and verification
 3 process after election?
 4 Are you familiar?
 5 MR. SAMUELSON: I have studied it,
 6 and my one concern, I've heard this, you
 7 know, based on the -- what -- what is it,
 8 Directive 30, of 2007?
 9 My opinion about auditing is that
 10 it be done through random selection after the
 11 election has occurred. If that random
 12 selection takes place before the election,
 13 it's possible for people to concentrate their
 14 effort and make sure that they know which
 15 precincts and/or which systems to audit.
 16 I would advocate that a proper
 17 random selection technique be used, so that
 18 that can't be known ahead of time. That's a
 19 standard process in business, as well.
 20 DEPUTY DIRECTOR WHITE: That
 21 auditing process also has to be approved and
 22 certified by the Secretary of State's office,
 23 too. We can only do it the way she wants to
 24 do it. So a lot of your energy needs to be

Page 64

1 focused where they can make that difference.
 2 MR. SAMUELSON: Okay.
 3 DEPUTY DIRECTOR WHITE: We can only
 4 go by their rules and their directives.
 5 MR. SAMUELSON: But you can also
 6 lead, I assume.
 7 DEPUTY DIRECTOR WHITE: Sure.
 8 MR. SAMUELSON: Is that not true?
 9 DEPUTY DIRECTOR WHITE: We can
 10 what?
 11 MR. SAMUELSON: Lead?
 12 DEPUTY DIRECTOR WHITE: Lead, yeah.
 13 MR. SAMUELSON: Yes.
 14 DEPUTY DIRECTOR WHITE: See,
 15 sometimes you try to lead too much, though,
 16 and it gets you in a little hot water,
 17 though, with some office holders.
 18 You know, ultimately, she's the
 19 head election official in the state of Ohio.
 20 MR. SAMUELSON: I certainly have to
 21 agree with that. And I'm not --
 22 DEPUTY DIRECTOR WHITE: I have all
 23 the respect in the world for her, but she has
 24 a job, and we have a job, and our job is to

Page 65

1 follow the statute and her directives.
 2 MR. SAMUELSON: That's fair.
 3 If there's anything I can do, I
 4 speak business and statistics fairly
 5 fluently, though my real business is, in
 6 fact, software implementation.
 7 DEPUTY DIRECTOR WHITE: All right.
 8 MR. SAMUELSON: So if there's
 9 anything I can do, I'm available. Actually,
 10 we have an e-mail address. You sent me
 11 e-mail this morning. I'd be more than happy
 12 to answer any question you might have.
 13 CHAIRMAN ANTHONY: Are there any
 14 questions for Leonard Samuelson?
 15 (No response is heard.)
 16 CHAIRMAN ANTHONY: If not, thank
 17 you so much for your presentation.
 18 MR. SAMUELSON: Okay. Thank you
 19 very much. I appreciate it.
 20 BOARD MEMBER MARINELLO: Thank you.
 21 BOARD MEMBER PETREE: Thank you.
 22 CHAIRMAN ANTHONY: Is there someone
 23 else in the audience that would like to get
 24 up and speak?

Page 66

1 Give us your name and the
 2 organization you're representing, if you are.
 3 MS. BLAKELY: I am Teresa Blakely
 4 I'm a psychologist. Leonard is my husband,
 5 and I've managed to pull him into the
 6 election protection area.
 7 I have not been much of a political
 8 activist until in 2003 when I heard that Ken
 9 Blackwell was planning on purchasing
 10 electronic voting machines that did not have
 11 a paper trail, and I thought that was absurd.
 12 I mean, I know how easily computers crash,
 13 and it just didn't make any sense to me.
 14 And since that time, I've been
 15 gathering research on election protection
 16 kinds of issues, and what I am struck by is
 17 the disconnect between the kinds of things
 18 that I hear from Matt Damschroder saying that
 19 we can trust these machines, and everything
 20 else that I read, the Brennan Report, the
 21 General Accounting Office, Avi Ruben. There
 22 are DVD's out there: Invisible Ballots,
 23 Hacking Democracy.
 24 I want to know if the people on the

Page 67

1 Board of Elections are paying attention to
 2 the larger picture about these voting
 3 machines. We are not buying voting machines
 4 that are a secured protected group. It's
 5 part of the subset of the voting machines
 6 that are being shown to be unreliable, easily
 7 hacked.
 8 I welcome Jennifer Brunner's
 9 EVEREST Report, and I want to know if those
 10 people on this Board have read that report,
 11 and whether you still maintain that these
 12 voting machines are secure and reliable?
 13 I mean, that -- that totally
 14 boggles my mind. I hear -- I hear Bennet
 15 saying to the press, you know, I haven't read
 16 the report, but these voting machines are
 17 fine. I mean, I think that is absolutely
 18 absurd that in the face of mountains of
 19 evidence, I mean this has been since 2003
 20 there have been numerous reports saying that
 21 these machines are extremely fraud-friendly
 22 and unreliable, and then I hear what sounds
 23 like vendor PR about these machines can be
 24 trusted.

Page 68

1 And I want you to take your
 2 responsibility as a Board of Elections
 3 seriously and not believe these vendors. I
 4 mean, I don't have 10,000 to contribute to
 5 somebody's campaign Diebold people are giving
 6 to, you know -- contributing to Blackwell's
 7 campaign. Matt Damschroder takes 10,000 and
 8 gives it to the Ohio Republican Party. I am
 9 sick and tired of this pay-to-play that we
 10 spend millions of dollars on voting machines
 11 that we cannot use now, because they cannot
 12 be trusted. They're not safe for democracy.
 13 And I want -- I want people to be
 14 accountable.
 15 And that's all I have to say.
 16 CHAIRMAN ANTHONY: Thank you very
 17 much.
 18 Any questions for Teresa?
 19 Is there anyone else in the
 20 audience that would like to address the
 21 Board?
 22 Making your mind up?
 23 Come on up. Give us your name and
 24 your organization.

Page 69

1 MS. PARKS: My name is Victoria
 2 Parks, and I am an active member of the Ohio
 3 Election Justice Campaign, and I share your
 4 concerns. You have a big job before March to
 5 do.
 6 And regarding Secretary of State's
 7 Directive 1 on the agenda, I understand she's
 8 got a tough job, and I'd like to say that I
 9 applaud her efforts with project EVEREST to
 10 get to the truth about electronic voting.
 11 And if you want an answer about how
 12 many paper ballots to print, I would say 100
 13 percent. It is already an established fact,
 14 and at least it was six months ago, and I'm
 15 sure the number is higher now, because of the
 16 testing in California, and Colorado, and
 17 Florida, and now in Ohio, that over 70
 18 percent, at least six months ago, of citizens
 19 do not trust electronic voting. So what I
 20 would say to the Board here, Mr. Damschroder
 21 and Mr. White, and Board members, I would say
 22 respectfully, be ready for 100 percent,
 23 because voter confidence is at an all-time
 24 low.

Page 70

1 And if voters had a real reason to
 2 feel confident, they would come out to help
 3 the whole process, and assist you in doing
 4 what you have to do, which is help the
 5 people, assist the people, in the
 6 administration of our elections.
 7 So being that voter confidence is
 8 low, a very high majority percentage I can
 9 safely say of Americans do not trust
 10 electronic voting. As has been demonstrated,
 11 they have real reason to feel that way.
 12 Given that, I would argue that you need to be
 13 ready for 100 percent of paper ballots. And
 14 you have a real problem with these machines.
 15 I don't envy you your position, having to do
 16 this great task, but in my opinion, and it is
 17 an informed one, I believe that you would be
 18 wise to spend money on paper for a possible
 19 100 percent paper count.
 20 Because elections are different
 21 now. There are no more just-trust-us
 22 elections. Those days are over, because
 23 elections are not about just-trust-us. They
 24 are not about just trust. They are, as you

Page 71

1 know, about checks and balances,
 2 transparency, a secure chain of custody.
 3 These are all things that create honest
 4 elections. These are things that would
 5 restore voter confidence.
 6 And the Secretary of State has --
 7 has a very difficult task ahead of her. I
 8 personally support her. I thank her for
 9 conducting project EVEREST testing. It's
 10 something that's been needed for many years.
 11 And finally we know. And finally,
 12 the election reform, the election justice
 13 activists have been vindicated.
 14 And so we need to deal with truths
 15 here. We have a problem with machines. We
 16 have a problem with HAVA, that forced these
 17 machines on all of us, and made the taxpayers
 18 pay for faulty equipment made in Manila where
 19 the quality control testing was shaking the
 20 machine to see if any screws fell out.
 21 Well, this kind of quality
 22 assurance is not the kind of assurance that
 23 the voters of Ohio want. That's no assurance
 24 at all. What we want is assurance. We want

Page 72

1 to have voter confidence. We want to have
 2 confidence in you. We want to have
 3 confidence in your Secretary of State. We
 4 want to have confidence in the transparency,
 5 the checks and balances, and the chain of
 6 custody of our ballots. And it is nothing
 7 less than we deserve. It is our only
 8 franchise as citizens. We cannot have our
 9 elections privatized to the extent that they
 10 have been. And obviously, we have seen the
 11 dangers of a privatized election where just a
 12 handful of people, who may be partisans, have
 13 control over our election process.
 14 What we need is a standard of best
 15 practices with paper ballots, using methods
 16 that secure transparency, and a hand-count.
 17 I'm not saying hand-count the whole county or
 18 the whole state. I'm saying give us an
 19 in-precinct hand-count of 10 percent of the
 20 paper ballots selected randomly. And I mean
 21 truly randomly, however you need to do it, to
 22 reach 10 percent. Give us that in the
 23 precincts. Let us, we, the people, establish
 24 and verify a true vote count. It is the will

Page 73

1 of the people.
 2 Thank you very much for letting me
 3 speak today.
 4 CHAIRMAN ANTHONY: Thank you,
 5 Victoria.
 6 Is there any questions for
 7 Victoria?
 8 (No response is heard.)
 9 CHAIRMAN ANTHONY: Is there anyone
 10 else who would like to come before us?
 11 Yes, ma'am. Give us your name and
 12 your organization.
 13 I don't think that works
 14 (indicating.)
 15 MS. LUPO: Oh, it's not on.
 16 Can you hear me? Does it work?
 17 CHAIRMAN ANTHONY: No, I don't
 18 think so.
 19 MS. LUPO: Marian Lupo, I'm on the
 20 West Side of Columbus, Ohio.
 21 Thank you for your time. Thank you
 22 for your patience. And I'll be brief.
 23 We, several of us, are from the
 24 Ohio Election Justice Campaign. You may not

Page 74

1 know what that is. That's a statewide
 2 coalition of concerned citizens. Here in
 3 Franklin County, we represent a number of
 4 people and -- and the particular group that's
 5 not here today, because they can't be here
 6 today, are a number of people that were not
 7 able to vote in 2004, for example, because
 8 they were at work when they couldn't stand in
 9 line. And that would include people from my
 10 community, which is the West Side. Those are
 11 disabled people, the elderly people, a great
 12 number of minority people.
 13 Now, I know the decision you make
 14 today has to do with 2006 [sic] primary, and
 15 it may seem remote from 2004. I'd like you
 16 to consider that in your deliberations today,
 17 that having 100 percent of the ballots at the
 18 precincts would avert any tragedy like we
 19 witnessed in 2004.
 20 Also, I'd like to add that in terms
 21 of the machines, although it's true that the
 22 Secretary of State certifies those machines,
 23 my understanding is the county paid for those
 24 machines.

Page 75

1 Is that correct?
 2 DIRECTOR DAMSCHRODER: The initial
 3 quantity of -- of voting machines that the
 4 Secretary, the previous Secretary of State,
 5 required that this county buy, the county had
 6 to pay about 165,000 dollars of that initial
 7 bill, and then we bought an additional --
 8 DEPUTY DIRECTOR WHITE: Thirteen.
 9 DIRECTOR DAMSCHRODER: -- number of
 10 voting machines that was a little over a
 11 million dollars. So --
 12 MS. LUPU: So part of it was HAVA
 13 money?
 14 DIRECTOR DAMSCHRODER: Yes.
 15 MS. LUPU: And I think I'm raising
 16 that, because the machines are -- I feel like
 17 it's almost a crime on the boards and on the
 18 citizens. The machines are not going to last
 19 for very long. They're, frankly speaking,
 20 junk in the computer world. And if you were
 21 to say, okay, this is almost comparable to a
 22 fraud on the people, and we want our money
 23 back, then it seems to me the county could
 24 sue for that money back.

Page 76

1 In any event, if cost is a concern
 2 with 100 percent of the paper ballots, I'm
 3 fairly certain that the Franklin County Board
 4 of Commissioners would be happy to help out
 5 with this, because --
 6 DEPUTY DIRECTOR WHITE: Can you
 7 come to our budget meeting?
 8 MS. LUPU: Excuse me?
 9 DEPUTY DIRECTOR WHITE: Can you
 10 come to our next budget meeting?
 11 That's where we got to go in a
 12 couple weeks to ask them for money for these
 13 paper ballots.
 14 MS. LUPU: Well, actually, we were
 15 planning to go, and we were planning to go
 16 just to support this. We understand that you
 17 were thinking of doing 100 percent. And if
 18 you do do that, then, of course, we would.
 19 DEPUTY DIRECTOR WHITE: And
 20 Jennifer, the Secretary of State, doesn't
 21 think we need 100 percent.
 22 MS. LUPU: But apparently, the
 23 County Prosecutor does.
 24 DIRECTOR DAMSCHRODER: I don't

Page 77

1 think the County Prosecutor has provided
 2 direct counsel to the Board yet. It's just
 3 been --
 4 CHAIRMAN ANTHONY: Newspaper
 5 articles.
 6 DIRECTOR DAMSCHRODER: Yeah.
 7 DEPUTY DIRECTOR WHITE: Yeah. It's
 8 been in the media.
 9 DIRECTOR DAMSCHRODER: So there
 10 will be an opportunity for the Prosecuting
 11 Attorney or Assistant Prosecuting Attorney to
 12 provide that counsel today if the Board so
 13 chooses.
 14 MS. LUPU: We learned of this
 15 meeting -- thank you. Thank you very much.
 16 We learned of this meeting thanks
 17 to NBC yesterday. And so you have a handful
 18 here of us.
 19 If we had advanced notice on a
 20 meeting, there would be many more citizens,
 21 including people who had trouble voting in
 22 2004 and in 2006 on the machines that would
 23 speak to the Commissioner. And if you would
 24 give us that opportunity, we would take it.

Page 78

1 We feel very strongly about it.
 2 DEPUTY DIRECTOR WHITE: Well, we
 3 have to go to the Commissioner's Office in
 4 the next couple of weeks and ask him for
 5 funding for these, the printing of these
 6 ballots, because prior to our budget being
 7 produced for 2008 we didn't know there was
 8 going to be a directive coming from the
 9 Secretary of State mandating us putting paper
 10 ballots out at all polling locations.
 11 So whatever number we come up with
 12 here today, we got to get funding for it.
 13 MS. LUPO: We can make that
 14 commitment. The director is Paddy Shaffer,
 15 but we can -- we were planning to do it
 16 anyway.
 17 DEPUTY DIRECTOR WHITE: I don't
 18 think the Commissioner is going to be too
 19 happy if we go in and say we want to print,
 20 you know, 100 percent of the registered
 21 voters here in Franklin County, considering
 22 what percent might come out and vote in the
 23 primary. I mean there's just so many
 24 variables in there.

Page 79

1 That's why I say it's a really
 2 difficult decision for this Board to make
 3 today on how many to print.
 4 MS. LUPO: Well, even if it wasn't
 5 100 percent --
 6 DEPUTY DIRECTOR WHITE: And then
 7 just not just the printing is not also a
 8 concern; the security of them.
 9 You know, I was thinking the other
 10 day, what if -- what if somebody goes to a
 11 magic shop, and buys invisible ink, and plugs
 12 them into the voting places, and people are
 13 marking their ballots with invisible ink that
 14 disappears in three hours?
 15 Well, how would we defend something
 16 like that?
 17 MS. LUPO: Well, I don't know.
 18 DEPUTY DIRECTOR WHITE: You guys
 19 that are advocates for paper ballots, how do
 20 I defend somebody from slipping invisible ink
 21 pens into a voting booth?
 22 MS. SHAFFER: How about a No. 2
 23 pencil?
 24 DEPUTY DIRECTOR WHITE: What's

Page 80

1 that?
 2 MS. SHAFFER: A standard No. 2
 3 pencil.
 4 MS. LUPO: They always work.
 5 BOARD MEMBER MARINELLO: There's
 6 erasers, though. There's lots of erasers
 7 attached to them.
 8 MS. SHAFFER: Get small ones.
 9 DEPUTY DIRECTOR WHITE: I mean, I
 10 don't know how you defend against some of the
 11 breaches with the paper ballot, too.
 12 MS. SHAFFER: I would like to see
 13 them in a visible box at the precincts,
 14 loaded into it, hand-counted before they ever
 15 leave the precincts, and you have totals.
 16 And it happens in other countries. They keep
 17 the precinct levels small. We would need to
 18 bring in a second count, a second group,
 19 fresh poll workers that are not tired, but
 20 that are fresh for the day, and have the
 21 ballots hand-counted at the precinct.
 22 DEPUTY DIRECTOR WHITE: So we
 23 should ask the Commissioners for funding for
 24 pencils, too, then, not rely on --

Page 81

1 MS. SHAFFER: To be very serious
 2 with this, Denny --
 3 DEPUTY DIRECTOR WHITE: I'm
 4 serious.
 5 MS. SHAFFER: -- if you give us the
 6 date of that Commissioner's meeting, we have
 7 several issues we'd like to address. If
 8 you're going to look at providing paper
 9 ballots for the citizens of Franklin County,
 10 that we really have them, that we're no
 11 longer relying on these trash machines, which
 12 is my opinion on them, we will help you. So
 13 you just give us the date and time, and
 14 advance if possible, and we will fill that
 15 room.
 16 MS. LUPO: Anymore questions?
 17 CHAIRMAN ANTHONY: Are there
 18 anymore questions for Marian?
 19 (No response is heard.)
 20 MS. LUPO: Thank you.
 21 CHAIRMAN ANTHONY: Thank you,
 22 Marian.
 23 Is there anyone else out there that
 24 would like to speak before this body?

Page 82

1 Give us your name and the
 2 organization that you're representing.
 3 MR. STANTON: My name is Dan
 4 Stanton, and I'm also affiliated with this
 5 group over here, the Ohio Election Justice
 6 Campaign.
 7 And I've been concerned with these
 8 elections issues since 2004 when we had the
 9 hearings in the Statehouse on how to decide
 10 what to use for our elections. And it became
 11 apparent that there was a partisan shift
 12 here. We had Democrats that wanted a really
 13 strong audit trail, and we had Republicans,
 14 for some reason, that didn't want any paper
 15 trails.
 16 This isn't a partisan issue. This
 17 is about elections. This is about votes.
 18 This is about the will of the voters, not the
 19 will of the elections officials. Remember,
 20 this is a democracy.
 21 What's going on here?
 22 We see all these studies. The
 23 EVEREST Study, the California Study. We're
 24 decertifying machines right and left. And

Page 83

1 yet, I hear elections officials. I just
 2 heard you tonight: I still trust these
 3 machines. You shouldn't.
 4 What legacy are you leaving here?
 5 You're a citizen of Ohio. You're going to
 6 have grandchildren. What are you going to
 7 say to them? You know, my job was to rig
 8 elections for the State of Ohio; is that what
 9 you're legacy is going to be?
 10 DEPUTY DIRECTOR WHITE: I didn't
 11 say I trusted these machines. I said I have
 12 confidence in them. Okay?
 13 MR. STANTON: What's the
 14 difference?
 15 DEPUTY DIRECTOR WHITE: I've had
 16 eight elections with these machines.
 17 MR. STANTON: That's semantics.
 18 DEPUTY DIRECTOR WHITE: Listen.
 19 You've spoken.
 20 MR. STANTON: I'm sorry.
 21 DEPUTY DIRECTOR WHITE: I've
 22 experienced eight elections with these
 23 machines here. And I have not seen a breach
 24 in the elections. Okay? Not one breach.

Page 84

1 I have more concern about someone
 2 going out to a magic shop and buying a bunch
 3 of invisible ink pens, and slipping them in
 4 targeted precincts, and then we go count
 5 these paper ballots on election night, and
 6 the ink disappeared.
 7 Every system has a breach in it. I
 8 told somebody the other day, banks get robbed
 9 every day. So if a bank gets robbed, should
 10 we do away with all our financial
 11 institutions in this country, and go back to
 12 the barter system?
 13 No. Let's tighten up the -- the
 14 EVEREST report, there's some good things in
 15 that report. We need to tighten up security.
 16 We need protocols, so that all counties
 17 handle it the same way. Let's address the
 18 security problems --
 19 MR. STANTON: You're an official on
 20 the Board of Elections.
 21 DEPUTY DIRECTOR WHITE: -- where
 22 you have them.
 23 I mean, we run eight elections here
 24 with machines, and don't have any problems.

Page 85

1 We sent 150 machines up to a county in
 2 Northern Ohio; they have problems with them.
 3 MR. STANTON: I totally disagree
 4 that you don't have problems with them,
 5 because --
 6 DEPUTY DIRECTOR WHITE: Oh, you're
 7 going to have some problems.
 8 MR. STANTON: Because the studies
 9 are telling you, the academics, the computer
 10 experts, we got Leonard here to tell you that
 11 you can't trust those machines.
 12 DEPUTY DIRECTOR WHITE: Does the
 13 EVEREST report say that you can't --
 14 MR. STANTON: Why are you
 15 denying --
 16 DEPUTY DIRECTOR WHITE: Does the
 17 EVEREST report say we can't trust our
 18 machines, or does it say there's possible
 19 breaches in the security?
 20 MR. STANTON: You don't know when
 21 you have problems. That is the problem with
 22 the machines. If you knew you had a problem,
 23 that would be great, but since you have no
 24 way to check on it, that's the problem.

Page 86

1 If you require 100 percent ballots,
 2 that is going to tell the whole citizenry of
 3 the world, Ohio is going to be right up on
 4 front on the top of its pedestal in saying
 5 I -- I demand democracy. I stand for
 6 democracy. I'm -- I'm going to offer 100
 7 percent ballots here. I'm going to find the
 8 funding. I'm going to find the pencils.
 9 That's smoke in mirrors, all this funding
 10 talk.
 11 If you can send billions of
 12 billions of dollars in Iraq to try to run a
 13 democracy --
 14 DEPUTY DIRECTOR WHITE: I'm not
 15 going to have Iraq here.
 16 MR. STANTON: -- you -- you can't
 17 tell me you can't find a few thousand dollars
 18 for a paper ballot. That is so disingenuous.
 19 It's laughable.
 20 And you can't tell me you guys --
 21 you guys can speak your mind. We have, since
 22 August 8th of 2007, 150 days asked for a
 23 meeting with Jennifer Brunner. You're asking
 24 us, oh, go to Jennifer Brunner. Voice your

Page 87

1 concerns.
 2 What does that tell you?
 3 We've got a thieftom here. We
 4 can't voice our concerns. We have no -- we
 5 have no voice. So we go to the Attorney
 6 General. We have a meeting at the Attorney
 7 General's Office to express our concerns. We
 8 have a conspiracy here. We have no checks
 9 and balances, unless those checks and
 10 balances are going in your back pocket.
 11 That's all I have to say.
 12 CHAIRMAN ANTHONY: Thank you very
 13 much, Dan.
 14 Is there anyone else out there that
 15 would like to address the Board?
 16 MS. SHAFFER: Yeah. I would just
 17 like to clarify a couple things Dan just
 18 brought up. He said 150 days, and he
 19 mentioned August 8th.
 20 And so that you understand, because
 21 you had said for us to take our concerns to
 22 the Secretary of State, on August 8th, 2007,
 23 we requested a meeting with the Secretary of
 24 State and the Attorney General. It's been

Page 88

1 over 150 days. They still have not agreed to
 2 meet with us. We have tried and tried.
 3 We are totally stonewalled. We have some of
 4 the best election activists and attorneys in
 5 the country that want to go there and talk
 6 with her, and they will not let us in. They
 7 will not hear our voices. They do not answer
 8 many of our record requests.
 9 And recently, with the Attorney
 10 General's Office, we got a first meeting with
 11 Michael Deemer and Christopher Geidner were
 12 supposed to be there regarding election
 13 issues. We got our first meeting. They
 14 promised us a second one right away. That
 15 meeting was December 17th. Now, they're
 16 stonewalling us. And then, we can't get a
 17 second meeting with the Attorney General's
 18 Office. We had 16 members of the Ohio
 19 Election Justice Campaign there that day with
 20 three of the AG's staff attorneys. They
 21 heard our very serious concerns, everything
 22 from local issues to the Homeland Security
 23 lock down in Warren County, and the fact that
 24 there still has been no investigation.

Page 89

1 So know that we are trying really
 2 hard to improve Ohio's elections systems on
 3 so many directions that it would make your
 4 head spin. And if any of you are interested,
 5 we would be happy to come back and let you
 6 know what we've been working on, because it
 7 very much affects all of us in the image of
 8 Ohio and the world. And we're trying to
 9 correct that.
 10 So when you ask us to take it to
 11 the Secretary of State's office, the next
 12 time you talk to them, please ask them to
 13 open the door, because we would like to come
 14 in.
 15 CHAIRMAN ANTHONY: Thank you.
 16 DEPUTY DIRECTOR WHITE: The reason
 17 why I was trying to steer the gentleman to
 18 the Secretary of State's Office was because
 19 he said he was kind of new to all this. And
 20 his concerns with these machines being
 21 certified and audited, I was trying to
 22 explain to him that's who certifies the
 23 machines, not our board. And we can only
 24 choose what they say we can choose from.

Page 90

1 MS. SHAFFER: Denny, we very much
 2 understand that. And --
 3 DEPUTY DIRECTOR WHITE: I was
 4 trying to -- because he said he was new; he
 5 didn't understand.
 6 MS. SHAFFER: Well, we also
 7 understand, in all the problems we have
 8 resolving there, the chances are good you
 9 have problems there. We also know there are
 10 some really good people in there that are
 11 very much approving on what we're doing. We
 12 have -- we have a mixture in there. There's
 13 some people that cheerlead us when we show
 14 up.
 15 DEPUTY DIRECTOR WHITE: And I think
 16 some of the directives coming out of the
 17 Secretary of State's Office, she is listening
 18 to groups like you. I think her approach to
 19 the paper ballots in the precincts is because
 20 of some of the advocating stuff that your
 21 groups have done out there.
 22 MS. SHAFFER: It's years of our
 23 work.
 24 DEPUTY DIRECTOR WHITE: So maybe

Page 91

1 she's not giving you a meeting, but some of
 2 her actions she's listened to some of your
 3 groups. Or why would she say put all these
 4 ballots out here?
 5 You know, I was telling Matt, kind
 6 of jokingly, Matt, you guys agree. Matt
 7 wants 100 percent ballots printed. Okay.
 8 He's in trouble with the Secretary of State
 9 because he wants that right now. Okay.
 10 MS. SHAFFER: Well, we'll help you.
 11 We'll help you all we can with it, Denny.
 12 And know that they really need to listen to
 13 all of us that are concerned. It would be
 14 better. As if you had a troubled family, a
 15 counselor would likely suggest you sit down
 16 at the table, and you talk about your issues,
 17 and you resolve it, versus we all stood on
 18 our own end of the room, and we all turn our
 19 backs to each other and refuse to have
 20 discussion. You can't resolve it that way.
 21 DEPUTY DIRECTOR WHITE: And my
 22 position now is I think any system can be
 23 breached, whether it's a paper ballot or
 24 electronic thing. I just think we should

Page 92

1 have one system. Okay?
 2 MS. SHAFFER: Well --
 3 DEPUTY DIRECTOR WHITE: Just right
 4 now, our poll workers are at maximum
 5 overload. Now we got to educate them on two
 6 elections systems, you know, paper, machines.
 7 Let's have one system. I don't
 8 care what system I use. And just make
 9 whatever system you use secure, so people
 10 like you are confident in the machines. But
 11 having multiple systems now is just even
 12 adding more complication, confusion,
 13 frustration on people out there.
 14 MS. SHAFFER: Well, as a fear
 15 issue, I hope that today is the last time we
 16 ever hear disappearing ink and erasers on
 17 pencils as a reason not to go to paper
 18 ballots. We know that the ink on the tapes
 19 on the voting machines disappears. Okay. So
 20 you guys actually already use it.
 21 DEPUTY DIRECTOR WHITE: Right.
 22 MS. SHAFFER: The other thing we
 23 know is even the Opti-Scan ballots aren't
 24 safe, if you understand what happened in

Page 93

1 Clermont County. They had stickers, like
 2 garage sale stickers, stuck on the ballots
 3 over the Kerry votes. And if you've never
 4 seen one of those, Matt, I'd be happy to
 5 provide you with photos that I took myself of
 6 the Clermont County ballots. The Secretary
 7 of State has those in her possession and
 8 refuses to investigate.
 9 So the Opti-Scan is not safe. Your
 10 machines have disappearing ink. So since all
 11 of it has problems, I'd like to see us
 12 simplify, go back to paper and pencil.
 13 Thank you.
 14 CHAIRMAN ANTHONY: Is there anyone
 15 else?
 16 And then we're going to have to
 17 close this, because we have to get on with
 18 our board meeting.
 19 BOARD MEMBER PETREE: I'd like to
 20 make a comment.
 21 CHAIRMAN ANTHONY: Okay. Yes,
 22 ma'am.
 23 BOARD MEMBER PETREE: There was a
 24 comment made about the Diebold machines. We

Page 94

1 do not have Diebold machines in Franklin
 2 County. And as a matter of fact, this Board
 3 sued the Secretary of State, who was Kenneth
 4 Blackwell at that time, to have a variety of
 5 different machines come in here to be tested,
 6 and for us to make a choice. And so we don't
 7 have Diebold.
 8 MS. SHAFFER: I'm aware of that.
 9 You're an S & S county.
 10 BOARD MEMBER PETREE: Yes.
 11 Thanks.
 12 MS. SHAFFER: There are, I think,
 13 48 or 58 Diebold counties.
 14 DEPUTY DIRECTOR WHITE: For this
 15 election, we're ES & S and paper.
 16 MS. SHAFFER: Good.
 17 BOARD MEMBER PETREE: Yes.
 18 CHAIRMAN ANTHONY: So let's move on
 19 to the meeting.
 20 MS. LUPU: Are you considering
 21 getting any funding from ES & S for the
 22 Autotronic (phonetic)?
 23 Because EVEREST found very serious
 24 problems with the ES & S DRE.

Page 95

1 CHAIRMAN ANTHONY: All right.
 2 Let's move on with the meeting.
 3 I guess before the Board now is the
 4 directive from Jennifer Brunner.
 5 At this time, we could take a vote,
 6 or we could hear from legal, but I'm about
 7 ready just to go ahead and take a vote and be
 8 done with it. If that's okay with folks,
 9 then I will make the motion.
 10 I move that the Board was planning
 11 to print about 50,000 paper ballots for
 12 provisional voting on election day. The
 13 Board directs the Deputy Director to
 14 provide -- to provide an additional 30,000
 15 paper ballots on election day voting to meet
 16 the requirements of the Directive 2008-01.
 17 Is there a second to my motion?
 18 BOARD MEMBER PETREE: Second.
 19 CHAIRMAN ANTHONY: All those in
 20 favor, say aye.
 21 (Board votes aye unanimously.)
 22 DIRECTOR DAMSCHRODER: Motion
 23 carries.
 24 CHAIRMAN ANTHONY: What is the next

Page 96

1 one? Okay.
 2 DIRECTOR DAMSCHRODER: The next
 3 item on the agenda is Secretary of State
 4 Directive 2008-02, which I think has been
 5 provided to all of you, I think today, and
 6 perhaps even via mail previously.
 7 I just want to remind you that this
 8 questionnaire from the Secretary of State is
 9 due back to the Secretary of State's Office
 10 on January the 24th.
 11 CHAIRMAN ANTHONY: 24th, yeah.
 12 DIRECTOR DAMSCHRODER: 24th.
 13 There's a couple of questions, and
 14 the directions prohibit the Board members
 15 from discussing the completion of the
 16 questionnaire with each other or with the
 17 Director or the Deputy Director. So if you
 18 would each please take care of that in your
 19 own time over the next week and a half, that
 20 would be helpful.
 21 Denny and I will complete the
 22 portion of the directive that asks for
 23 information from the Director and Deputy
 24 Director to sign together as to the number of

Page 97

1 voting machines, the tabulators, et cetera.
 2 So we'll -- we'll answer those questions and
 3 get those to the Secretary of State in a
 4 timely fashion.
 5 CHAIRMAN ANTHONY: All right.
 6 Thank you so much.
 7 So the Board has so noted, and we
 8 will perform that function and get them in to
 9 her by the 24th.
 10 DIRECTOR DAMSCHRODER: Okay.
 11 DEPUTY DIRECTOR WHITE: Matt, you
 12 want me to explain the next two resolutions?
 13 DIRECTOR DAMSCHRODER: Sure.
 14 DEPUTY DIRECTOR WHITE: Those are
 15 all on the changes.
 16 DIRECTOR DAMSCHRODER: Under
 17 fiscal?
 18 DEPUTY DIRECTOR WHITE: No.
 19 Fiscal, you can take that.
 20 I'll deal with the ones on the
 21 audit log.
 22 DIRECTOR DAMSCHRODER: Got it.
 23 Yeah.
 24 The first is coming out of the

Page 98

1 previous directive on the printing of paper
 2 ballots. We need a resolution to go ahead
 3 and let that contract for the 80,000
 4 provisional ballots that the Board just
 5 authorized that we print, and then also the
 6 number of absentee ballots that we'll be
 7 printing, and so give the Director and the
 8 Deputy Director the authority to award the
 9 contract to the lowest and best bidder in the
 10 Board's name.
 11 CHAIRMAN ANTHONY: I'll accept a
 12 motion.
 13 BOARD MEMBER MARINELLO:
 14 Mr. Chairman, I move that the Board authorize
 15 the Director and Deputy Director to let a
 16 contract for printing of optically scanned
 17 paper ballots for the absentee voting and to
 18 meet the requirements of the Directives
 19 2007-12 and 2008-01, and to award, in its
 20 name, a contract to the lowest and best
 21 bidder for said printing.
 22 CHAIRMAN ANTHONY: Is there a
 23 second?
 24 BOARD MEMBER PETREE: Second.

Page 99

1 CHAIRMAN ANTHONY: All those in
 2 favor, say aye.
 3 (Board votes aye unanimously.)
 4 DIRECTOR DAMSCHRODER: The motion
 5 carries.
 6 The next item, as you'll recall at
 7 a couple previous meetings last summer, when
 8 we submitted for your review the budget
 9 proposal for income year 2008, one of the
 10 projects that we wanted to implement for this
 11 year was to purchase software that will --
 12 that will do -- assist us in the automatic or
 13 automated data entry required for absentee
 14 ballot applications and voter registration
 15 applications. There is a vendor on State
 16 Term contract.
 17 And you'll recall from the last
 18 Board meeting, with the law change we were
 19 able to square up. We'll now start taking --
 20 making purchases off of the State Term
 21 schedule. So this contract, this resolution,
 22 would allow us to procure that equipment
 23 using the State Term Schedule contract, have
 24 it in place, to begin using, really, in the

Page 100

1 next two weeks, as we start doing data entry
 2 for the absentee ballot applications in the
 3 summer when we start getting a large volume
 4 of voter registration applications.
 5 CHAIRMAN ANTHONY: Any questions
 6 for Matt, anything on this?
 7 Any questions?
 8 I don't have any.
 9 I will entertain a motion, then.
 10 BOARD MEMBER PETREE: Mr. Chairman?
 11 CHAIRMAN ANTHONY: Yes, ma'am.
 12 BOARD MEMBER PETREE: I move that
 13 the Board authorize the Director and Deputy
 14 Director to enter into a contract with the
 15 James Group for 151,300 dollars using State
 16 Term Schedule Number 533470-0, to automate
 17 the data entry process for absentee ballot
 18 applications and voter registration
 19 applications coming from Deputy Registrars of
 20 the Bureau of Motor Vehicles.
 21 CHAIRMAN ANTHONY: Is there a
 22 second?
 23 BOARD MEMBER MARINELLO: Second.
 24 CHAIRMAN ANTHONY: All those in

Page 101

1 favor, say aye.
 2 (Board votes aye unanimously.)
 3 DIRECTOR DAMSCHRODER: And motion
 4 carries.
 5 DEPUTY DIRECTOR WHITE: The next
 6 two resolutions on your agenda is to address
 7 a couple issues that were brought to mine and
 8 Matt's attention. I don't know if you were
 9 watching Channel 4 News two nights ago where
 10 the Secretary of State, after being a little
 11 steamed at Matt, resolved in the interview
 12 that they were investigating some ballot
 13 irregularities from the last election here.
 14 What happened after the last
 15 election, I will recall from the Secretary of
 16 State herself saying that she went to vote,
 17 with her husband, the same polling location,
 18 and on different machines, and the ballot
 19 style was different. One listed a candidate,
 20 one didn't list a candidate, in a particular
 21 race, judicial race. There was a contravercy
 22 over it.
 23 THE REPORTER: I'm having a hard
 24 time hearing.

Page 102

1 DEPUTY DIRECTOR WHITE: It was a
 2 ballot style difference with the two separate
 3 voting machines in the same election. She
 4 said a candidate was on the ballot on her --
 5 on her voting machine, and her husband said
 6 that he was or wasn't.
 7 So I had a discussion with her on
 8 that matter. And I said, Jennifer, I don't
 9 really know any way possible that could
 10 happen, because the flashcards are burnt
 11 countywide to have the ballot styles on them.
 12 And I said, if that happened, you know, you
 13 stumbled onto something that's huge, and I
 14 think you should look into it. I just don't
 15 know any way it could happen with my
 16 knowledge or people that -- that I know that
 17 would have experience. I said it would take
 18 some type of cooperation with the vendor to
 19 get the codes, poll workers, people who do
 20 the programming here.
 21 So she decided to look into the
 22 matter, and while she was looking into it
 23 there was two issues that came up with the
 24 people who were out at the warehouse looking

Page 103

1 at the machines and stuff. Number one, the
 2 vendor, who was under contract through the
 3 Secretary of State to supply us consulting
 4 service setting up these machines and setting
 5 up the databases, either that election -- or,
 6 no, either the election prior to that or two
 7 elections prior to that, told our clerk to
 8 turn off the audit log to make the machines
 9 operate quickly.
 10 What the audit log does is takes an
 11 audit of everybody that goes into the
 12 database, what changes they make, and who's
 13 made the changes. And the reason why the
 14 vendor, as to my understanding, told the
 15 clerk -- I think the clerk is here with us.
 16 You can ask questions of her. It was slowing
 17 down the process of setting up the new
 18 database for the new election.
 19 So if you move on this resolution,
 20 this basically says that the audit log will
 21 never be turned off, and that there will be a
 22 backup of that audit log when it will be set
 23 up the next election, so that it doesn't
 24 continue to eat up the memory in the machine

Page 104

1 and slow the machine down.
 2 If you'd like to talk to the clerk,
 3 she's here.
 4 Since the Secretary of State
 5 brought this up in a public view, I think
 6 it's important that we do it in a public
 7 view, so you all totally understand, the
 8 public understands, what happened there.
 9 I think Carla is here if you have
 10 any questions for her. She was the one that
 11 was told to turn the audit log off, by the
 12 vendor, who was under contract by the
 13 Secretary of State that decided to buy these
 14 consulting services.
 15 DIRECTOR DAMSCHRODER: Do you have
 16 any questions for her?
 17 CHAIRMAN ANTHONY: Go ahead.
 18 MS. PATTON: The reason why it was
 19 turned off, as you know, we switched the way
 20 we did things in mayor as far as absentee.
 21 We did one style per split, which meant we
 22 had 1,213 different styles of ballots out
 23 there.
 24 When we get to a certain point in

Page 105

1 the database, after all the information is
 2 input into the system, we have to merge the
 3 information to create the ballot styles.
 4 With this audit log turned on, it was taking
 5 well over two hours to merge this data.
 6 Therefore, we're sitting idle for two hours.
 7 It was suggested by our consultant
 8 that we turn the audit log off in order to be
 9 able to merge that a little quicker, which it
 10 did, in turn speed up the progress.
 11 After we start merging, we don't
 12 make any changes as far as any candidate
 13 names, any issues, anything. The only thing
 14 that gets changed would be maybe the
 15 preference of the style number that goes onto
 16 the ballot. And even then, it's just a
 17 matter of us trial and error to get the right
 18 layout, the right numbers, to go onto the
 19 bottom stub of the ballot.
 20 So any and all information that was
 21 input into the system that would have changed
 22 any names or anything would have logged prior
 23 to that log being turned off.
 24 CHAIRMAN ANTHONY: Any questions

Page 106	Page 108
<p>1 for Carla?</p> <p>2 DEPUTY DIRECTOR WHITE: Matt and I</p> <p>3 were not aware that the log was turned off,</p> <p>4 was not aware that the vendor that was</p> <p>5 contracted to the Secretary of State to</p> <p>6 consult us through this process told her to</p> <p>7 turn the log off.</p> <p>8 But I think it's important that the</p> <p>9 log stays on, no matter how much longer a</p> <p>10 time it takes, in case there is any other</p> <p>11 question on the integrity of the system and</p> <p>12 someone doing something, that there is always</p> <p>13 an audit log maintained.</p> <p>14 So I think for the protection of</p> <p>15 the Board and to satisfy the Secretary of</p> <p>16 State's concerns that I think you all need to</p> <p>17 pass a resolution that the audit log is never</p> <p>18 turned off.</p> <p>19 MS. PATTON: I will say that I have</p> <p>20 found where how to archive that log, which</p> <p>21 will clean it out, and what our procedure now</p> <p>22 will be to archive those logs from election</p> <p>23 to election so that the only information</p> <p>24 pertaining to the current election is being</p>	<p>1 carries.</p> <p>2 DEPUTY DIRECTOR WHITE: The next</p> <p>3 resolution addresses another concern that was</p> <p>4 brought to our attention during their review</p> <p>5 of the so-called differences on the ballots.</p> <p>6 And that is that the Secretary of State has</p> <p>7 an issue that we don't L & A test every</p> <p>8 machine we have when we put out for</p> <p>9 elections. And we follow the, again,</p> <p>10 certified by the Secretary of State's Office</p> <p>11 procedure, that the vendor's manuals and</p> <p>12 setup, for setting up for an election.</p> <p>13 For example, in the Squire trial,</p> <p>14 the vendor actually testified that we go</p> <p>15 above and beyond the protocol that the</p> <p>16 Secretary of State has certified for setting</p> <p>17 these machines for elections. However,</p> <p>18 current Secretary of State has voiced to me</p> <p>19 that she has a concern we don't L & A test</p> <p>20 all machines.</p> <p>21 So the next directive, because I</p> <p>22 asked her, when I spoke to her the other</p> <p>23 night, as far as the audit log and the L & A</p> <p>24 testing, that since we have an election we're</p>
<p>Page 107</p> <p>1 written. Anything else prior to that will be</p> <p>2 archived to the server in a separate file.</p> <p>3 CHAIRMAN ANTHONY: Okay. Thank</p> <p>4 you.</p> <p>5 DEPUTY DIRECTOR WHITE: So I'd</p> <p>6 recommend you move on that.</p> <p>7 CHAIRMAN ANTHONY: All right. So,</p> <p>8 I will entertain a motion.</p> <p>9 BOARD MEMBER MARINELLO:</p> <p>10 Mr. Chairman, I move that the Board adopt the</p> <p>11 following policy: At no time shall any</p> <p>12 employee or contractor of the Board of</p> <p>13 Elections disengage the audit manager</p> <p>14 function of the voting system, and before</p> <p>15 beginning the programming of the database for</p> <p>16 any and all election the audit records from</p> <p>17 the previous election shall be archived.</p> <p>18 CHAIRMAN ANTHONY: Is there a</p> <p>19 second?</p> <p>20 BOARD MEMBER PETREE: Second.</p> <p>21 CHAIRMAN ANTHONY: All those in</p> <p>22 favor, say aye.</p> <p>23 (Board votes aye unanimously.)</p> <p>24 DIRECTOR DAMSCHRODER: Motion</p>	<p>Page 109</p> <p>1 setting up now for, within the next month and</p> <p>2 a half, our people are in the process of</p> <p>3 utilizing the database that the audit logs</p> <p>4 act upon. Also, with L & A testing we're in</p> <p>5 the process of doing on those machines,</p> <p>6 please send a directive out, because we're in</p> <p>7 the process of that right now. It doesn't do</p> <p>8 any good for us to go through directive now</p> <p>9 after the election coming up. So this is a</p> <p>10 resolution for you Board members asking her</p> <p>11 to give us a directive, since she has</p> <p>12 concerns that we don't L & A test all the</p> <p>13 machines.</p> <p>14 Now, we test all the machines for</p> <p>15 calibration and all that. It's just that we</p> <p>16 test -- we L & A test one machine per voting</p> <p>17 precinct.</p> <p>18 And I tried to explain it in</p> <p>19 layman's terms. It's kind of like I go buy</p> <p>20 two pairs of shoes, because they're on sale.</p> <p>21 They're the exact same shoe. I normally</p> <p>22 don't try on both pairs. I just try on one,</p> <p>23 then take the other one, box it up, and cash</p> <p>24 it out.</p>

Page 110

1 The machines are all the same. The
 2 L & A test is testing the memory card in the
 3 top of the machine to make sure the PEB in
 4 those are all working in the governor. If
 5 you got a problem, you're going to catch it
 6 there.
 7 However, she expressed a concern we
 8 don't L & A test. So this resolution would
 9 address her concerns on that matter and ask
 10 for directions from her office as far as how
 11 do you want us to do it.
 12 CHAIRMAN ANTHONY: All right.
 13 DEPUTY DIRECTOR WHITE: Right now,
 14 we're following the vendor's guidelines,
 15 their protocol, for the L & A testing.
 16 And as I said, in the Squire test,
 17 the Squire suit from last year, the vendor
 18 actually said we go above and beyond theirs,
 19 but it seems to be a concern on the Secretary
 20 of State that that's not enough, so we're
 21 asking her, in this resolution, tell us what
 22 you want, and we'll give you what you want.
 23 CHAIRMAN ANTHONY: All right. Any
 24 questions for Denny?

Page 111

1 MS. SHAFFER: Yes, if I can ask.
 2 I was there at the Squire trial,
 3 and that was not what came out. Your -- your
 4 voting machine vendor may have said that.
 5 DEPUTY DIRECTOR WHITE: Yeah.
 6 That's what I said.
 7 MS. SHAFFER: But what Rebecca
 8 Mercuri said, in dealing with the other
 9 issues brought up, was that your machines
 10 were not even certified to be used. The
 11 components in them, the separate components,
 12 had never been certified to be used as a
 13 group.
 14 DEPUTY DIRECTOR WHITE: Matt, you
 15 might want to -- could read that for me.
 16 This is just testimony from the vendor who
 17 was under contract at the Secretary of State
 18 Office at that time to supply local board of
 19 elections who were using ENS machines
 20 consulting services for setting up elections
 21 and dealing with the changeover from our old
 22 system to our new electronic system.
 23 DIRECTOR DAMSCHRODER: It's four
 24 pages of testimony, so I think maybe instead

Page 112

1 of just reading into the record we can give
 2 you all a copy of it again, you can read it,
 3 and we can attach it as an exhibit to these
 4 proceedings.
 5 CHAIRMAN ANTHONY: Well, why don't
 6 you do that.
 7 DEPUTY DIRECTOR WHITE: And the
 8 only reason why I really brought that up,
 9 Board members, was that we'll do it however
 10 it's certified or however the Secretary of
 11 State tells us to do it. And right now,
 12 we're going above and beyond the certified
 13 vendor's recommendation that's certified by
 14 the Secretary of State, but for some reason
 15 the Secretary of State has indirectly told me
 16 that that's not enough.
 17 So this next resolution would ask
 18 the Secretary of State to put in writing, how
 19 do you want us to do it? We will do it the
 20 way you want to do it.
 21 BOARD MEMBER PETREE: Seems clear.
 22 CHAIRMAN ANTHONY: I will entertain
 23 a motion, if there's no more questions for
 24 Denny.

Page 113

1 BOARD MEMBER PETREE: Mr. Chairman,
 2 I would like to make a motion, please.
 3 CHAIRMAN ANTHONY: Yes, ma'am.
 4 BOARD MEMBER PETREE: I move that
 5 the Board authorize the Chairman of the Board
 6 to issue a letter to the Ohio Secretary of
 7 State communicating that, one, it has been
 8 represented to this Board that the present
 9 standard operating procedure for pre-election
 10 testing of its voting machines exceeds the
 11 minimum recommendations by its vendor; two,
 12 that the Board understands from a recent
 13 media report that the Secretary of State
 14 believes the Board's present standard
 15 operating procedure for pre-election testing
 16 of its voting machines to be inadequate;
 17 three, that the Board desires to have and
 18 comply with the standard operating procedure
 19 for pre-election testing of its voting
 20 machines that satisfies the Secretary of
 21 State; and four, that the Board respectfully
 22 requests that the Secretary of State provide
 23 a detailed step-by-step procedure for
 24 pre-election testing by Friday, January the

Page 114	Page 116
<p>1 25th, 2008, that the Board can use on Monday, 2 January 28th, 2008, when it begins 3 programming machines for the March 4th, 2008 4 primary election. 5 CHAIRMAN ANTHONY: Is there a 6 second? 7 BOARD MEMBER MARINELLO: Second. 8 CHAIRMAN ANTHONY: All those in 9 favor, say aye. 10 (Board votes aye unanimously.) 11 CHAIRMAN ANTHONY: Motion carries. 12 DIRECTOR DAMSCHRODER: The next 13 part of the agenda, Mr. Chairman, is 14 regarding personnel matters, and the Board 15 may want to go into Executive Session for a 16 period of time to discuss personnel matters. 17 CHAIRMAN ANTHONY: I'd like to make 18 a motion that the Board move into executive 19 session to discuss personnel matters. 20 BOARD MEMBER PETREE: Second. 21 CHAIRMAN ANTHONY: Is there a 22 second? 23 DIRECTOR DAMSCHRODER: Seconded by 24 Carolyn Petree.</p>	<p>1 DIRECTOR DAMSCHRODER: Ms. 2 Petree. 3 BOARD MEMBER PETREE: Yes. 4 DIRECTOR DAMSCHRODER: Chairman 5 Anthony. 6 CHAIRMAN ANTHONY: Yes. 7 We all set for first motion, so we 8 can kind of move on? 9 I'll make the first motion. 10 I move that Mark Essary be 11 reassigned to the Voter Services Department, 12 and that Robin Link be reassigned to 13 Petitions and Financial Filing Department, 14 effective January 13th, 2008. 15 Is there a second? 16 BOARD MEMBER PETREE: Second. 17 CHAIRMAN ANTHONY: All those in 18 favor, say aye. 19 (Board votes aye unanimously.) 20 CHAIRMAN ANTHONY: Now, we have 21 another motion to make for personnel. 22 BOARD MEMBER MARINELLO: Yes, 23 Mr. Chairman. I move that Barbara Burns be 24 reassigned to Voter Services Department, at</p>
Page 115	Page 117
<p>1 Roll call: Mr. Colley. 2 BOARD MEMBER COLLEY: Yes. 3 DIRECTOR DAMSCHRODER: 4 Ms. Marinello. 5 BOARD MEMBER MARINELLO: Yes. 6 DIRECTOR DAMSCHRODER: Ms. 7 Petree. 8 BOARD MEMBER PETREE: Yes. 9 DIRECTOR DAMSCHRODER: Chairman 10 Anthony. 11 CHAIRMAN ANTHONY: Yes. 12 (Board enters Executive Session.) 13 CHAIRMAN ANTHONY: All right. I 14 move that we come out of Executive Session. 15 There were no votes taken, no 16 motions made, or no -- that's about it: No 17 votes taken. No motions were made. 18 Is there a second? 19 BOARD MEMBER PETREE: Second. 20 DIRECTOR DAMSCHRODER: Mr. Colley. 21 BOARD MEMBER COLLEY: Yes. 22 DIRECTOR DAMSCHRODER: 23 Ms. Marinello. 24 BOARD MEMBER MARINELLO: Here.</p>	<p>1 her current rate of pay, and that Debbie 2 Cotner be reassigned to Precinct Elections 3 Officials Department, effective January 13th, 4 2008. 5 CHAIRMAN ANTHONY: Is there a 6 second? 7 BOARD MEMBER PETREE: Second. 8 CHAIRMAN ANTHONY: All those in 9 favor, say aye. 10 (Board votes aye unanimously.) 11 CHAIRMAN ANTHONY: I'll go ahead 12 and make that. I move that the hourly rate 13 of all full-time employees of the Franklin 14 County Board of Elections shall be increased 15 by three percent effective January 7th, 2007, 16 and that Chris Bidwell shall be changed to 17 \$13.94 per hour; Debbie Cotner to \$14.43 per 18 hour; Mark Essary to \$16.60 an hour; Roland 19 Gamino, \$16.83 per hour; Jane Hanley, \$15.87 20 per hour; Margalyn Kisor to \$14.90 per hour; 21 Robin Link, \$16.83 per hour; Donna Miller to 22 \$14.42 per hour; Matt Rushay to \$14.43 per 23 hour; Brenda Umbstaetter to \$19.23 per hour; 24 Stan Wayne to \$26.44 per hour; Todd Wedekind</p>

Page 118

1 to \$27.50 per hour; and that Harold Fielder,
 2 Dennis White, David Magers, Suzanne Brown be
 3 excluded from this resolution.
 4 Is there a send?
 5 BOARD MEMBER COLLEY: Second.
 6 CHAIRMAN ANTHONY: All those in
 7 favor, say aye.
 8 (Board votes aye unanimously.)
 9 CHAIRMAN ANTHONY: Motion carries.
 10 DIRECTOR DAMSCHRODER: The next
 11 one, we'll have to do a roll call vote, so
 12 that Ms. Marinello can abstain.
 13 CHAIRMAN ANTHONY: Okay. I'll make
 14 that. I move that the hourly rate of Harold
 15 Fielder and Dennis White be increased to
 16 \$27.50 per hour and \$51.85 per hour
 17 respectively, effective January 7th, 2007.
 18 Is there a second?
 19 BOARD MEMBER PETREE: Second.
 20 CHAIRMAN ANTHONY: We'll do a roll
 21 call vote.
 22 DIRECTOR DAMSCHRODER:
 23 Mr. Colley.
 24 BOARD MEMBER COLLEY: Yes.

Page 119

1 DIRECTOR DAMSCHRODER:
 2 Ms. Marinello.
 3 BOARD MEMBER MARINELLO: Abstain.
 4 DIRECTOR DAMSCHRODER: Ms.
 5 Petree.
 6 BOARD MEMBER PETREE: Yes.
 7 DIRECTOR DAMSCHRODER: Chairman
 8 Anthony.
 9 CHAIRMAN ANTHONY: Yes.
 10 Now, I'll entertain a vote on
 11 Suzanne Brown.
 12 BOARD MEMBER PETREE: Mr. Chairman?
 13 CHAIRMAN ANTHONY: Yes.
 14 BOARD MEMBER PETREE: I move that
 15 the hourly rate of Suzanne Brown be increased
 16 to \$28.61 per hour for 30 hours of work per
 17 week, effective January 7th, 2007.
 18 CHAIRMAN ANTHONY: Is there a
 19 second?
 20 BOARD MEMBER MARINELLO: Second.
 21 CHAIRMAN ANTHONY: Do another roll
 22 call vote, please.
 23 DIRECTOR DAMSCHRODER:
 24 Mr. Colley.

Page 120

1 BOARD MEMBER COLLEY: Abstain.
 2 DIRECTOR DAMSCHRODER:
 3 Ms. Marinello.
 4 BOARD MEMBER MARINELLO: Yes.
 5 DIRECTOR DAMSCHRODER: Ms.
 6 Petree.
 7 BOARD MEMBER PETREE: Yes.
 8 DIRECTOR DAMSCHRODER: Chairman
 9 Anthony.
 10 CHAIRMAN ANTHONY: Yes.
 11 We have another motion for David
 12 Magers.
 13 BOARD MEMBER MARINELLO:
 14 Mr. Chairman, I move that the hourly rate for
 15 David Magers be increased to \$22.36 per hour,
 16 effective January 7th, 2007.
 17 CHAIRMAN ANTHONY: Is there a
 18 second?
 19 I'll second that. I guess I can
 20 second that.
 21 DIRECTOR DAMSCHRODER: Yeah.
 22 Roll call: Mr. Colley.
 23 CHAIRMAN ANTHONY: Roll call.
 24 BOARD MEMBER COLLEY: Yes.

Page 121

1 DIRECTOR DAMSCHRODER:
 2 Ms. Marinello.
 3 BOARD MEMBER MARINELLO: Yes.
 4 DIRECTOR DAMSCHRODER: Ms.
 5 Petree.
 6 BOARD MEMBER PETREE: Abstain.
 7 DIRECTOR DAMSCHRODER: Chairman
 8 Anthony.
 9 CHAIRMAN ANTHONY: Yes.
 10 DIRECTOR DAMSCHRODER: And I think,
 11 as I just found this last resolution, I was
 12 looking back, I made date errors. All of
 13 those are effective January 7, 2008, not
 14 2007.
 15 BOARD MEMBER PETREE: Oh, yes.
 16 DIRECTOR DAMSCHRODER: So we may
 17 want to make a motion and a second vote
 18 amending all those previous resolutions to
 19 January 7th, 2008.
 20 I apologize.
 21 My checkbook is all screwed up,
 22 too.
 23 CHAIRMAN ANTHONY: I'll make a
 24 motion that anywhere in our previous motions

Page 122

1 that we mentioned January 7th, 2007, that the
2 record reflect the date will be January 7th,
3 2008.

4 BOARD MEMBER PETREE: Second.
5 CHAIRMAN ANTHONY: All those in
6 favor, say aye.

7 (Board votes aye unanimously.)

8 DIRECTOR DAMSCHRODER: And that is
9 it.

10 And I apologize for a very long
11 meeting, but there was a lot of -- it was a
12 good opportunity to hear from the public.

13 Is there a motion to adjourn?

14 CHAIRMAN ANTHONY: Is there a
15 motion to adjourn?

16 BOARD MEMBER MARINELLO: I make a
17 motion to adjourn.

18 CHAIRMAN ANTHONY: Second.

19 All those in favor, say aye.

20 (Board votes aye unanimously.)

21 -----

22 Thereupon, the proceeding was
23 adjourned at 6:16 p.m.

24 -----

Page 123

1 CERTIFICATE

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

9 IN WITNESS WHEREOF, I have hereunto set
10 my hand and affixed my seal of office at
11 Columbus, Ohio, on this _____ day of
12 _____, 2008.

13

14

15 _____
ELEGRA R. DAVIS

Certified Digital Reporter

16 Notary Public - State of Ohio.

17 My commission expires October 2, 2009.

18

19

20 _____
ADELE L. MOOREHEAD

Certified Digital Transcriber

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