

1 BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

2 - - - - -

3 IN RE: :

4 Special Meeting :

5 - - - - -

6 Proceedings before Chairman William A.

7 Anthony, Jr., Board Member Kimberly E.

8 Marinello, and Board Member Michael E.

9 Colley, taken at the Franklin County Board of  
10 Elections, 280 East Broad Street, Columbus,  
11 Ohio, on Wednesday, January 23, 2008, at 3:16  
12 o'clock p.m.

13 - - - - -

14

15

16

17

18

19

20

21

22

23

24

1 APPEARANCES:

2 Butler, Cincione & DiCurrio  
3 2200 West Fifth Avenue  
4 Columbus, Ohio 43215  
5 By Mr. Matthew P. Cincione,  
6 Assistant County Prosecutor,  
7  
8 On behalf of Karen A.  
9 Cincione.

10 ALSO PRESENT:

11 Mr. Matthew Damschroder, Director  
12 Mr. Dennis White, Deputy Director  
13 Ms. Suzanne Brown  
14 Mr. Ralph A. Applegate  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1	INDEX	
2	Agenda Item	Page No.
3	Call to Order	4
4	Applegate Appeal	4
5	Cincione Appeal	21
6	Purchasing/Procurement	33
7	Personnel	39
8	Adjournment	42
9		
10	Witness	Page No.
11	Ralph Applegate	5
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

1 - - - - -

2 P R O C E E D I N G S

3 - - - - -

4 CHAIRMAN ANTHONY: I call this  
5 Board of Elections meeting to order.

6 DIRECTOR DAMSCHRODER: Mr. Colley.

7 BOARD MEMBER COLLEY: Here.

8 DIRECTOR DAMSCHRODER:

9 Ms. Marinello.

10 BOARD MEMBER MARINELLO: Here.

11 DIRECTOR DAMSCHRODER: Chairman  
12 Anthony.

13 CHAIRMAN ANTHONY: Here.

14 DIRECTOR DAMSCHRODER: We do have a  
15 quorum. Mrs. Petree is not able to join with  
16 us today. She is out of the state.

17 The first item on the agenda is to  
18 hear two appeals, one filed by Ralph A.  
19 Applegate of 1544 Zettler, Z-e-t-t-l-e-r,  
20 Road in Columbus. Mr. Applegate had filed  
21 petitions seeking to be the Republican  
22 candidate for nomination as a representative  
23 of congress from the 15th Congressional  
24 District. The Board did not certify his

1 candidacy at the meeting January 11th, citing  
2 problems with the petition relative to the  
3 number of signatures that appear on the  
4 petition.

5 I do believe Mr. Applegate is here  
6 to speak directly to his appeal. And all of  
7 you have copies of his -- of his filing in  
8 the packet.

9 CHAIRMAN ANTHONY: Okay.

10 Mr. Applegate, are you here?

11 Would you like to be sworn in and  
12 give us --

13 (Thereupon, the witness was placed  
14 under oath by the reporter.)

15 CHAIRMAN ANTHONY: Yes, sir. How  
16 are you?

17 MR. APPLGATE: I'm fine.

18 CHAIRMAN ANTHONY: Good. Good.

19 MR. APPLGATE: Would you like to  
20 hear me speak?

21 CHAIRMAN ANTHONY: Yes, sir. We'd  
22 like to hear your side of the story.

23 MR. APPLGATE: I didn't hear you.

24 CHAIRMAN ANTHONY: Yes. We'd like

1 to hear why you feel your petitions are  
2 valid, or your signatures are valid.

3 MR. APPELEGATE: Still can't hear  
4 you.

5 CHAIRMAN ANTHONY: Do you have  
6 anything to say about your petitions --

7 MR. APPELEGATE: Oh, yes.

8 CHAIRMAN ANTHONY: -- on your  
9 behalf?

10 MR. APPELEGATE: Yes.

11 CHAIRMAN ANTHONY: All right.

12 MR. APPELEGATE: How many valid  
13 signatures are on the petitions of Ralph A.  
14 Applegate?

15 The law requires a minimum of 50.  
16 My voting information reflect that I have 12  
17 more than 50 required by law. My name should  
18 therefore appear on the ballot.

19 That's all I have to say, unless  
20 you'd like to hear some Shakespeare.

21 CHAIRMAN ANTHONY: Any questions of  
22 Mr. Applegate?

23 DIRECTOR DAMSCHRODER: I don't have  
24 any questions.

1           The issue that was problematic  
2   having to deal with this petition is that on  
3   each of the petitions, or on at least most of  
4   them, the number of signatures that appeared  
5   isn't --

6           THE REPORTER: Can you hold on one  
7   second?

8           (Brief interruption by reporter.)

9           THE REPORTER: Okay.

10          DIRECTOR DAMSCHRODER: Great.

11          The two issues, number one, was the  
12   use of Wite-Out, which is not permitted. But  
13   to me, far more concerning is that the number  
14   of signatures witnessed to on the circulator  
15   statement does not match the number of  
16   signatures that appear on the petition. For  
17   instance, on the first petition, it says that  
18   there were 12 signatures witnessed, but there  
19   are far more than 12 signatures that appear  
20   on the petition. Now, some of them have been  
21   struck through, which is acceptable, but  
22   still the number exceeds 12. And the rules  
23   are that you can -- you can have a higher  
24   number than signatures, but you can't have a

1 lower number than signatures, because we  
2 don't know which 12 are to be counted, which  
3 ones -- which of -- in this case, the  
4 circulator said, Mr. Applegate says, that he  
5 witnessed 12 signatures, but there's clearly  
6 more signatures, so we don't know which 12  
7 were actually witnessed.

8 MR. APPLGATE: Now, is there some  
9 case law about using Wite-Out on petitions,  
10 too?

11 DIRECTOR DAMSCHRODER: I think  
12 there is. I don't know exactly what the --  
13 what the case is, but if not I think it's in  
14 one of the manuals.

15 Like I said, I'm less -- personally  
16 less concerned about the Wite-Out than just  
17 the huge discrepancy between the number of  
18 signatures that appears and the number of  
19 signatures that the circulator said that the  
20 circulator witnessed.

21 CHAIRMAN ANTHONY: Even he had some  
22 of them crossed out.

23 DIRECTOR DAMSCHRODER: Right.

24 CHAIRMAN ANTHONY: Yeah.



1                   DIRECTOR DAMSCHRODER: And crossing  
2 a signature out is fine, and amending it, but  
3 if you -- let's say you -- a circulator got  
4 his petition with 10 signatures, and strikes  
5 1 out, they can have either 9 or 10, but if  
6 there's 10 signatures, and the circulator  
7 says that there should be 5 signatures,  
8 that's problematic.

9                   BOARD MEMBER MARINELLO: They  
10 aren't -- a lot of them have the number  
11 wrong, like, that's --

12                   DIRECTOR DAMSCHRODER: Right.

13                   BOARD MEMBER MARINELLO: I would  
14 like to know that.

15                   CHAIRMAN ANTHONY: Sir, can you --  
16 you probably don't have a copy of the  
17 petitions in front of you, do you?

18                   MR. APPELATE: I have it.

19                   CHAIRMAN ANTHONY: Okay. The one  
20 we're looking at, a lot of the dates on it  
21 are like 10 -- October 2nd, this one right  
22 here (indicating), and then on the back of  
23 it, where you have -- looks like you used  
24 Wite-Out right down here, and then it looks

1 like you put 12. Then, you have 25 on there.

2 Why was 12 put on there instead of  
3 25?

4 MR. APPELATE: Is this for him or  
5 me?

6 CHAIRMAN ANTHONY: Yes, sir.

7 MR. APPELATE: I have been doing  
8 this for 20 years.

9 CHAIRMAN ANTHONY: Yes, sir.

10 MR. APPELATE: Did you know that?

11 CHAIRMAN ANTHONY: No, sir. I had  
12 no idea.

13 MR. APPELATE: And I know, as all  
14 of you know, that I have to instruct every  
15 one of my petitioners voters on the law. All  
16 right?

17 CHAIRMAN ANTHONY: All right.

18 MR. APPELATE: So when I instruct  
19 them, even though they're instructed, and in  
20 many, many of the cases, they still don't  
21 understand.

22 CHAIRMAN ANTHONY: Okay.

23 MR. APPELATE: So then I have to  
24 take it on good faith that they are, in fact,

1 registered. And I do.

2 CHAIRMAN ANTHONY: Okay.

3 MR. APPELATE: And there's a lot  
4 of problems here, which we don't really want  
5 to get into.

6 CHAIRMAN ANTHONY: You need some  
7 water?

8 BOARD MEMBER MARINELLO: (Coughing)  
9 I'm sorry.

10 CHAIRMAN ANTHONY: Okay.

11 BOARD MEMBER MARINELLO: She's  
12 getting me some water.

13 MR. APPELATE: So because of that,  
14 I frequently go in and check the signatures.

15 CHAIRMAN ANTHONY: Here?

16 MR. APPELATE: Yeah.

17 CHAIRMAN ANTHONY: Okay.

18 MR. APPELATE: Here, or I'm  
19 checking in almost every county in Ohio,  
20 because I ran twice for U.S. Senate.

21 CHAIRMAN ANTHONY: Right.

22 MR. APPELATE: You -- it's not  
23 uniform throughout Ohio.

24 CHAIRMAN ANTHONY: Okay.

1                   MR. APPELATE: For instance, last  
2 time when I ran, it was the 18th District. I  
3 would go into Zanesville Board of Elections  
4 there. I looked at a book, even though I  
5 insisted that I have the right to see the  
6 actual records, because in the law, the law  
7 says that they refer to registration records.  
8 They don't refer to computer records. All  
9 right?

10                   BOARD MEMBER MARINELLO: Are you  
11 saying, like, when you put 6 signatures, when  
12 there's really 22, that you went and looked,  
13 looked up 6?

14                   MR. APPELATE: No. I looked up  
15 all of them.

16                   BOARD MEMBER MARINELLO: We're  
17 wondering why you put, like, 6 signatures on  
18 22.

19                   MR. APPELATE: Because as far as  
20 I'm concerned, all right, I'm a scientist.

21                   BOARD MEMBER MARINELLO:  
22 Okey-dokey.

23                   MR. APPELATE: I check everything.  
24 As a matter of fact, Darcy said to me, she

1 said, Ralph, you don't trust anybody.

2 So I have 6 valid signatures. All  
3 right?

4 BOARD MEMBER MARINELLO: So none of  
5 these other ones were witnessed by anyone?

6 MR. APPELATE: That's not the  
7 point. The point is when you check them  
8 against the computer records here, they don't  
9 come up valid. All right?

10 BOARD MEMBER MARINELLO: But if  
11 you've done so many petitions before, you'd  
12 know that that number was supposed to be the  
13 number of signatures that were on the  
14 petition.

15 MR. APPELATE: Every time that  
16 I've done this, the last 20 years, I've done  
17 the same thing.

18 BOARD MEMBER MARINELLO: Were they  
19 all rejected?

20 MR. APPELATE: No. They've never  
21 been rejected. No. I -- every time --

22 DEPUTY DIRECTOR WHITE: Okay.  
23 You're a scientist. Here we go: What's this  
24 say right here?

1 MR. APPELATE: Are you making fun  
2 of me now?

3 DEPUTY DIRECTOR WHITE: No, I'm  
4 just wondering what that says. I mean,  
5 I don't understand it.

6 MR. APPELATE: You don't  
7 understand it?

8 DEPUTY DIRECTOR WHITE:  
9 I don't understand why you put 10 there.

10 MR. APPELATE: Because that's all  
11 that's valid.

12 DEPUTY DIRECTOR WHITE: What's that  
13 saying, though?

14 MR. APPELATE: It says  
15 "contained." But that's -- my understanding  
16 of that, that's another problem, if you want  
17 to get into technicalities.

18 MR. WHITE: I'm just curious.

19 MR. APPELATE: That's what we're  
20 talking about here. We're talking about  
21 technicalities. We're not talking about --  
22 there's nothing actually in the law itself  
23 about what we're discussing here. But I put  
24 10 there, because that's what I came up with.

1 All right?

2 If you notice, I have NP, NP, NP,  
3 no, NP, NP, NP, R, R, NP and NP. That's my  
4 analysis of what those people said, based on  
5 my review of your computer.

6 Now, I've also learned, now, that  
7 you check these with computerized  
8 photostating, some sort of computerized  
9 photostating system.

10 DIRECTOR DAMSCHRODER: Correct.

11 MR. APPLGATE: If that's true, I  
12 constitutionally have a right to use that  
13 method to check my petitions,  
14 constitutionally.

15 So basically, do you understand  
16 what I'm saying?

17 I check all these. If -- and if --  
18 actually, the Board themselves, they can  
19 check. As a matter of fact, the law says  
20 that a strike-out is all right. The law says  
21 that. But, it says, nevertheless, that's a  
22 signature, which means that the Board could  
23 actually contradict me in my checking of it.  
24 The Board could check it and contradict it,

1 which means that I could actually have more  
2 signatures than what I say I do.

3 But I have to come as a scientist.  
4 I have to come to some kind of technical  
5 decision about what I have, because when I go  
6 and talk to these people in the street, I  
7 have -- they have to be clear to me that I  
8 can rely on what they say.

9 So it's never -- I've never had any  
10 problem with this before. I don't even know  
11 it's ever come up before, never had any  
12 problems.

13 BOARD MEMBER MARINELLO: Well, then  
14 somebody probably dropped the ball with it.

15 MR. APPELATE: I didn't hear you.

16 This is yours.

17 Or is that --

18 CHAIRMAN ANTHONY: No. That's  
19 mine.

20 (Sorting through documents.)

21 MR. APPELATE: So did I answer  
22 your question?

23 CHAIRMAN ANTHONY: I think you did.  
24 I'm going to paraphrase it, because I think I



1 heard what -- what you said. What you're  
2 telling us is, that once you got the  
3 completed petitions, you went and you looked  
4 at all these names on the available machines,  
5 and from your estimation you picked out the  
6 ones that looked like they were valid  
7 signatures, and that's the number you put  
8 back on the back of it, instead of the total  
9 number of signatures. Right?

10 MR. APPELATE: Correct.

11 CHAIRMAN ANTHONY: Okay. I got it.

12 MR. APPELATE: Because I can't --  
13 I cannot rely on somebody else telling me --

14 CHAIRMAN ANTHONY: Right.

15 MR. APPELATE: -- who they are.

16 CHAIRMAN ANTHONY: I understand.

17 MR. APPELATE: That's the voters  
18 in the United States --

19 BOARD MEMBER MARINELLO: Were you  
20 the circulator of all the petitions?

21 MR. APPELATE: Say that again.

22 BOARD MEMBER MARINELLO: Were you  
23 the circulator of all the petitions?

24 MR. APPELATE: All these, yes.

1 BOARD MEMBER MARINELLO: And you  
2 witnessed all the signatures. So --

3 MR. APPLGATE: Every one of them.

4 BOARD MEMBER MARINELLO: You should  
5 have put down how many signatures you  
6 witnessed on there, and then it's the Board's  
7 job to look them up and verify it.

8 MR. APPLGATE: No, it's not. No,  
9 it's not.

10 BOARD MEMBER MARINELLO: No?

11 MR. APPLGATE: It's mine.

12 BOARD MEMBER MARINELLO: Well, and  
13 it's your job to fill out the petition  
14 correctly.

15 MR. APPLGATE: I -- I don't trust  
16 government.

17 BOARD MEMBER MARINELLO: Oh, that's  
18 great. I mean, you could -- you can check  
19 them. That's fine and everything.

20 MR. APPLGATE: As a matter of  
21 fact --

22 BOARD MEMBER MARINELLO: But, you  
23 know, you have to fill out the petition  
24 correctly.

1 MR. APPELEGATE: Three federal  
2 judges said you cannot trust any government  
3 agent.

4 BOARD MEMBER MARINELLO: Yikes.

5 MR. APPELEGATE: No kidding. I got  
6 to check my signatures.

7 BOARD MEMBER MARINELLO: That's  
8 good. That's good, but you still have to  
9 fill out the petition to the Secretary of  
10 State's standard.

11 MR. APPELEGATE: So, you know, I'm a  
12 tough guy.

13 BOARD MEMBER MARINELLO: Yes, you  
14 are.

15 CHAIRMAN ANTHONY: Thank you.

16 Any other questions for -- all  
17 right. And so basically, the Board is  
18 saying --

19 DIRECTOR DAMSCHRODER: At this  
20 point, Mr. Applegate is not on the ballot.  
21 If the Board wants to agree with  
22 Mr. Applegate's presentation and put him on  
23 the ballot, it would require a motion in the  
24 affirmative, seconded, and the majority who

1 votes today.

2 CHAIRMAN ANTHONY: Okay.

3 DIRECTOR DAMSCHRODER: Otherwise,  
4 at this point, he is not on the ballot.

5 CHAIRMAN ANTHONY: Okay. And the  
6 Board feels that the issues that you raised  
7 are fatal flaws?

8 DIRECTOR DAMSCHRODER: Yes.

9 DEPUTY DIRECTOR WHITE: If I could  
10 add, that the prosecuting attorney has looked  
11 all these petitions over prior to the last  
12 vote on the petition problems. And I'm not  
13 aware of any difference of opinion from your  
14 legal counsel in regards to these matters.

15 CHAIRMAN ANTHONY: Oh, okay. So  
16 it's my understanding that in order to  
17 reverse ourselves there has to be a motion,  
18 and it has to be seconded.

19 Are there any motions?

20 (No response is heard.)

21 CHAIRMAN ANTHONY: Hearing none,  
22 the ruling stands as it did earlier. You are  
23 not on the ballot. That's it.

24 MR. APPELATE: All right. There

1 was no motion, would you think?

2 CHAIRMAN ANTHONY: No. We don't  
3 have to take one. No. We don't have to take  
4 one. Our first ruling to rule you off the  
5 ballot stands.

6 Matt.

7 DIRECTOR DAMSCHRODER: The next  
8 appeal is relative to the candidacy of Karen  
9 A. Cincione, who was a candidate for a member  
10 of the Franklin County Democratic Party's  
11 Central Committee from the Village of Marble  
12 Cliff.

13 CHAIRMAN ANTHONY: Is --

14 DIRECTOR DAMSCHRODER: Ms. Cincione  
15 submitted a petition with five total  
16 signatures, and Staff found the third  
17 signature to not be genuine with the  
18 signature that appeared on the Board's  
19 records.

20 It's my understanding that  
21 Ms. Cincione is not -- is not opposed. No  
22 one else has filed for this office. Well,  
23 she -- she's the only one that filed, and she  
24 is not presently on the ballot.

1           CHAIRMAN ANTHONY: Is there someone  
2 here to speak?

3           Are you going to speak on her  
4 behalf, Mr. Cincione?

5           MR. CINCIONE: Yes. Actually,  
6 there was a couple different solutions to  
7 this problem. Probably the easiest would  
8 have been to not do anything and ask  
9 Mr. Anthony to reappoint her.

10          CHAIRMAN ANTHONY: Then, let's do  
11 that.

12          MR. CINCIONE: But we can do that.  
13          And then, being a lawyer and stuff,  
14 I guess I -- I was concerned when they said  
15 there was one that looked like it was  
16 printed, that it was my signature being too  
17 neat, but Mr. White just pointed out it's  
18 probably the signature number three, which  
19 is -- actually, I didn't circulate the  
20 petitions. I was there when it was done. It  
21 was actually Rich Murray's signature, is the  
22 mayor of Marble Cliff.

23          CHAIRMAN ANTHONY: Is that  
24 Mr. Murray's signature?

1 MR. CINCIONE: Apparently.  
2 That's -- well, I don't know if you have this  
3 same information that I have.

4 CHAIRMAN ANTHONY: Yeah. I have  
5 the same information.

6 MR. CINCIONE: But -- and of  
7 course, we -- she made a mistake in not  
8 getting additional signatures to cover the  
9 ones that may or may not be seen, so I'll  
10 leave it to your discretion on that.

11 Obviously, we have the other  
12 solution.

13 But it always is just a pleasure to  
14 come to this Board, even though the first  
15 time I went was I was running for Grandview  
16 City Council, and I got challenged back in  
17 1987. Of course, it's always great to see  
18 Mr. Colley, who I don't get to see as much as  
19 I used to.

20 So anyway, I'll leave it to your  
21 discretion, however you want to solve the  
22 problem. But I appreciate your at least  
23 hearing our question.

24 And again, I thought might have

1 been my signature, but it appears it's  
2 probably Rich Murray's signature. So --

3 DEPUTY DIRECTOR WHITE: You were  
4 there when the mayor signed it?

5 MR. CINCIONE: Yeah.

6 DEPUTY DIRECTOR WHITE: So you did  
7 see this, then?

8 MR. CINCIONE: Yes. I did. And I  
9 looked at it. I thought, you're not really  
10 going to -- I mean, see, my thought on these  
11 signatures is, first of all, it's hard to fit  
12 a signature, my signature, in that little  
13 box. And it seems like he -- you know, it's  
14 hard to get one that's legible in there.

15 But --

16 CHAIRMAN ANTHONY: You know what  
17 the problem was, is that on the application  
18 he signed his name so you could read it, and  
19 then on the petition it's just some  
20 scripted --

21 DEPUTY DIRECTOR WHITE: What year  
22 did he do that?

23 CHAIRMAN ANTHONY: Last year, '06.

24 MR. CINCIONE: Right.



1 MS. BROWN: This is -- these were  
2 the two people that were registered at that  
3 address.

4 CHAIRMAN ANTHONY: Right, him and  
5 Michelle.

6 MR. CINCIONE: Well, it's not  
7 David, because David is their son, and he's  
8 at school. So he's not --

9 MS. BROWN: Yeah. That's how we  
10 had to determine it, by looking it up by the  
11 address.

12 CHAIRMAN ANTHONY: So it was  
13 Michelle?

14 MS. BROWN: That's the mayor.

15 MR. CINCIONE: Richard. I think  
16 that's -- I think that's actually an "R" on  
17 the -- if I could?

18 CHAIRMAN ANTHONY: Yeah.

19 MR. CINCIONE: Yeah. His name is  
20 Richard. I think that's an "R."

21 CHAIRMAN ANTHONY: Oh, that's a  
22 Richard?

23 MS. BROWN: Yes.

24 CHAIRMAN ANTHONY: Oh, okay.

1 MR. CINCIONE: Even though it looks  
2 like an "M."

3 DEPUTY DIRECTOR WHITE: Is that the  
4 right -- is that his original signature  
5 there?

6 CHAIRMAN ANTHONY: On the second  
7 page, yeah.

8 MS. BROWN: Yes.

9 DIRECTOR DAMSCHRODER: That's the  
10 most recent signature.

11 DEPUTY DIRECTOR WHITE: That  
12 doesn't even look like Richard.

13 MR. CINCIONE: I know.

14 DEPUTY DIRECTOR WHITE: That looks  
15 like Michelle Murray.

16 MR. CINCIONE: I think we should  
17 get him in here. Can we get a subpoena?

18 CHAIRMAN ANTHONY: I thought it was  
19 Michelle.

20 DEPUTY DIRECTOR WHITE: Yeah.

21 DIRECTOR DAMSCHRODER: It's  
22 definitely a Murray. I mean, I can see  
23 R-i-c-h.

24 CHAIRMAN ANTHONY: Yeah. I can see

1 it now, R-i-c-h.

2 DIRECTOR DAMSCHRODER: But Staff's  
3 concern was that while the signature that we  
4 have on file for a Richard C. Murray does  
5 look like a Richard C. Murray, it doesn't  
6 necessarily look like the signature on the  
7 petition.

8 So it's up to the Board.

9 DEPUTY DIRECTOR WHITE: What's the  
10 statute on something like that, do we know?

11 DIRECTOR DAMSCHRODER: As long as  
12 the Board believes it's reasonable.

13 DEPUTY DIRECTOR WHITE: There's  
14 no one running.

15 MR. CINCIONE: She doesn't have any  
16 opposition, so whatever, whatever you want to  
17 do.

18 MR. APPLGATE: I have a question.  
19 I have a question.

20 CHAIRMAN ANTHONY: Well, wait a  
21 minute, sir. When we get done with this  
22 proceeding, I'll answer your question.

23 So what will happen is, again,  
24 if -- if no motion is made, then it's off the

1 ballot. But we can straighten that out.

2 BOARD MEMBER COLLEY: What's the  
3 proper motion?

4 DIRECTOR DAMSCHRODER: Well if --  
5 right now, Ms. Cincione is not on the ballot.  
6 If the Board believes that the signature that  
7 appears as Box 3 of the petition is the  
8 signature of Mr. Murray, then the Board could  
9 make a motion to put Ms. Cincione on the  
10 ballot, second it, and then if there's a  
11 majority vote she would be a candidate.

12 CHAIRMAN ANTHONY: All right.  
13 Well, is there a motion?

14 BOARD MEMBER COLLEY: So moved.

15 CHAIRMAN ANTHONY: A motion.

16 Is there a second?

17 BOARD MEMBER MARINELLO: Second.

18 CHAIRMAN ANTHONY: All those in  
19 favor, say aye.

20 (Board votes aye.)

21 CHAIRMAN ANTHONY: Opposed, same  
22 sign.

23 (No response is heard.)

24 CHAIRMAN ANTHONY: All right.

1 Thank you.

2 MR. CINCIONE: Wow. I don't know  
3 if this will help me or hurt me at home, but  
4 that's the only problem.

5 CHAIRMAN ANTHONY: All right.

6 DEPUTY DIRECTOR WHITE: Now you got  
7 to make sure she gets one vote.

8 MR. CINCIONE: Well, the neat thing  
9 is it's nice when you take the kids into the  
10 ballot, and they get to see her.

11 BOARD MEMBER MARINELLO: Yeah.

12 MR. CINCIONE: And it just  
13 reinforces that.

14 BOARD MEMBER MARINELLO: You're  
15 right.

16 MR. CINCIONE: Thank you.

17 CHAIRMAN ANTHONY: Mr. Applegate,  
18 you had another question, sir?

19 MR. APPELATE: I had a question.

20 CHAIRMAN ANTHONY: Yes, sir.

21 MR. APPELATE: I'm not a  
22 candidate, nor do I have any pending business  
23 before the Board. I do have a question I'd  
24 like to ask.

1 CHAIRMAN ANTHONY: Yes, sir.

2 MR. APPLGATE: How many valid  
3 signatures appeared on the Applegate  
4 petition?

5 I live in the 15th Congressional  
6 District. I'm wondering exactly how many  
7 valid signatures did Mr. Applegate have.

8 CHAIRMAN ANTHONY: Okay. Let me --  
9 I'll -- do you know how many valid -- how  
10 many valid signatures did the Board deem that  
11 Mr. Applegate has?

12 DIRECTOR DAMSCHRODER: That, I do  
13 not know.

14 CHAIRMAN ANTHONY: Okay.

15 DIRECTOR DAMSCHRODER: We can ask  
16 Betty and Marlene.

17 DEPUTY DIRECTOR WHITE: And that  
18 could be a challenge to figure out how many  
19 valid ones there, because the affidavit that  
20 he signed on petition, just like this  
21 petition here, as Matt brought up, what he's  
22 saying in this thing is he witnessed 10 of  
23 these people to sign.

24 DIRECTOR DAMSCHRODER: We don't

1 know which 10.

2 DEPUTY DIRECTOR WHITE: There's 12  
3 signatures on here.

4 BOARD MEMBER MARINELLO: Right.

5 DEPUTY DIRECTOR WHITE: So which  
6 ones do you check?

7 Because he's swearing that 10 of  
8 them, so it would be difficult, probably, to  
9 come up with a count.

10 BOARD MEMBER MARINELLO: Mm-hmm.

11 DEPUTY DIRECTOR WHITE: Because you  
12 don't know which ones of those 12, on that  
13 particular petition, did he actually witness  
14 and certify with his signature that he  
15 witnessed.

16 This petition has 22 signatures.  
17 He signed the circulator statement that he  
18 witnessed 8.

19 So which of the 8 of these 22 do  
20 you actually check?

21 BOARD MEMBER MARINELLO: Mm-hmm.

22 DEPUTY DIRECTOR WHITE: And that's  
23 where I think he was confused, was he thought  
24 that he had to put the number of good

1 signatures on there, but what that statement  
2 does there is he's attesting to he actually  
3 witnessed these signatures.

4 CHAIRMAN ANTHONY: So what would  
5 have been better --

6 DEPUTY DIRECTOR WHITE: So I don't  
7 know how you would get a good answer as far  
8 as how many good ones, because you don't know  
9 which ones to check.

10 DIRECTOR DAMSCHRODER: I got you.  
11 All right.

12 DEPUTY DIRECTOR WHITE: Now --

13 CHAIRMAN ANTHONY: Does what kind  
14 of --

15 MR. APPELEGATE: No.

16 CHAIRMAN ANTHONY: That doesn't  
17 help you out at all?

18 All right. Well, after the  
19 meeting, you could go into the office, and  
20 they could figure out how many signatures he  
21 actually had.

22 MR. APPELEGATE: Okay. Because I  
23 would like to know that question.

24 CHAIRMAN ANTHONY: Okay. Yes, sir.



1 Then before you leave this afternoon, go into  
2 the office, and they can pull them and count  
3 them.

4 MR. APPELATE: Okay. Well, I have  
5 one other question.

6 CHAIRMAN ANTHONY: Yes, sir.

7 MR. APPELATE: What's his business  
8 in this?

9 CHAIRMAN ANTHONY: This gentleman  
10 with the black suit on?

11 He's the Deputy Director, Dennis  
12 White, Deputy Director of the Board of  
13 Elections.

14 MR. APPELATE: How does he --  
15 what's his position on this board?

16 And why is he speaking?

17 CHAIRMAN ANTHONY: He's the Deputy  
18 Director. That's the Director, and that's  
19 the Deputy Director (indicating.)

20 MR. APPELATE: (Indecipherable.)

21 CHAIRMAN ANTHONY: Okay. Any other  
22 business, Matt?

23 DIRECTOR DAMSCHRODER: We have two  
24 purchasing or procurement matters and one

1 clean-up personnel matter. Purchasing and  
2 procurement is that we propose to enter into  
3 a contract with SAGATA, which is an  
4 organization of a couple of Ohio State  
5 professors. You may remember Ted Allen who  
6 studied some of our voter turnout issues  
7 surrounding the machines from 2004. We would  
8 be hiring them to assist us in developing a  
9 model for machine distribution and paper  
10 ballot distribution for the General Election  
11 this year. They'll do some research, come to  
12 us with a preliminary recommendation late  
13 spring, we'll hold some public meetings for  
14 comment in the summer, and then come back  
15 with a final recommendation. And they're  
16 also working with -- Denny, what's the guy's  
17 name?

18 DEPUTY DIRECTOR WHITE: Herb Asher.

19 DIRECTOR DAMSCHRODER: They're also  
20 working with Herb Asher as a part of this  
21 project, so they'll be providing counsel to  
22 the board on that very important issue of  
23 voting machine distribution for the General  
24 Election.

1           DEPUTY DIRECTOR WHITE: I would  
2 highly recommend that we move in this  
3 direction, especially because of the  
4 contravercy over machines of the 2000 -- what  
5 was that, '02, '04 election?

6           And this would just take any  
7 question or concern about the allocation of  
8 machines or total paper ballot, ballot  
9 distribution to the precincts, and put some  
10 substance into why machines are assigned to  
11 what polling locations, puts pretty credible  
12 people behind coming up with the allocation.

13          DIRECTOR DAMSCHRODER: And they've  
14 developed a statistical model that takes into  
15 account not only historic turnout and  
16 registration, but also ballot length and some  
17 of those kinds of things. So they're  
18 combining all those different items to their  
19 study.

20           Again, it will be ultimately the  
21 Board's decision, but this will give us some  
22 scientific --

23          DEPUTY DIRECTOR WHITE: Guidance.

24          DIRECTOR DAMSCHRODER: -- and

1 academic backup for the decision the Board  
2 will ultimately make later this year.

3 CHAIRMAN ANTHONY: Are they -- the  
4 Secretary of State, are they an approved  
5 vendor?

6 Are their methods of doing this  
7 okay with her, or do you guys know?

8 DEPUTY DIRECTOR WHITE: I don't  
9 think the Secretary of State has taken a  
10 position on this.

11 CHAIRMAN ANTHONY: Okay.

12 DEPUTY DIRECTOR WHITE: However, if  
13 there's any question in the public's view of  
14 why we put particular machines in a  
15 particular location, how many here or there,  
16 I think the Secretary of State would be  
17 addressing those concerns, if the public  
18 makes an expression of concerns; where what  
19 this will do will give this Board directions,  
20 some justifications on the decision you make,  
21 why you put the machines where you put them,  
22 so just a little preventive maintenance  
23 medicine.

24 CHAIRMAN ANTHONY: All right. Then

1 we will entertain a motion.

2 BOARD MEMBER MARINELLO:

3 Mr. Chairman?

4 CHAIRMAN ANTHONY: Yes, ma'am.

5 BOARD MEMBER MARINELLO: I move  
6 that the Board authorize the Deputy and --  
7 the Director and the Deputy Director to enter  
8 into a contract with SAGATA, S-A-G-A-T-A,  
9 incorporated, in an amount not to exceed \$25,  
10 000, to provide research and consulting  
11 services relative to the number of voting  
12 machines and paper ballots to place in each  
13 precinct for the 2008 General Election.

14 CHAIRMAN ANTHONY: Is there a  
15 second?

16 BOARD MEMBER COLLEY: Second.

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

19 (Board votes aye.)

20 DIRECTOR DAMSCHRODER: Motion  
21 carries.

22 And then the next one, Denny and I  
23 just came from a meeting with the  
24 Commissioners, budget folks. They are

1 prepared to move forward with funding for  
2 five more high-speed optical scanners for  
3 counting absentee ballots. So this  
4 resolution would allow us to move forward  
5 with that.

6 CHAIRMAN ANTHONY: Any questions  
7 for Matt?

8 I will entertain a motion.

9 BOARD MEMBER MARINELLO: I move  
10 that the Board authorize the Director and  
11 Deputy Director to enter into a contract with  
12 the Election Systems & Software for the  
13 purchase of five M-650 high-speed optical  
14 scanners and to upgrade the current inventory  
15 from red light to green light at a total cost  
16 not to exceed \$250,000.

17 CHAIRMAN ANTHONY: Is there a  
18 second?

19 Second?

20 BOARD MEMBER COLLEY: Second.

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

23 (Board votes aye.)

24 CHAIRMAN ANTHONY: I got a

1 question.

2 What's the red light, green light?

3 DIRECTOR DAMSCHRODER: The current  
4 technology uses a red light as the optical  
5 scanner. And most pen manufacturers that do  
6 black ink add a little bit of red to the --  
7 to the ink. And so in some cases, if it's a  
8 light marking, or not a complete marking, the  
9 red light can get confused and kick it out as  
10 an overvote or an undervote.

11 CHAIRMAN ANTHONY: Oh, okay.

12 DIRECTOR DAMSCHRODER: So they're  
13 going to green light. It's a more accurate  
14 light source for an optical scanner.

15 CHAIRMAN ANTHONY: All right. So  
16 how many optical scanners will this give us  
17 total?

18 DIRECTOR DAMSCHRODER: This will  
19 bring our total inventory to 10 --

20 CHAIRMAN ANTHONY: To 10?

21 DIRECTOR DAMSCHRODER: -- for the  
22 General Election.

23 CHAIRMAN ANTHONY: All right.

24 Okay. I'd like to go into Executive Session

1 on the personnel. I move that the Board go  
2 into Executive Session to discuss personnel  
3 issues.

4 Is there a second?

5 BOARD MEMBER MARINELLO: Second.

6 DIRECTOR DAMSCHRODER: Mr. Colley.

7 BOARD MEMBER COLLEY: Yes.

8 DIRECTOR DAMSCHRODER:

9 Ms. Marinello.

10 BOARD MEMBER MARINELLO: Yes.

11 DIRECTOR DAMSCHRODER: Mr. Anthony.

12 CHAIRMAN ANTHONY: Yes.

13 DIRECTOR DAMSCHRODER: We are in  
14 Executive Session.

15 (Board enters Executive Session.)

16 CHAIRMAN ANTHONY: I move that we  
17 come out of Executive Session.

18 No votes were made. No consensus  
19 were discussed.

20 Is there a second?

21 BOARD MEMBER MARINELLO: Second.

22 DIRECTOR DAMSCHRODER: All those in  
23 favor, say aye.

24 Mr. Colley.



1 BOARD MEMBER COLLEY: Yes.

2 DIRECTOR DAMSCHRODER:

3 Ms. Marinello.

4 BOARD MEMBER MARINELLO: Yes.

5 DIRECTOR DAMSCHRODER: Chairman  
6 Anthony.

7 CHAIRMAN ANTHONY: Yes.

8 DIRECTOR DAMSCHRODER: And we just  
9 have this one personnel resolution remaining  
10 on the agenda.

11 CHAIRMAN ANTHONY: And the Board  
12 will entertain a motion.

13 BOARD MEMBER MARINELLO:  
14 Mr. Chairman?

15 CHAIRMAN ANTHONY: Yes, ma'am.

16 BOARD MEMBER MARINELLO: I move  
17 that the hourly rate of pay for Rose Martin,  
18 Donna Miller, and Matt Rushay be increased to  
19 \$14.42, \$16.17, and \$19.24, respectively, and  
20 that the hourly rate of pay for Roland Gamino  
21 be increased by three percent, with all  
22 changes effective January 7th, 2008.

23 CHAIRMAN ANTHONY: Is there a  
24 second?

1 BOARD MEMBER COLLEY: Second.

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

4 (Board votes aye.)

5 DIRECTOR DAMSCHRODER: That's all  
6 that we have on the agenda for today.

7 CHAIRMAN ANTHONY: And is there a  
8 motion to adjourn?

9 BOARD MEMBER MARINELLO: I move we  
10 adjourn.

11 CHAIRMAN ANTHONY: Second?

12 BOARD MEMBER COLLEY: Second.

13 CHAIRMAN ANTHONY: We stand  
14 adjourned.

15 - - - - -

16 Thereupon, the proceeding was  
17 adjourned at 3:53 p.m.

18 - - - - -

19  
20  
21  
22  
23  
24

CERTIFICATE

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 29<sup>th</sup> day of January, 2008.

Elegna R. Davis

ELEGNA R. DAVIS  
Certified Digital Reporter  
Notary Public - State of Ohio.

My commission expires October 2, 2009.

Adele Moorehead

ADELE L. MOOREHEAD  
Certified Digital Transcriber