

1 BEFORE THE BOARD OF ELECTIONS

2 OF FRANKLIN COUNTY, OHIO

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4 IN RE: :

5 Board Meeting :

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7 Proceedings before Chairman William
8 A. Anthony, Jr., and Board members Michael
9 F. Colley, Kimberly E. Marinello, and
10 Carolyn C. Petree with Director Matthew
11 Damschroder and Deputy Director Dennis L.
12 White, taken at the Franklin County Board
13 of Elections, 280 East Broad Street,
14 Columbus, Ohio, on Monday, February 4,
15 2008, at 3:20 o'clock p.m.

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1 APPEARANCES:

2 Office of the Franklin County
3 Prosecuting Attorney
4 373 South High Street
5 Columbus, Ohio 43215
6 By Mr. Nick A. Soulas,
7
8 On behalf of the Board
9 of Elections.

10 ALSO PRESENT:

11
12 Ms. Mary Hackett
13 Mr. Jason Parry
14 Mr. Stuart Wright
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P R O C E E D I N G S
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CHAIRMAN ANTHONY: I move that
the Franklin County Board of Elections
meeting come to order.

Roll call.

MR. DAMSCHRODER: Mr. Colley?

MR. COLLEY: Here.

MR. DAMSCHRODER: Ms. Marinello?

MS. MARINELLO: Here.

MR. DAMSCHRODER: Ms. Petree?

MS. PETREE: Here.

MR. DAMSCHRODER: And Chairman
Anthony?

CHAIRMAN ANTHONY: Here.

MR. DAMSCHRODER: All members
are present.

The first item on the agenda
today is the approval of minutes of
several previous board meetings.

CHAIRMAN ANTHONY: I will
entertain a motion.

MS. MARINELLO: Mr. Chairman, I

1 move that the minutes of the meetings of
2 the Franklin County Board of Elections
3 December 1st, 2007; December 27th,
4 2007; January 11th, 2008; January 18th,
5 2008 and January 23rd, 2008 be approved as
6 submitted.

7 CHAIRMAN ANTHONY: Is there a
8 second?

9 MS. PETREE: Second.

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

12 (Unanimous aye)

13 MR. DAMSCHRODER: The motion
14 carries.

15 The next is challenge of right
16 to vote and Correction of Voter
17 Registration List that was filed by
18 Jeanette Roberta Jones against Gloria A.
19 Drewery. As we have in the past with all
20 these challenges we sent a notice to the
21 party being challenged, notifying them of
22 their opportunity of the right to appear
23 here today, call witnesses, and be
24 represented by council, et cetera.

1 I don't believe that Ms. Drewery
2 is here today, so we would recommend the
3 approval of the challenge.

4 CHAIRMAN ANTHONY: Is Ms.
5 Drewery in the audience or any
6 representative from her?

7 (No audible response)

8 CHAIRMAN ANTHONY: I will
9 entertain a motion.

10 MS. PETREE: Mr. Chairman, I
11 move that the Board grant the Challenge of
12 Right to Vote and Correction of
13 Registration List filed by Jeanette
14 Roberta Jones of 494 South Hamilton Road
15 against Gloria A. Drewery purportedly of
16 494 South Hamilton Road and order that
17 Gloria A. Drewery's registration be
18 immediately cancelled in Franklin County
19 and the voter's name stricken from the
20 Registration List.

21 CHAIRMAN ANTHONY: Is there a
22 second?

23 MS. MARINELLO: Second.

24 CHAIRMAN ANTHONY: All in favor,

1 say aye.

2 (Unanimous aye)

3 MR. DAMSCHRODER: The motion
4 carries.

5 The next item on the agenda is
6 to approve the plan for implementing the
7 Secretary of State's Directive that the
8 Board provide paper ballots in all
9 precincts on election day so that voters
10 who choose to vote paper ballots as
11 opposed to voting their ballot
12 electronically can have that opportunity.

13 The plan is put forward before
14 you in this large packet. We also posted
15 it to the Internet to the Board's web site
16 last Wednesday and sent a press release,
17 inviting the public to comment. We have
18 not received any comments via electronic
19 mail, regular mail, or phone call that I
20 am aware of.

21 However, I do believe there are
22 some folks perhaps in the audience who may
23 want to speak to that matter.

24 CHAIRMAN ANTHONY: Is there

1 anyone in the audience who would like to
2 speak to this?

3 Sir, do you want to go first?
4 Go to the podium and give your name. And
5 you have to be sworn in.

6 - - - - -

7 STUART WRIGHT

8 by me first duly sworn, as hereinafter
9 certified, testifies and says as follows:

10 - - - - -

11 CHAIRMAN ANTHONY: Go ahead,
12 sir.

13 MR. WRIGHT: My name is Stuart,
14 S-t-u-a-r-t, Wright. I appreciate having
15 that spread sheet on the web site, but I
16 think it would be a lot better for people
17 to understand it if the two sheets in the
18 workbook were linked by precinct rather
19 than by location, because when you try to
20 figure out which precincts are affected,
21 which precincts have splits, it can't be
22 done just in that table because all the
23 precincts at one location are mixed
24 together and do have different ballot

1 types. We are aware that each ballot type
2 goes with a precinct but there's nothing
3 in the spread sheet that shows which
4 ballot type goes with which precinct.

5 I do commend the Board for
6 trying to have enough paper ballots to
7 meet the needs, but if I were to check
8 what you have, it would be very much
9 easier if the precinct needs were in
10 there.

11 Should I talk on a related
12 matter or wait until the time?

13 CHAIRMAN ANTHONY: Let's address
14 your first concern.

15 Do you have a response to him
16 for that?

17 MR. DAMSCHRODER: We can pull
18 one together. Because of the way we are
19 doing things with the single precinct
20 location and multi-precinct locations,
21 which are combining the voting machines
22 for all precincts in a location, that
23 creates the issue. But we can in this
24 instance -- what is most important is

1 ballot style as opposed to precinct.

2 We can try to provide Mr. Wright
3 with additional information after the
4 meeting.

5 CHAIRMAN ANTHONY: All right.

6 What was your other topic you
7 wanted to talk about?

8 MR. WRIGHT: I know you will
9 have complaints from some people who like
10 the ES and S touch screen machines. I
11 have a report here from a year ago that
12 down in Sarasota County Florida a lot of
13 votes disappeared. There were tremendous
14 numbers of under votes in that county and
15 various explanations put forth. A
16 year-long investigation was conducted,
17 showing that not only in Sarasota County
18 but other counties also had under-vote
19 problems.

20 What they found is that most of
21 the evidence seemed to point to problems
22 with the ES and S machines. Of course,
23 those machines in Florida are not the same
24 ones we have here in Franklin County.

1 They were made earlier. They are older.

2 Some of the problems, it seems,
3 were due to low batteries or possibly
4 defective batteries or the way the
5 machines were chained together. They
6 seemed to work individually.

7 It's hard to tell how comparable
8 our electronic machines are because they
9 have different model numbers. Although we
10 know that the ones used in Florida did not
11 have paper trails, we here have paper
12 trails and this also covers some kinds in
13 Florida that had 12-inch speeds and some
14 that had 15-inch speeds.

15 The whole report is 98 pages,
16 and I don't expect all of you to read all
17 of it. But I want to give it to one of
18 you and you could pass it around and see
19 what interests you about it. There are
20 valid reasons for going to paper rather
21 than using the touch screen machines.

22 CHAIRMAN ANTHONY: Thank you.

23 Have you shared that with the
24 Secretary of State?

1 MR. WRIGHT: I don't know that I
2 have. I will.

3 CHAIRMAN ANTHONY: I would
4 suggest that you give her a copy as well.
5 She is the determining factor.

6 MR. WRIGHT: She has already
7 been convinced, I think, by her own study
8 of the Ohio machines. But I think this
9 also speaks to reliability of testimony
10 from the ES and S representatives. And
11 also in Florida some of the elections
12 officials that insist that the machines
13 were working exactly as they were designed
14 to work, even though there were well
15 documented problems reported by voters and
16 poll workers about speeds not showing up
17 properly on these machines.

18 CHAIRMAN ANTHONY: You can leave
19 me a copy.

20 MR. WHITE: May I ask Mr. Wright
21 a question?

22 CHAIRMAN ANTHONY: Sure.

23 - - - - -

24 EXAMINATION

1 BY MR. WHITE:

2 Q. I have seen you around here a
3 lot, involved with recounts, elections
4 monitoring. You probably have spent a
5 little more time around here than I have
6 when we changed from the old system to the
7 new system about two and a half years
8 ago. You mentioned about Florida having
9 votes disappear.

10 Earlier you said Florida had
11 votes disappear? You testified under
12 oath.

13 A. That made the national news.

14 Q. Have you witnessed votes
15 disappearing here in Franklin County on
16 our ES and S machines?

17 A. It is impossible to witness
18 disappearance of the votes. What we see
19 on the screen is not what is reported in
20 memory.

21 Q. Did you witness any votes
22 disappearing in the recounts?

23 A. The recount that I felt
24 qualified to testify on was one of the

1 paper ballots counted by your high speed
2 M650s. I found that very satisfactory.
3 There were multiple tables of teams
4 counting all absentee ballots from 2005.

5 MR. DAMSCHRODER: From absentee
6 ballots in 2005?

7 BY MR. WHITE:

8 Q. I don't want to put words in
9 your mouth, but have you witnessed votes
10 disappearing here with our ES and S
11 machines?

12 A. What we are saying is the way
13 these machines are designed is that it is
14 impossible to witness disappearance of
15 votes. They were using black box voting
16 machines, touch screen with no paper
17 trail. There was nothing they could do,
18 although they could have used the same
19 machines that people complained about and
20 tested them.

21 I really need to read more
22 reports to know exactly what they did. I
23 think instead of testing those machines
24 that were failing, they tested other

1 similar machines and assumed that all
2 machines worked like the machines tested.

3 Q. Here in Franklin County where
4 you have had your personal experiences and
5 involvement, have you seen what you read
6 about in Florida happen here?

7 A. No.

8 CHAIRMAN ANTHONY: Any other
9 questions for Mr. Wright?

10 MS. PETREE: No, but I would
11 like to make a comment.

12 CHAIRMAN ANTHONY: Yes, ma'am.

13 MS. PETREE: I just came back
14 from Florida and I attended with my
15 daughter and son-in-law when they went to
16 vote in Collier County. They were using
17 the Ivatronic machines. It's not the same
18 that we have and it doesn't have a paper
19 trail.

20 This is the last year they are
21 using that machine. They are going to the
22 same style machine only with a paper
23 trail. Evidently, they are not having
24 that much of a problem.

1 I know that at the end of the
2 voting down there the Secretary of State
3 was very favorable with the results of the
4 election down there and there were no
5 problems with their machine. That was
6 just my observation.

7 CHAIRMAN ANTHONY: I will take a
8 copy of your report, sir, if you would
9 like.

10 MR. WHITE: I want to be clear.
11 I am not defending any type of electronic
12 or paper, but I think it is important that
13 our board knows that what happened in
14 Florida didn't happen here in Franklin
15 County.

16 MR. WRIGHT: Right.

17 MR. WHITE: If you witness
18 anything that they said happened in
19 Florida that we all read about here, I
20 want to know about it because we want to
21 do something about it if we have those
22 types of problems here. And I am looking
23 forward to anybody coming in here and
24 telling us that we have these similar

1 problems like they had in Florida, because
2 then we know about that.

3 But my board can't do anything
4 about Florida. All we can do is something
5 about here in Franklin County. We are all
6 concerned to make sure that there be
7 competence in the system here in whatever
8 system we use.

9 So if you ever see something or
10 find something here that you think is a
11 concern, please bring it to us. I
12 appreciate your concern and I appreciate
13 your involvement. I know you have spent a
14 lot of hours doing this.

15 But also appreciate if you find
16 something that is concrete that we have a
17 problem here that needs to be looked at,
18 please bring it to us.

19 And thank you for your time that
20 you spent, because it is important.

21 CHAIRMAN ANTHONY: Mr. Wright,
22 thank you so much.

23 Any other questions on this
24 issue?

1 Yes, sir. For the record would
2 you give us your name and be sworn in.

3 - - - - -

4 JASON PARRY

5 by me first duly sworn, as hereinafter
6 certified, testifies and says as follows:

7 - - - - -

8 MR. PARRY: My name is Jason
9 Parry, P-a-r-r-y. I just have a few
10 comments about the paper ballot
11 allocation.

12 Have you considered any rules
13 regarding the 17-year-old voters, whether
14 they will be allowed to access a paper
15 ballot and whether you have poll worker
16 training material on the different way you
17 have to handle 17-year-old ballots?

18 Typically they voted in the past.

19 The question is, does the
20 printers directive apply to 17-year-old
21 voters or have poll worker information?

22 MR. DAMSCHRODER: Yes. Mary
23 Hackett, who is head of our poll worker
24 recruitment and training department, is

1 here and can speak to it as well if need
2 be. We will be handling the 17-year-olds
3 just as we did in the past with the punch
4 cards, if I am not mistaken, Mary, where
5 they will be paper and put in an envelope
6 and marked with a sticker for the
7 17-year-old voter. And once those ballots
8 come back here as we deal with the punch
9 cards, we will make sure we don't count
10 any votes for state or county Central
11 Committee or any issues that are on the
12 ballot.

13 Also along with that I think, if
14 I remember correctly, there were only
15 about 200 or so 17-year-olds at last run
16 that were registered in time and who will
17 we turning 18 on or before election day
18 this fall and would be 18 for the general.

19 What we do is we actually run a
20 list of all those individuals and we give
21 it to the presiding judge and mark in the
22 poll book in the signature box that this
23 is a 17-year-old voter; turn to page X in
24 the training manual for instructions on

1 this because they have to go to a paper
2 ballot, put it in the envelope, and put a
3 sticker on it.

4 Is that correct, Mary?

5 MS. HACKETT: Yes.

6 MR. PARRY: That will be a
7 separate ballot order?

8 MR. DAMSCHRODER: It is the
9 exact same paper ballot as would be
10 presented to a regular voter. We put it
11 in the envelope and mark it as a
12 17-year-old ballot so that here at the
13 office before we count those we can make
14 sure that if the issue was voted or if the
15 state or county Central Committee was
16 voted, those votes are covered up.

17 MR. PARRY: Also, is there a
18 breakdown of how many ballots will be
19 reserved for provisional ballots to
20 guarantee that the provisional voter will
21 have a paper ballot, or will the stack of
22 paper ballots at a precinct be first come
23 first serve?

24 And will that disenfranchise

1 provisional voters that will have no other
2 option?

3 MR. DAMSCHRODER: They will be
4 the same ballots. The only thing that
5 will make a provisional ballot a
6 provisional ballot is the act of putting
7 that marked paper ballot inside the
8 provisional envelope. So the poll workers
9 will draw from the same stack of election
10 day paper ballots for an individual who
11 wants a provisional ballot and for that
12 individual who wants an election day paper
13 ballot pursuant to directive 2008-01.

14 MR. PARRY: Hypothetically,
15 what is a provisional voter going to do in
16 that situation?

17 MR. DAMSCHRODER: What we have
18 instructed our poll workers to do is if in
19 any particular ballot style they begin to
20 run low, to call the Board of Elections on
21 a special number reserved just for poll
22 workers to let us know so we can make
23 arrangements to either identify if we have
24 any available absentee ballots that we can

1 have a runner take out to that precinct or
2 to begin printing ballots on demand.

3 MR. WHITE: We are also putting
4 together a system where we are calling
5 around noon to see what type of demand has
6 has been put on each voting location as
7 far as paper ballots. That way we can be
8 proactive instead of reactive.

9 So if it looks like there is
10 great demand say in the university area or
11 in a certain area where there is high
12 interest -- Matt and I had a meeting with
13 the Secretary of State last week. She is
14 also going to give us the authority during
15 emergency situations for excess absentee
16 ballots to be printed, which we have
17 plenty of. We can use those for the
18 emergency supply on election day. We are
19 close to almost 300,000 paper ballots,
20 counting the absentee, provisionals, and
21 ballots at the precinct locations. We
22 feel pretty comfortable where that number
23 is now.

24 Mary Hackett has done a good

1 job. In trying to figure out the turn out
2 in a certain area, that is a concern what
3 type of turn out we will have on Super
4 Tuesday around the country. We might have
5 to relook at this number, but we feel
6 pretty comfortable with the number right
7 now.

8 The big challenge is all the
9 different ballot styles, if there is an
10 unusual turn out in a certain precinct.
11 And we sort by ballot styles, which we
12 will monitor on election day too.

13 MR. PARRY: My final question
14 would be in the situation that, you know,
15 there is a ballot style that they happen
16 to run out of and they can't get a
17 delivery to the poll in time, will there
18 be instructions for poll workers on what
19 to do in that situation?

20 Or have you thought about what
21 the poll workers will say? Here is my
22 concern; if you do run out of paper
23 ballots, typically a voter is going to be
24 walking up and say is this my precinct.

1 They will sign in and then they are going
2 to say I would like a paper ballot. Then
3 a poll worker might say oops, we are out
4 of this ballot choice.

5 There is no preventing that
6 situation. The voter becomes a walk away.
7 Even if they come here to vote
8 provisionally, they will be
9 disenfranchised.

10 The only choice would be to vote
11 DRE against their choice or to stand
12 around and wait for delivery of the ballot
13 on demand if you are able to do that in
14 the precinct. That's the concern I have.

15 MR. WHITE: That's why we need
16 to monitor earlier in the day. Maybe we
17 will call early in the morning and call at
18 noon, seeing what type of demand is being
19 made. We would rather caution on putting
20 more ballots out there than not enough
21 ballots to present a concern like you
22 have.

23 MR. PARRY: My concern is if you
24 are out of ballots, which shouldn't

1 happen, but if it does, the poll workers
2 should maybe -- I know they are not
3 instructed according to the directive to
4 announce to the public that these ballots
5 are available, but maybe they should tell
6 the voter before they sign that they are
7 out of paper ballots and they will have
8 the option of signing in to vote, knowing
9 that they will be voting on a DRE. That's
10 all I have.

11 MR. DAMSCHRODER: That's a good
12 suggestion. We will take it back to our
13 staff.

14 CHAIRMAN ANTHONY: You know, Mr.
15 Parry, one of the things we did at a prior
16 meeting -- I'm not sure if you were here
17 or not -- was the Director said only 10
18 percent. We printed far more than 10
19 percent in anticipation that it may be a
20 large request for a paper ballot.

21 So we think that we probably
22 have enough. With what Denny White just
23 said and Matt just said plus monitoring
24 them, we should be in pretty good shape.

1 We thank you for your input on this.

2 MR. PARRY: If you could release
3 a spread sheet on how you came up with
4 that. It's all encompassing because of a
5 multi precinct and the number of voters
6 registered for split to come up to look at
7 your numbers and double check and give
8 feedback on that.

9 MR. DAMSCHRODER: Basically, so
10 the public knows and also the Board, what
11 we did was we took actual voter turn out,
12 total ballots cast, for both Republican
13 and Democratic parties for 2000 and 2004
14 presidential primary election. Then we
15 took 40 percent of the higher number for
16 both parties by precinct. And we used
17 that number as the ballot number rounded
18 up to the nearest five.

19 Then we had another set of
20 precincts that didn't exist in 2000 and
21 2004 for which we have no historical data.
22 What we did in those cases was look back
23 to other precincts in that ward to see
24 what the turn out was and either used an

1 average or if there was an outlier, one
2 precinct with a much higher number of
3 registrations, we used a similarly
4 situated precinct in terms of
5 registration.

6 For precincts in wards that we
7 knew where the ward had come from
8 previously that the City of Columbus
9 divided eight or nine Columbus wards, we
10 went back to the original ward for 2000
11 and 2004 and either took an average or
12 found similar precincts in terms of
13 registration and used those numbers. We
14 would be happy to give you the
15 registrations.

16 MR. WHITE: If you see something
17 where you think -- you might see something
18 we don't see. Bring it to our attention.
19 We can add a few more.

20 MR. PARRY: We were all here in
21 2004. That spread sheet was up.

22 MR. WHITE: If you see something
23 that needs to be adjusted, let us know.
24 We would rather caution on over printing

1 versus under printing. From day one we
2 wanted 110 percent. There is no
3 resistance here as far as making sure we
4 get plenty of ballots out there.

5 It is just that we are trying to
6 be reasonable and use common sense here
7 also without winding up with 800,000
8 ballots on election day that nobody wants.
9 I think we also have to be a little
10 concerned about overkill. We have to also
11 make sure that no one is disenfranchised.
12 How do you walk that fine line. There
13 is no resistance here that I'm aware of
14 about not printing enough ballots. The
15 concern is what is a reasonable number and
16 what isn't.

17 We don't know if the Secretary
18 of State is going to do PSAs in terms of
19 people who request paper ballots. She
20 pretty much voiced her opinion on how she
21 feels about DREs. Also I say tomorrow is
22 a big measuring tool for our numbers
23 target on Super Tuesday.

24 CHAIRMAN ANTHONY: Another thing

1 that impressed me is that we have had a
2 lot of requests for absentee ballots.
3 There will probably be a larger number
4 than we have ever had.

5 MR. DAMSCHRODER: On that note,
6 Mr. Chairman, we have 75,000 applications
7 so far as a result of the Board's mailing
8 of an application to every registered
9 voter in the county. On Wednesday of this
10 week the commissioners have encouraged us
11 to purchase television ads and radio ads,
12 encouraging early voting by mail. Those
13 ads begin on Wednesday of this week. The
14 ads run at about \$143,000.

15 Our hope is that individuals who
16 for whatever reason prefer to cast a paper
17 ballot would do so early by mail or at the
18 Board of Elections during the 25 days
19 prior to the election.

20 CHAIRMAN ANTHONY: That could
21 alleviate some of the concerns of not
22 having enough ballots. By election day
23 there may not be that many more people
24 left to vote.

1 MR. WHITE: What was the last
2 turn out in the last presidential primary,
3 just a guesstimate?

4 MR. DAMSCHRODER: I don't
5 remember which it was, whether it was 2000
6 or 2004; but the higher of the two was
7 about 225,000.

8 MR. WHITE: For both parties.
9 We have 300,000 people though, so we still
10 have 80,000 more than the total cast in
11 the past presidential election.

12 CHAIRMAN ANTHONY: Any more
13 discussion?

14 (No audible response)

15 CHAIRMAN ANTHONY: Now, we will
16 entertain a motion about implementing the
17 SOS directive of 2008-01.

18 MS. MARINELLO: Mr. Chairman, I
19 move that the Board approve the plan for
20 implementing SOS Directive 2008-01 and
21 that it be attached to the record of these
22 proceedings as Exhibit A.

23 CHAIRMAN ANTHONY: Is there a
24 second?

1 MS. PETREE: Second.

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

4 (Unanimous aye)

5 CHAIRMAN ANTHONY: The motion
6 carries.

7 Matt?

8 MR. DAMSCHRODER: Thank you, Mr.
9 Chairman, and members of the Board.

10 The next item on the agenda has
11 to do with poll worker compensation. The
12 Secretary of State has submitted an
13 amended administrative rule that would
14 increase the per diem paid to poll workers
15 on election day to \$107.91.

16 The way the statute is
17 written -- and I think you have a copy of
18 it in front of you -- no, I haven't passed
19 it out yet. It's this packet right here.

20 In order to increase poll worker
21 pay, the Board of Elections has to have
22 made that decision in October, I think it
23 is, of the previous year. Obviously, with
24 the amended rule having just come into

1 effect last week there is not sufficient
2 time for us to make that decision last
3 October and make it effective for this
4 election. So what we would like to do is
5 once the Secretary of State issues the
6 directive, announcing that this
7 administrative rule has been passed and in
8 effect, we would ask the Board of
9 Commissioners to waive the requirements of
10 Section 3501.2(A)(E), which is the section
11 which requires us to have notified them
12 last year, and sets the maximum percentage
13 increase per year, allowing us to increase
14 the pay for this primary, hopefully, from
15 \$95.00 to \$107.91.

16 And we would also ask for
17 supplemental appropriation for fiscal year
18 '08 to do this for the election, which
19 would be \$66,000 approximately. So this
20 resolution would get all of those items in
21 order so we can pull the trigger
22 ultimately and the decision will be with
23 the county commissioners if they choose to
24 waive the requirements of law and choose

1 to provide the supplemental appropriation.

2 CHAIRMAN ANTHONY: Any question
3 for Matt?

4 (No audible response)

5 CHAIRMAN ANTHONY: Have the
6 commissioners looked at this?

7 Have you talked to the
8 commissioners?

9 MR. DAMSCHRODER: We sent a memo
10 last year when the Secretary of State
11 first issued -- I can't remember the
12 advisory number.

13 Katherine, I don't know if you
14 have the advisory number, announcing that
15 the Secretary of State was going to be
16 filing the administrative rule to do the
17 increase, so we advised the commissioners
18 of that in our budget presentation last
19 year. That's what this comes from,
20 letting them know that an increase was
21 essential, and when that was authorized it
22 would be coming to them, asking for
23 permission to do that.

24 There is precedent, as you may

1 recall, in 2004. The General Assembly
2 increased the maximum per diem and the
3 commissioners waived requirements of
4 3501.28(E) and allowed the per diem to be
5 increased mid year.

6 CHAIRMAN ANTHONY: Any other
7 questions for Matt?

8 (No audible response)

9 CHAIRMAN ANTHONY: Hearing none,
10 we will entertain a motion.

11 MS. PETREE: Mr. Chairman, I
12 move, pending issuance of a Directive from
13 the Secretary of State announcing the
14 January 28, 2008 adoption of amendments to
15 administrative rule 11-13-01 permitting
16 the increase of maximum precinct election
17 per diem to \$107.91, I move that the Board
18 request the Franklin County Board of
19 Commissioners waive the requirements of
20 3501.28(E) thus permitting the Board of
21 Elections to increase precinct election
22 officials per diem to \$107.91 per
23 election, beginning with the March 4, 2004
24 Primary Election and to direct the

1 Director and Deputy Director to request on
2 behalf of the Board of Elections such
3 supplemental appropriations from the Board
4 of Commissioners as may be needed to fund
5 this request.

6 CHAIRMAN ANTHONY: Is there a
7 second?

8 MS. MARINELLO: Second.

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

11 (Unanimous aye)

12 CHAIRMAN ANTHONY: The motion
13 carries.

14 MR. DAMSCHRODER: I think we
15 should note for the record that the
16 primary mentioned in the resolution is
17 March 4, 2008.

18 That's all we have for the
19 public session for right now. I do have a
20 couple of personnel matters that we would
21 like to discuss with the Board in
22 executive session before acting on them in
23 public session.

24 CHAIRMAN ANTHONY: I move that

1 the Board move into executive session to
2 discuss personnel issues.

3 Is there a second?

4 MS. PETREE: I second.

5 CHAIRMAN ANTHONY: Roll call,
6 please.

7 MR. DAMSCHRODER: Mr. Colley?

8 MR. COLLEY: Yes.

9 MR. DAMSCHRODER: Ms. Marinello?

10 MS. MARINELLO: Yes.

11 MR. DAMSCHRODER: Ms. Petree?

12 MS. PETREE: Yes.

13 MR. DAMSCHRODER: Chairman

14 Anthony?

15 CHAIRMAN ANTHONY: Yes.

16 MR. DAMSCHRODER: We are in
17 executive session. Thank you.

18 (Break in proceedings)

19 CHAIRMAN ANTHONY: I move that
20 the Board come out of executive session in
21 that motions were made and decisions
22 rendered.

23 Is there a second?

24 MS. MARINELLO: Second.

1 MR. DAMSCHRODER: Mr. Colley?

2 MR. COLLEY: Yes.

3 MR. DAMSCHRODER: Ms. Marinello?

4 MS. MARINELLO: Yes.

5 MR. DAMSCHRODER: Ms. Petree?

6 MS. PETREE: Yes.

7 MR. DAMSCHRODER: Chairman

8 Anthony?

9 CHAIRMAN ANTHONY: Yes.

10 MR. DAMSCHRODER: We are back in
11 public session. The first resolution is
12 to adopt an alternate 2008 holiday
13 schedule.

14 CHAIRMAN ANTHONY: Any questions
15 on that?

16 (No audible response)

17 CHAIRMAN ANTHONY: If not, I
18 will entertain a motion.

19 MS. MARINELLO: Mr. Chairman, I
20 move that the Board direct the Director
21 and Deputy Director to notify the Board of
22 Commissioners that it intends to adopt an
23 alternate 2008 holiday schedule that
24 observes President's Day, Columbus Day,

1 and Veteran's Day on May 25th, November
2 28th, and December 24th, respectively, and
3 that the same will go into effect on
4 February 15th, 2008.

5 CHAIRMAN ANTHONY: Is there a
6 second?

7 MS. PETREE: I second.

8 CHAIRMAN ANTHONY: All those in
9 favor, say aye.

10 (Unanimous aye)

11 MR. DAMSCHRODER: The motion
12 carries.

13 The next motion is an amendment
14 to the employee agreement governing
15 overtime for Exempt Employees.

16 CHAIRMAN ANTHONY: I will
17 entertain a motion for that.

18 MS. PETREE: Mr. Chairman, I
19 move that the section of the Overtime
20 Policy of the Franklin County Board of
21 Elections governing Exempt Employees be
22 amended retroactive to January 1st, 2006
23 to read that "Comp time will be earned at
24 the rate of one and one-half hours for

1 every one hour worked."

2 CHAIRMAN ANTHONY: Is there a
3 second?

4 MR. COLLEY: Second.

5 CHAIRMAN ANTHONY: We'll take a
6 roll call vote on that.

7 MR. DAMSCHRODER: Mr. Colley?

8 MR. COLLEY: Yes.

9 MR. DAMSCHRODER: Ms. Marinello?

10 MS. MARINELLO: I abstain.

11 MR. DAMSCHRODER: Ms. Petree?

12 MS. PETREE: Yes.

13 MR. DAMSCHRODER: Chairman
14 Anthony?

15 CHAIRMAN ANTHONY: Yes.

16 MR. DAMSCHRODER: The motion
17 carries.

18 The next motion is a
19 reorganization of the Operations and
20 Petitions Department and the
21 Administrations Department.

22 CHAIRMAN ANTHONY: I will
23 entertain a motion.

24 MS. MARINELLO: Mr. Chairman, I

1 move that the Operations and Petitions
2 Departments be merged into one department
3 to be known as the Operations Department
4 effective February 4th, 2008; and that
5 Karen Cotton be appointed Manager of the
6 Operations Department at the hourly rate
7 of \$35.00 per hour effective February 4th,
8 2008 supervising Peggy Howell, Marlene
9 Wirth, Barcy McNeal, Robin Link, Matt
10 Rushay, and Carla Patton; that Brenna
11 Umbstaetter be named Manager of the
12 Administration Department effective
13 February 4th, 2008 supervising David
14 Magers; and that the hourly rate of pay
15 for Brenna Umbstaetter be adjusted to
16 \$20.70 effective February 4th, 2008.

17 CHAIRMAN ANTHONY: Is there a
18 second?

19 MS. PETREE: I second.

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

22 MR. DAMSCHRODER: The motion
23 carries.

24 And the last resolution is to

1 authorize certain expenses of Board
2 employees to be reimbursed.

3 MS. PETREE: Mr. Chairman --

4 CHAIRMAN ANTHONY: Yes, ma'am.

5 MS. PETREE: -- I would like to
6 move to authorize the Franklin County
7 Auditor to reimburse expenses incurred by
8 employees of the Franklin County Board of
9 Elections when providing means for
10 individuals who volunteer from time to
11 time to support the responsibilities of
12 this agency.

13 MR. DAMSCHRODER: I will ask the
14 Board to amend that to meals instead of
15 means. It's a typo on my part.

16 CHAIRMAN ANTHONY: Is there a
17 second?

18 MS. MARINELLO: Second.

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

21 (Unanimous aye)

22 MR. DAMSCHRODER: The motion
23 carries.

24 That concludes the formal

1 portion of the agenda.

2 As all the Board members know at
3 this point, Carolyn -- correct me if I am
4 wrong, but Ms. Petree has notified the
5 Secretary of State of her intention to
6 retire from the Board of Elections.

7 She has served diligently and
8 faithfully since 1994 on this board. And
9 I know from both my time at Republican
10 Headquarters and now in the almost five
11 years here as Director that you have been
12 an exceptional public servant and a great
13 joy to work with and I am grateful for
14 your friendship and all your years of
15 service.

16 MS. PETREE: Thank you very
17 much.

18 CHAIRMAN ANTHONY: I would like
19 to go on record to say, Carolyn, you have
20 done great work and we will miss you.

21 MS. MARINELLO: I will totally
22 miss you.

23 CHAIRMAN ANTHONY: I think we
24 have gotten along very well as a board.

1 We've been bipartisan. And in spite of
2 all the stuff we had to go through,
3 particularly after the 2000 election, I
4 think our working together has gotten us
5 through all the humps and bumps we have
6 had to go through. We really appreciate
7 it. Thank you.

8 MS. PETREE: Thank you. I
9 really appreciate it.

10 MR. WHITE: I have enjoyed
11 serving with you on the Board. You have
12 been great to work with. With everything
13 going on this year it's a blessing.

14 MS. PETREE: Thank you. I will
15 miss it.

16 MR. WHITE: You have been a
17 great Board member and great to work
18 with.

19 MS. MARINELLO: I appreciate you
20 also, everything we have been through
21 together. You helped me and I appreciate
22 it as a friend.

23 We ought to keep in touch.
24 Thank you for everything.

1 CHAIRMAN ANTHONY: Mr. Colley?

2 MR. COLLEY: Thank you.

3 (Applause)

4 MR. COLLEY: I have a long
5 speech and a short speech. Carolyn has
6 been a remarkable member of this Board
7 because she generally votes two votes,
8 hers and mine. How do you do that,
9 Carolyn?

10 I have known her for a very long
11 time, and she has been a hell of a good
12 lady all that time. I will tell you this,
13 I will miss her on this Board.

14 I love you all, but I love
15 Carolyn. She is just -- Mrs. Brown used
16 the word engaged. That understates it.
17 She has done so much without anybody
18 knowing she has done it. She doesn't get
19 any money but she doesn't take credit
20 either.

21 I didn't know. Was it 1994; is
22 that right?

23 MS. PETREE: That's right. You
24 appointed me. You recommended me.

1 MR. WHITE: You have been a
2 great Board member to work with.

3 MS. PETREE: I will miss you
4 all; I really will. Thanks for being so
5 good to me.

6 MR. WHITE: Is there a motion to
7 adjourn, Mr. Chairman?

8 CHAIRMAN ANTHONY: Is there a
9 motion to adjourn?

10 MS. MARINELLO: I move to
11 adjourn.

12 MR. COLLEY: Second.

13 - - - - -

14 Thereupon, the proceeding was
15 concluded at 4:20 o'clock p.m.

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CERTIFICATE

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 20th day of February, 2008.

Patricia W. White

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

My commission expires May 30, 2012.