

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

MINUTES OF THE MEETING ON

11/23/08

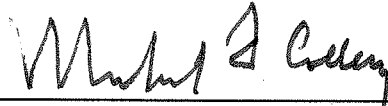
APPROVED ON

1/5/09

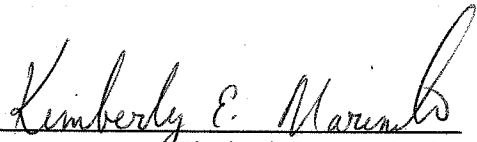
BY:



Douglas J. Preisse, Chairman



Michael F. Colley Esq.

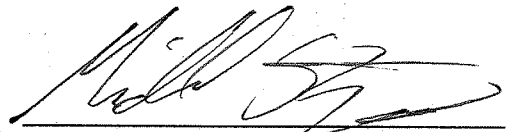


Kimberly E. Marinello



William A. Anthony Jr.

ATTEST:



Michael Stinziano, Director

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BEFORE THE
FRANKLIN COUNTY BOARD OF ELECTIONS

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IN RE: :
Special Meeting :

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Proceedings before Chairman Douglas J.
Preisse, Board Member William A. Anthony, Jr,
Board Member Michael F. Colley, Board Member
Kimberly E. Marinello, and Deputy Director Matthew
Damschroder taken at Franklin County Board of
Elections, 280 East Broad Street, Room 100,
Columbus, Ohio on Sunday, November 23, 2008, at
1:01 o'clock p.m.

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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 Ms. Suzanne Brown Mr. Ben Piscitelli, Public Information 3 Officer Mr. Eric Nickolas, Regional Liaison 4 Mr. Todd Wedekind Ms. Renae Kloe 5 Ms. Jane Hanley Ms. Julie Kyle 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 4</p> <p>1 ----- 2 PROCEEDINGS 3 ----- 4 MR. DAMSCHRODER: All right. We'll call 5 the meeting to order. 6 Mr. Colley. 7 MR. COLLEY: Here. 8 MR. DAMSCHRODER: Mr. Preisse. 9 CHAIRMAN PREISSE: Here. 10 MR. DAMSCHRODER: Mr. Anthony. 11 MR. ANTHONY: Here. 12 MR. DAMSCHRODER: Ms. Marinello. 13 MS. MARINELLO: Here. 14 MR. DAMSCHRODER: Good afternoon. The 15 director is not going to be able to join us today. 16 It is his birthday, but unfortunately he is very, 17 very ill. He was kind enough to make a brief 18 appearance a few moments ago just to review the 19 agenda, but is heading home and we wish him our 20 best, and we'll continue to be in contact with him 21 the rest of the day. 22 The first order on the agenda is a vote 23 to refer additional possible voter fraud cases to 24 the prosecuting attorney. These are individuals</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX 2 3 Agenda Item Page No. 4 Referring Possible Voter Fraud 4 5 Absentee Ballots 5 6 Provisional Ballots 60 7 Executive Session 93 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 5</p> <p>1 who appear to have both voted provisionally or 2 regular ballot in this and in other counties, or 3 voted at the polls in one precinct in this county 4 and then attempted to vote a provisional ballot in 5 another precinct of this county. These will 6 continue to be investigated by our office and the 7 prosecuting attorney's office prior to any charges 8 being filed. 9 So we would appreciate a motion and 10 resolution permitting us to go forward with that. 11 MR. ANTHONY: Mr. Chairman, I move that 12 the Board, per the recommendation of the Director 13 and Deputy Director, refer possible voter fraud 14 cases to the prosecuting attorney for further 15 action. 16 MR. COLLEY: Mr. Chairman, I second that 17 motion. 18 MR. DAMSCHRODER: All in favor say aye. 19 (Board votes unanimously.) 20 MR. DAMSCHRODER: And motion carries. 21 The next item, next two items, are 22 relative to absentee and election day optical scan 23 ballots that had to be remarked for some purpose. 24 The first resolution are ballots where</p>

Page 6	Page 8
<p>1 the voter followed the instructions and clearly 2 marked their ballots. The issue why the ballot 3 had to be remade was either printing error on the 4 ballot that rendered the ballot unable to be 5 tabulated by the high speed scanners.</p> <p>6 And we particularly had a challenge with 7 the ballot on-demand printers from Vets where the 8 alignment of the timing marks is off just enough 9 such that the ballots won't be scanned, so we had 10 to remake those in teams of democrats and 11 republicans.</p> <p>12 But, again, in those cases, the voter's 13 intent is absolutely clear. The voter followed 14 the instructions and marked the ballot, so there's 15 no subjectivity there.</p> <p>16 And we would request a motion 17 memorializing that process pursuant to the 18 directive, and I would be happy to answer any 19 questions you would have.</p> <p>20 MR. ANTHONY: Mr. Chair, I have none, so 21 I would move that the Board proceed with 22 processing those properly remade ballots, per the 23 recommendations of the Director and Deputy 24 Director that have been remade and the voter has</p>	<p>1 Again, it doesn't impact the voter's 2 ability to mark their ballot or for us to be able 3 to determine how the voter marked their ballot, it 4 just determines whether or not high speed scanners 5 can see the voting positions on the page.</p> <p>6 And the machines are programmed that if 7 it cannot read the timing marks and cannot, 8 therefore, see the match-up of also where it's 9 expecting to see markings, it will reject that 10 ballot for human inspection.</p> <p>11 And in all these cases, timing marks 12 were such that we needed to just remark the 13 ballots. But, again, no determination of voter 14 intent, and there's no subjectivity, just 15 remarking ballots.</p> <p>16 CHAIRMAN PREISSE: Any other questions? 17 (No response.)</p> <p>18 MR. DAMSCHRODER: Then we'll ask for a 19 vote. All in favor say aye. 20 (Board votes unanimously.)</p> <p>21 MR. DAMSCHRODER: Opposed, nay. 22 (No response.)</p> <p>23 MR. DAMSCHRODER: And motion carries. 24 The next one is, when Todd gets here</p>
Page 7	Page 9
<p>1 followed the instructions.</p> <p>2 MR. COLLEY: Mr. Chairman, I second the 3 gentleman's motion and --</p> <p>4 CHAIRMAN PREISSE: That's about all you 5 need to do.</p> <p>6 MR. COLLEY: That's all I need to do.</p> <p>7 CHAIRMAN PREISSE: Unless we have any 8 discussion or questions for the Deputy Director, 9 these, as you've described here and to us prior, a 10 lot of them had to do with just the volume of 11 going through the printers over there; is that --</p> <p>12 MR. DAMSCHRODER: That's correct, for 13 ballots that were at Vets. This is the first time 14 that we have done ballot on-demand in that kind of 15 quantity. "That kind of quantity" being 55,000 16 ballots, times the quantity average of four pages 17 apiece, double-sided.</p> <p>18 It's a lot of paper to run through 19 printers that really aren't designed for that kind 20 of volume. And so what happens is the 21 registration of the ballot, the image on the page, 22 particularly in times when the machine doesn't 23 have time to adequately cool between each ballot, 24 the image on the page gets a little bit crooked.</p>	<p>1 momentarily with the -- there they are. Perfect 2 timing.</p> <p>3 These are ballots that the Board -- 4 Todd, you want to pull a chair up here with me, 5 please -- that the Board actually does need to 6 inspect and determine the voter's intent, when 7 possible.</p> <p>8 Again, the statutory standard and the 9 standard confirmed by Directive 2008-69 is that 10 the ballot has been marked in a consistent manner. 11 So if a voter, for instance, doesn't necessarily 12 fill in ovals for each contest that the voter's 13 intending to mark, from some other kind of mark, 14 as long as it's the mark that's been made 15 consistently on the ballot, that ballot can be 16 remade for the voter so it can be redone.</p> <p>17 We'll mark the first one X001, and let's 18 pass it down the line for you. It's very clear 19 that the voter consistently marked their ballot 20 using check marks; but instead of in the oval 21 where it would be read, they listed it out to the 22 right of the oval by the candidate's name that 23 they were attempting to vote for, it appears.</p> <p>24 MR. ANTHONY: Mr. Chair, these were</p>

Page 10	Page 12
<p>1 absentee ballots mailed in to us? 2 MR. DAMSCHRODER: These would be 3 absentee ballots that were either mailed in to us 4 or that were marked at Vets. 5 MR. ANTHONY: Okay. 6 MR. DAMSCHRODER: And there might 7 actually be a couple election day ballots down 8 here somewhere, but I don't think so. 9 CHAIRMAN PREISSE: I'll pass it on, and 10 then we can have questions on it. How about that? 11 MR. DAMSCHRODER: That's great. 12 MR. COLLEY: There's inconsistency 13 within the consistency on that. 14 MR. ANTHONY: Mr. Chair, I've got a 15 question on all of these that we're going to look 16 at. Since these were multiple -- were there more 17 pages to that ballot than what we have here? 18 MR. DAMSCHRODER: At this point, all the 19 different pages have been separated, because these 20 were all run through the scanners for election 21 night, so -- 22 MR. ANTHONY: There's no way of putting 23 them back together? 24 MR. DAMSCHRODER: There's no way to put</p>	<p>1 MR. DAMSCHRODER: Which one? 2 MR. ANTHONY: This one. He marked 3 Barack, and then he printed "Barack" on it. 4 MR. DAMSCHRODER: I think the 5 directions -- and Eric is here and can expand on 6 that, but the way we have been handling it is if a 7 voter, for instance, filled in the oval for a 8 presidential candidate, for instance, and then 9 also filled in the write-in oval and wrote in that 10 exact same candidate's name, that we have been 11 treating that as a vote for the presidential 12 candidate. 13 MR. ANTHONY: Okay. 14 MR. DAMSCHRODER: In this instance, it 15 appears, if I recall correctly, that the voter did 16 the check mark next to the candidate's name, wrote 17 in the candidate's name, but didn't do a check 18 mark in the write-in oval. So this would not 19 actually read -- had the voter put the check mark 20 in the correct place in the oval, this would not 21 read as an overvote, it would read as a vote for 22 that candidate. 23 MR. ANTHONY: Okay. Mr. Chair, Matt, 24 what about the writing in for the 15th</p>
Page 11	Page 13
<p>1 them back together. 2 MR. ANTHONY: Okay. 3 MR. DAMSCHRODER: Now, it's possible, as 4 often happened this election, that the voter 5 marked the first page that had the candidates and 6 then didn't mark any of the issue pages. And so 7 it's possible that voter, if we don't come across 8 a similarly marked ballot in the rest of the 9 stack -- 10 CHAIRMAN PREISSE: The other pieces 11 could be here. 12 MR. DAMSCHRODER: -- the other pieces 13 could be here, but it's probably just as likely 14 the voter didn't mark anything else. 15 MR. ANTHONY: On the other pages? 16 MR. DAMSCHRODER: Mm-hmm. 17 MR. ANTHONY: Mr. Chairman -- 18 CHAIRMAN PREISSE: Yes. 19 MR. ANTHONY: -- Matt, what's the 20 Secretary's view or guidelines for overvotes? 21 MR. DAMSCHRODER: I think the guidelines 22 for -- 23 MR. ANTHONY: For that one, it looks 24 like he overvoted or something to that nature.</p>	<p>1 Congressional District? 2 MR. DAMSCHRODER: I think that's going 3 to be something that the Board's going to have to 4 evaluate in this instance, where the voter did not 5 fill in the oval for a candidate, did not fill in 6 the write-in oval, but instead wrote in one of the 7 candidate's names on the line. 8 CHAIRMAN PREISSE: Review, if I may ask 9 you, the issue of consistency from the statutory. 10 And I think you've mentioned the directive, maybe 11 that's what you have in the packet here. 12 MR. DAMSCHRODER: Yeah, with 3506.21 is 13 the statutory authorization for determining intent 14 of the voter who marked his entire ballot contrary 15 to the instructions contained on the ballot. And 16 again, the issue is that we're looking for 17 consistency in the manner in which the voter cast 18 their ballot. 19 Eric, I don't know if you have anything 20 you want to add to that. 21 MR. NICKOLAS: The other counties I've 22 sat in, they are going through the same thing that 23 you're going through right now. They're looking 24 for consistency also, as long as they use the same</p>

Page 14	Page 16
<p>1 criteria when they decide how that person voted, 2 as long as they stay the same on the next ballot 3 when that same question comes up, regardless of 4 who's running for what particular office. 5 MR. DAMSCHRODER: And you'll notice on 6 page three of the Directive that if their intent 7 cannot be determined, and I'll quote directly from 8 the Directive, "If a majority of the Board members 9 cannot agree on determining voter intent as to any 10 choice on the ballot, as provided by law, the 11 ballot shall not be counted." 12 CHAIRMAN PREISSE: I want to take a 13 moment to review this section referencing 3506.21 14 here. 15 (Reviewing documents.) 16 CHAIRMAN PRIESSE: The voter did not 17 mark any of the ballot according to the ballot 18 marking instructions, then we must determine voter 19 intent prior to remaking the optical scan ballot 20 by examining the ballot for consistency, for a 21 consistently-made mark contrary to voting 22 instructions. 23 Well, obviously there are two instances 24 there that would seem to vary from a fully</p>	<p>1 MR. DAMSCHRODER: Yes. 2 MR. ANTHONY: Okay. 3 MR. DAMSCHRODER: And I think in this 4 case there might actually be two votes that would 5 be necessary. One is how to handle the 15th 6 Congressional District, and then the other, how to 7 handle the -- 8 MR. ANTHONY: Presidential? 9 MR. DAMSCHRODER: -- the ballot in 10 general with the check marks. 11 MR. ANTHONY: Okay. Mr. Chair, I move 12 that based upon review of ballot number X001 -- 13 MR. DAMSCHRODER: Yes. 14 MR. ANTHONY: -- X001, that the Board 15 determine that the intent of the voter was to cast 16 a vote for the 15th Congressional District. 17 CHAIRMAN PREISSE: Mr. Anthony, you have 18 just moved to count the entire ballot; is that -- 19 MR. ANTHONY: No, I just moved to 20 count -- we're going to split it up. We're going 21 to do the 15th seat, so I move that we count the 22 voter's intent for the 15th. 23 MS. MARINELLO: Second. 24 CHAIRMAN PREISSE: I think we ought to</p>
Page 15	Page 17
<p>1 consistent incorrect method that this voter has 2 elected to employ, mainly the overvotes, 3 especially where they have checked and written in 4 the presidential candidate's names. 5 MR. DAMSCHRODER: Well, and on that, 6 again, the presidential wouldn't actually read as 7 an overvote because they didn't check the overvote 8 bubble. So I think the two issues with this, at 9 least from a staff perspective, is that there's 10 check marks outside the oval, so it can't be read. 11 In the case of the 15th Congressional 12 District, there's no check at all relative to the 13 write-in for Mary Jo Kilroy, and a nonwrite-in 14 candidate was written on the line. 15 MR. ANTHONY: Does this voter live in 16 the 15th? I don't remember. 17 MR. DAMSCHRODER: Yes. It's a ballot 18 for a precinct where there's a split of the 19 precinct. It is in the 15th Congressional 20 District. 21 MR. ANTHONY: All right. So what do we 22 do now, start voting on them? 23 CHAIRMAN PREISSE: Are we going to take 24 these one-by-one?</p>	<p>1 have a roll call vote on that. 2 MR. DAMSCHRODER: All right. 3 Mr. Anthony. 4 MR. ANTHONY: Yes. 5 MR. DAMSCHRODER: Mr. Colley. 6 MR. COLLEY: No. 7 MR. DAMSCHRODER: Ms. Marinello. 8 MS. MARINELLO: Yes. 9 MR. DAMSCHRODER: Mr. Preisse? 10 CHAIRMAN PREISSE: No. 11 MR. DAMSCHRODER: And then with the 12 Directive, the majority of the Board members not 13 having determined the voter intent, we can't count 14 that. So how about the check marks for the rest 15 of the ballot? 16 MR. ANTHONY: Mr. Chair, I move -- now, 17 what happens to this? It just goes away? There's 18 no -- 19 MR. DAMSCHRODER: I don't think these go 20 to the Secretary for tie. 21 Is that correct? 22 MR. NICKOLAS: No, it just goes down. 23 It has to have a majority to be counted. We don't 24 break the tie on this.</p>

Page 18	Page 20
<p>1 MR. ANTHONY: All right. Mr. Chair, 2 based on the review of the ballot number X001, the 3 Board determines that it was the intent of the 4 voter to cast the ballot, I guess, or intent to 5 cast the rest of the ballot -- 6 MR. DAMSCHRODER: Using the check marks 7 to identify their choices. 8 MR. ANTHONY: Thank you. Using the 9 check marks to identify their choices. 10 MS. MARINELLO: Second. 11 MR. DAMSCHRODER: Roll call is 12 necessary. All in favor say aye. 13 (Board votes unanimously.) 14 MR. DAMSCHRODER: Motion carries. 15 Where are we? Todd will be the keeper. 16 The next one is ballot number X002. The 17 voter consistently filled in the ovals for choices 18 throughout the ballot, but then put an X through, 19 essentially, the entirety of the front of the 20 first page. And I think in a couple instances 21 that large X would have overvoted a couple of the 22 contests. 23 And so the question is whether the large 24 X is indicative of anything or whether the ballot</p>	<p>1 the X across the front page. 2 CHAIRMAN PREISSE: Do we have any other 3 statutory or directive instructions as to any 4 markings? 5 MR. DAMSCHRODER: I don't think in this 6 kind of a situation we do have any. 7 CHAIRMAN PREISSE: X marks the spot on 8 this one. 9 MR. ANTHONY: You know what? I'm 10 inclined to just count the whole ballot. 11 CHAIRMAN PREISSE: To do what? 12 MR. ANTHONY: To count the ballot as 13 marked and ignore the X on it. 14 CHAIRMAN PREISSE: I am, too. I think 15 my sense is the voter used the X to determine that 16 he or she had completed that side. I can't see 17 any other -- 18 MR. ANTHONY: Mr. Chair, based upon 19 review of the ballot number X002, the Board 20 determined that it was the intent of the voter to 21 cast that ballot for all the names so marked. 22 MS. MARINELLO: Second. 23 MR. DAMSCHRODER: All in favor say aye. 24 (Board votes unanimously.)</p>
Page 19	Page 21
<p>1 that has been consistently marked with the ovals 2 should be remade using the ovals and disregarding 3 the large X. 4 CHAIRMAN PREISSE: The voter didn't vote 5 for the presidential race. Maybe they didn't have 6 enough information. 7 MR. DAMSCHRODER: It's possible. 8 MR. ANTHONY: Now, what is the big X on 9 this one? 10 MR. DAMSCHRODER: I'm sorry? 11 MR. ANTHONY: What does that big X mean? 12 MR. DAMSCHRODER: We don't know. 13 CHAIRMAN PREISSE: That's what they're 14 asking us. 15 MR. ANTHONY: So in this one, they just 16 vote for those on this page not with the big X, 17 was it? 18 MR. DAMSCHRODER: Well, I think it's up 19 to you guys. I mean, the voter clearly followed 20 the instructions in terms of filling in the oval, 21 so the question is do we -- is the big X across 22 the front indicating that the voter didn't want 23 any of those votes counted, or should we follow 24 the consistent marking of the ballot and disregard</p>	<p>1 MR. DAMSCHRODER: And motion carries. 2 Michael, if you want to hand that back 3 to me, I'll give it to Todd. 4 The next one, the voter filled in ovals 5 consistently using a pencil. In the presidential 6 contest, they filled in an oval for a candidate 7 and then filled in the oval for the write-in and 8 wrote in the candidate's name. 9 We have treated these, as discussed 10 earlier, as covering up the write-in oval so 11 that's not viewed as an overvote, meaning that the 12 candidate is counted. 13 However, in the contest for the 15th 14 Congressional District, inconsistent with what the 15 voter did in the presidential vote, the voter did 16 not mark any of the four candidates, but did fill 17 in the write-in bubble and then did not write in a 18 write-in candidate, but wrote in a regular 19 candidate's name. 20 And so the question is whether that 21 write-in vote should be counted as a regular vote 22 for the candidate. 23 CHAIRMAN PREISSE: Did the voter place 24 this piece of paper over the vote?</p>

Page 22	Page 24
<p>1 MR. DAMSCHRODER: No, no, the staff did, 2 over the write-in bubble for president, so that 3 would not be determined as an overvote when it was 4 scanned. 5 CHAIRMAN PREISSE: I see. And that 6 first ballot we worked on, there was a check by 7 the presidential candidate, and a write-in and a 8 check by the write-in? 9 MR. DAMSCHRODER: In the first instance, 10 the first ballot, the person wrote in the 11 candidate's name but didn't check the oval, and 12 that failed to win a majority. 13 CHAIRMAN PREISSE: Because there was 14 internal inconsistency with the inaccurate -- 15 MR. DAMSCHRODER: Correct. 16 CHAIRMAN PREISSE: And to continue on my 17 comment about it, the two inconsistencies, one you 18 pointed to precedent in that we can avoid the 19 overvote, or that we're avoiding the overvote, 20 it's pretty clear and cut in there; but this in 21 the 15th Congressional District, it is 22 inconsistent with the rest of this voter's 23 methodology, in my opinion. 24 So any discussion on that one, what you</p>	<p>1 MR. ANTHONY: Mr. Chair, I move, based 2 on the review of the ballot number X003, the Board 3 determines that it was the intent of the voter to 4 cast a vote for the rest of the ballot. 5 MS. MARINELLO: Second. 6 MR. DAMSCHRODER: Okay. That's for the 7 rest of the ballot. All in favor say aye. 8 (Board votes unanimously.) 9 MR. DAMSCHRODER: And the motion 10 carries. 11 The next is 004. The problem on this is 12 the Supreme Court contest in the bottom of the 13 left-hand column on that back page. The voter 14 clearly and consistently filled in ovals, and in 15 this contest it appears that both ovals are filled 16 in and that there's additional marking outside of 17 one of the other ovals, I think trying -- I 18 think -- to potentially indicate the voter's 19 intent. But I think there's a question on that, 20 so that's presented to the Board for your review. 21 CHAIRMAN PREISSE: It looks to me like 22 they marked it, decided they didn't want to mark 23 it, marked the other one, and put a check by the 24 one they wanted to count.</p>
Page 23	Page 25
<p>1 reviewed? 2 MR. ANTHONY: I looked at it, and it 3 looked like whoever voted there put an oval, made 4 their own oval. So based on review of the ballot 5 number X003, the Board determines that it was the 6 intent of the voter to cast a vote for -- and we 7 should separate this in two, I would imagine. 8 MR. DAMSCHRODER: Yeah, I think the 15th 9 is the only question. 10 MR. ANTHONY: -- for the 15th 11 Congressional District where they placed Mary Jo 12 Kilroy as the candidate by writing her name and 13 making her own oval. 14 MS. MARINELLO: I second. 15 CHAIRMAN PREISSE: We should do a roll 16 call vote. 17 MR. DAMSCHRODER: Okay. Mr. Anthony. 18 MR. ANTHONY: Yes. 19 MR. DAMSCHRODER: Mr. Colley. 20 MR. COLLEY: No. 21 MR. DAMSCHRODER: Ms. Marinello. 22 MS. MARINELLO: Yes. 23 MR. DAMSCHRODER: Mr. Preisse. 24 CHAIRMAN PREISSE: No.</p>	<p>1 MR. ANTHONY: Mr. Chair, based upon 2 review of the ballot number X004, the Board 3 determines that it was the intent of the voter to 4 cast a, I guess, ballot for the entire ballot. I 5 don't think that's -- 6 MR. DAMSCHRODER: So essentially that 7 contest would remain as an overvote. 8 MR. ANTHONY: As an overvote. 9 CHAIRMAN PREISSE: So you're not 10 persuaded by my reasoning? 11 MR. ANTHONY: I am persuaded by it, but 12 it really doesn't matter, it looks like an 13 overvote to me. 14 MS. MARINELLO: Second. 15 CHAIRMAN PREISSE: So the issue is that, 16 interpreting Mr. Anthony's motion, to indicate 17 that that's an overvote? 18 MR. DAMSCHRODER: Yes. 19 CHAIRMAN PREISSE: Okay. My sense is 20 that voter here changed his or her mind, crossed 21 it out, filled in that bubble, and checked it. 22 As I reflect on the last time we did 23 this, we were to reach consensus in situations 24 like this, for that sort of narrative was applied</p>

<p style="text-align: right;">Page 26</p> <p>1 to what appeared to have happened, but that's how 2 I feel.</p> <p>3 MR. ANTHONY: That's a good way to feel.</p> <p>4 MR. DAMSCHRODER: So if this motion 5 fails, the motion to treat it as an overvote fails 6 to win a majority, another motion could always be 7 made.</p> <p>8 MR. ANTHONY: Then let me take that 9 motion off the table, and I would like to make -- 10 then my motion would be to count the rest of the 11 ballot and leave that one race as an overvote.</p> <p>12 MR. DAMSCHRODER: So second, Kim?</p> <p>13 MS. MARINELLO: Second.</p> <p>14 CHAIRMAN PREISSE: Okay. We have a 15 motion and we have a second. Let's have a little 16 discussion so we're all clear on what we're doing, 17 if we can be.</p> <p>18 Now, you wish your motion to ask the 19 questions to whether this ballot should be 20 counted, except for this race in question, the 21 Supreme Court case?</p> <p>22 MR. ANTHONY: That's correct.</p> <p>23 CHAIRMAN PREISSE: If that motion 24 passes, that's what will happen. If it fails, the</p>	<p style="text-align: right;">Page 28</p> <p>1 subsequent ballots.</p> <p>2 MR. ANTHONY: Haven't been reasonable 3 with the other two.</p> <p>4 CHAIRMAN PREISSE: I point to the 5 Secretary of State's recent directive that calls 6 to consistency. Let's see, we have a motion on 7 the --</p> <p>8 MR. DAMSCHRODER: I think the motion on 9 the floor by Mr. Anthony is to essentially run the 10 ballot through the scanner as it is, resulting in 11 an overvote for that contest.</p> <p>12 Correct me if I'm wrong, Mr. Anthony.</p> <p>13 MR. ANTHONY: You did a good job at 14 that, sir.</p> <p>15 MR. DAMSCHRODER: Thank you, sir.</p> <p>16 CHAIRMAN PREISSE: Do you wish to confer 17 on that? What do you think? Do you have an 18 opinion on that?</p> <p>19 MR. COLLEY: What's yours?</p> <p>20 CHAIRMAN PREISSE: I think reasonable 21 people, when they're feeling reasonable, could 22 agree that that voter wished to vote for O'Connor, 23 accidentally voted Russo, and changed his or her 24 mind. Is that what appears to have happened there</p>
<p style="text-align: right;">Page 27</p> <p>1 Board could consider a secondary motion. 2 Looking to Matthew for a nod.</p> <p>3 MR. DAMSCHRODER: Yes.</p> <p>4 CHAIRMAN PREISSE: Which would, I 5 anticipate, be made by someone, by me, that would 6 suggest we can determine the voter's intent there 7 and count the entire ballot. If that passed, so 8 be it. And if it failed, there could be a third.</p> <p>9 MR. DAMSCHRODER: I think it's unlimited 10 debate and unlimited motions. I think if we run 11 the ballot through as it is right now, all the 12 contests are going to be read as properly voted 13 and it's going to read as an overvote for that one 14 Supreme Court contest.</p> <p>15 CHAIRMAN PREISSE: So it won't count at 16 all?</p> <p>17 MR. DAMSCHRODER: Not for that one 18 contest.</p> <p>19 CHAIRMAN PREISSE: That one contest?</p> <p>20 MR. DAMSCHRODER: Right.</p> <p>21 CHAIRMAN PREISSE: Well, I'm hoping to 22 establish a cooperative precedent that where the 23 voter's intent may be able to be agreed upon by 24 reasonable people, that we could do that in</p>	<p style="text-align: right;">Page 29</p> <p>1 to you?</p> <p>2 MR. COLLEY: Mm-hmm.</p> <p>3 CHAIRMAN PREISSE: Well, for the sake of 4 conscience, a clear conscience, I'm going to -- 5 let's call the question.</p> <p>6 MR. DAMSCHRODER: All right. 7 Mr. Anthony.</p> <p>8 MR. ANTHONY: Yes.</p> <p>9 MR. DAMSCHRODER: Mr. Colley.</p> <p>10 MR. COLLEY: No.</p> <p>11 MR. DAMSCHRODER: Ms. Marinello.</p> <p>12 MS. MARINELLO: Yes.</p> <p>13 MR. DAMSCHRODER: Mr. Preisse.</p> <p>14 CHAIRMAN PREISSE: No.</p> <p>15 MR. DAMSCHRODER: And so failing to get 16 a majority on that, as it stands, the ballot is to 17 be read as is, unless there are any other --</p> <p>18 CHAIRMAN PREISSE: Well, I would, in the 19 interest of providing all of us a second 20 opportunity to serve our consciences and 21 intentions, including my own, I move that based 22 upon the review of ballot X004, it appears that 23 the voter attempted to correct his or her initial 24 marking and indicate to those who would be viewing</p>

Page 30

1 the ballot later that he or she wished to cast a
 2 vote for Maureen O'Connor.
 3 I think that that is a reasonable
 4 conclusion, based on the markings, and I would
 5 move that said ballot be counted, including that
 6 race as marked for Maureen O'Connor.
 7 I need a second, Michael.
 8 MR. COLLEY: Second.
 9 MR. DAMSCHRODER: Any discussion on the
 10 motion?
 11 (No response.)
 12 MR. DAMSCHRODER: Mr. Anthony.
 13 MR. ANTHONY: No.
 14 MR. DAMSCHRODER: Mr. Colley.
 15 MR. COLLEY Yes.
 16 MR. DAMSCHRODER: Ms. Marinello.
 17 MS. MARINELLO: No.
 18 MR. DAMSCHRODER: Mr. Preisse.
 19 CHAIRMAN PREISSE: Yes.
 20 MR. DAMSCHRODER: And resulting in a
 21 tie, majority not being found, the ballot will be
 22 counted as it is with the overvote, unless there's
 23 any other motions before the Board.
 24 CHAIRMAN PREISSE: Okay.

Page 31

1 MR. DAMSCHRODER: The next is ballot
 2 X005. The voter consistently marked the ballot by
 3 darkening in all the ovals for the candidates.
 4 There is an overvote for president, but that's not
 5 at issue. What is at issue is the marking for
 6 question number one, Constitutional Amendment,
 7 where instead of marking yes or no consistent with
 8 the other markings on the ballot, the voter put an
 9 oval over the word "yes," inconsistent with the
 10 other markings on the ballot.
 11 CHAIRMAN PREISSE: Now, what happens in
 12 that?
 13 MR. DAMSCHRODER: If that ballot was run
 14 through the scanner right now, the presidential
 15 contest would be overvoted, which is, I think,
 16 clear. And then for Issue 1, it would be an
 17 undervoted contest because the voter did not fill
 18 in the oval for yes or no.
 19 CHAIRMAN PREISSE: So it's consistently
 20 incorrectly filled out, except for two instances,
 21 the presidential would be an overvote and then not
 22 counted at all?
 23 MR. DAMSCHRODER: Correct. And the
 24 overvote, I think it was just an overvote. The

Page 32

1 question really is with Issue No. 1.
 2 CHAIRMAN PREISSE: So the question would
 3 be to count it as is?
 4 MR. DAMSCHRODER: Yeah.
 5 MR. ANTHONY: Mr. Chair, based upon
 6 review of ballot number X005, the Board determines
 7 that it was the intent of the voter to cast a
 8 ballot -- or how should we do it?
 9 MR. DAMSCHRODER: The question is if
 10 Issue 1 is voted or not. I think staff's
 11 recommendation in this instance is that the voter,
 12 having consistently marked the rest of the ballot,
 13 did not fill in the oval for Issue 1; so
 14 therefore, we have the scanner just reading it as
 15 an undervoted contest.
 16 MR. ANTHONY: All right. So how do I
 17 say that?
 18 MR. DAMSCHRODER: Count ballot number
 19 X005 as marked.
 20 MR. ANTHONY: As marked? All right.
 21 That's my motion.
 22 MR. DAMSCHRODER: Second?
 23 MS. MARINELLO: And I second that.
 24 MR. DAMSCHRODER: All in favor say aye.

Page 33

1 (Board votes unanimously.)
 2 MR. DAMSCHRODER: Motion carries.
 3 The next is ballot X006, which is
 4 troublesome. The voter used any number of
 5 different methods consistently inconsistently
 6 marking his or her ballot, including the use of an
 7 orange highlighter, check marks, filled-in ovals,
 8 circles, and other various markings.
 9 MR. ANTHONY: Just a creative voter.
 10 MR. DAMSCHRODER: Yes.
 11 MR. ANTHONY: She wanted us to --
 12 whoever it was, wanted us to talk about her
 13 ballot, right?
 14 MR. DAMSCHRODER: That's right.
 15 (Laughter.)
 16 CHAIRMAN PREISSE: So what happens in
 17 the scanning of this where there's coloring in?
 18 MR. DAMSCHRODER: It will pick up the
 19 markings and the oval that were made with the
 20 black ink without a problem.
 21 CHAIRMAN PREISSE: But we have
 22 inconsistency in these other --
 23 MR. DAMSCHRODER: Right. And so the
 24 Board could choose to run it through a scanner and

Page 34	Page 36
<p>1 it will -- I mean, the scanner will read those 2 where the check marks have been made in the ovals; 3 and the contests that are overvoted, are 4 overvoted. But it's consistently inconsistently 5 marked. 6 MR. ANTHONY: Yeah, this could be one of 7 the issues we see from voting at home and you 8 can't have another ballot to fix it up. 9 MR. DAMSCHRODER: Well, and we give them 10 in the instructions -- I think it is something 11 that does happen, particularly when folks are 12 voting at home and they maybe are rushed trying to 13 get it back by the deadline, but we do provide in 14 the instructions that they can contact the Board 15 of Elections for additional replacement ballots. 16 I think up to three total ballots, if my memory 17 serves, to correct any errors, or they can come to 18 Vets or they can come here. 19 CHAIRMAN PREISSE: And was it the 20 inconsistency in the markings that flagged this 21 one out to us, or the Issue 1 -- 22 MR. DAMSCHRODER: The overvote in Issue 23 1 is what brings it to the Board today; but, 24 again, it's consistently inconsistently marked.</p>	<p>1 of the contest, then the presidential contest only 2 will be overvoted. 3 And, again, the voter marked ovals for 4 two candidates, then wrote "no" under them, put 5 the date and what purports to be the voter's 6 initials, and then voted a different oval. 7 MR. ANTHONY: So why did you guys remake 8 this one? 9 MR. DAMSCHRODER: It's being brought to 10 the Board today because of the presidential 11 contest. 12 MR. ANTHONY: Okay. 13 CHAIRMAN PREISSE: These other votes for 14 the judicial contest with the X, those would be 15 counted? 16 MR. DAMSCHRODER: Mm-hmm. 17 CHAIRMAN PREISSE: So the question is 18 determining that voter's intent, even though they 19 sort of spoiled portions of the ballot? 20 MR. DAMSCHRODER: Right. 21 CHAIRMAN PREISSE: They filled in the 22 rest of it consistently -- 23 MR. DAMSCHRODER: Right. 24 CHAIRMAN PREISSE: -- within the bounds</p>
Page 35	Page 37
<p>1 We're not dealing with any other contests. 2 CHAIRMAN PREISSE: Other than? 3 MR. DAMSCHRODER: Other than Issue 1, 4 which will read as an overvote at this point. 5 MR. ANTHONY: Mr. Chair, based upon 6 review of ballot number X006, the Board determines 7 that it was the intent of the voter to cast the 8 ballot as marked. 9 MS. MARINELLO: Second. 10 MR. DAMSCHRODER: All in favor say aye. 11 (Board votes unanimously.) 12 MR. DAMSCHRODER: Next is ballot X007, 13 which has the majority of the contests are marked 14 using filling in the oval, with the exception of 15 the presidential contest where the voter filled in 16 the oval for two candidates then wrote "no" under 17 both of those ovals, then filled in a different 18 candidate for president. 19 And then for three of the judicial 20 contests, instead of filling in the oval, the 21 voter used an X through the oval. At this point, 22 those three judicial contests, if scanned as is, 23 will read as votes for those candidates, unless 24 the Board votes to remake the presidential portion</p>	<p>1 of reason, because the X is in the filled-in 2 bubbles, or fairly consistent. 3 MR. ANTHONY: Fairly consistent. So for 4 that presidential race -- what do we do with this 5 one, again? 6 MR. DAMSCHRODER: Well, I think the 7 opinion of staff is that based on the note 8 provided to the Board, right now it will read as 9 an overvote, but I think the staff's 10 recommendation would be that the voter's intent is 11 to vote for Obama, having filled in two other 12 ovals, appearing to have marked over it so the 13 markings are inconsistent with the rest of the 14 ballot, and writing his little note there saying 15 "no." 16 MR. ANTHONY: I gotcha. Mr. Chair, 17 based upon review of the ballot number X007, the 18 Board determines that it was the intent of the 19 voter to cast his ballot as marked. Would 20 that be -- 21 MR. DAMSCHRODER: Maybe add that it's 22 not an overvoted contest for president, but that 23 it's a vote for Obama. 24 MR. ANTHONY: Okay. As marked, it is</p>

Page 38

1 not an overvoted contest for president because it
 2 was clearly marked for Obama.
 3 MS. MARINELLO: Second.
 4 CHAIRMAN PREISSE: Any discussion?
 5 Yes.
 6 Inasmuch as I think we have a
 7 consistently filled out ballot, even though the
 8 markings are a little bit different, they are in
 9 the bubbles, and we have additional markings,
 10 though it would have been counted as an overvote,
 11 but we have indications from the voter what he or
 12 she wanted to do, I'm inclined to support the
 13 motion.
 14 If there's no other discussion, why
 15 don't we have a vote?
 16 MR. DAMSCHRODER: All in favor say aye.
 17 (Board votes unanimously.)
 18 MR. DAMSCHRODER: Motion carries.
 19 Ballot number 008, X008, again, an
 20 overvoted contest for president, only the voter
 21 appears to have drawn a little bit of a road map
 22 on the ballot to try to figure, and it's just
 23 indecipherable at this point whether it's an
 24 overvote or whether there's some other kind of

Page 39

1 marking.
 2 CHAIRMAN PREISSE: So what's your
 3 recommendation on this?
 4 MR. DAMSCHRODER: I think my
 5 recommendation is that there's -- I can't tell
 6 what the voter's trying to do there, but maybe
 7 you-all can.
 8 CHAIRMAN PREISSE: The voter sort of ran
 9 out of steam after and just stopped all together.
 10 MR. ANTHONY: Oh, boy.
 11 MR. COLLEY: So how are you voting?
 12 CHAIRMAN PREISSE: Well, I think it's
 13 clear the voter wanted to vote for the other side,
 14 but I'm wearing my Board hat. We'll see what he
 15 does.
 16 MR. ANTHONY: Mr. Chair, I move that the
 17 Board, upon review of the ballot number X008, the
 18 Board determines that it was the intent of the
 19 voter to vote as he marked it, or as they marked
 20 it. And it appears that for the presidential
 21 race, it appears to be a vote for Barack Obama.
 22 MS. MARINELLO: Second.
 23 CHAIRMAN PREISSE: I think that is the
 24 voter's intent, as well.

Page 40

1 MR. DAMSCHRODER: All in favor say aye.
 2 (Board votes unanimously.)
 3 MR. DAMSCHRODER: Motion carries.
 4 Ballot number X009, if it's scanned
 5 right now, it will be an overvote for president,
 6 having filled in the oval for Obama and also for
 7 Baldwin and then circled the oval for Baldwin and
 8 put what appears to be the voter's initials above
 9 that.
 10 So I don't know if the circling is an
 11 act of omission or if it's an act to say this is
 12 who I wanted. The voter was clear in the voter's
 13 other markings for other contests by filling in
 14 the oval.
 15 MR. ANTHONY: Who was Baldwin?
 16 CHAIRMAN PREISSE: The Constitution
 17 party.
 18 MR. ANTHONY: Oh.
 19 CHAIRMAN PREISSE: Well, I couldn't tell
 20 on that one.
 21 MR. ANTHONY: Looks like to me that's
 22 who he wanted to vote for.
 23 CHAIRMAN PREISSE: It's a consistently
 24 voted democratic ballot. But in and of itself,

Page 41

1 looking at that, I'd say he wanted to vote for
 2 Baldwin.
 3 MR. ANTHONY: It looks like the person
 4 to me, too.
 5 Mr. Chairman, based upon review of the
 6 ballot number X008, the Board determines that it
 7 was the intent of the voter to cast his ballot as
 8 marked for the presidential race. It appeared it
 9 was marked for Mr. Baldwin.
 10 CHAIRMAN PREISSE: But we're just going
 11 to count it, we're not going to determine the
 12 voter's intent there. Do you want to vote on the
 13 voter's intent, or just count it as an overvote,
 14 right?
 15 MR. ANTHONY: Just count it as an
 16 overvote.
 17 CHAIRMAN PREISSE: Yeah.
 18 MR. DAMSCHRODER: All right. So the
 19 motion on the table is to count it as the voter
 20 marked it, which will result in an overvote for
 21 president?
 22 MR. ANTHONY: Yeah, as marked, excuse
 23 me.
 24 MR. DAMSCHRODER: Okay. Is there a

Page 42	Page 44
<p>1 second?</p> <p>2 MS. MARINELLO: Second.</p> <p>3 MR. DAMSCHRODER: Kim, was that a</p> <p>4 second?</p> <p>5 MS. MARINELLO: Yes.</p> <p>6 MR. DAMSCHRODER: Okay. All in favor</p> <p>7 say aye.</p> <p>8 (Board votes unanimously.)</p> <p>9 MR. DAMSCHRODER: All right. This is</p> <p>10 ballot X010. Issue 75, the voter filled in both</p> <p>11 ovals yes and no and then wrote the word "no" and</p> <p>12 what appears to be the voter's initials.</p> <p>13 MR. ANTHONY: Was that the only issue</p> <p>14 here?</p> <p>15 MR. DAMSCHRODER: Yeah.</p> <p>16 MR. ANTHONY: You tricked me, you went</p> <p>17 to X010 instead of X0010.</p> <p>18 MR. DAMSCHRODER: I know, those double</p> <p>19 digits.</p> <p>20 MR. ANTHONY: Mr. Chair, based upon</p> <p>21 review of the ballot number X010, the Board</p> <p>22 certifies that it was the intent of the voter to</p> <p>23 cast a ballot as marked, which would mean that</p> <p>24 would be an overvote.</p>	<p>1 overvote then?</p> <p>2 CHAIRMAN PREISSE: Yeah, you're right.</p> <p>3 Yep, you're right. I'm glad we talked about it.</p> <p>4 MR. ANTHONY: Yeah, me, too, because you</p> <p>5 had me convinced.</p> <p>6 CHAIRMAN PREISSE: We convinced each</p> <p>7 other and accomplished nothing.</p> <p>8 MR. DAMSCHRODER: So the motion on the</p> <p>9 table, I believe, made by Mr. Anthony a few</p> <p>10 moments ago, is to leave it alone, which will</p> <p>11 result in an overvote; is that correct?</p> <p>12 MR. ANTHONY: Yes, that's still my</p> <p>13 motion.</p> <p>14 MR. DAMSCHRODER: Kim, was there a</p> <p>15 second for that?</p> <p>16 MS. MARINELLO: Second.</p> <p>17 MR. DAMSCHRODER: All in favor say aye.</p> <p>18 (Board votes unanimously.)</p> <p>19 MR. DAMSCHRODER: Motion carries.</p> <p>20 Next is ballot X0010. The voter filled</p> <p>21 an oval for write-in, filled in an oval for</p> <p>22 presidential candidate, both of those appear to</p> <p>23 have Xs drawn through them, which would be the</p> <p>24 inconsistency in the rest of the ballot, and then</p>
<p style="text-align: right;">Page 43</p> <p>1 CHAIRMAN PREISSE: You're not persuaded</p> <p>2 that this person wanted to vote?</p> <p>3 MR. ANTHONY: I'm persuaded he was a no,</p> <p>4 he's voting against it.</p> <p>5 CHAIRMAN PREISSE: Here?</p> <p>6 MR. ANTHONY: Yeah.</p> <p>7 CHAIRMAN PREISSE: So you think they</p> <p>8 wanted to vote for it --</p> <p>9 MR. ANTHONY: Differently.</p> <p>10 CHAIRMAN PREISSE: Oh, really? Because</p> <p>11 I think they filled that in and they're saying,</p> <p>12 "No, I'm attesting to the fact that this is not</p> <p>13 what I want to do, this is what I want to do."</p> <p>14 MR. ANTHONY: That could be both ways.</p> <p>15 MS. MARINELLO: Yeah, it sure could.</p> <p>16 CHAIRMAN PREISSE: My sense is they</p> <p>17 wanted this --</p> <p>18 MR. ANTHONY: As opposed to that?</p> <p>19 CHAIRMAN PREISSE: Yeah. On the other</p> <p>20 hand, you're right, it could have been --</p> <p>21 MR. DAMSCHRODER: It could have been</p> <p>22 saying, "No, not this one."</p> <p>23 MS. MARINELLO: Yeah.</p> <p>24 MR. ANTHONY: So we count it as an</p>	<p style="text-align: right;">Page 45</p> <p>1 filled in an oval for another candidate for</p> <p>2 president.</p> <p>3 MR. NICKOLAS: Matt, you said this is</p> <p>4 10?</p> <p>5 MR. DAMSCHRODER: This is X011, I</p> <p>6 believe.</p> <p>7 MR. ANTHONY: Okay. Thank you, Kim.</p> <p>8 Kim was keeping me straight. Thanks.</p> <p>9 CHAIRMAN PREISSE: This is X011.</p> <p>10 MR. ANTHONY: Yeah. Thank you, sir. I</p> <p>11 was going to listen to him, because I think he's a</p> <p>12 very smart guy.</p> <p>13 MR. NICKOLAS: Matt, what's the issue on</p> <p>14 this one?</p> <p>15 MR. DAMSCHRODER: The voter filled in --</p> <p>16 it appears to be consistently marked throughout</p> <p>17 the ballot filling in the oval, but then in</p> <p>18 president there's an oval filled in for write-in</p> <p>19 with an X, oval filled in for one candidate with</p> <p>20 an oval and an X, and then an oval without an X.</p> <p>21 And the rest of the consistent markings are ovals</p> <p>22 and no Xs.</p> <p>23 MR. ANTHONY: Mr. Chairman, based upon</p> <p>24 review of the ballot number X011, the Board</p>

<p style="text-align: right;">Page 46</p> <p>1 determines that it was the intent of the voter to 2 cast a ballot as marked. So that would mean those 3 there won't be a count on that. 4 MR. DAMSCHRODER: Is it an overvote? 5 MR. ANTHONY: Yeah. 6 MR. DAMSCHRODER: Okay. Is there a 7 second? 8 MS. MARINELLO: Second. 9 MR. DAMSCHRODER: All in favor say aye. 10 (Board votes unanimously.) 11 MR. DAMSCHRODER: Overvote. 12 The next voter consistently used an oval 13 and a check mark through the candidate's name, 14 except for on president where there's no ovals, no 15 check marks, but three candidates' names are 16 circled and one of the candidates' names is 17 written in, again, without a write-in oval being 18 filled in. 19 MR. ANTHONY: Mr. Chair, based upon 20 review of the ballot number X012, the Board 21 determines that it was the intent of the voter to 22 cast a ballot as marked. 23 MS. MARINELLO: Second. 24 CHAIRMAN PREISSE: No discussion.</p>	<p style="text-align: right;">Page 48</p> <p>1 can't just have a written party preference in 2 order to mark a ballot. So the questions are 3 largely on the front. 4 MR. ANTHONY: Are there some states, 5 Mr. Chairman, that allow party preference? 6 MR. DAMSCHRODER: Yes, there's some 7 states that have straight party ticket voting, 8 where you just select the party you want and it 9 then automatically selects all the candidates for 10 that party. 11 CHAIRMAN PREISSE: Okay. The question 12 on this one then is what? 13 MR. DAMSCHRODER: The three on the front 14 for state rep and then I think the two county 15 commissioner candidates where the voter has all 16 kinds of markings there that would result in it 17 being an overvote, but I think based on the note 18 that the voter left, the intent -- 19 CHAIRMAN PREISSE: And the three on the 20 front? 21 MR. DAMSCHRODER: Yeah. 22 CHAIRMAN PREISSE: And then on the 23 presidential? 24 MR. DAMSCHRODER: The presidential, the</p>
<p style="text-align: right;">Page 47</p> <p>1 MR. DAMSCHRODER: All in favor say aye. 2 (Board votes unanimously.) 3 MR. DAMSCHRODER: Motion carries. 4 The next one is X013. The presidential 5 contest is not at issue because as we have handled 6 in the past, the write-in won't impact, as they 7 wrote in a candidate's name and then also wrote in 8 that candidate. But what is at issue is there's a 9 lot of other markings there, particularly on the 10 front side, where the person's scratched out a 11 candidate's names and wrote notes of who they 12 wanted to vote for. 13 I think the voter's intent is clear on 14 the front. And then on the back for contests 15 where there's a candidate, or two candidates, the 16 voter wrote a party preference saying, "I want a 17 democratic candidate," even though the contest was 18 unopposed with a republican or vice versa, and 19 then in contests that were nonpartisan, writing in 20 the party preference as opposed to filling in a 21 candidate's names. 22 I think based on advice we have gotten 23 from the Secretary of State's office on federal 24 write-ins, we have to have a candidate's name, we</p>	<p style="text-align: right;">Page 49</p> <p>1 write-in will get covered up so that's not an 2 overvote, because it is indeed a vote for the 3 presidential candidate. 4 So we have a voter who has filled it out 5 consistently, made what appears to be some 6 mistakes, and left us a message saying, "This is 7 what I want to do." 8 MR. DAMSCHRODER: Yes. 9 CHAIRMAN PREISSE: I have voted to 10 support the voter's intent several times today on 11 that, which I think is clear in those instances. 12 MR. ANTHONY: This person really did 13 need a sample ballot. 14 MS. MARINELLO: Yeah. 15 MR. ANTHONY: I guess they kind of 16 messed -- 17 CHAIRMAN PREISSE: You want to move on 18 this one? 19 MR. ANTHONY: Matt, on this one, if we 20 move for the ones that are as marked, which ones 21 would be counted on this page? 22 MR. DAMSCHRODER: I think on that one, 23 maybe read into the motion the candidates that the 24 voter intended to vote for on the front side.</p>

Page 50

1 MR. ANTHONY: Okay. And then leave the
 2 back alone?
 3 MR. DAMSCHRODER: Yeah.
 4 MR. ANTHONY: Now, there are some on the
 5 back.
 6 MR. DAMSCHRODER: When we remake it,
 7 we'll remake it with the votes from the back.
 8 MR. ANTHONY: Okay. That you can
 9 determine?
 10 MR. DAMSCHRODER: Right.
 11 MR. ANTHONY: Okay.
 12 MR. DAMSCHRODER: But like the judicial
 13 contest there between Sheward and Dingus where the
 14 person just writes in, "I'm for the democratic
 15 candidate," we won't count anything in that
 16 contest.
 17 MR. ANTHONY: But the four she did vote
 18 for we can count?
 19 MR. DAMSCHRODER: Will be counted.
 20 MR. ANTHONY: All right. So, Mr. Chair,
 21 based on review of the ballot number X013, the
 22 Board determines that it was the intent of the
 23 voter to cast a ballot as marked on the front page
 24 of the ballot and to count the four races on the

Page 51

1 back that we can't count.
 2 MS. MARINELLO: I second that.
 3 MR. DAMSCHRODER: All in favor say aye.
 4 (Board votes unanimously.)
 5 MR. DAMSCHRODER: Motion carries.
 6 Next is ballot X013 where the question
 7 is relative --
 8 MS. MARINELLO: Four.
 9 MR. DAMSCHRODER: I'm sorry, X014, where
 10 the question is on prosecuting attorney in
 11 congress.
 12 CHAIRMAN PREISSE: This one is marked
 13 X013. I think I'm out of order. That's X014.
 14 CHAIRMAN PREISSE: Should we amend this?
 15 MR. DAMSCHRODER: Yes.
 16 MR. ANTHONY: So the one you got is --
 17 MR. DAMSCHRODER: The one you just did
 18 is X013.
 19 MR. ANTHONY: Okay.
 20 CHAIRMAN PREISSE: Okay. I fixed it.
 21 MR. DAMSCHRODER: So this one the voter
 22 cast a ballot for prosecuting attorney and then
 23 wrote "no vote" next to it, and then for Congress
 24 filled in two ovals but then wrote "no vote," I

Page 52

1 think, next to the one for Tiberi.
 2 CHAIRMAN PREISSE: Okay. So they filled
 3 it out consistently, but are trying to tell us
 4 they made a mistake and wanted to go back and
 5 indicate that?
 6 MR. DAMSCHRODER: I would concur with
 7 that.
 8 CHAIRMAN PREISSE: And left some helpful
 9 coffee marks along the way.
 10 MR. ANTHONY: That was on the front.
 11 The back is okay?
 12 MR. DAMSCHRODER: The back is fine.
 13 MR. ANTHONY: Mr. Chair, based on review
 14 of the ballot number X014, the Board determines
 15 that it was the intent by the voter to cast the
 16 ballot as marked on the front page -- as marked
 17 period?
 18 MR. DAMSCHRODER: If we do it as marked,
 19 a vote would cast for O'Brien and it would be an
 20 overvote for congress, so if you want to amend
 21 that too. But it will vote as marked, except for
 22 an undervote for prosecuting attorney and a vote
 23 for Robison.
 24 MR. ANTHONY: Then as marked on the back

Page 53

1 page, the second page, and to reflect on the front
 2 page, the vote for Robison and --
 3 MR. DAMSCHRODER: Undervote for
 4 prosecuting attorney?
 5 MR. ANTHONY: Yeah, undervote for
 6 prosecuting attorney.
 7 MR. DAMSCHRODER: Is there a second?
 8 MS. MARINELLO: Second.
 9 MR. DAMSCHRODER: All in favor say aye.
 10 (Board votes unanimously.)
 11 MR. DAMSCHRODER: Next is X015. We have
 12 had a couple of these already where the voter --
 13 just like the last one we just did, where the
 14 voter voted for two candidates for president,
 15 actually three candidates for president, and then
 16 marked two out and wrote the word "no" next to
 17 both of them. Based on what we have done here so
 18 far --
 19 MR. ANTHONY: Mr. Chair, based on review
 20 of the ballot number X015, the Board determines it
 21 was the intent of the voter to cast a vote as
 22 marked on the back. And on the front, this looks
 23 like -- was it just one on the front?
 24 MR. DAMSCHRODER: Yeah, Obama.

Page 54	Page 56
<p>1 CHAIRMAN PREISSE: Yeah, just the 2 presidential. 3 MR. ANTHONY: Looks like there was a 4 vote cast for Obama on the front. 5 MS. MARINELLO: Second. 6 MR. DAMSCHRODER: All in favor say aye. 7 (Board votes unanimously.) 8 MR. DAMSCHRODER: Next one is ballot 9 X016. Again, similar situation where the voter 10 left us a note that it appears that they're not 11 wanting to vote for Baldwin for president, but 12 instead voting for McCain. 13 MR. ANTHONY: He wrote "oops" on the 14 ballot. 15 (Laughter.) 16 MR. ANTHONY: Mr. Chair, I move that 17 based on review of the ballot X016, the Board 18 determines that it was the intent of the voter to 19 cast a ballot as marked, which includes a mark for 20 John McCain on the front. 21 CHAIRMAN PREISSE: That's sufficient? 22 MS. MARINELLO: Second. 23 CHAIRMAN PREISSE: We need a vote. 24 MR. DAMSCHRODER: All in favor say aye.</p>	<p>1 MR. DAMSCHRODER: Seventeen, and we have 2 at this point had a precedent vote on each of 3 these by the Board today. 4 CHAIRMAN PREISSE: How about if we pass 5 them down to examine? 6 MR. DAMSCHRODER: Sure. 7 CHAIRMAN PREISSE: Is there a problem 8 with getting them out of order for any reason? 9 MR. DAMSCHRODER: The only one that's 10 marked is X017, which is the next one we were 11 going to handle. 12 CHAIRMAN PREISSE: Let's cast our eyes 13 over them anyway. 14 MR. DAMSCHRODER: Sure. 15 CHAIRMAN PREISSE: I have great 16 confidence in what you just said, as I do in just 17 about everything you ever say, but I want to look. 18 MR. DAMSCHRODER: Sure. 19 (Board member reviewing ballots.) 20 CHAIRMAN PREISSE: What did we do in 21 this one? Which I think this is -- well, 22 interestingly, this is not one similar -- 23 MR. DAMSCHRODER: Right. These, Doug, 24 are votes similar to votes we took on X001 and</p>
Page 55	Page 57
<p>1 (Board votes unanimously.) 2 MR. DAMSCHRODER: And motion carries. 3 Give me 30 seconds. 4 (Pause.) 5 MR. DAMSCHRODER: The balance of the 6 ballots in question are all similar, at this 7 point, to votes that the Board has already taken, 8 in terms of all of these different issues where 9 the voter has made a note, crossed one out. All, 10 again, the exact same issues, the ones we just 11 completed. 12 If the Board wants to vote to direct 13 staff to mark the balance of the ballots 14 consistent with the votes the Board has just 15 taken, Todd and I can do that at the conclusion of 16 the meeting, as opposed to going one-by-one 17 through the balance of these. 18 CHAIRMAN PREISSE: So you're telling us 19 that each of those ballots in a variety of races 20 has been doubly marked and then there's clear 21 instructions or notations from the voter? 22 MR. DAMSCHRODER: That's correct. 23 CHAIRMAN PREISSE: How many more are 24 there?</p>	<p>1 X003, where the person filled in the write-in oval 2 only and then wrote in a candidate's name. And 3 the vote for 003 tied, and so we didn't count this 4 situation. 5 This one where the voter wrote in a real 6 candidate's name for write-in but didn't fill in 7 any ovals at all, is similar to the vote in 001 8 where the Board failed to reach a majority; and 9 therefore, it will not count, under those two 10 previous votes from today. 11 CHAIRMAN PREISSE: So your intention is 12 to follow that precedent? 13 MR. DAMSCHRODER: Correct. 14 MR. ANTHONY: Matt, these weren't in any 15 order, were they? 16 MR. DAMSCHRODER: No. 17 CHAIRMAN PREISSE: Yeah, with the Xs on 18 these, I guess our precedent is that first ballot. 19 MR. DAMSCHRODER: Exactly, where we are 20 disregarding the X and taking the votes from the 21 voter. And by "taking the votes from the voter," 22 I mean counting the ballot as marked by the voter. 23 MR. ANTHONY: Be careful how you say 24 that one, Matt. That could be misconstrued.</p>

Page 58	Page 60
<p>1 MR. DAMSCHRODER: It will be. 2 (Laughter.) 3 MR. ANTHONY: But we understand. 4 MR. DAMSCHRODER: I know you do. 5 CHAIRMAN PREISSE: What do we do with 6 the Hillary Clinton vote for president? 7 MR. DAMSCHRODER: That's for the 8 write-in, that doesn't get counted. 9 MR. ANTHONY: It mentions Secretary of 10 State. 11 MR. DAMSCHRODER: Once we have direct 12 election for that office, we'll hold that for 13 then. 14 MR. ANTHONY: All right. 15 MS. MARINELLO: How come some of them 16 have the labels on them and some of them don't? 17 MR. DAMSCHRODER: Those are ones where 18 the staff's already reviewed them and there's not 19 a question; we're just for errant marks that would 20 cause it to be overvoted. 21 CHAIRMAN PREISSE: It looks like there's 22 the same kinds of issues throughout the remaining 23 ballots. 24 MR. ANTHONY: Is that first one an</p>	<p>1 MR. ANTHONY: -- based upon review of 2 the ballot numbers X017 through X033, the Board 3 determines that it was the intent of the voters to 4 cast the ballots as marked. 5 MR. DAMSCHRODER: Consistent with the 6 previous votes of the Board today? 7 MR. ANTHONY: Consistent with the 8 previous determinations of the Board today. 9 MS. MARINELLO: Second. 10 MR. DAMSCHRODER: And Kim seconds that. 11 Any further discussion? 12 Just so everybody understands, we'll use 13 the votes that we have already taken today as 14 precedent for marking these additional ballots, 15 because they're all similar situations. 16 CHAIRMAN PREISSE: We have looked at 17 every one, and I think in each case it's clear 18 what the voter was trying to do. 19 MR. ANTHONY: I agree. 20 MR. DAMSCHRODER: All in favor say aye. 21 (Board votes unanimously.) 22 MR. DAMSCHRODER: Motion carries. Thank 23 you all very much for that. 24 Todd, thank you, our effective manager</p>
Page 59	Page 61
<p>1 issue? 2 CHAIRMAN PREISSE: Yeah, I think so. 3 They did it again a couple of other places. It 4 looks like there's just a consistent effort to fix 5 it. 6 MR. ANTHONY: How many are there? 7 CHAIRMAN PREISSE: There's 17. 8 MR. ANTHONY: There's 17. So we go from 9 X017 through 34? 10 MR. DAMSCHRODER: Yes. It would be 17 11 through 33, as corrected by Todd Wedekind, on top 12 of it. 13 MR. ANTHONY: Thank you, Todd. 14 MR. WEDEKIND: You're welcome. 15 MR. ANTHONY: Oh, because 17 was 16 included in it -- 17 MR. DAMSCHRODER: Yes. 18 MR. ANTHONY: -- so there was only 16. 19 MR. DAMSCHRODER: Seventeen, seventeen 20 ballots, including number seventeen, seventeen 21 through thirty-three. 22 MR. ANTHONY: Mr. Chair -- 23 CHAIRMAN PREISSE: Was that an attempt 24 to count a vote that didn't exist?</p>	<p>1 of the absentee department. 2 Next Renae Kloe, manager of our voter's 3 services. 4 We have there, what, 27 here, Renae? 5 MS. KLOE: Twenty-six. 6 MR. DAMSCHRODER: Twenty-six 7 provisionals. These are provisionals that are not 8 subject to the current litigation that's now in 9 the Sixth Circuit Court of Appeals. It's kind of 10 a hodgepodge of different issues, and I'll let 11 Renae walk through those one-by-one. 12 MS. KLOE: The first one, Voter A, she 13 used a Florida address as her current address, 14 used her registration address as her former 15 address. We have had four acknowledgment cards 16 returned to us as undeliverable from October of 17 2007 through March of '08. She last voted in Ohio 18 in the general of '04. 19 MR. ANTHONY: So what's the 20 recommendation? 21 MS. KLOE: I don't think she is a 22 resident of Ohio anymore. 23 MR. ANTHONY: Okay. So these are now 24 different?</p>

Page 62	Page 64
<p>1 MR. DAMSCHRODER: Voter A. 2 MS. MARINELLO: Do you think this is 3 fraud, or do you just think it's just -- 4 MS. KLOE: I don't know one way or the 5 other. 6 MR. ANTHONY: These are provisionals, 7 right? 8 MR. DAMSCHRODER: Correct. 9 MS. KLOE: Correct. 10 MR. DAMSCHRODER: And they are unopened 11 and will remain unopened until the stay of the 12 lower District Court order is lifted. 13 MR. ANTHONY: But if we don't accept it, 14 will it be opened anyway? 15 MR. DAMSCHRODER: No. If the Board votes 16 not to accept that person as a qualifying elector, 17 based on the information on the envelope as 18 presented by Renae, that will not be opened. 19 MR. ANTHONY: Okay. So this one you're 20 recommending a no vote because of the 21 aforementioned reasons? 22 MS. KLOE: Yes. 23 MR. ANTHONY: Okay. Mr. Chair, both of 24 you guys, can something like this be where</p>	<p>1 poll book at all, right? 2 MS. KLOE: She would have been on the 3 poll book. 4 MR. DAMSCHRODER: Flagged as having an 5 acknowledgment card returned, which means she has 6 to vote provisionally. 7 MS. KLOE: Yes, so she would have to 8 show -- 9 CHAIRMAN PREISSE: And then failed to 10 provide an ID? 11 MS. KLOE: She would have to have shown 12 ID that would have had exactly what we had, that 13 Amity address, and she did not. I believe she 14 showed a Florida ID. 15 MR. ANTHONY: So maybe she moved to 16 Florida and decided to come back to Columbus. 17 MS. KLOE: Correct. 18 MR. DAMSCHRODER: Staff's recommendation 19 on this one is to reject it as not a qualified 20 elector? 21 MS. KLOE: Correct. 22 MR. ANTHONY: Mr. Chair, I move that the 23 Board proceed with processing and deem as invalid 24 the provisional ballot labeled A.</p>
Page 63	Page 65
<p>1 somebody's trying to vote and they're not 2 registered? 3 MR. DAMSCHRODER: It's possible. 4 MR. ANTHONY: Would it rise to the level 5 of fraud? 6 MR. DAMSCHRODER: Potentially. 7 MR. ANTHONY: Okay. Would this be one 8 of the ones we would give to the prosecutor? 9 MR. DAMSCHRODER: Yes. 10 CHAIRMAN PREISSE: So in this case when 11 the voter attempted to vote, she was not on the 12 roll at all? 13 MS. KLOE: She is on the roll as an 14 inactive voter. But we have sent out four 15 acknowledgment cards, all four have come back to 16 us as undeliverable. 17 MR. ANTHONY: We don't send those as 18 mail that follows the person, do we? 19 MS. KLOE: No. 20 CHAIRMAN PREISSE: So she shows up to 21 vote -- 22 MS. KLOE: Yes. 23 CHAIRMAN PREISSE: -- flagged as 24 inactive -- well, she wouldn't have been on the</p>	<p>1 MS. KLOE: Correct. 2 MR. DAMSCHRODER: Is there a second? 3 MS. MARINELLO: Second. 4 MR. DAMSCHRODER: All those in favor of 5 the motion to reject this absentee. 6 (Board votes unanimously.) 7 MR. DAMSCHRODER: I heard four. 8 MR. ANTHONY: You did. 9 MR. DAMSCHRODER: Motion carries. 10 MS. KLOE: Provisional ballot B, this 11 voter refused to show valid ID at the polls, did 12 not come in to show ID here at the Board. He 13 signed the affirmation that he has no ID, but we 14 do have ID on record. It's staff recommendation 15 that we do not open and count this ballot. 16 MR. DAMSCHRODER: I think the Board 17 should consider holding this one for now, since ID 18 is partly a subject of the litigation, and that we 19 should review this one at a later date. 20 MR. ANTHONY: So he did everything 21 right, except he refused to show his ID? 22 MS. KLOE: Correct. 23 MR. ANTHONY: And did his signature 24 match what we have in the poll book?</p>

Page 66

1 MS. KLOE: Yes, it did.
 2 MR. ANTHONY: He's been obstinate?
 3 MS. KLOE: Yes.
 4 MR. ANTHONY: So it's your
 5 recommendation to hold that?
 6 MS. KLOE: Hold that one.
 7 MR. ANTHONY: That was your
 8 recommendation?
 9 CHAIRMAN PREISSE: Do nothing with it?
 10 MR. DAMSCHRODER: Yes. I think if for
 11 no other reason, not to get us crosswise with the
 12 court order of a stay on issues related to names,
 13 signatures, and ID.
 14 MR. ANTHONY: Mr. Chair --
 15 MR. DAMSCHRODER: A motion isn't
 16 necessarily needed.
 17 MR. ANTHONY: None?
 18 MR. DAMSCHRODER: We'll just keep it in
 19 the hold, keep it in the hold and revisit it later
 20 if necessary.
 21 MR. ANTHONY: Then I shall make no
 22 motion.
 23 MR. DAMSCHRODER: All right.
 24 CHAIRMAN PREISSE: Okay.

Page 67

1 MR. ANTHONY: I shall make no motion
 2 before its time.
 3 MS. KLOE: Voter C, he registered
 4 originally as R. Arthur Street at 179 Kenmore in
 5 January of this year. In August he registered
 6 again under the same name, but signed it Arthur R.
 7 Street at 1740 Kenmore Road. There was a
 8 successful challenge by the person who lives at
 9 1740 Kenmore Road, and the registration was
 10 subsequently canceled. This new provisional is
 11 now for Arthur R. Street at 1739 Kenmore, which
 12 was the original address.
 13 MR. ANTHONY: Mr. Chair, is this another
 14 one that could be deemed a fraudulent vote?
 15 MR. DAMSCHRODER: Yes, it could be,
 16 because the person registered once, changed their
 17 address, was then challenged by another elector,
 18 the Board canceled his registration, and then he's
 19 appeared at the polling place on election day
 20 attempting to vote. He was not in the poll book,
 21 as a result of the Board's action previously
 22 canceling his registration.
 23 MR. ANTHONY: Did he present ID?
 24 MS. KLOE: I'd have to look at the

Page 68

1 envelope again.
 2 MR. DAMSCHRODER: He did write down a
 3 driver's license number and four numbers as the
 4 last four of his Social.
 5 MR. ANTHONY: But for a different
 6 address?
 7 MR. DAMSCHRODER: For a different
 8 address than the address at which he was allegedly
 9 at when his registration was canceled.
 10 MR. ANTHONY: Gotcha.
 11 CHAIRMAN PREISSE: You want this down
 12 there?
 13 MR. DAMSCHRODER: Yeah, once everybody's
 14 done looking at it.
 15 MR. ANTHONY: So the recommendation is
 16 to not count that one or hold that?
 17 MS. KLOE: I think we should hold that
 18 one for further investigation.
 19 MR. ANTHONY: So no action, sir?
 20 MR. DAMSCHRODER: Okay.
 21 MR. ANTHONY: That was a question.
 22 MR. DAMSCHRODER: Oh, I'm sorry. Well,
 23 I mean, it's the Board's pleasure. I mean, the
 24 registration that he originally submitted in

Page 69

1 January was for this address. He then changed
 2 this registration, as Renae mentioned, to a
 3 different address using a different combination of
 4 his name, was then canceled. So this individual
 5 is not technically a qualified elector at this
 6 time.
 7 MR. ANTHONY: Okay. So both of those
 8 addresses exist that he used?
 9 MR. DAMSCHRODER: Well, we know that the
 10 one from which he was canceled does exist, because
 11 the person --
 12 MR. ANTHONY: The person signed in
 13 saying he didn't live there.
 14 MR. DAMSCHRODER: -- the person living
 15 there is the one who challenged him.
 16 MR. ANTHONY: And we took him off the
 17 roll?
 18 MR. DAMSCHRODER: Right.
 19 MR. ANTHONY: And then he --
 20 MS. MARINELLO: Shows up.
 21 MR. ANTHONY: -- shows up.
 22 CHAIRMAN PREISSE: Unregistered at a
 23 second address.
 24 MR. DAMSCHRODER: Correct, at the

Page 70	Page 72
<p>1 address that he registered at earlier this year 2 before he changed it to the address at which he 3 was canceled. They were one digit off from each 4 other, but the -- 5 MR. ANTHONY: It would be across the 6 street? 7 MR. DAMSCHRODER: It could be. 8 MR. ANTHONY: But, Mr. Chairman, if we 9 took him off the rolls and they never came back 10 and said anything to you, would they fall under 11 the provision they have to reregister within 30 12 days? 13 MR. DAMSCHRODER: Yes. And a notice was 14 sent to him for forwardable mail -- 15 MR. ANTHONY: In enough time to 16 reregister? 17 MR. DAMSCHRODER: Yes. 18 MR. ANTHONY: You were going to say 19 something? 20 MR. NICKOLAS: I was just curious as to 21 whether he ever got that notice. 22 MR. DAMSCHRODER: Both notices were sent 23 by forwardable mail, regular first class. 24 MR. ANTHONY: So we hold this one? What</p>	<p>1 CHAIRMAN PREISSE: -- and he wasn't 2 registered, according to our records, when he 3 tried to vote? 4 MR. DAMSCHRODER: Right. And the 5 address that he uses on the registration is the 6 address that he used in January -- 7 MS. KLOE: Of '08. 8 MR. DAMSCHRODER: -- of '08, that he 9 then subsequently changed to the address at which 10 he was canceled; and then he shows up on election 11 day voting provisional, attempting to use the 12 address that he used in January of this year. 13 MR. ANTHONY: So we could do a couple of 14 things with this, Mr. Chair. We could invalidate 15 it and then still send it over for prosecution -- 16 CHAIRMAN PREISSE: If we do nothing, 17 it's not counted, right? 18 MR. DAMSCHRODER: I think the Board has 19 to vote one way or the other, because, I mean, 20 staff's making determinations yes or no, and this 21 is one that we felt needed to come to the Board, 22 given the Board's previous determination to cancel 23 his registration. 24 MR. ANTHONY: Mr. Chair, I would take a</p>
Page 71	Page 73
<p>1 should be done with that? 2 MR. DAMSCHRODER: If we hold it, we will 3 revisit it at some date prior to certification, 4 which could be maybe as early as Wednesday or as 5 late as next Monday or as late as whenever the 6 courts tell us to. 7 MR. ANTHONY: Okay. Would this be one 8 that we would give to the prosecutor? 9 MR. DAMSCHRODER: If the Board feels 10 that it's a fraudulent ballot, yes, this could be 11 forwarded to the prosecutor. 12 MR. ANTHONY: What do you think, Doug? 13 CHAIRMAN PREISSE: What is the question 14 before us? We have a provisional ballot for an 15 individual whom we believe not to be a registered 16 voter? 17 MR. DAMSCHRODER: That's correct. 18 CHAIRMAN PREISSE: And we have the 19 record of our due diligence for canceling the 20 registration and attempting to notify the voter? 21 MR. DAMSCHRODER: Correct. 22 CHAIRMAN PREISSE: He shows up with 23 another address -- 24 MR. DAMSCHRODER: Correct.</p>	<p>1 stab at this. I move that the Board proceed with 2 processing that and deem it invalid, the 3 provisional ballot. That didn't make much sense. 4 MR. DAMSCHRODER: That made sense. 5 MR. ANTHONY: Let me try that again. 6 MR. DAMSCHRODER: Go ahead. 7 MR. ANTHONY: That made some sense? 8 MR. DAMSCHRODER: Mm-hmm. 9 MR. ANTHONY: All right. I move that 10 the Board proceed with processing and deem it as 11 invalid, the provisional ballot labeled -- and 12 that would be C -- Ballot C. 13 MS. MARINELLO: Second. 14 MR. DAMSCHRODER: All in favor say aye. 15 (Board votes unanimously.) 16 MS. KLOE: Ballot D has registered six 17 different times and has multiple birth dates 18 ranging from June of 1979 through June of 1976. 19 MR. ANTHONY: Sounds confused. 20 MS. KLOE: Very confused. 21 MR. ANTHONY: On all of the times he 22 registered, he has a different -- 23 MS. KLOE: Yeah. 24 MR. ANTHONY: Could it be a bunch of</p>

Page 74	Page 76
<p>1 people with that same name born on the same date? 2 MS. KLOE: With the same signature, I 3 don't think so. 4 MR. ANTHONY: Just trying to help the 5 guy out. 6 CHAIRMAN PREISSE: Who is it that named 7 all of his sons the same, the boxer? 8 MR. ANTHONY: George Foreman. 9 CHAIRMAN PREISSE: How about those poor 10 guys trying to vote. They probably get challenged 11 all the time. 12 MR. ANTHONY: So your recommendation is? 13 MS. KLOE: It needs further review. I 14 don't know if that's a legitimate voter or not. 15 MS. MARINELLO: Did everything else 16 match? 17 MS. KLOE: Everything else matched. 18 MR. ANTHONY: So he's got six -- 19 MS. KLOE: -- registrations, different 20 birth dates. 21 MR. ANTHONY: All at the same house? 22 MS. KLOE: All at the same house. 23 MR. ANTHONY: So he does exist, he just 24 doesn't know his age?</p>	<p>1 six? 2 MS. KLOE: Since '06. 3 CHAIRMAN PREISSE: And some of them are 4 more recent? 5 MS. KLOE: Yes. 6 CHAIRMAN PREISSE: And do we know who's 7 causing those to be turned in? 8 MS. KLOE: Three of them were ACORN. 9 CHAIRMAN PREISSE: So people are going 10 to this fellow trying to register him repeatedly, 11 and he's got a bad memory, both for whether he's 12 registered and when he was born. 13 MS. KLOE: Correct. 14 CHAIRMAN PREISSE: We don't penalize 15 people for bad memories, unless they're so 16 negligent that they're -- 17 MR. ANTHONY: This is D? 18 MR. DAMSCHRODER: This is D. 19 MR. ANTHONY: And Mr. Chair, I move that 20 the Board proceed with processing and deem as 21 valid the provisional ballot labeled D. 22 MS. MARINELLO: Second. 23 CHAIRMAN PREISSE: With an additional 24 note to stop it.</p>
Page 75	Page 77
<p>1 MS. KLOE: Doesn't know when he was 2 born. 3 MR. DAMSCHRODER: The date of birth 4 issue notwithstanding, are we otherwise able to 5 determine -- 6 MS. KLOE: Yes. 7 MR. DAMSCHRODER: -- the voter's 8 identity based on their name, their signature, and 9 their address? 10 MS. KLOE: Yes. 11 MR. DAMSCHRODER: Well, I think based on 12 the tie vote broken by the Secretary last week, 13 that if we can otherwise determine these persons 14 are qualified electors, then we need to count the 15 ballot. 16 MR. ANTHONY: Should we also have a talk 17 with him and figure out -- have him correct his 18 birth date? 19 MR. DAMSCHRODER: We can send a 20 communication to the voter and ask that they 21 clarify their date of birth. 22 MR. ANTHONY: Okay. 23 CHAIRMAN PREISSE: Do we have evidence 24 of how recent all these registrations are, these</p>	<p>1 MR. ANTHONY: Go talk to your mom, get 2 your birth date. 3 (Laughter.) 4 CHAIRMAN PREISSE: Do we have a vote on 5 that, Matt? 6 MR. DAMSCHRODER: Is there a second? 7 MS. MARINELLO: Yes, second. 8 MR. DAMSCHRODER: All in favor say aye. 9 (Board votes unanimously.) 10 MR. DAMSCHRODER: Motion carries. 11 Renae? 12 MS. KLOE: The rest of these are all in , 13 our pending files. The first two, E1 and 2, they 14 registered using PO box addresses, like a UPS 15 store. They have given us new addresses that are 16 residential, and we can precinct them. Staff 17 recommendation is that we do go ahead and process 18 those. 19 MR. ANTHONY: So they came in and 20 provided us with additional -- 21 MS. KLOE: With good addresses. 22 MR. ANTHONY: Okay. And they were 23 valid? I mean -- okay, I see what you're saying. 24 They were within the precinct.</p>

Page 78

1 MS. KLOE: Before, they were living in
 2 little PO boxes.
 3 MR. ANTHONY: Oh, okay. I see what you
 4 mean. So they didn't -- okay.
 5 MS. KLOE: They said they were living at
 6 a UPS store.
 7 MR. ANTHONY: In the PO box?
 8 MS. KLOE: In a little box.
 9 MR. ANTHONY: PO box, yeah. They didn't
 10 want people getting junk mail to their house.
 11 MS. KLOE: That's right.
 12 CHAIRMAN PREISSE: Both of them were
 13 registered -- Renae, walk me through that again.
 14 They both --
 15 MS. KLOE: They both originally
 16 registered at a UPS store. We put them in pending
 17 because that's not a precinctable address. We
 18 needed a residential address. They came in, voted
 19 provisional, and gave us residential addresses
 20 that we could precinct.
 21 CHAIRMAN PREISSE: Okay.
 22 MR. ANTHONY: Did they vote here?
 23 MS. KLOE: I don't believe so.
 24 MR. ANTHONY: Okay.

Page 79

1 MR. DAMSCHRODER: Did you guys do these
 2 here?
 3 MS. KLOE: No, no, no.
 4 MR. DAMSCHRODER: I think these are both
 5 Vets.
 6 MS. KLOE: Those are Vets.
 7 MR. DAMSCHRODER: These are both Vets.
 8 The person appeared in person at Vets.
 9 MR. ANTHONY: Okay. That's what I
 10 wondered, if they voted in the right precinct.
 11 Mr. Chair, I move that the Board proceed
 12 with processing and deem as valid the provisional
 13 ballots labeled -- is that E and F?
 14 MR. DAMSCHRODER: E1 and 2.
 15 MS. KLOE: E1 and 2.
 16 MR. ANTHONY: -- E1 and 2.
 17 MS. MARINELLO: Second.
 18 MR. DAMSCHRODER: There's a second on
 19 that, Kim?
 20 MS. MARINELLO: Yes.
 21 MR. DAMSCHRODER: Okay. All in favor
 22 say aye.
 23 (Board votes unanimously.)
 24 MR. DAMSCHRODER: And motion carries.

Page 80

1 MS. KLOE: F1 through 9, these are all
 2 voters in our pending files who did not supply us
 3 with ID, and have subsequently supplied with us ID
 4 when they voted their provisional ballots.
 5 MR. ANTHONY: So these must have been at
 6 the Vets, as well, you think?
 7 MS. KLOE: Not all of them, but some of
 8 them.
 9 MR. ANTHONY: Okay.
 10 CHAIRMAN PREISSE: So they voted
 11 provisional, and subsequently, in the window
 12 provided, came in and gave us --
 13 MS. KLOE: No, no, no. They were not in
 14 our poll books because they were in pending, but
 15 we held them in the pending because they had not
 16 supplied us with ID on their original
 17 registrations. And these go back to 2006, they
 18 have been in our pending file.
 19 MR. DAMSCHRODER: And under federal law,
 20 with the Help America Vote Act, a person who
 21 registers and fails to provide ID at the time of
 22 registration is allowed to provide that ID on
 23 election day and be considered a qualified
 24 elector.

Page 81

1 So in Ohio, the function for doing that
 2 is through the provisional ballot, so staff
 3 recommendation would be that this group count
 4 pursuant to federal law.
 5 MR. ANTHONY: More than likely haven't
 6 voted since 2000, is what it looks like.
 7 MR. DAMSCHRODER: Right.
 8 MR. ANTHONY: The signatures look the
 9 same on all these, too?
 10 MS. KLOE: We checked them.
 11 MR. ANTHONY: Yeah, I know you did.
 12 CHAIRMAN PREISSE: This one the
 13 signature does look a little funny.
 14 MR. ANTHONY: I can't read that
 15 signature.
 16 CHAIRMAN PREISSE: Well, just look at
 17 the signature on that one and then hand it back to
 18 Mike.
 19 MR. ANTHONY: People change. Looks like
 20 they was trying to be cool.
 21 CHAIRMAN PREISSE: What do you think of
 22 that?
 23 MR. DAMSCHRODER: That's not a signature
 24 match.

Page 82	Page 84
<p>1 MR. ANTHONY: You got one that doesn't 2 look right. 3 CHAIRMAN PREISSE: Have Renae look at it 4 again. 5 Take a look at this one again, Renae, on 6 the signature. Maybe it's an MC. Does it look 7 like the same signature? 8 MR. ANTHONY: No, it didn't. It did 9 not. 10 CHAIRMAN PREISSE: The signature -- 11 MS. KLOE: Yeah, I can see the 12 difference there. I would want to go back and 13 look and see if they matched against a more 14 recent -- this is the original -- registration 15 and see if there were other things that they 16 matched up against. 17 MR. ANTHONY: Which one was that? 18 CHAIRMAN PREISSE: Clouse. 19 MR. ANTHONY: Was there a number on 20 that? 21 MS. MARINELLO: Can't tell. Can't read 22 it. 23 MS. KLOE: That would be F9. 24 CHAIRMAN PREISSE: Doesn't it look like</p>	<p>1 MR. ANTHONY: Is date of birth 2 necessary? 3 MS. KLOE: No. 4 MR. DAMSCHRODER: Date of birth is 5 required for registration -- 6 MS. KLOE: Right. 7 MR. ANTHONY: Oh, okay. 8 MR. DAMSCHRODER. -- but not for the 9 validation of a provisional. 10 MR. ANTHONY: Okay. 11 CHAIRMAN PREISSE: So they were pending 12 in the registration file, voted provisionally -- 13 MR. DAMSCHRODER: Right. 14 CHAIRMAN PREISSE: -- and subsequently 15 gave us sufficient information about date of 16 birth? 17 MR. DAMSCHRODER: Correct. 18 MR. ANTHONY: I think date of birth on 19 this one is 2/1/03. 20 MS. KLOE: 2003. 21 MR. ANTHONY: So that would make them 22 how old? 23 MS. KLOE: Five. 24 MR. ANTHONY: How old do you have to be</p>
Page 83	Page 85
<p>1 Clouse or something? 2 MR. ANTHONY: F9? 3 MS. MARINELLO: Land? 4 CHAIRMAN PREISSE: Oh, Crossdale. 5 MS. KLOE: Yes. 6 MR. ANTHONY: So we want to call this 7 one F9? 8 MS. KLOE: You can call that one F9. 9 MR. ANTHONY: Can I put it on here? 10 MS. KLOE: Yes. 11 MR. DAMSCHRODER: Please. 12 MR. ANTHONY: So Mr. Chair, I move that 13 the Board proceed with processing and deem as 14 valid the provisional ballots labeled F1 through 15 F8, and hold for more research or reevaluation for 16 F9. 17 MS. MARINELLO: Second. 18 MR. DAMSCHRODER: All in favor say aye. 19 (Board votes unanimously.) 20 MR. DAMSCHRODER: And the motion 21 carries. 22 MS. KLOE: G1 and 2, these were also in 23 pending waiting for valid -- or dates of birth. 24 They gave us good DOBs on the provisionals.</p>	<p>1 to vote? 2 MS. KLOE: Older. 3 CHAIRMAN PREISSE: Well, it's possible 4 they could be 105. 5 MR. ANTHONY: It's possible. 6 CHAIRMAN PREISSE: So they have the 7 original, that's why they were in pending -- 8 MR. DAMSCHRODER: Correct. 9 CHAIRMAN PREISSE: -- and it's been 10 subsequently amended. 11 MR. ANTHONY: Date of birth, 5/24/06. 12 They are voting them young. 13 MR. DAMSCHRODER: And as was our 14 practice in 2006, at least when this voter 15 completed their registration, we sent a letter to 16 their home with the registration card saying, 17 "Your registration is incomplete. Please send us 18 a new card with the correct information," just 19 didn't hear back from them until election day this 20 year. 21 MR. ANTHONY: So what do we need to do, 22 try to get back in touch with them or just -- 23 MR. DAMSCHRODER: I think in these 24 instances, as we have handled other pendings in</p>

<p style="text-align: right;">Page 86</p> <p>1 the past that we know that we have the 2 information, the other information, signature, 3 address, things like that are a match, that we can 4 determine that they are a qualified elector and 5 count their ballot. 6 MR. ANTHONY: Okay. Their signatures 7 match on those, I take it? I didn't look at that. 8 MR. DAMSCHRODER: Yes. 9 MR. ANTHONY: Mr. Chair, I move that the 10 Board proceed with processing and deem as valid 11 the provisional ballots labeled G1 and 2. 12 MS. MARINELLO: Second. 13 MR. DAMSCHRODER: All in favor say aye. 14 (Board votes unanimously.) 15 MS. KLOE: The last nine are also in our 16 pending. When these people registered to vote 17 in '06, they did not supply a signature. We would 18 have sent the registration back to them asking 19 them to sign it and send it back to us; they did 20 not. We don't have signatures to compare when 21 they voted this year. 22 MR. ANTHONY: Would these fall under 23 what were in Court? 24 MR. DAMSCHRODER: These would not</p>	<p style="text-align: right;">Page 88</p> <p>1 MS. MARINELLO: And they were notified, 2 but they were incomplete and all that stuff? 3 MR. DAMSCHRODER: Yeah. 4 MS. MARINELLO: Never heard back? 5 MR. DAMSCHRODER: Right. 6 MR. ANTHONY: If they come back and sign 7 it -- or is it too late for that? 8 MR. DAMSCHRODER: Well, what our 9 practice has been up until Secretary of State 10 directive from, I think, the summer, Renae, is we 11 actually sent them the original registration card 12 back with a letter explaining what information was 13 deficient, and they could send the form back. As 14 long as we received it by election day, it was 15 considered as timely received. 16 The Secretary of State changed that 17 practice, said that we couldn't return original 18 cards to the voter. So now we just send them a 19 letter saying that their original filing was 20 deficient and that they need to complete a new 21 registration form. 22 MR. ANTHONY: Or come in and sign that 23 one? 24 MR. DAMSCHRODER: Correct, or come in</p>
<p style="text-align: right;">Page 87</p> <p>1 directly fall under the current order. If the 2 Board wants to defer, they can. The current 3 question that's before the court is whether 4 signature on the provisional is required in order 5 for it to count. 6 The official position of this Board, 7 based on the Secretary of State tie vote that was 8 broken earlier this week, is that signature is not 9 required on the provisional; however, signature is 10 required on the registration card in order for it 11 to be considered a valid registration. 12 As the Board has done these last 13 instances, it can decide that if there's 14 sufficient other information in terms of ID, dates 15 of birth, name, that the signature on this 16 provisional envelope suffices for making the 17 person a registered voter. 18 CHAIRMAN PREISSE: My understanding is 19 the question on this last set is that there was no 20 signature on the -- 21 MR. DAMSCHRODER: Original registration 22 card. 23 CHAIRMAN PREISSE: -- original 24 registration documents, which are here.</p>	<p style="text-align: right;">Page 89</p> <p>1 and provide the deficient information. 2 MR. ANTHONY: And we did that for these 3 nine, and they didn't follow-up on that? 4 MR. DAMSCHRODER: Right. 5 MR. ANTHONY: Could voter fraud be part 6 of these, you think? 7 MR. DAMSCHRODER: You know, I think 8 anything's possible. But I think, you know, from 9 looking at, you know, some of the ones that have 10 been provided here, you know, that the dates of 11 birth match, the driver's license numbers match, 12 the last four digits of the Social Security match. 13 So I think from that standpoint, most of 14 these are probably not issues of fraud, they're 15 just issues of incomplete registrations from the 16 time the person originally completed or attempted 17 to complete their application and did not sign the 18 registration form. They have signed the 19 provisional envelope. 20 MR. ANTHONY: Right. So that passes the 21 test. But it's the application that didn't pass 22 the test? 23 MR. DAMSCHRODER: Right. And I think 24 it's different than the previous ones that were in</p>

Page 90

1 pending, because I think the two that were date of
 2 birth are clearly, you know, when the voter's
 3 putting the year that they signed the registration
 4 card, instead of the year of their birth.
 5 And then the no ID at time of
 6 registration for which there is a federal
 7 carve-out, federal exception, I think these are
 8 different from the two previous sets that you've
 9 reviewed, and I think signature is required at
 10 time of registration in order for it to be a
 11 qualified elector eligible to vote.
 12 MR. ANTHONY: Yeah.
 13 CHAIRMAN PREISSE: This one here has --
 14 one of them we passed here, it was clearly someone
 15 else that signed the original registration form.
 16 It wasn't just blank, it was someone else's
 17 signature.
 18 MR. DAMSCHRODER: Christopher Vincent?
 19 Actually, I'm sorry, I don't know what number.
 20 CHAIRMAN PREISSE: This one -- maybe
 21 I didn't pass it to you yet. Oh, this one looks
 22 like it was scribbled out, and yet you can still
 23 see the signature behind it.
 24 MR. DAMSCHRODER: Yeah, it looks like

Page 91

1 the person was trying to give us -- they provided
 2 a signature in the area that's for change of name
 3 or change of signature.
 4 CHAIRMAN PREISSE: Oh, is that what it
 5 is?
 6 MR. DAMSCHRODER: Yeah, and then
 7 scratched it out.
 8 CHAIRMAN PREISSE: Okay. So it was
 9 still deficient in where it was supposed to be.
 10 MR. ANTHONY: And that has never been
 11 disputed, right?
 12 MR. DAMSCHRODER: That signature's
 13 required in order to register?
 14 MR. ANTHONY: Yes.
 15 MR. DAMSCHRODER: As far as I'm aware,
 16 it's never been disputed. It's not to say that it
 17 couldn't be.
 18 MR. ANTHONY: So the recommendation of
 19 the staff is to do what on this?
 20 MS. KLOE: As far as we're concerned,
 21 they are not registered voters.
 22 MR. ANTHONY: Mr. Chair, I move that the
 23 Board proceed with processing and deem as invalid
 24 the provisional ballots labeled H1 through 9.

Page 92

1 MS. MARINELLO: Second.
 2 MR. DAMSCHRODER: All in favor say aye.
 3 (Board votes unanimously.)
 4 MR. DAMSCHRODER: And motion carries.
 5 Thank you very much, Renae.
 6 We would like to note for the Board that
 7 Renae and her staff have put in a tremendous
 8 amount of work to move the 27,000-plus provisional
 9 ballots that were gathered up on election night to
 10 move those through the system.
 11 You have on the back of your sheet kind
 12 of a breakdown by category, and I just want to
 13 bring that to your attention, that Renae and her
 14 team have worked a number of hours. And if you
 15 see them in the halls, there's a couple here
 16 today, Jane and others, Julie.
 17 (Clapping.)
 18 MR. ANTHONY: I still owe you--all some
 19 chicken, don't I?
 20 MR. DAMSCHRODER: Yes, you do. They
 21 remember that every day. They were working
 22 mandatory hours from 7:00 a.m. to 9:00 p.m., seven
 23 days a week for a while.
 24 CHAIRMAN PREISSE: Matthew, on the list

Page 93

1 on the back, the first column is count 21,985.
 2 MR. DAMSCHRODER: Yes.
 3 CHAIRMAN PREISSE: And this is as of
 4 11/21. The second column no count, and the third
 5 column potential. What's the disposition of
 6 the -- were we just addressing some of those in
 7 that?
 8 MR. DAMSCHRODER: Yes, and then most of
 9 those that are in the potential are in the --
 10 either we're still researching or are subject to
 11 the litigation.
 12 CHAIRMAN PREISSE: To the litigation,
 13 and after we did some of these?
 14 MR. DAMSCHRODER: Yes.
 15 CHAIRMAN PREISSE: Okay.
 16 MS. KLOE: So we processed them so that
 17 any decision that's made, we can immediately go in
 18 and pull them. We left no stone unturned.
 19 MR. DAMSCHRODER: Indeed.
 20 CHAIRMAN PREISSE: All right.
 21 MR. DAMSCHRODER: Anything else before
 22 the Board ends general session? We do need to
 23 chat briefly on a personnel matter in executive
 24 session.

Page 94	Page 96
<p>1 MR. ANTHONY: Well, Mr. Chair, do we 2 need a motion for supplemental processing or 3 supplemental proceedings? 4 MR. DAMSCHRODER: Yes. Thank you, Bill. 5 MR. ANTHONY: Should I go ahead and make 6 that motion? 7 MR. DAMSCHRODER: Yes, and just a real 8 quick explanation. These are ones where the 9 information is mismatched, due to mostly -- what 10 we have done in the past is when someone gives us 11 a driver's license or a date of birth or a last 12 four digits of Social Security number and we do a 13 data entry keying error on that, that creates a 14 mismatch. Sometimes we have the original record 15 to compare it to, other times we don't. 16 And so this would be inconsistent with 17 the typo that was done by the secretary, but it's 18 a different issue, therefore not subject to the 19 litigation. But it's consistent with our practice 20 that when it's our error, we count the ballot. 21 MR. ANTHONY: Okay. A data processing 22 error is what you're talking about? 23 MR. DAMSCHRODER: Correct. 24 MR. ANTHONY: Let me take a stab at</p>	<p>1 MR. ANTHONY: Or can we go in the other 2 room? 3 MR. DAMSCHRODER: We can. 4 MR. ANTHONY: Okay. 5 CHAIRMAN PREISSE: Maybe that would be 6 easier for everybody if we stepped away. Or no, 7 let's stay here. We have got all our papers and 8 everything here. 9 MR. ANTHONY: All right. I move that 10 the Board adjourn into executive session to 11 consider the appointment, employment, dismissal, 12 discipline, promotion, demotion, or compensation 13 of public employees. 14 MS. MARINELLO: Second. 15 MR. DAMSCHRODER: Roll call vote. 16 Mr. Anthony. 17 MR. ANTHONY: Yes. 18 MR. DAMSCHRODER: Mr. Colley. 19 MR. COLLEY: Yes. 20 MR. DAMSCHRODER: Ms. Marinello. 21 MS. MARINELLO: Yes. 22 MR. DAMSCHRODER: Chairman Preisse. 23 CHAIRMAN PREISSE: Yes, but I'm stepping 24 out for a moment.</p>
Page 95	Page 97
<p>1 this. It's always good to take a stab at stuff. 2 Mr. Chair, I move that the Board proceed 3 with processing and deem as valid, per the 4 recommendation of the Director and Deputy 5 Director, those provisional ballot envelopes that 6 obtain mismatched identification on the 7 provisional ballot envelope, such as an Ohio 8 driver's license or the last four digits of the 9 Social Security number, that are other than the 10 information contained in the Board's record, if 11 staff can determine the person to be a qualified 12 elector of the state who voted in the correct 13 precinct and the person was not required to 14 provide additional information. 15 That's it. 16 MS. MARINELLO: Second. 17 MR. DAMSCHRODER: All in favor say aye. 18 (Board votes unanimously.) 19 MR. DAMSCHRODER: And motion carries. 20 Now ready for executive session. 21 MR. ANTHONY: Where are we going to do 22 that at? This is not too private right here. 23 MR. DAMSCHRODER: Well, it will be 24 brief, and we'll kick everybody out of the room.</p>	<p>1 (The Board goes into executive session.) 2 MR. ANTHONY: Mr. Chair, I move that we 3 come out of executive session. No motions were 4 made, no items were agreed upon. 5 MR. DAMSCHRODER: Is there a second? 6 MS. MARINELLO: I'll second that. 7 MR. DAMSCHRODER: Roll call vote. 8 Mr. Colley. 9 MR. COLLEY: Yes. 10 MR. DAMSCHRODER: Ms. Marinello. 11 MS. MARINELLO: Yes. 12 MR. DAMSCHRODER: Mr. Anthony. 13 MR. ANTHONY: Yes. 14 MR. DAMSCHRODER: Mr. Preisse. 15 CHAIRMAN PREISSE: Yes. 16 MR. DAMSCHRODER: And give me two 17 seconds. Tomorrow's the 24th, right? 18 CHAIRMAN PREISSE: Yes. 19 MR. ANTHONY: Mr. Chair, I move that the 20 Board rescind its previous motion to impose 21 administrative leave on Aaron Sellers -- 22 MR. DAMSCHRODER: Effective. 23 MR. ANTHONY: -- effective November the 24 24th, and review --</p>

Page 98

1 MR. DAMSCHRODER: Return.
 2 MR. ANTHONY: -- return him to his
 3 regular work schedule on November 24th, 2008.
 4 MS. MARINELLO: I second that.
 5 MR. DAMSCHRODER: We'll do a roll call
 6 vote.
 7 Mr. Colley.
 8 MR. COLLEY: Yes.
 9 MR. DAMSCHRODER: Mr. Anthony.
 10 MR. ANTHONY: Yes.
 11 MR. DAMSCHRODER: Ms. Marinello.
 12 MS. MARINELLO: Yes.
 13 MR. DAMSCHRODER: Chairman Preisse.
 14 CHAIRMAN PREISSE: Abstain.
 15 MR. DAMSCHRODER: Is there a motion to
 16 adjourn?
 17 MS. MARINELLO: Mr. Chairman, I move
 18 that we adjourn.
 19 MR. DAMSCHRODER: Is there a second?
 20 MR. ANTHONY: I second that.
 21 MR. DAMSCHRODER: All in favor say aye.
 22 (Board votes unanimously.)
 23 MR. DAMSCHRODER: We are adjourned.
 24 Thank you all very much. Have a nice Sunday.

Page 99

1 -----
 2 Thereupon, the proceedings were
 3 concluded at 3:21 p.m.
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Page 100

1 CERTIFICATE
 2
 3 The undersigned do hereby certify that the
 4 foregoing proceedings were digitally recorded,
 5 electronically transmitted, and transcribed via
 6 audible playback, and that the foregoing
 7 transcript of such proceedings is a full, true and
 8 correct transcript of the proceedings as so
 9 recorded.
 10
 11 IN WITNESS WHEREOF, I have hereunto set my
 12 hand and affixed my seal of office at Columbus,
 13 Ohio, on this ____ day of _____, 2008.
 14
 15
 16
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 18 _____
 MICHELLE K. SALINAS
 Certified Digital Reporter
 Notary Public - State of Ohio.
 My commission expires July 17, 2013
 19
 20
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 22 _____
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