

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

MINUTES OF THE MEETING ON

1-14-10

APPROVED ON

2/1/10

BY:



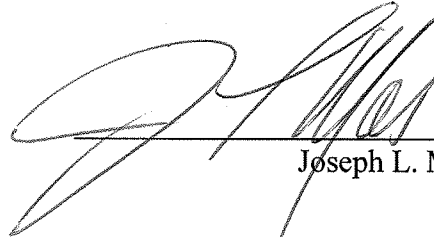
Douglas J. Preisse, Chairman



Michael F. Colley, Esq.

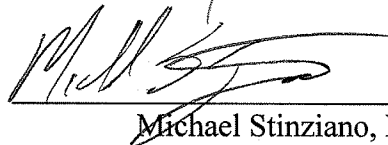


Kimberly E. Marinello



Joseph L. Mas, Esq.

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 Members Michael F. Colley, Kimberly
E. Marinello, and Joseph L. Mas, Esq., Director
Michael Stinziano, and Deputy Director Matt
Damschroder, taken at the offices of the Franklin
County Board of Elections, 280 East Broad Street,
Columbus, Ohio on Thursday, January 14, 2010, at
4:36 o'clock p.m.

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1 APPEARANCES:

2 Franklin County Prosecuting Attorney
3 373 South High Street
4 13th Floor
5 Columbus, Ohio 43215
6 By Mr. Patrick J. Piccinnini,
7 Assistant Prosecuting Attorney,

8
9 On behalf of the Board.

10 ALSO PRESENT:

11 Ms. Brenna Umbstaetter, Fiscal Officer

12 Ms. Karen Cotton, Manager of Elections
13 Operations

14 Ms. Suzanne Brown, Executive Assistant to the
15 Board

16 Mr. Ben Piscitelli, Media Relations
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p R O C E E D I N G S
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MR. STINZIANO: We will begin the Thursday, January 14th, 2010 special meeting of the Franklin County Board of Elections with a roll call.

Mr. Colley.

MR. COLLEY: Here.

MR. STINZIANO: Chairman Preisse.

CHAIRMAN PREISSE: Here.

MR. STINZIANO: Mr. Mas.

MR. MAS: Here.

MR. STINZIANO: Ms. Marinello.

MS. MARINELLO: Here.

MR. STINZIANO: The first item is the approval of minutes. We have for the Board minutes from November 24th, November 30th, and December 7th.

MS. MARINELLO: Mr. Chairman, I move that the minutes of the meeting of the Board held on November 24th; November 30th, 2009; December 7th, 2009, be approved as submitted.

MR. COLLEY: Second.

1 MR. STINZIANO: All in favor?

2 MEMBERS: Aye.

3 MR. DAMSCHRODER: The next item on the
4 agenda is a request for legal opinion from the
5 Prosecuting Attorney's Office. This stems from a
6 matter of a little bit of confusion from 2008.

7 It has been the practice of this office,
8 on Election Day for a partisan primary election,
9 to put the voter's previous party affiliation, as
10 defined as the most recent party affiliation of a
11 primary election in the last two calendar years,
12 to print that in the three part list that hangs on
13 the wall. It gets changed at opening of the
14 polls, 11:00 and 4:00 p.m. in the afternoon.

15 We have not, in the last several years,
16 put party affiliation in the signature poll book
17 that the voter signs, and then also makes a note
18 at that election which party's ballot they want.

19 The way our office has interpreted the
20 statute, that if a voter comes in who has a
21 different party affiliation, say I voted in the
22 democrat primary in 2008 and I want to vote a
23 republican ballot in 2010, as a voter, I just
24 simply come in, whether it's absentee or Election

1 Day, and just make that preface known to the poll
2 workers or the election officials, and I get that
3 ballot.

4 In 2008, there was a question about
5 whether the Board should be instructing its poll
6 workers to challenge every voter that comes in, as
7 to party affiliation, if that voter's changing
8 political parties.

9 The Secretary of State's Office sent out
10 an email mid-day Election Day in '08 that was a
11 little bit, I think, towards our interpretation,
12 but there was still some questions.

13 And so given that we have a big partisan
14 primary election coming up in just a few months,
15 it's my recommendation that we get a written
16 opinion from the prosecuting attorney as to what
17 is the law, as to what is required to be in the
18 poll books, what's required to be on the three
19 part list on the wall, and what is the poll
20 worker's duty as it relates to verifying party
21 affiliation expressed by the voter.

22 MR. MAS: Mr. Chairman, Matt, so this
23 isn't really a change in the law, but it's just
24 the fact that we need to look at it?

1 MR. DAMSCHRODER: We just want to make
2 sure that we're following the law as it's written.

3 MR. MAS: Following the law. So it's
4 not a change?

5 MR. DAMSCHRODER: That's correct.

6 MR. MAS: Mr. Chairman, in that case, I
7 move that the Board request, through the Director
8 and Deputy Director, a legal opinion from the
9 Prosecuting Attorney regarding party affiliation
10 changes on Election Day.

11 MR. COLLEY: Second.

12 MR. STINZIANO: All in favor?

13 MEMBERS: Aye.

14 MR. STINZIANO: Next we will have Brenda
15 present the monthly fiscal report.

16 MS. UMBSTAETTER: All right. These are
17 the standard report format that you're used to
18 seeing. On top you have the summary of December,
19 so this is your year-end summary report for all of
20 the expenditures.

21 Really the only thing of note that I
22 want to highlight is that if you look at the far,
23 right-hand column, "Remaining Appropriations,"
24 those are unexpended appropriations, money we had

1 left over from the budget. And we talked before
2 about that being due to some unforeseen changes in
3 budget, that expenses we anticipated, did not come
4 to fruition.

5 The net effect is that we have
6 reimbursed the Commissioners and general fund for
7 the supplemental appropriation we had in August
8 for the special election. It was 293,000, and we
9 were able to economize to the point of turning
10 back in 255,000 to the County. So that puts us in
11 a very good light for the year as a whole.

12 CHAIRMAN PREISSE: Somebody ought to run
13 for office.

14 MS. UMBSTAETTER: Not me.

15 (Laughter.)

16 MR. STINZIANO: Umbstaetter for
17 Auditor.

18 MS. UMBSTAETTER: I've also included for
19 you the "Service and Materials" line item showing
20 a 2009 total of 1,182,000. Below this report with
21 graphs I've also included for you a second report
22 that splits out those materials and services, as
23 well as some detail, by line item that corresponds
24 more closely to those funds.

1 And the final page in your packet is the
2 monthly reconciliation encumbrances with the
3 purchase orders open and the expenses.

4 And the only thing that's different with
5 that report for the month of December is that one
6 of the final transactions in the Auditor's Office
7 at the end of the month is to zero out any
8 balances on open purchase orders and close all of
9 those for the year. They do not carry over from
10 one calendar year to the next. So you'll see the
11 ending balance as of December 31st for
12 encumbrances is zero. And the auditor's
13 transactions listed, as well, on the report for
14 you.

15 That's all I have. Any questions?

16 MR. STINZIANO: No questions? Then we
17 will move --

18 MR. DAMSCHRODER: If I could just make
19 one note so that the Board is aware. For the
20 fiscal year 2010, the Commissioners did not award
21 funding to any agencies for employee pay
22 increases, other than for in what's allowed in
23 bargaining unit contracts.

24 So later on this year -- normally in

1 reappointment years, at reappointment we come back
2 and do pay raises, cost of living, and merit for
3 employees. That will not be an option for this
4 year.

5 I think it's probably a good decision on
6 the part of the commissioners, given the economic
7 situation and making sure that -- making sure that
8 the County's funds are being well spent.

9 So I just wanted to let you all know
10 that, as you hear from employees on that matter.

11 MS. MARINELLO: Thank you.

12 MR. STINZIANO: The next item are fiscal
13 matters consistent with our procurement policy.

14 The first is it is the Director, Deputy
15 Director's recommendation that the Board enter
16 into a contract and purchase order with Election
17 Management Consulting Services.

18 EMCS is the organization that has been
19 working with the Franklin County Board to support
20 our voter registration programming. They do all
21 the support originally. An individual at EMCS
22 actually built it with Sequoia.

23 As you're all aware, we did buy the
24 rights or the data from Sequoia, so we are

1 currently self-running that. And this was a piece
2 of that purchase, that we were going to keep EMCS
3 to train our staff so that we can take it on
4 eventually all by ourselves.

5 MS. MARINELLO: Mr. Chairman, I move
6 that the Board enter into contract and authorize
7 the Director and Deputy Director to open a
8 purchase order in support of the contract with
9 Election Management Consulting Services LLC
10 (EMCS), for support of the Franklin County Board
11 of Elections Sequoia Voter Maintenance Program.

12 MR. DAMSCHRODER: Second the motion,
13 Michael?

14 MR. COLLEY: Second.

15 MR. STINZIANO: All in favor?

16 MEMBERS: Aye.

17 MR. STINZIANO: The next item is that in
18 our budget we did receive a \$25,000 grant to be
19 distributed to Kids Voting Central Ohio. And
20 given that it's a new year, I think they would
21 appreciate receiving the grants immediately, and
22 so it's our recommendation that we open a purchase
23 order and distribute the grant as soon as
24 possible.

1 And just so the Board remembers, Kids
2 Voting, we had more Kids Voting at the 2010
3 election than we've had before. The kids have
4 done a terrific job, and we've got a great
5 relationship with Kids Voting Central Ohio to date
6 and continue to build on that relationship.

7 MR. MAS: Very good. Mr. Chairman, I
8 move that the Board open a purchase order to
9 distribute a \$25,000 grant to Kids Voting Central
10 Ohio.

11 MR. DAMSCHRODER: Second?

12 MR. COLLEY: Second.

13 MR. STINZIANO: All in favor?

14 MEMBERS: Aye.

15 MR. STINZIANO: And the last procurement
16 matter is consistent with procurement policy, we
17 need to open purchase orders for anything over
18 \$10,000. One of those expenses is our Pitney
19 Bowes absentee ballot mail processing machine.
20 That amount is \$295,510.08. That's for the entire
21 year.

22 Given that the 2010 election cycle is so
23 big and we have the opportunity to be mailing,
24 potentially, county-wide absentee ballot

1 applications both for the primary, potentially,
2 and for the general, the sooner we get this
3 purchase order consistent with the procurement
4 policy, the better.

5 MS. MARINELLO: Mr. Chairman, I move the
6 Board authorize the Director and Deputy Director
7 to open a purchase order for absentee ballot mail
8 processing for the 2010 elections with Pitney
9 Bowes for \$295,510.08.

10 MR. COLLEY: Second.

11 CHAIRMAN PREISSE: Got a second.

12 MR. STINZIANO: All in favor?

13 MEMBERS: Aye.

14 MR. STINZIANO: Next the Director
15 recommends that the Board move into executive
16 session to discuss the dismissal, employment,
17 promotion, demotion, appointment, or compensation
18 of a public employee.

19 MR. MAS: In that case, Mr. Chairman, I
20 move that the Board adjourn into executive session
21 to consider the appointment, employment,
22 dismissal, discipline, promotion, demotion, or
23 compensation of a public employee.

24 MR. STINZIANO: Do a roll call vote --

1 MS. MARINELLO: Second.

2 MR. STINZIANO: Sorry. There's been a
3 motion and a second. We'll do a roll call vote.

4 Mr. Colley.

5 MR. COLLEY: Yes.

6 MR. STINZIANO: Chairman Preisse.

7 MR. PREISSE: Yes.

8 MR. STINZIANO: Mr. Mas.

9 MR. MAS: Yes.

10 MR. STINZIANO: Ms. Marinello.

11 MS. MARINELLO: Yes.

12 MR. STINZIANO: Okay. Executive
13 session.

14 (Board members went into executive
15 session.)

16 MR. STINZIANO: We'll return back to
17 public session with a roll call vote.

18 Mr. Colley.

19 MR. COLLEY: Yes.

20 MR. STINZIANO: Chairman Preisse.

21 CHAIRMAN PREISSE: Yes.

22 MR. STINZIANO: Mr. Mas.

23 MR. MAS: Yes.

24 MR. STINZIANO: Ms. Marinello.

1 MS. MARINELLO: Yes.

2 CHAIRMAN PREISSE: And I'd like to state
3 for the record that in executive session, no
4 motions were made and no votes were taken. And we
5 can proceed.

6 MR. COLLEY: Mr. Chairman, I move that
7 Barcy McNeal be reassigned to the position of poll
8 worker training coordinator within the PEO
9 division and her hourly rate be increased to \$27
10 per hour effective January 18, 2010.

11 CHAIRMAN PREISSE: And I'll second the
12 motion.

13 MR. STINZIANO: All in favor?

14 MEMBERS: Aye.

15 MR. STINZIANO: Another personnel
16 matter.

17 MR. COLLEY: Mr. Chairman, I move that
18 the Board appoint Jeffery O. Mackey to the
19 position of Petition and Campaign Finance Clerk
20 within the Operations division and that his hourly
21 rate be established at \$19.71 per hour effective
22 January 18, 2010.

23 CHAIRMAN PREISSE: And I'll second the
24 motion.

1 MR. STINZIANO: All in favor?

2 MEMBERS: Aye.

3 MS. MARINELLO: Mr. Chairman, I move the
4 Board hire Stacie Baker as a Voter Services Clerk
5 effective January 18th, 2010 at the hourly rate of
6 pay of \$15.07.

7 MR. MAS: Second.

8 MR. STINZIANO: All in favor?

9 MEMBERS: Aye.

10 MS. MARINELLO: And, Mr. Chairman, I
11 also move that the Board hire Karen White as a
12 Voter Services Clerk effective January 18th, 2010
13 at the hourly rate of pay of 14.30 per hour.

14 MR. MAS: Second.

15 MR. STINZIANO: All in favor?

16 MEMBERS: Aye.

17 MR. DAMSCHRODER: And if I could just
18 let the record reflect that I was -- as for the
19 reasons discussed in executive session, I was not
20 in favor of the latter two of those hires.

21 MR. STINZIANO: The last item on the
22 agenda is the alternative holiday schedule,
23 similar to what we did this past fall. It's our
24 recommendation that we remain open on October 11th

1 and switch that holiday for the day after
2 Thanksgiving. And then also -- that will be the
3 first recommendation.

4 MS. MARINELLO: Mr. Chairman, I move
5 that the Board of Elections join other county
6 agencies in being closed to the public on October
7 11th, but consider it a regular workday for
8 full-time employees of the Board, and that the
9 offices be closed to the public in formal
10 observance of Columbus Day as a paid holiday on
11 Friday, November 26th, 2010.

12 MR. COLLEY: Second.

13 MR. STINZIANO: All in favor?

14 MEMBERS: Aye.

15 MR. STINZIANO: And then the other
16 holiday switch was Veteran's Day. This would be
17 open to the public on November 11th, but closed on
18 Thursday, December 23rd.

19 MS. MARINELLO: Mr. Chairman, I move
20 that the Board remain open to the public on
21 November 11th and consider it a regular workday
22 for full-time employees of the Board, and that the
23 offices be closed to the public in formal
24 observance of Veteran's Day as a paid holiday on

1 Thursday, December 23rd, 2010.

2 MR. COLLEY: Second.

3 MR. STINZIANO: All in favor?

4 MEMBERS: Aye.

5 MR. STINZIANO: No other items before
6 the Board to discuss today. There a motion to
7 adjourn?

8 MR. MAS: So moved.

9 MR. STINZIANO: Second?

10 MS. MARINELLO: Second.

11 MR. STINZIANO: Motion is seconded.
12 All in favor?

13 MEMBERS: Aye.

14 MR. STINZIANO: We are adjourned.

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16 Thereupon, the proceedings were
17 concluded at 5:20 o'clock p.m.

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CERTIFICATE

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 21st day of January, 2010.

Jennifer L. Koontz
JENNIFER L. KOONTZ
Certified Digital Reporter
Notary Public - State of Ohio.
My commission expires September 15, 2013

C. Simpson
CRYSTAL SIMPSON
Certified Digital Transcriber