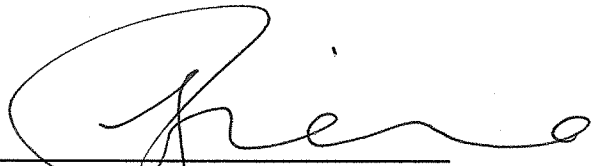
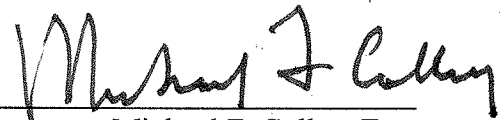


FRANKLIN COUNTY BOARD OF ELECTIONS  
280 EAST BROAD STREET  
COLUMBUS, OHIO 43215  
(614) 462-3100

MINUTES OF THE MEETING ON  
8/24/10


APPROVED ON 9/13/10

BY:   
\_\_\_\_\_  
Douglas J. Preisse, Chairman

  
\_\_\_\_\_  
Michael F. Colley, Esq.

  
\_\_\_\_\_  
Kimberly E. Marinello

  
\_\_\_\_\_  
Zachary Manifold

ATTEST:   
\_\_\_\_\_  
William A. Anthony, Jr., Director

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FRANKLIN COUNTY BOARD OF ELECTIONS

FRANKLIN COUNTY, OHIO

- - - - -

IN RE: :

Board Meeting :

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- - - - -

Proceedings before Chairman Douglas J. Preisse; Director William A. Anthony, Junior; Deputy Director Matt M. Damschroder; and Board Members Michael F. Colley, Zachary E. Manifold and Kimberly E. Marinello; taken at the Franklin County Board of Elections, 280 East Broad Street, Columbus, Ohio, on Tuesday, August 24, 2010, at 4:10 o'clock p.m.

- - - - -

1 APPEARANCES:

2 Franklin County Board of Elections  
3 373 South High Street  
4 Thirteenth Floor  
5 Columbus, Ohio 43215  
6 By Mr. Anthony E. Palmer, Junior  
7 Franklin County Prosecuting  
8 Attorney's Office,

9 On behalf of the Department.

10

11 ALSO PRESENT:

12

13 Ben Piscitelli, PIO

14

15 Suzanne Brown, Executive Assistant

16

17 Karen Cotton

18

19 Ken Wilcox

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21 Ashraf A. Ettayem

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1 COURT REPORTER: Could you state your  
2 name for the record, please.

3 DIRECTOR ANTHONY: Oh.

4 MS. COTTON: Karen Cotton, manager of  
5 election operations.

6 As I started to say, I do not see the  
7 gentleman here who filed the appeal for the Board  
8 to reconsider the petitions in question.

9 However, in looking at the part  
10 petitions -- that particular part petition, we  
11 needed 106 valid signatures. We were able -- only  
12 able to find 102. There were several printed  
13 signatures on the file, which we've marked as such  
14 as we were checking the part petitions.

15 Before you in your folder you have  
16 copies of the petitions with names highlighted on  
17 them and then you have a copy of the signature that  
18 we have on file.

19 Per the advice of the Prosecuting  
20 Attorney's Office, our staff did, in fact, mark the  
21 petitions properly, because unless the person  
22 printed their signature on their legal document, a  
23 printed signature is not considered a legal  
24 signature of that individual. They have to sign

1 their name on the part petition as they are  
2 registered to vote.

3 So you have the evidence before you  
4 showing you that the signatures on file that staff  
5 used to verify the petitions. Upon the initial  
6 review, staff did make the proper determination and  
7 mark those signatures as prints.

8 DEPUTY DIRECTOR DAMSCHRODER: Any  
9 questions?

10 (No audible response.)

11 DEPUTY DIRECTOR DAMSCHRODER: It's the  
12 same issue we have every election with somebody.

13 Well, we have to make an affirmative --  
14 some kind of motion to either deny the -- the  
15 appeal or overturn our previous decision.

16 BOARD MEMBER MANIFOLD: All right.  
17 Mr. Chairman, I move that the Board deny the  
18 appealed request for certification of the local  
19 option petition for Columbus Ward 50, Precinct A,  
20 for the designated location Shop N Save at 2950  
21 Groveport Road, filed on August 4th by Ashraf  
22 Ettayem of 1195 Breakers Court, letting stand the  
23 previous decision of the Board.

24 BOARD MEMBER COLLEY: Second the

1 motion.

2 DIRECTOR ANTHONY: All those in favor  
3 say aye.

4 BOARD MEMBERS: Aye.

5 DIRECTOR ANTHONY: Opposed same sign.  
6 The motion -- it's --

7 DEPUTY DIRECTOR DAMSCHRODER: The  
8 motion carries.

9 DIRECTOR ANTHONY: Yeah. The motion  
10 carries. The appeal was denied.

11 The second item on the agenda, and I  
12 believe, Mr. Chair, we have someone in the  
13 audience. Ken, that's -- that's you? Yeah. Ken's  
14 in the audience. This has to do with Columbus Ward  
15 55D of the petition, and he's sending a  
16 challenge that he wants his name removed off of the  
17 petition, and he's -- he's here in the audience  
18 now, so --

19 DEPUTY DIRECTOR DAMSCHRODER: If you  
20 want to make a few comments to the Board, you are  
21 certainly welcome to do so.

22 MR. WILCOX: Sure. A circulator --

23 DIRECTOR ANTHONY: Sir, you have to  
24 give your name, so she can --

1 MR. WILCOX: Ken Wilcox.

2 CHAIRMAN PREISSE: Ken, could I --  
3 Mr. Wilcox, could I ask you just -- one second and  
4 ask the staff to set this up for you so it's in a  
5 little bit better context about what we're --

6 DEPUTY DIRECTOR DAMSCHRODER: Sure.

7 CHAIRMAN PREISSE: -- we're looking at  
8 here.

9 DEPUTY DIRECTOR DAMSCHRODER: It's a --

10 CHAIRMAN PREISSE: Feel free to repeat  
11 as much of it or -- and -- and -- as much of it as  
12 you wish, but just so I can get a little bit of  
13 context.

14 DEPUTY DIRECTOR DAMSCHRODER: It's a  
15 local petition for the AM/PM station, convenience  
16 store on Broad Street just east of downtown, and  
17 the petition was filed with our office. The  
18 Board staff found a sufficient number of -- of  
19 valid signatures appeared on the petition, and the  
20 Board at its last meeting certified the question to  
21 the general election ballot.

22 We were then contacted by Mr. Wilcox  
23 who indicated that he had concerns about the  
24 petition process and what was represented to him at



1 the time that he signed the petition, as well as  
2 perhaps others. And I think his -- the question  
3 was whether he could have his name striked from the  
4 petition and others, and whether or not doing so  
5 would then take the question off the ballot. So  
6 it might be --

7 MR. WILCOX: Well, not being an  
8 attorney, I don't know the repercussions of -- of  
9 my actions. I didn't know that it was even  
10 possible, but the circulator told many neighbors  
11 many different things.

12 The common thread was that she told me  
13 that this was an effort to keep BP from selling  
14 beer. She told my partner this was an effort to  
15 restrain BP from -- or AM/PM I should say, they  
16 would refrain from selling 40 ounces or single cans  
17 or single bottles.

18 The circulator spoke to many neighbors  
19 and told them different things but made it seem  
20 like it was against selling beer at the AM/PM  
21 store.

22 And I -- I will never sign a petition  
23 again just taking someone's word of mouth, but here  
24 was this nice, white lady from the suburbs who

1     seemed to be concerned about my neighborhood just  
2     down the street.

3                 So I'd like -- at the bear minimum, I'd  
4     like to have my name stricken from this petition.

5                 CHAIRMAN PREISSE:   I see.

6                 DEPUTY DIRECTOR DAMSCHRODER:   As the  
7     Board probably knows, often -- and it rarely occurs  
8     with -- with local liquor option petitions or  
9     candidate petitions, more frequently with statewide  
10    petitions, there are accusations of  
11    misrepresentation of the petition in order to gain  
12    signatures.

13                This agency has never, at least as far  
14    as I can recall, created a mechanism by which  
15    signers of a petition could have their signatures  
16    removed after the petition was filed with the  
17    Secretary of State's Office in the case of a  
18    statewide issue.

19                We asked the Prosecutor's Office to  
20    look into the matter, and their advice is that  
21    under a Supreme Court decision, Fite v. Aeh -- I  
22    don't know if it's pronounced A or what, but that  
23    they -- this is from Tony -- the courts did not  
24    permit post-filing removal of signatures, and

1 that -- in that particular case, the court also  
2 held that evidence of fraud, misrepresentation or  
3 mistake will not invalidate petitions as there is  
4 no such exception to the requirements of the  
5 particular statute in question.

6 So there's -- I think part of the  
7 challenge for us is, obviously, what to do. There  
8 is, I think, other petitions that weren't checked --  
9 Karen, correct me if I'm wrong -- that -- that  
10 could lend additional valid signatures to the  
11 project, even if the Board did decide to remove  
12 this one -- this one signature.

13 BOARD MEMBER MARINELLO: How many total  
14 signatures did it require?

15 MS. COTTON: It needed -- they filed  
16 145 signatures with the Board. They needed 101.  
17 We stopped when we got to 122 signatures, and we  
18 have three part petitions that we did not look at.

19 DEPUTY DIRECTOR DAMSCHRODER: So  
20 there's -- I mean, obviously, you know, there's --  
21 there's a legitimate concern that's been raised by  
22 a member of the community about -- about his  
23 signature on a petition, but also as -- as we  
24 consider to act, we also have to look at, you know,

1 what's -- what's the court decision and also what  
2 would be precedential for this Board going forward.

3 The representatives from the -- from  
4 the petitioner are here in the event that -- that  
5 we want to hear from them or if they have anything  
6 to say, but --

7 BOARD MEMBER MARINELLO: I have a  
8 question for Mr. Wilcox.

9 MR. WILCOX: Yes, ma'am.

10 BOARD MEMBER MARINELLO: Did -- how did  
11 they get these, like, they explained it and then  
12 they signed it or they didn't show you the front?

13 MR. WILCOX: Did not show me the front.  
14 The nice lady from the suburbs said this is to  
15 stop --

16 BOARD MEMBER MARINELLO: That will  
17 teach you.

18 MR. WILCOX: Yeah.

19 BOARD MEMBER MARINELLO: That's a  
20 shame.

21 MR. WILCOX: She even went into the  
22 backyard of another neighbor. She heard a  
23 little -- young family playing in the backyard and  
24 she went into the backyard to get signatures, and

1 they were misrepresented as well.

2 CHAIRMAN PREISSE: Did you ask her any  
3 questions?

4 MR. WILCOX: No. I was actually really  
5 excited that some nice little white lady from the  
6 suburbs was concerned about my -- my hood and --  
7 really. I've -- I've lived in the area of the site  
8 for 25 years and I was tickled that someone seemed  
9 compassionate and caring enough to -- to stop some  
10 of this madness that comes with convenient booze at  
11 one o'clock in the morning.

12 CHAIRMAN PREISSE: Uh-huh. So our  
13 counsel's advising us, in his absence, in written  
14 form, that he doesn't think there's a provision to  
15 proceed based on the evidence we have; is that  
16 right?

17 DEPUTY DIRECTOR DAMSCHRODER: Correct.

18 CHAIRMAN PREISSE: We've probably all  
19 heard that caveat emptor -- what's that, beware  
20 of --

21 MR. WILCOX: Buyer beware.

22 BOARD MEMBER MARINELLO: Buyer beware.

23 CHAIRMAN PREISSE: Buyer beware? I  
24 think there's probably a term for it in Latin for

1 be careful what you sign.

2 MR. WILCOX: Uh-huh.

3 CHAIRMAN PREISSE: Anyone want to  
4 provide that or just quit while you're ahead?

5 AUDIENCE MEMBER: Caveat lector?

6 MR. WILCOX: That would be read.

7 CHAIRMAN PREISSE: Yeah.

8 MR. WILCOX: Yeah, caveat lector would  
9 be read, wouldn't it?

10 CHAIRMAN PREISSE: Well, okay. All  
11 right. Any questions or comments further?

12 DEPUTY DIRECTOR DAMSCHRODER: I think  
13 this is one -- another one of those examples of a  
14 regrettable situation that the Board would like to  
15 be able to respond to, but doesn't have the  
16 discretion to do so.

17 CHAIRMAN PREISSE: That's what it  
18 sounds like.

19 BOARD MEMBER MARINELLO: Mr. Chairman,  
20 I move that the Board deny the challenge filed by  
21 Ken Wilcox of 1157 Oak Street against the local  
22 option petition for Columbus Ward 55, Precinct D,  
23 for the designated location of AM/PM at 825 East  
24 Broad Street, letting stand the previous decision

1 of the Board.

2 DIRECTOR ANTHONY: Is there a second?

3 BOARD MEMBER COLLEY: Second.

4 DIRECTOR ANTHONY: All those in favor  
5 say aye.

6 BOARD MEMBERS: Aye.

7 DIRECTOR ANTHONY: The ayes carry it.  
8 Thank you, Mr. Wilcox.

9 CHAIRMAN PREISSE: Thank you. Sorry  
10 about that, and we're all -- we all learn lessons  
11 here from week to week. Be careful. Thank you.

12 MR. WILCOX: Sneaky, slimy.

13 DIRECTOR ANTHONY: Mr. Chair, the next  
14 item on the agenda is a revisit of absentee hours  
15 of operation.

16 CHAIRMAN PREISSE: Do we want to have a  
17 description of this? Defensive comments?

18 DIRECTOR ANTHONY: Since the last  
19 meeting, the Democratic Board members have -- have  
20 been approached by all kinds of ways, through  
21 the media and in person, regarding the fact that  
22 there were no Sunday hours and that they had  
23 wanted some additional hours.

24 And they had some discussion from

1 various community groups and voter protection  
2 advocates. And they -- and they have some concern  
3 because there was no Sunday hours in our -- in our  
4 last meeting, which we had all agreed to.

5 And so the Democratic Board members, in  
6 an effort to make voting more available based on --  
7 our Commissioner said they would like to see some  
8 Sunday hours, and the advocacy groups also want to  
9 see some Sunday hours.

10 So this is an issue that would bring it  
11 back before the Board to have a vote on -- on  
12 adding an additional ten hours to our absentee  
13 in-person voting here at the Board of Elections.

14 So that's the genesis of it. Any  
15 questions? That's about all I can say.

16 CHAIRMAN PREISSE: These -- you know,  
17 we picked, looks like the suggestions for the  
18 extension --

19 DIRECTOR ANTHONY: There's --

20 CHAIRMAN PREISSE: -- of in-person  
21 absentee hours on the 28th, which is the first day.

22 DEPUTY DIRECTOR DAMSCHRODER: First day  
23 of in-person voting.

24 DIRECTOR ANTHONY: First day of



1 in-person voting. They wanted to be open two  
2 additional hours, and then that first Sunday they  
3 want to be open -- that first Sunday is October  
4 the 3rd. They want to be open from 1 to 5, and  
5 then again Sunday, October the 31st from 1 to 5.  
6 So those are the three dates that they would like  
7 to have seen included in the original request for  
8 our hours of operation.

9 CHAIRMAN PREISSE: Okay. I would  
10 submit -- okay, you can hear me.

11 My concern is that -- certainly, we  
12 endeavor on a bipartisan basis to establish  
13 convenient hours for the Board to conduct its  
14 business and publish those. I think we came to a  
15 bipartisan and, dare I say, liberal consideration of  
16 hours available here at the Board as the on-site  
17 location for voting.

18 I think the more we go back in and  
19 change hours, the more risk we run for confusion  
20 out there. We -- we kind of went back and forth  
21 and back and forth in 2008, much to the  
22 consternation of some of us and some in the  
23 community.

24 My sense is we have previously agreed

1 to and achieved a balanced, proper, fair approach  
2 to on-site absentee voting and in-person absentee  
3 voting. And certainly as we stated then, we  
4 would -- I'd continue to agree that we can revisit  
5 this issue if and when it rises to the level of --  
6 of needing to do that. You stated that it has, and  
7 my perception is it may not have yet.

8 DIRECTOR ANTHONY: Yes, sir.

9 BOARD MEMBER MANIFOLD: I -- actually,  
10 I think --

11 DIRECTOR ANTHONY: Go ahead.

12 BOARD MEMBER MANIFOLD: You know, I  
13 think that the first set of hours we have, I think,  
14 are good hours. I think that -- that this just,  
15 you know, opens up the process of looking to the  
16 Board for accessibility.

17 You know, I -- I think that all of us  
18 are probably -- we all try to find a good balance,  
19 what's the right access to voters and -- and --  
20 without straining our staff too much.

21 I think just being open the first and  
22 last Sunday is a good mix. I wish that -- I think  
23 in many ways I wish the -- the legislature had  
24 acted and we had a new system in place altogether

1 for in-person absentee voting centers around the  
2 county and maybe some change of days so it's not 35  
3 days, and just some different things. But since  
4 this isn't the system we have, I think that this is  
5 a good balance of accessibility and --  
6 accessibility and not over -- too much cost involved  
7 adding these ten hours, so --

8 DEPUTY DIRECTOR DAMSCHRODER: Well, I  
9 think it's -- I think you make a good point, but I  
10 would -- I would say that certainly the additional  
11 hours on Sunday do overburden staff.

12 And, frankly, as having been here both  
13 in 2006 and 2008 for the general elections at a  
14 staff level and Todd Levicon, you know, who's a  
15 Democrat manager of the absentee department would  
16 tell you this also, perhaps not on the record, but  
17 certainly privately, and I think he has told Bill,  
18 that doing absentee voting hours that last Sunday  
19 is a bad idea for operations of the office and puts  
20 at risk the ability of this agency to release  
21 complete absentee results at 7:30 p.m. on election  
22 night. And if the Board is willing to sacrifice  
23 that, then that's okay.

24 I would also say that I think, you

1 know, to me, you know, there's -- there's a bit of  
2 an aspect of confusion that certainly leads me to  
3 be suspect of the genuineness of the human cry from  
4 the community when we're at -- when the proposal is  
5 to do extra hours on Tuesday the 28th and Sunday,  
6 but there's nothing on Wednesday, Thursday or  
7 Friday.

8 To me that smacks of -- we're -- we're  
9 tailoring hours to meet somebody's preconceived  
10 political plan. I -- I have no, obviously,  
11 knowledge of that or evidence of that, but that's  
12 just what it appears to be, and I think that's the  
13 breakdown of this bipartisan process that's  
14 unfortunate now for the second federal general  
15 election in a row.

16 BOARD MEMBER MANIFOLD: I just -- I'll  
17 give you what we thought for the Tuesday. The  
18 thought on the Tuesday from many of the groups that  
19 I met with and why they asked then for Tuesday was  
20 that -- that on that first day there was probably  
21 going to be a lot of press and there's going to be  
22 a lot of news and a lot of coverage and so there  
23 was a thought that by having all that press,  
24 you can say, hey, look, you know, first day we're

1 open until seven o'clock. Come on down, vote today.

2 I think that was where -- why that Tuesday was

3 looked at as sort of a partisan idea.

4 That's the background that I got, because --

5 DIRECTOR ANTHONY: Any more discussion?

6 (No audible response.)

7 DIRECTOR ANTHONY: No? I guess we'll

8 entertain a motion.

9 BOARD MEMBER MARINELLO: Mr. Chairman,

10 I move that the Board of Elections be open for

11 in-person absentee voting on Tuesday, September

12 28th, from five to seven p.m.

13 DIRECTOR ANTHONY: Is there a second?

14 BOARD MEMBER MANIFOLD: I'll second.

15 DIRECTOR ANTHONY: And we'll do a roll

16 call vote.

17 Kim Marinello?

18 BOARD MEMBER MARINELLO: Yes.

19 DIRECTOR ANTHONY: Zack Manifold?

20 BOARD MEMBER MANIFOLD: Yes.

21 DIRECTOR ANTHONY: Douglas Preisse?

22 CHAIRMAN PREISSE: No.

23 DIRECTOR ANTHONY: Michael Colley?

24 BOARD MEMBER COLLEY: No.

1                   DIRECTOR ANTHONY: All right. That was  
2 a tie vote. It will have to go to the Secretary of  
3 State for resolution. Are there any other  
4 resolutions? Ms. Marinello?

5                   BOARD MEMBER MARINELLO: Mr. Chairman,  
6 I move that the Board of Elections be open for  
7 in-person absentee voting on Sunday, October 3,  
8 from one to five p.m.

9                   DIRECTOR ANTHONY: Is there a second?

10                  BOARD MEMBER MANIFOLD: I'll second.

11                  DIRECTOR ANTHONY: All right. Roll  
12 call vote.

13                                 Kim Marinello?

14                  BOARD MEMBER MARINELLO: Yes.

15                  DIRECTOR ANTHONY: Zachary Manifold?

16                  BOARD MEMBER MANIFOLD: Yes.

17                  DIRECTOR ANTHONY: Douglas Preisse?

18                  CHAIRMAN PREISSE: No.

19                  DIRECTOR ANTHONY: Michael Colley?

20                  BOARD MEMBER COLLEY: No.

21                  DIRECTOR ANTHONY: And that too will go  
22 before the Secretary of State to have a resolution  
23 on the tie vote.

24                  BOARD MEMBER MARINELLO: And,

1 Mr. Chairman, I move that the Board of Elections be  
2 open for in-person absentee voting on Sunday,  
3 October 31st, from one to five p.m.

4 DIRECTOR ANTHONY: Is there a second?

5 BOARD MEMBER MANIFOLD: Second.

6 DIRECTOR ANTHONY: All those -- well, a  
7 roll call vote.

8 Kim Marinello?

9 BOARD MEMBER MARINELLO: Yes.

10 DIRECTOR ANTHONY: Zack Manifold?

11 BOARD MEMBER MANIFOLD: Yes.

12 DIRECTOR ANTHONY: Douglas Preisse?

13 CHAIRMAN PREISSE: No.

14 DIRECTOR ANTHONY: Michael Colley?

15 BOARD MEMBER COLLEY: No.

16 DIRECTOR ANTHONY: That too was a tie  
17 vote. Mr. Chair?

18 CHAIRMAN PREISSE: Several motions have  
19 resulted in a tie and, therefore, we'll ask that  
20 both sides submit in writing -- let's see here.  
21 I've -- I've deviated from the script and I want to  
22 get it right in case there's something specific in  
23 here that must be followed.

24 Several motions having resulted in a

1 tie, the Chairman instructs both sides to submit  
2 their positions in writing to the Director -- in  
3 writing, definitely in writing -- not later than  
4 noon on Tuesday, June -- September 7th at noon in  
5 order for the Director to provide by close of  
6 business on that day the required information to  
7 the Secretary of State.

8 DIRECTOR ANTHONY: Thank you, sir.

9 CHAIRMAN PREISSE: Any other items on  
10 the agenda? That is it.

11 DEPUTY DIRECTOR DAMSCHRODER: That's  
12 it.

13 DIRECTOR ANTHONY: That's all we had.

14 DEPUTY DIRECTOR DAMSCHRODER: Oh, I'm  
15 sorry. Karen alerted me. I apologize. The  
16 petitioner for the printed signatures did arrive  
17 after we addressed the issue. I don't know, since  
18 he's here, whether you want to let him speak his  
19 piece and then --

20 DIRECTOR ANTHONY: Decide whether to  
21 rescind it or not?

22 DEPUTY DIRECTOR DAMSCHRODER: -- decide  
23 whether to change our mind?

24 CHAIRMAN PREISSE: Why don't we



1 describe -- explain to the petitioner what  
2 transpired prior to his arrival, and then he can  
3 decide if he wants to be heard.

4 DEPUTY DIRECTOR DAMSCHRODER: The Board  
5 was presented with your arguments about the printed  
6 signatures --

7 MR. ETTAYEM: Uh-huh.

8 DEPUTY DIRECTOR DAMSCHRODER: -- and  
9 reviewed -- compared the signatures that appeared  
10 on the petitions with the copies of the signatures  
11 from the voter registration cards.

12 And based on the Prosecuting Attorney's  
13 interpretation of 3501.011 A and C, the Board does  
14 not have the discretion to consider those printed  
15 signatures as valid signatures, and -- and is  
16 unable to then certify the question on the ballot  
17 as a valid local option. So the Board voted to  
18 uphold its previous decision to not certify -- to  
19 not put the question on the ballot.

20 It's -- unfortunately, the Board has  
21 been faced with this in the past, of the printed  
22 signature issue both with candidates and local  
23 option petitions, and it's a strict interpretation  
24 statute where the Board does not have discretion to

1 count those signatures.

2 MR. ETTAYEM: You are -- are you doing  
3 an --

4 COURT REPORTER: Sir, sir, can I have  
5 you come to the podium?

6 CHAIRMAN PREISSE: Let me say this,  
7 with that if I may. You -- you -- we appreciate  
8 the fact that you've come down, and if you wish to  
9 be heard under sort of general public comments  
10 here, I think we can do that.

11 Obviously, we are aware of the case.  
12 We have voted on it, and we're all ears. I don't  
13 think anyone here is predisposed to -- you know, to  
14 get hung up on formality, but as the Director -- as  
15 the Deputy Director has described, we have seen  
16 this kind of thing come before us before.

17 And on advice of counsel and precedent  
18 here in the law, we've made a decision, but we  
19 appreciate your coming down and wishing to be  
20 heard, and if you still wish to be heard, let's --  
21 by all means, let you do that.

22 MR. ETTAYEM: I appreciate it so much.  
23 Number one, I was just notified about this appeal  
24 just late, mid-day yesterday.

1                   CHAIRMAN PREISSE: I'm sorry. I think  
2 she wanted you to state your name for the record.

3                   MR. ETTAYEM: My name is Ashraf,  
4 A-s-h-r-a-f, middle initial A, also aka by Joe,  
5 J-o-e, last name Ettayem, E as Edward, double T as  
6 tongue, A as apple, Y as yellow, E as Edward, M as  
7 Mary.

8                   I'm here on behalf of EMA Group Corp.,  
9 dba Shop N Save for the local option -- for the  
10 address located in Precinct 50A, location 2950  
11 Groveport Road, Columbus, Ohio 43207.

12                   I thank you so much for the explanation  
13 that you have done just a little bit briefly, but  
14 where there's a difference between just if someone  
15 had print their name or someone they had print  
16 their signature.

17                   And as I have stated, because I didn't  
18 have enough time and I was just notified, as I  
19 said, late yesterday, mid-day yesterday to be even  
20 fair, that there is an appeal.

21                   I just came from a deposition, by the  
22 way, and I just took a speeding ticket and I just  
23 got here. Just for you to know.

24                   And I just snatched those -- what I

1 will show you, and hoping that we could just  
2 differentiate between where you're coming from and  
3 where I'm coming, because we know there is a fine  
4 line in any legal matter and issue that we could  
5 possibly -- I wish I could have had the chance to  
6 get the attorney to come through, but, as I said,  
7 it was just too short of a notice. I'll do -- I'll  
8 try to do my best job in just stating.

9           Okay. We know that according to  
10 Section 3501.011 on A and B -- I mean, A and C as  
11 it was mentioned, but we have overlooked B. And  
12 this one -- this is where I come at. This is my  
13 understanding, because those people, they did not  
14 print their name and they do sign print and  
15 cursive.

16           So I figured that I would fall into the  
17 section of B here, and the explanation of that  
18 section, not A or C. Because me, personally, I do  
19 sign in two different -- three different ways. And  
20 there are some certain customers -- or certain  
21 people that they do have signature that they do  
22 sign, not print name, they do sign print and  
23 cursive, and this is my position today. That they  
24 signed their name printed. They did not write

1 their name -- they did not print their name, so  
2 this is my statement in -- in -- in depth. They  
3 did sign their printed signature as they are -- as  
4 they have even given me affidavit.

5 Thank God I was lucky to obtain full  
6 affidavit of that to show that they do and they  
7 certify that they signed on -- back on the date,  
8 they did sign for me on that date as it showed on  
9 the circulation of the signatures sheets, also to  
10 certify that they do sign print, and they do sign  
11 cursive, and, please, for the record, accept here  
12 they are and they notarized affidavit.

13 I thank God I was able with the short  
14 notice to get those quick enough, and I have done  
15 every single part of this petition, believe it or  
16 not, by my own hand. I circulated every single  
17 signature. I did it independently.

18 I didn't rely on any untruthful honest  
19 statement. Oh, we're going to show you the moon or  
20 just like I was listening to the other challenge.  
21 I'm here for an appeal. I was very faithful. I  
22 was very loyal with every single person who signed  
23 for my petition, clearly. And, as I stated, they  
24 did sign and they do, if you please give me the

1 chance, just to show you --

2 CHAIRMAN PREISSE: Why don't you -- why  
3 don't you --

4 MR. ETTAYEM: -- and just --

5 CHAIRMAN PREISSE: -- pass those  
6 around?

7 MR. ETTAYEM: -- give me that  
8 opportunity.

9 BOARD MEMBER MARINELLO: Matt --

10 DEPUTY DIRECTOR DAMSCHRODER: Uh-huh.

11 BOARD MEMBER MARINELLO: -- correct me  
12 if I'm wrong, but in the past, didn't we have the  
13 actual people here and they had to agree that  
14 they --

15 DEPUTY DIRECTOR DAMSCHRODER: Right.  
16 That was Carol Perkins --

17 BOARD MEMBER MARINELLO: Right.

18 DEPUTY DIRECTOR DAMSCHRODER: -- in  
19 '09, and -- and even though the person came down  
20 and testified, you know, there -- there was really  
21 no question, and we're certainly not questioning in  
22 this case, you know, like on this particular  
23 petition on the top of your stack --

24 BOARD MEMBER MARINELLO: Right.

1                   DEPUTY DIRECTOR DAMSCHRODER:  -- that  
2   Norris Thompson, Junior, didn't apply this name  
3   here.

4                   It's just under C, Paragraph B  
5   notwithstanding, that says the person's, whatever they  
6   use in the normal course of business is their legal  
7   signature.  C is essentially the trump card.  
8   Whatever appears on the voter registration card is  
9   what has to appear on the petition, which is why  
10  even though Carol Perkins brought three people down  
11  to testify in person last fall, we still had to --  
12  we still couldn't certify her on the ballot as a  
13  regular candidate.

14                  So it's that -- it's that same thing  
15  where we're not questioning the validity or it's  
16  insufficient because it's not the same as what we  
17  have on record.

18                  MR. ETTAYEM:  I think -- and I'm sorry.

19                  DEPUTY DIRECTOR DAMSCHRODER:  That's  
20  all right.  You're fine.

21                  MR. ETTAYEM:  As I had stated, I did  
22  not have the sufficient time to bring even more.  I  
23  had probably -- you know, just to give you an idea,  
24  I collected 109 signatures, and I knew that I was

1 looking for 109. And because I circulated it by my  
2 own hand, right, knowingly that every single person  
3 when I took the printout, I was checking the list.  
4 Not letting people -- I slipped once or twice, I  
5 think in my -- there's one that stated  
6 not-registered voter and one of them is a duplicate  
7 signature. So I can show you my homework and how I  
8 did it, and I did it independently, believe it or  
9 not, with every single person just to verify and  
10 making sure that every single signature is 100  
11 percent perfect, or every single -- that's why, you  
12 know, I collected 109 knowing that, okay, I had a  
13 few, whatever. You know?

14 But at the end, I ended up, you know,  
15 having to have some of those people who signed for  
16 me, they used their printed style signature. And  
17 as it states here, for persons who do not use a  
18 cursive style legal mark that marks during the  
19 course of their regular business and legal  
20 affairs.

21 Sign or signatures means that person's  
22 other legal mark that the person uses during the  
23 course of that person's regular business and legal  
24 affairs that is in the person's own hand.



1           So I'm sure the main purpose, and I  
2     hope we can agree to one thing, assuring that the  
3     person who signed it is legitimate signature. That  
4     it is a person who did it. It has not been printed  
5     by any other person that who signed on behalf of  
6     someone.

7           So we look -- I think, you know, on  
8     this paragraph mainly it expresses both people in  
9     my position today. Especially with people who -- I  
10    mean, I assure how legitimate those signatures are.  
11    I assure those. That's the main goal. The main  
12    goal is to assure that every single of those  
13    people -- if in case we fall into this kind of  
14    shady grey area if we want to consider.

15           And I hope that it's wide enough for --  
16    for you to consider those for me, and knowing  
17    exactly where I'm coming from and hoping that --  
18    that I could show you every single thing that I  
19    went through collecting these signatures, just  
20    to assure you that I did my job accordingly to  
21    protect and make sure that every single signature  
22    that I collected is perfect.

23           And I thank you again, and I look  
24    forward for your consideration, hopeful that you

1     could consider me.

2                     DIRECTOR ANTHONY: Thank you, sir.

3                     Mr. Chair?

4                     CHAIRMAN PREISSE: Thank you,  
5     Mr. Ettayem. We appreciate your passionate and  
6     obviously sincere expression of your position. And  
7     how we got here today, I think that -- speaking for  
8     myself, I regret that I think we are stuck where we  
9     are.

10                    And ironically and sadly, I think  
11     you're a victim of your own sincere hard work and  
12     diligent efforts for having done such a good job  
13     that you called your effort off when you had the  
14     sufficient number of registered voters do  
15     something.

16                    Unfortunately, I think we continue to  
17     be compelled to determine that that's something  
18     that a handful of them did that doesn't meet the  
19     requirements that we are required to enforce and  
20     observe. Anybody want to add anything?

21                    (No audible response.)

22                    CHAIRMAN PREISSE: I don't think,  
23     therefore, we can revisit the issue, and sincerely  
24     regret that.

1                   DIRECTOR ANTHONY:  If that concludes --  
2                   that concludes the Board's agenda for the day.  Is  
3                   there a motion to adjourn?

4                   BOARD MEMBER MARINELLO:  So moved.

5                   DIRECTOR ANTHONY:  Is there a second?

6                   BOARD MEMBER MANIFOLD:  Second.

7                   DIRECTOR ANTHONY:  All in favor?

8                   BOARD MEMBERS:  Aye.

9                   DIRECTOR ANTHONY:  We stand adjourned.

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Thereupon, the proceedings were

12

concluded at 4:47 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 8<sup>th</sup> day of September, 2010.

  
\_\_\_\_\_

MICHELLE K. SALINAS  
Certified Digital Reporter  
Notary Public - State of Ohio  
My commission expires July 17, 2013.

  
\_\_\_\_\_

GLORIA TOVAR SMITH  
Certified Digital Transcriber