

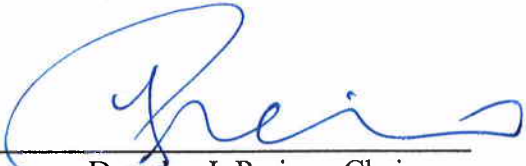
FRANKLIN COUNTY BOARD OF ELECTIONS  
280 EAST BROAD STREET  
COLUMBUS, OHIO 43215  
(614) 462-3100

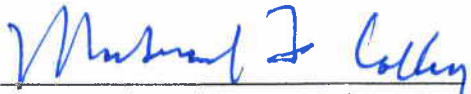
MINUTES OF THE MEETING ON

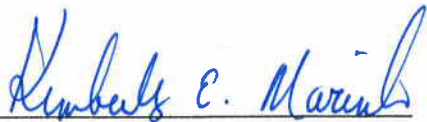
2/14/2011


APPROVED ON 3/10/2011

BY:


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

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

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

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

ATTEST:

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



1 APPEARANCES:

2 Franklin County Prosecutor's Office  
3 13th Floor  
4 373 South High Street  
5 Columbus, Ohio 43215  
6 By Mr. Patrick Piccininni,  
7 On behalf of the Board.

8 ALSO PRESENT:

9 Ms. Suzanne Brown  
10 Mr. Ben Piscitelli - Media Relations  
11 Ms. Karen Cotton - Operations Mgr  
12 Ms. Renee Klco - Board of Elections  
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14  
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1 that the Board of Elections certify to the  
2 May 3, 2011 primary election ballot those  
3 candidates appearing on Exhibit A as having  
4 been timely filed declarations of candidacy  
5 and nominating petitions found by staff to be  
6 sufficient and valid.

7 MR. COLLEY: Second.

8 DIRECTOR ANTHONY: All those voting  
9 in favor of that say aye.

10 (All say aye.)

11 DIRECTOR ANTHONY: Nay votes?

12 (No audible response.)

13 DIRECTOR ANTHONY: Those are done.  
14 Exhibit B are the candidates not recommended  
15 by the Board to certify on the ballot. Are  
16 there any questions about those? That would  
17 be Exhibit B. If there's no question on  
18 those, then we will entertain a motion.

19 MR. COLLEY: Mr. Chairman, I move  
20 that the Board of Elections deny  
21 certification to the May 3, 2011 primary  
22 election ballot to the candidates appearing  
23 on Exhibit B on the basis that their  
24 nominating petitions were either not timely

1 filed or found by staff to be invalid or  
2 insufficient.

3 DIRECTOR ANTHONY: Is there a  
4 second?

5 MS. MARINELLO: Second.

6 DIRECTOR ANTHONY: All those in  
7 favor say aye.

8 (All say aye.)

9 DIRECTOR ANTHONY: Motion carries.  
10 The next item on the agenda would be we have  
11 a lot of local options and issues that the  
12 Board recommends to be certified to the  
13 ballot. Those would be on Exhibit C. Are  
14 there any questions on Exhibit C?

15 (No audible response.)

16 DIRECTOR ANTHONY: Hearing none,  
17 we'll take a motion.

18 MR. MANIFOLD: Mr. Chairman, I move  
19 that the Board of Elections certify to the  
20 May 3, 2011 primary ballot the issues and  
21 options appearing on Exhibit C, which were  
22 timely filed and found by staff to be  
23 sufficient and valid.

24 DIRECTOR ANTHONY: Is there a

1 second?

2 MR. COLLEY: Second.

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

5 (All say aye.)

6 DIRECTOR ANTHONY: Opposed same  
7 sign.

8 (No audible response.)

9 DIRECTOR ANTHONY: Now we have some  
10 local options and issues that the Board  
11 recommends -- that we do not recommend to the  
12 Board to certify to the ballot, and those  
13 would be Exhibit D. If there are no  
14 questions or concerns, we'll accept a motion.

15 MS. MARINELLO: Mr. Chairman, I move  
16 that the Board of Elections deny  
17 certification to the May 3, 2011 ballot the  
18 local options appearing on Exhibit D, which  
19 was found by staff to be insufficient and  
20 invalid.

21 DIRECTOR ANTHONY: Is there a  
22 second?

23 MR. MANIFOLD: I'll second.

24 DIRECTOR ANTHONY: All those in

1 favor say aye.

2 (All say aye.)

3 DIRECTOR ANTHONY: Opposed same  
4 sign.

5 (No audible response.)

6 DIRECTOR ANTHONY: We have a  
7 situation where we would like to refer to the  
8 prosecutor's office, a situation with the  
9 petitions. We had a circulator that we felt  
10 did some things that would need to have the  
11 prosecutor look at a little more deeply.  
12 Karen can give us a little more detail. Ms.  
13 Cotton, would you like to give us some more  
14 detail on that?

15 MS. COTTON: During the process of  
16 checking the petitions done in the current  
17 election, I myself checked the petitions  
18 filed by Carol Perkins. I noticed that on  
19 several of the part petitions that there  
20 appeared to be several non-genuine signatures  
21 on these part petitions.

22 I was able to lay the petitions that  
23 had been circulated by that particular  
24 circulator to the side and use additional



1 petitions that Carol Perkins had submitted  
2 and get enough ballot signatures. Later that  
3 day or early the next day Barcy McNeil was  
4 checking one of the other candidate  
5 petitions, came to me and indicated that she  
6 was finding several signatures on the part  
7 petitions she was checking for Mr. Baker to  
8 be non-genuine signatures.

9           Is it by chance the circulator  
10 so-and-so and she did admit that it was and  
11 we started comparing two sets of part  
12 petitions and found that this circulator had  
13 circulated petitions for both Mr. Baker and  
14 Carol Perkins.

15           However, with Ms. Perkins' filing  
16 there were enough signatures to get enough  
17 ballot signatures. In the case of Mr. Baker,  
18 he fell short of having enough ballot  
19 signatures because of the actions of this  
20 circulator which will hold part petitions to  
21 be invalid because there were so many  
22 non-genuine signatures on each of the part  
23 petitions.

24           Once you start finding a number of

1 non-genuine signatures on a part petition,  
2 you have to rule the whole part petition  
3 invalid because it makes the circulator's  
4 statement invalid, because the circulator  
5 does, in fact, say on that circulator's  
6 statement that they witnessed the affixing of  
7 each of those signatures and to the best of  
8 your knowledge that it was, in fact, the  
9 signature of the person it's purported to be.

10 So that would make the circulator's  
11 statement invalid so the whole part petition  
12 then becomes invalid. So we're recommending  
13 that the Board submit the petitions  
14 circulated by Mr. Smith, Ronald Smith on  
15 Fairwood Avenue, to the prosecuting  
16 attorney's office for further research and/or  
17 prosecution.

18 DIRECTOR ANTHONY: Are there any  
19 questions for Ms. Cotton?

20 (No audible response.)

21 MS. COTTON: In the copies that you  
22 were provided you were also provided some  
23 copies of signatures on file for various  
24 candidates or various signers. And it's

1 cross-referenced as to what part petition and  
2 what line that signature appears on so that  
3 you can actually compare the signature on  
4 file to the signature which we have on file  
5 -- on the petition.

6 DIRECTOR ANTHONY: It's clear to  
7 us -- I just found one that is really funny.  
8 I probably shouldn't -- Miranda Neighbors. I  
9 also see my -- well, anyway, there's -- it's  
10 clear that this circulator signed a bunch of  
11 names to the petition that the electors never  
12 signed.

13 So we felt that we should bring this  
14 to the attention of the Board and then refer  
15 to the prosecutor's office for further  
16 looking at or to determine what all that  
17 happened. Would that be correct?

18 MR. PICCININNI: Under 3501.11J it's  
19 the Board's duty to conduct the  
20 investigation. As a result of the past voter  
21 registration issues or voter fraud cases that  
22 we've dealt with over the last several years,  
23 a protocol was developed last year which  
24 should have been forwarded by -- one of the

1 members of our office should have forwarded  
2 -- we will send another copy of it. That  
3 process needs to be followed before it's sent  
4 over.

5           It's my understanding that you can  
6 vote to refer it, but it has to be pending  
7 the completion and the following of the  
8 protocol. We have everything we need to take  
9 it right to the Grand Jury so there's not  
10 going to be a whole lot of lag time. It's  
11 not referred to us though.

12           This all basic stuff was done and  
13 this protocol then allows you to comply with  
14 the Board's statutory duties under 3501.11J  
15 to insure that should there be some issues  
16 here that they're properly dealt with because  
17 we are setting a precedent.

18           And it's been our position that  
19 we're not going to tolerate this type of  
20 conduct in Franklin County in regards to  
21 voting and especially with the petition  
22 process, especially the heart of our  
23 democracy and to our republic.

24           And as a result we need to insure

1 that the process is above reproach. By the  
2 Board conducting its investigations as  
3 required by Title 35 that will enable us to  
4 do our job in a rapid manner and get these  
5 cases resolved.

6 DEPUTY DIRECTOR BURD: I know our  
7 staff will follow that protocol and we won't  
8 submit it to the prosecutor's office until we  
9 have the complete investigation completed.

10 CHAIRMAN PREISSE: So our attentive  
11 staff have detected it and then we'll be in  
12 receipt of the prosecutor's protocol and  
13 Patrick will -- which we've done before, and  
14 Patrick will be looking over our shoulder and  
15 interacting with us to follow it and then  
16 we'll forward the paperwork. But we can go  
17 ahead and vote to proceed in that direction  
18 pending the completion of the investigation.

19 MR. PICCININNI: Yes. The motion --  
20 the appropriate motion would be to refer to  
21 it as pending the completion of the staff  
22 investigation.

23 DIRECTOR ANTHONY: Thank you, sir.

24 MR. PICCININNI: Thank you.



1 has lived there for three years and according  
2 to her he never has. What I would  
3 recommend -- because he only just registered  
4 he hasn't had a chance to vote yet, but I  
5 would recommend putting him in a non-voting  
6 status so that if he does request an absentee  
7 ballot and he does go into the polls we can  
8 get a hold of him and figure out, maybe the  
9 BMV put the wrong address down or something  
10 like that.

11 DIRECTOR ANTHONY: Are there any  
12 questions for Ms. Klco?

13 DEPUTY DIRECTOR BURD: Renee, would  
14 we then be cancelling his registration at  
15 this point?

16 MS. KLCO: No. We'll put him in a  
17 pending status rather than cancellation.

18 DEPUTY DIRECTOR BURD: Okay. So the  
19 motion then would be that his status be  
20 pending in Franklin County?

21 MS. KLCO: Yes.

22 DIRECTOR ANTHONY: Any other  
23 questions for Ms. Klco?

24 MR. PICCININNI: Will the presiding

1 judge be instructed that if this individual  
2 does present himself at the polls that his  
3 right to vote must be challenged?

4 MS. KLCO: He won't appear in the  
5 poll book so he will have to go to a  
6 provisional ballot. But I will keep notice  
7 so that I can go through that precinct's  
8 provisional ballots and see if he did vote  
9 that way. And also there will be notes on  
10 his file, and if he does ask for an absentee  
11 ballot that it needs to come to me directly  
12 so we can take care of it that way.

13 MR. PICCININNI: Okay.

14 MS. MARINELLO: Mr. Chairman, I move  
15 that the Board uphold the challenge of right  
16 to vote and correction of registration list  
17 filed by Julie Howard of 648 Churchill  
18 Avenue, Apartment F, against Alexander Fu,  
19 purportedly of 648 Churchill Avenue,  
20 Apartment F, and order that Alexander Fu's  
21 registration be put in pending status in  
22 Franklin County.

23 DIRECTOR ANTHONY: Is there a  
24 second?



1 MR. COLLEY: Second.

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

4 (All say aye.)

5 DIRECTOR ANTHONY: Motion carries.  
6 Is there a motion -- that's it on the agenda.  
7 Is there a motion to adjourn?

8 CHAIRMAN PREISSE: Are we not doing  
9 the personnel thing at all?

10 MS. MARINELLO: Mr. Chairman, I move  
11 we adjourn.

12 CHAIRMAN PREISSE: You don't want to  
13 do that?

14 DIRECTOR ANTHONY: Unless you want  
15 to do it.

16 CHAIRMAN PREISSE: It's your call.  
17 No, that was for you. I just wanted to wish  
18 you a Happy Valentine's Day.

19 DIRECTOR ANTHONY: Well, thank you.

20 CHAIRMAN PREISSE: I was going to do  
21 it in Executive Session but I don't have any  
22 secrets.

23 DIRECTOR ANTHONY: Thank you. All  
24 those -- is there a second?

1 MR. COLLEY: Second.

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

4 (All say aye.)

5 DIRECTOR ANTHONY: All right. We  
6 stand adjourned.

7 - - - - -

8 Thereupon, the meeting was  
9 concluded at 3:43 o'clock p.m.

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CERTIFICATE

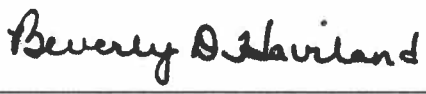
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The undersigned do hereby certify that the foregoing proceedings were digitally recorded, electronically transmitted, and transcribed via audible playback, and that the foregoing transcript of such proceedings is a full, true and correct transcript 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 23<sup>rd</sup> day of February, 2011.

  
\_\_\_\_\_

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

  
\_\_\_\_\_

BEVERLY D. HAVILAND  
Certified Digital Transcriber