

1 BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS
2 - - -
3 IN RE: :
4 Special meeting. :
5 - - -

6 August 17, 2022
7 PROCEEDINGS OF THE
8 FRANKLIN COUNTY BOARD OF ELECTIONS

9
10 before a Chairman Douglas J. Preisse, Director
11 Antone White, Board Members Josh Jaffe, Michael E.
12 Sexton, Kimberly E. Marinello, taken before me, at
13 the Franklin County Board of Elections, 1700 Morse
14 Road, Columbus, Ohio, on Wednesday,
15 August 17, 2022, beginning at approximately
16 10:00 a.m., and concluding at approximately
17 12:15 p.m.

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1 APPEARANCES:

2 FRANKLIN COUNTY PROSECUTOR'S OFFICE
3 by Jeanine Hummer, Esq.
4 First Assistant Prosecuting Attorney/Chief
5 Counsel Civil Division
6 373 South High Street, 13th Floor
7 Columbus, Ohio 43215
8 (614) 525-3520,

9 On behalf of the Board.

10 Also present:

11 Sara Ziemba
12 Jeff Mackey
13 Carla Patton
14 Erin Gibbons, Executive Manager

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1	<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>	
2	- - -	
3	AGENDA ITEMS	PAGE
4	Approval of minutes of May 25th, 2022; June 29th, 2022 special meeting	4
5		
6	Approval of minutes of July 5th, 2022 regular Board meeting	4
7	Provisional ballot report for the August 2nd, 2022 special primary election	5
8		
9	Certification of local questions and issues for the November 8th, 2022 general election	24
10		
11	Certification of local options for the November 8th, 2022 general election	26
12	Certification of August 2nd, 2022 primary election	31
13		
14	Post-election audit	33
15	- - -	
16	BOARD EXHIBITS	PAGE
17	Exhibit A -	6
18	Exhibit B -	24
19	Exhibit C -	28
20	Exhibit D -	31
21	Exhibit E -	33
22		
23	- - -	
24		
25		

1 Wednesday Morning Session
2 August 17, 2022
3 10:00 a.m.

4 - - -

5 DIRECTOR WHITE: We'll get the
6 meeting started.

7 Welcome to our August 17th special
8 meeting for Franklin County Board of Elections.
9 I'll start with rollcall.

10 Kim Marinello.

11 MEMBER MARINELLO: Here.

12 DIRECTOR WHITE: Mike Sexton.

13 MEMBER SEXTON: Here.

14 DIRECTOR WHITE: Chairman Preisse.

15 CHAIRMAN PREISSE: Here.

16 DIRECTOR WHITE: Josh Jaffe.

17 MEMBER JAFFE: Here.

18 DIRECTOR WHITE: We do have a
19 quorum.

20 First item on the agenda is the
21 approval of minutes of the May 25th, 2022 special
22 meeting, June 29th, 2022 special meeting, and
23 July 5th, 2022 regular board meeting. I believe
24 those meeting minutes were distributed prior to
25 today. Any questions or comments?

1 CHAIRMAN PREISSE: None here.

2 MEMBER JAFFE: This is Josh Jaffe.

3 I move that the Board approve the minutes of the
4 May 25 special meeting, the June 29 special
5 meeting, and the July 5 regular board meeting, all
6 2022, of the Franklin County Board of Elections as
7 submitted.

8 MEMBER MARINELLO: Kim Marinello. I
9 second.

10 DIRECTOR WHITE: All those in favor
11 of the motion, signify by saying aye.

12 (Vote taken.)

13 DIRECTOR WHITE: All those opposed,
14 same sign.

15 (No response.)

16 DIRECTOR WHITE: Motion carries.

17 The next item on our agenda is the
18 provisional ballot report for the August 2nd, 2022
19 special primary election. I'll call on Sara
20 Ziemba, our voter services supervisor, to provide
21 that report.

22 MS. ZIEMBA: All right. Good
23 morning, everyone. My name is Sara Ziemba. I'm
24 the supervisor in the voter services department
25 here at the Franklin County Board of Elections, and

1 it's my pleasure today to give the provisional
2 report for the August 2nd, 2022 primary election.
3 You should all have Exhibit A in your packet, and
4 that's a detailed total and breakdown of all of the
5 different categories that I'll talk about today.

6 First of all, I would like to just
7 say thank you to the Board for hiring Travis
8 Simmons to join us as the manager in voter
9 services. He jumped right in with the provisional
10 processing on election day and right after. He's
11 done a great job so far, so thank you, Travis, for
12 jumping in head first on that. And I just want to
13 thank, also, our voter services full-time seasonal
14 staff. We had poll worker trainers who helped us
15 out and we also had absentee seasonal staff who
16 helped us out during this process, and they all did
17 a great job.

18 Additionally, before Travis came, I
19 had full-time staff members in the department,
20 Debbie Johnson and Rebecca Marsurek, who helped out
21 being my democratic counterpart during the early
22 vote provisional process, so I appreciate their
23 help as well.

24 For the August 2nd, 2022 primary
25 election, the Franklin County Board of Elections

1 staff worked together in six bipartisan teams to
2 process 923 total provisional ballots that were
3 cast during the early vote period and on election
4 day. Every provisional ballot that's cast is
5 always evaluated using the steps set forth in
6 Chapter 8 of the Secretary of State's election
7 manual. After initial reviews by our teams, every
8 ballot is double and then triple checked by
9 bipartisan teams to make sure that everything is
10 accurate and quality controlled in the weeks
11 following election day. Additionally, this
12 election, our teams had an extra task of manually
13 searching through the paper poll books that we used
14 for election day signatures to make sure that a
15 provisional voter who cast a provisional ballot in
16 their current residence didn't go back to their old
17 address where they would have appeared on the paper
18 poll books and signed in and vote on the machines
19 there. So it's an extra step, but it's one that's
20 important that we took to make sure that every
21 voter that cast a provisional ballot that I will
22 tell you about later only cast one ballot for this
23 August 2nd primary.

24 Additionally, we were able to,
25 because of the smaller number of provisionals this

1 time, get a jump start on assigning voter history
2 credit for the 26,000-plus voters who voted on
3 election day on the machines as regular voters, and
4 so that was our first time using the Tenex system
5 to assign voter history credit manually. We're
6 still working on finishing that up, but the team
7 did a great job and multiple departments helping
8 out a bit, and we just want to thank everybody who
9 helped us out with that 'cause it is a large task
10 to do.

11 And so to begin, voter services
12 recommends that the Board move to accept 820
13 provisional ballots and to reject 9- -- sorry, 97
14 provisional ballots. We also have six additional
15 provisional ballots that will require Board review.
16 And you can refer to Exhibit A on your packet for
17 the totals for each category as I give a brief
18 overview.

19 So for the first category of the
20 grand total recommended to accept, we confirm that
21 all 820 of the provisional ballots we recommend to
22 you to be accepted contain all of the required
23 items on the provisional ballots affirmation
24 envelope. As outlined in Ohio Revised Code 3505,
25 for a provisional ballot to be accepted by the

1 Board, there are six required items. The first one
2 is that that voter has to be a registered voter in
3 Franklin County or anywhere in the State of Ohio
4 for 30 days prior to the election and the voter
5 also must provide on their provisional affirmation
6 statement the following required items, the voter's
7 printed name, valid signature, date of birth,
8 current residential address, and an acceptable form
9 of identification. Usually, voters will give the
10 last four of their social or their Ohio Driver's
11 License or state ID number. And I can confirm that
12 each of these 820 ballots that we recommend for
13 acceptance today were thoroughly researched by our
14 bipartisan processing teams, and we are happy to
15 confirm that each of the individuals are registered
16 to vote in Franklin County or somewhere in the
17 State of Ohio, and that every ballot affirmation
18 statement contained the required information, and
19 we, therefore, recommend those to you to be
20 accepted today.

21 DIRECTOR WHITE: So barring any
22 questions, we'll be looking for a motion to approve
23 those 820 provisional ballots.

24 (No response.)

25 MEMBER SEXTON: Mr. Chairman, this

1 is Michael Sexton. I move the Board approve the
2 counting of 820 provisional ballots, that all
3 provisional ballots deemed valid will be tallied
4 and included in the official canvass results for
5 the August 2nd, 2022 primary election.

6 CHAIRMAN PREISSE: Doug Preisse.
7 Second.

8 DIRECTOR WHITE: It's been properly
9 moved and seconded. All those in favor of the
10 motion, signify by saying aye.

11 (Vote taken.)

12 DIRECTOR WHITE: All those opposed,
13 same sign.

14 (No response.)

15 DIRECTOR WHITE: Motion carries.
16 So now you'll talk about the
17 rejections?

18 MS. ZIEMBA: Yes.

19 DIRECTOR WHITE: Okay.

20 MS. ZIEMBA: So for the next
21 section, we'll go on Exhibit A through the 97
22 ballots that we recommend that the Board rejects
23 today, and I'll explain the deficiencies that each
24 ballot had or group of ballots had for why we are
25 recommending that you reject those today.

1 So the very first category we have
2 are 63 provisional ballots where the voter was not
3 registered anywhere in the State of Ohio to vote
4 for 30 days prior to the election. As one of the
5 central tenets to being eligible to count the
6 ballot, the voter has to be registered somewhere in
7 the State of Ohio 30 days prior. It's in Ohio
8 Revised Code 3505.183. And each of those 63
9 ballots initially were checked over by one
10 bipartisan team. After that bipartisan team, they
11 do three searches in our county-wide database to
12 try and find the voter. If they don't find them in
13 our county database, they then search the statewide
14 voter registration database, which is maintained by
15 the Secretary of State, and has information from
16 all of the counties in Ohio. If after three more
17 searches they don't find them anywhere in the
18 state, then the initial team puts them aside as not
19 registered.

20 After that, we have another team go
21 through, do another set of searches both in the
22 county database and the statewide database, and
23 after those six searches, again so that was 12
24 total searches, if they still can't be found, then
25 we come to the conclusion to tell you today that

1 they are not registered, cannot be found as
2 registered in the State of Ohio, and, therefore,
3 recommend that those 63 provisional ballots are
4 rejected today for not being registered.

5 The next category are eight
6 provisional ballots that fell under the wrong
7 precinct and location category, and these ballots
8 came from voters who showed up to vote at a
9 location on election day, they provided an address
10 that was not in the location where they showed up
11 to vote, and so they -- there's no possible way
12 they received the correct ballot for where they
13 vote. And according to Ohio law, Revised Code
14 3503, again, when an individual registers in Ohio,
15 they are placed within a precinct based upon their
16 residential address and is eligible to vote in that
17 precinct. Because Ohio law requires a voter to be
18 a resident of the precinct in which they offered a
19 vote, a provisional ballot cast in the wrong
20 precinct cannot be counted.

21 And so these eight voters showed up
22 to vote, received ballot that was not matching the
23 precinct where they put on their affirmation
24 statement, they were in the wrong location, voted
25 the wrong ballot, and, therefore, we recommend that

1 the Board reject those eight ballots today for
2 voting in the wrong location.

3 The next category are six
4 provisional ballots where the voter failed to
5 provide a valid current address. One of the
6 required items for the provisional affirmation
7 statement is that a voter has to provide a valid
8 current residential address in Franklin County in
9 the precinct where they appear to vote. And these
10 six voters, for various reasons, the majority of
11 them have provided P.O. Boxes, which is not a valid
12 residential address. We had people put down
13 business addresses. Again, you can't be registered
14 at a place of business, it has to be residential.
15 And a couple of them put down addresses that were
16 not Franklin County, they were in a different
17 county. So when they come here to vote in the
18 precincts where they showed up, they, again, didn't
19 provide a valid residential address for that
20 ballot, and, therefore, we recommend that the Board
21 reject those six voters.

22 The next category on the list are 12
23 provisional ballots where the voter failed to
24 provide any form of identification. Again,
25 providing a form of identification on the

1 provisional affirmation statement is one of the
2 required elements to be able to count the ballot as
3 a good provisional ballot, and these 12 voters,
4 after a seven-day period where they had the
5 opportunity to come in and cure their provisionals
6 if they did not provide an ID on election day, they
7 still did not come into the Board of Elections
8 after seven days and provide a valid form of
9 identification, and so, therefore, these 12 voters
10 are missing one of required elements, and we
11 recommend that the Board reject those provisionals
12 as well.

13 Additionally, just sort of as a
14 note, every provisional voter, when they cast their
15 provisional ballot, they're given a notice where it
16 gives them information on what to do after you cast
17 your provisional. There's a hotline number on
18 there, there's information about coming into the
19 Board to cure your provisional ballot if you didn't
20 put ID on it, so the voters are given this
21 information. Additionally, there's a hotline
22 number they can call, and on the hotline number, it
23 gives them the same information. So even after all
24 of that, these 12 voters, again, still were missing
25 ID, so we recommend they be rejected.

1 The next category that we have are
2 voters who have already voted. We had five
3 provisional ballots fall under this category, and
4 these are voters who, when we went to process their
5 provisional ballots, we found that in some way or
6 another, they had already cast another ballot, and,
7 obviously, every voter gets one vote per person.
8 For these ballots, they had already cast a vote in
9 the early vote center and then they cast a
10 provisional on election day, and then one of them
11 had an absentee ballot that was returned and
12 accepted and approved, and so we recommend that
13 that provisional ballot be rejected as a second
14 vote.

15 Again, a note on these individuals,
16 our voter fraud clerk, Jim, will be interviewing
17 all of them following the election, and then any
18 pertinent results from those interviews will be
19 given to the directors and the Board following his
20 investigation. So that was five voters that had
21 already voted, so we recommend to reject their
22 second vote, which is the provisional.

23 And our last category today is three
24 provisional ballots where the voter failed to
25 provide a date of birth on the envelope affirmation

1 statement. And unlike the ones that I'll have for
2 review here in a minute, these provisional voters
3 did not provide any attempt at a date of birth.
4 And so if the field is completely blank, there
5 isn't anything in the Revised Code or the manual
6 that would allow the Board to accept them, and so,
7 therefore, they're missing one of the required
8 items, and, therefore, we recommend that you reject
9 those three provisional ballots for not having a
10 date of birth filled in on the statement.

11 And I can take any questions.

12 MEMBER MARINELLO: I have a
13 question. On the date of birth missing, do they
14 have an opportunity to cure that too?

15 MS. ZIEMBA: No. Unfortunately,
16 it's just the ID that they're allowed to cure after
17 the election. It's a little bit different than an
18 absentee envelope in that sense, where provisionals
19 then can just bring in an ID.

20 MEMBER MARINELLO: Thank you.

21 MEMBER JAFFE: On the wrong precinct
22 and location, what steps do we take with poll
23 workers on election day to direct them to the right
24 location?

25 MS. ZIEMBA: Sure. Absolutely. So

1 on election day, our poll workers -- if a voter
2 comes up to the roster table and provides an
3 address and a name that they don't find in the poll
4 books, they're sent over to the provisional table,
5 and there, the provisional judge, the paper judge
6 will look them up in the street guide, make sure
7 they actually should be in that precinct voting,
8 and if they're not, they'll give the voter the
9 information where they should go.

10 And sometimes voters, for whatever
11 reason, they decide they don't want to go to the
12 location where they're supposed to be. It could be
13 they don't have time, it's late in the day, they
14 just say give me a ballot. I want to vote right
15 here, right now. And so our poll workers are
16 trained to tell them you need to go to this
17 location, they'll write out the exact location for
18 them, give them a slip to say where you would go,
19 and sometimes it just happens where the voter says
20 I don't care, so yeah. And at that point, we're
21 not going to turn anybody away, so they'll give
22 them a ballot and let them vote there.

23 CHAIRMAN PREISSE: It was a good,
24 very thorough report. Thank you.

25 MEMBER MARINELLO: I move the Board

1 reject the counting of 97 provisional ballots as
2 identified by category in Exhibit A, that all
3 provisional ballots rejected will not be counted or
4 included in the canvass results for the
5 August 2nd, 2022 primary election.

6 MEMBER JAFFE: Josh Jaffe. Second.

7 DIRECTOR WHITE: It's been properly
8 moved and seconded.

9 All those in favor of the motions,
10 signify by saying aye.

11 (Vote taken.)

12 DIRECTOR WHITE: All those opposed,
13 same sign.

14 (No response.)

15 DIRECTOR WHITE: Motion carries.

16 So now we'll be looking for a motion
17 to extract the ballots that you just approved, the
18 820, and then we have bipartisan teams waiting in
19 our vault, I believe, to begin the extraction
20 process so we can tabulate those ballots.

21 MEMBER SEXTON: Mr. Chairman,
22 Michael Sexton. I move the Board authorize the
23 staff to extract the approved provisional ballots.

24 CHAIRMAN PREISSE: Doug Preisse.
25 Second.

1 DIRECTOR WHITE: It's been properly
2 moved and seconded. All those in favor of the
3 motion, signify by saying aye.

4 (Vote taken.)

5 DIRECTOR WHITE: All those opposed,
6 same sign.

7 (No response.)

8 DIRECTOR WHITE: Motion carries.

9 All right. The next item is
10 the -- we have, I believe, six additional ballots
11 for -- provisional ballots for consideration?

12 MS. ZIEMBA: That's right.

13 DIRECTOR WHITE: Okay.

14 MS. ZIEMBA: So the -- these are
15 different than the three ballots where they didn't
16 have anything on the envelope in the date of birth
17 field. These six voters did attempt to provide a
18 date of birth for us, however, it was inconsistent
19 with what we have on our database and on the
20 statewide database.

21 The good news is is that there is a
22 provision in Ohio Revised Code that will allow you,
23 as the Board, to accept or reject these provisional
24 ballots with a vote of three or more members, and
25 I'll just read to you what it says in there.

1 So, basically, the exception is is
2 that if an affirmation statement contains the
3 voter's date of birth, but the month and day are
4 different from the month and day in the statewide
5 voter registration database, the Board must reject
6 the provisional ballot unless the voter's date of
7 birth in the database is 1-1-1800, or if the Board
8 of Elections finds by a vote of least three of its
9 members that the voter has met all other
10 requirements of the division RC3505.183.35.

11 And so in that case, as long as
12 everything else on the provisional ballot
13 affirmation statement matches what we have on the
14 system in the database, that the voter is
15 registered to vote 30 days before the election and
16 that they haven't cast another ballot at some time
17 during the early vote or absentee voting period,
18 with your vote, you can vote to approve these.

19 And I'll go over just real quick.
20 We've circled the date of birth field. We had one
21 where they had the wrong day, two -- or, sorry,
22 three where the year was wrong, and two that had
23 the wrong month and day, and in most of these
24 cases, it was an issue of the voter transposed
25 numbers where if their birthday was 1-1, they put

1 10-10 or the opposite. If it was, like, 1946, they
2 wrote 64 for the birth year, so it was just simple
3 things. And, literally, everything else on the
4 envelope, the name, the ID, the address, signature,
5 everything else checked out with what we have on
6 our database and at the statewide database as well.

7 So barring anything, you know, other
8 than the date of birth transposition and
9 inconsistency, these would have been approved.
10 Everything else was okay with them, so we would
11 recommend that you take a vote to accept these six
12 ballots.

13 I'm happy to answer any questions.

14 MEMBER JAFFE: I have a question.
15 Four of them look like they wrote their date of
16 birth as January 1. Was the year in each of those
17 cases correct?

18 MS. ZIEMBA: Yes. Yeah.

19 MEMBER JAFFE: Okay.

20 DIRECTOR WHITE: Is there a motion
21 to approve those ballots?

22 MEMBER JAFFE: There's no other
23 questions. This is Josh Jaffe. I will move that
24 the Board approve the counting of six additional
25 provisional ballots and the rejection of none of

1 them, and that all of the provisional ballots
2 deemed valid will be counted and included in the
3 official canvass results for the August 2nd, 2022
4 primary election.

5 MEMBER MARINELLO: Kim Marinello.
6 Second.

7 DIRECTOR WHITE: It's been properly
8 moved and seconded. All those in favor of the
9 motion, signify by saying aye.

10 (Vote taken.)

11 DIRECTOR WHITE: All those opposed,
12 same sign.

13 (No response.)

14 DIRECTOR WHITE: Motion carries.
15 Now we need a motion to extract
16 those ballots.

17 MEMBER SEXTON: Mr. Chairman,
18 Michael Sexton. I move the Board authorize the
19 staff to extract the additional six approved
20 provisional ballots.

21 CHAIRMAN PREISSE: Doug Preisse.
22 Second.

23 DIRECTOR WHITE: It's been properly
24 moved and seconded. All those in favor of the
25 motion, signify by saying aye.

1 (Vote taken.)

2 DIRECTOR WHITE: All those opposed,
3 same sign.

4 (No response.)

5 DIRECTOR WHITE: Motion carries.

6 Thanks, Sara.

7 MS. ZIEMBA: Thank you.

8 DIRECTOR WHITE: Excellent report.

9 It's been past practice of the Board
10 to give the Board staff authority to remake any
11 ballots in case when we -- when the staff extracts
12 a ballot, if there's a ballot that's not able to be
13 run or tabulated or it needs to be remade in
14 bipartisan teams, the Board has authorized the
15 staff to do that with a report to be made to the
16 Board later, if that's been the case in the past.
17 So if the Board would see fit to give that
18 authority today, we'd like to see that happen.

19 CHAIRMAN PREISSE: Good idea.

20 MEMBER MARINELLO: Kim Marinello. I
21 move that the Board authorize the staff to remake
22 provisional ballots, and that these remade ballots
23 shall be tabulated and included in the official
24 canvass of the results of the August 2nd, 2022
25 primary election with the reports being made to the

1 Board.

2 MEMBER JAFFE: Josh Jaffe. Second.

3 DIRECTOR WHITE: It's been properly
4 moved and seconded. All those in favor or the
5 motion, signify by saying aye.

6 (Vote taken.)

7 DIRECTOR WHITE: All those opposed,
8 same sign.

9 (No response.)

10 DIRECTOR WHITE: Motion carries.

11 The next item on our agenda is the
12 certification of local questions and issues for the
13 November 8th, 2022 general election, and for that,
14 I'll call on Jeff Mackey, the manager of our
15 petition and campaign finance department to give a
16 report.

17 MR. MACKEY: You have before you
18 Exhibit B, which includes 26 local questions and
19 issues that were submitted to the Board to be
20 included on the November 8th general election
21 ballot. They have been reviewed by staff in the
22 prosecutor's office and are sufficient for
23 inclusion.

24 MEMBER SEXTON: Mr. Chairman,
25 Michael Sexton.

1 DIRECTOR WHITE: Hang on, Mike.

2 MS. HUMMER: Do these include the
3 ones we received -- that were filed on the 10th?

4 MR. MACKEY: This is just the local
5 tax questions and charter amendments.

6 MS. HUMMER: Not local options?

7 MR. MACKEY: Not local options.

8 MS. HUMMER: Okay. We're good.

9 MEMBER SEXTON: Mr. Chairman,
10 Michael Sexton. I move the Board certify the
11 November 8th, 2022 general election ballot, the
12 local questions and issues listed on Exhibit B, and
13 that these questions and issues were filed timely
14 and found to be valid and sufficient.

15 CHAIRMAN PREISSE: Doug Preisse.
16 Second.

17 DIRECTOR WHITE: It's been properly
18 moved and seconded. All those in favor of the
19 motion, signify by saying aye.

20 (Vote taken.)

21 DIRECTOR WHITE: All those opposed,
22 same sign.

23 (No response.)

24 DIRECTOR WHITE: Motion carries.

25 Next item on the agenda is the

1 certification of local options for the
2 November 8th, 2022 general election.

3 MR. MACKEY: Is there discussion now
4 on -- okay.

5 MS. HUMMER: There are at least four
6 that were submitted on August 10th that we are
7 still reviewing. Are those noted on here?

8 MR. MACKEY: They are not noted
9 independently, no.

10 CHAIRMAN PREISSE: Are they listed
11 on here?

12 MR. MACKEY: They're listed on here,
13 yeah.

14 CHAIRMAN PREISSE: They are?

15 MS. HUMMER: And I've only reviewed
16 one of them. I can -- I'm working on it, but they
17 were submitted on August 10th. Can we -- we're
18 going to recess, right?

19 DIRECTOR WHITE: Can we table this
20 one, then?

21 MR. MACKEY: Yeah.

22 DIRECTOR WHITE: We'll table this
23 item and then we can -- we can come back to the
24 post-recess. Is that fair?

25 MS. HUMMER: That's fair.

1 CHAIRMAN PREISSE: Okay.

2 DIRECTOR WHITE: Does that impact
3 the next agenda item, Jeff?

4 MR. MACKEY: I mean, it could if
5 they determine that something's insufficient.

6 DIRECTOR WHITE: Okay. So we'll
7 table the next agenda item.

8 CHAIRMAN PREISSE: Is there
9 anything -- oh.

10 MEMBER JAFFE: We could reject.

11 DIRECTOR WHITE: What is the
12 rejection of local options?

13 MR. MACKEY: We could.

14 DIRECTOR WHITE: Yeah. So in that
15 case, I think, yeah, we'll table your two -- your
16 next two agenda items until after the recess.

17 MR. MACKEY: Sounds good.

18 DIRECTOR WHITE: Okay. Then at this
19 point, we've cleared up any other agenda items.
20 The staff is extracting ballots, so I think it
21 would be appropriate at this point to take a recess
22 until the staff is prepared to present a final
23 certification report. It's 10:30. I would say if
24 you want to recess until 12:00, that would be
25 appropriate.

1 CHAIRMAN PREISSE: We are in recess.

2 DIRECTOR WHITE: Okay. Thank you.

3 We're in recess until noon. Thank you.

4 (Recess taken.)

5 DIRECTOR WHITE: All right. So I
6 think we are back from recess.

7 CHAIRMAN PREISSE: Out of recess.

8 DIRECTOR WHITE: So I will call up
9 Jeff Mackey, so we'll continue on the certification
10 of local options.

11 MR. MACKEY: All right. The Board
12 received 25 local options, and Exhibit C reflects
13 22 local options that were determined to be timely
14 filed, valid and sufficient, which resulted in 30
15 separate questions because sometimes a petition has
16 both a weekday question and a Sunday question on
17 it. They get more than the sum total, and they are
18 all reviewed and recommended for inclusion at the
19 November general election.

20 MEMBER JAFFE: And the four that had
21 not been reviewed?

22 MR. MACKEY: They're going to be on
23 Exhibit D. No, I'm sorry. Those were all reviewed
24 now.

25 MEMBER JAFFE: Oh, then no issues

1 with any of those?

2 MR. MACKEY: No issues.

3 MEMBER JAFFE: Okay. If there's no
4 questions, I'll move the Board certify to the
5 November 8th, 2022 general election ballot the
6 local options listed on Exhibit C, and that these
7 local options were filed timely and found to be
8 valid and sufficient.

9 MEMBER MARINELLO: Kim Marinello. I
10 second.

11 DIRECTOR WHITE: It's been properly
12 moved and seconded. All those in favor of the
13 motion, signify by saying aye.

14 (Vote taken.)

15 DIRECTOR WHITE: All those opposed,
16 same sign.

17 (No response.)

18 DIRECTOR WHITE: Motion carries.

19 Now we'll move onto the rejection of
20 local options.

21 MR. MACKEY: I did misspeak. Two of
22 the ones that she reviewed are actually on here,
23 but they were on here before.

24 MEMBER JAFFE: Okay.

25 MR. MACKEY: So there are three

1 local options that were timely filed but have not
2 been found to be valid and sufficient. The first
3 one there is Columbus 4A, they did not submit
4 enough valid signatures. I think they did -- they
5 submitted 172 signatures, they needed 123 valid
6 signatures, but we only found 100 valid signature,
7 so we're short.

8 And then the last one, Franklin D,
9 they only needed 50 signatures 'cause it was only a
10 Sunday question, and they submitted 66, but we
11 found only 32 of those to be valid, so they were
12 short.

13 And then Westerville 1D there, the
14 Life in the Ville, after reviewing the petition,
15 there was some discrepancies and an omission,
16 especially on the Sunday sales question where they
17 did not indicate that they were for the correct
18 license type, and after meeting back with the
19 prosecutor's office, determined that we should not
20 move forward with placing that issue on the ballot
21 either.

22 CHAIRMAN PREISSE: Okay. Any
23 questions?

24 MEMBER JAFFE: No.

25 MEMBER SEXTON: Mr. Chairman,

1 Michael Sexton. I move that the Board does not
2 certify to the November 8th, 2022 general election
3 ballot the local options listed on Exhibit D, and
4 that these issues and local options were found to
5 be invalid and insufficient.

6 CHAIRMAN PREISSE: Doug Preisse.
7 Second.

8 DIRECTOR WHITE: It's been properly
9 moved and seconded. All those in favor of the
10 motion, signify by saying aye.

11 (Vote taken.)

12 DIRECTOR WHITE: All those opposed,
13 same sign.

14 (No response.)

15 DIRECTOR WHITE: Motion carries.
16 Thank you, Jeff.

17 CHAIRMAN PREISSE: Thanks, Jeff.

18 DIRECTOR WHITE: Next item on the
19 agenda is the certification of the August 2nd --
20 or, excuse me -- yeah, August 2nd, 2022 primary
21 election. For that, I'll call on Carla Patton,
22 manager of our operations department.

23 MS. PATTON: Good afternoon. Carla
24 Patton, the manager, election operations. I have
25 provided you with the official results for Franklin

1 County only for the August 2nd, 2022 primary
2 election. On this report, we have reviewed all the
3 ballots that were cast for the election and have
4 counted those that were deemed valid based on the
5 motions made earlier today.

6 So in this report, you have the
7 results as they appeared from the election night as
8 well as the inclusion of the 825 provisional
9 ballots. There was one ballot that was not marked
10 at all. There was no marking on the ballot card.
11 It was put in blank, so that is why there is one
12 less ballot being counted. That voter will still
13 get credit, though, for voting as well as the 72
14 additional absentee ballots that were received
15 after the election in a timely fashion. With that,
16 60,216 ballots were cast in the August 2nd primary
17 election, which is a turnout of 6.92 percent in the
18 county.

19 As I said, after a bipartisan review
20 of all these ballots casts, these are the results
21 that we present to you and ask that you certify.
22 There are no recounts based on these results. If
23 you have any questions prior to certifying, I'm
24 more than happy to answer.

25 DIRECTOR WHITE: There were no other

1 changes in election results?

2 MS. PATTON: There were no other
3 changes. The only changes were the inclusion of
4 the absentees and the provisional ballots.

5 DIRECTOR WHITE: Thank you.

6 MEMBER SEXTON: Seeing there are no
7 other questions, Mr. Chairman, Michael Sexton, I
8 move that Board certify and declare as final the
9 official canvass for the votes cast in the
10 August 2nd, 2022 primary election as submitted by
11 staff on Exhibit E.

12 CHAIRMAN PREISSE: Doug Preisse.
13 Second.

14 DIRECTOR WHITE: It's been properly
15 moved and seconded. All those in favor of the
16 motion, signify by saying aye.

17 (Vote taken.)

18 DIRECTOR WHITE: All those opposed,
19 same sign.

20 (No response.)

21 DIRECTOR WHITE: Motion carries.
22 Thank you, Carla.

23 I think the final item on our agenda
24 is to set the date for the post-election audit, and
25 then we'll have to draw the precincts for that

1 audit. So we can get a motion to -- Mr. Sexton.

2 MEMBER SEXTON: Mr. Chairman,
3 Michael Sexton. I move the Board set the
4 post-election to begin Thursday, August 30th, 2022
5 until completed, and that the audit be conducted in
6 accordance with the Secretary of State Directive
7 2019-30 and be held at the Franklin County Board of
8 Elections, 1700 Morse Road.

9 CHAIRMAN PREISSE: Dog Preisse.
10 Second.

11 DIRECTOR WHITE: It's been properly
12 moved and seconded. All those in favor of the
13 motion, signify by saying I'll aye.

14 (Vote taken.)

15 DIRECTOR WHITE: All those opposed,
16 same sign.

17 (No response.)

18 DIRECTOR WHITE: Motion carries.

19 So then at this time, Jeff Mackey
20 will do a random selection of the locations that
21 will be used for the audit. So, Jeff, if you could
22 take a moment to explain to the Board our process.

23 MR. MACKEY: For the audit, the
24 Board, since you've just informed us that you would
25 like us to choose by voting location, we have to

1 choose voting locations that equal up to five
2 percent -- at least five percent of the vote cast
3 at the election in that district. To do that, we
4 have amended our old process and started using new
5 technologically sound process using random.org
6 website to generate our randomly selected
7 locations.

8 So each one of the locations that is
9 in the 25th senate district, which is what we are
10 choosing from or our audit, are listed over here.
11 They have numbers sequentially from 101 to 150. So
12 on the website, I have entered that I wanted to
13 generate a sequence of those using those numbers,
14 so we can grab those. I'm going to go ahead and
15 get my sequence. And the sequence, I'll use these
16 to start entering over here.

17 Over here, it says we need 1,042
18 votes to get to the five percent. Start doing the
19 sequence here, 142, 122, 107 are the first three.
20 Let's see how that goes. All right. So we have
21 hit five percent, right? So I'll do one more
22 'cause we have to choose at least -- was it 122,
23 Carla?

24 MS. PATTON: Yes.

25 MR. MACKEY: So we're well over our

1 five percent mark there. The locations are
2 LID 5026 and LID 3032. So 5026 was Ephesus Seventh
3 Day Adventist Church. 3026 was -- 3032 was
4 Hastings Middle School. So we'll pull the ballots
5 from those two voting locations and audit those on
6 the date that you set there.

7 MEMBER JAFFE: Very good.

8 DIRECTOR WHITE: Thank you, Jeff.

9 Any questions?

10 (No response.)

11 DIRECTOR WHITE: Is there any other
12 business for the Board today?

13 MEMBER MARINELLO: When's our next
14 meeting?

15 DIRECTOR WHITE: Our next meeting --
16 Erin, do you have a date for our next meeting?

17 MS. GIBBONS: It will be on
18 September the 6th.

19 DIRECTOR WHITE: That would be the
20 day after Labor Day. That's Tuesday after Labor
21 Day?

22 MS. GIBBONS: Yep. Day after Labor
23 Day.

24 DIRECTOR WHITE: 3:00?

25 MS. GIBBONS: Yep.

1 DIRECTOR WHITE: Anything else for
2 the Board?

3 MEMBER SEXTON: Move to adjourn.

4 MEMBER MARINELLO: Second.

5 DIRECTOR WHITE: We're adjourned.

6 Thank you. - - -

7 Thereupon, the hearing concluded at
8 approximately 12:15 p.m.

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C E R T I F I C A T E

THE STATE OF OHIO:

SS:

COUNTY OF FRANKLIN:

I, Kimberly A. Kaz, Registered Professional Reporter and Notary Public in and for the State of Ohio, do hereby certify that the foregoing is a true, correct, and complete written transcript of the proceedings in this matter;

That the foregoing was taken by me stenographically and transcribed by me with computer-aided transcription;

That the foregoing occurred at the aforementioned time and place;

That I am not an attorney for or relative of either party and have no interest whatsoever in the event of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 17th of August 2022.

/s/Kimberly A. Kaz, RPR _____

Notary Public, State of Ohio

My Commission Expires: March 31, 2023.

- - -

BOARD MEMBERS: Douglas J. Preisse, Chairman ★ Josh Jaffe ★ Kimberly E. Marinello ★ Michael E. Sexton
Antone White, DIRECTOR David R. Payne, DEPUTY DIRECTOR

EXHIBIT A: AUGUST 2, 2022 PRIMARY ELECTION PROVISIONAL BALLOTS RECOMMENDED FOR ACCEPTANCE AND REJECTION	
GRAND TOTAL RECOMMENDED TO ACCEPT	820
REASONS FOR REJECTION	
Not Registered in the State	63
Wrong Precinct and Location	8
Wrong Precinct and Correct Location	0
No Signature	0
No Printed Name	0
Failed to Provide Valid Current Address	6
No ID	12
Signature Mismatch	0
Voter Already Voted	5
Challenge Upheld	0
DOB Missing	3
No Ballot In Envelope	0
GRAND TOTAL RECOMMENDED TO REJECT	97
DATE OF BIRTH ISSUES FOR BOARD REVIEW	6
Total Provisional Ballots Cast	923

**(EXHIBIT B) QUESTIONS AND ISSUES RECOMMENDED FOR CERTIFICATION
TO THE NOVEMBER 8, 2022, GENERAL ELECTION**

Revised 8/16/2022

#	Subdivision	Purpose	Rate
	New Albany-Plain Local School District – Proposed Tax Levy (Replacement and Increase)	Permanent Improvements	Replace 1.25 mills and increase 0.5 mills for a total of 1.75 mills, \$0.175 per \$100 of valuation, 5 years, commencing in 2022
	Upper Arlington City School District – Proposed Tax Levy (Additional)	Payment of current operating expenses	6.9 mills, \$0.69 per \$100 of valuation, continuing period of time, commencing 2022
	Worthington City School District – Proposed Bond Issue and Tax Levy (Additional)	Bond – Facility Construction Levy – Permanent Improvements	\$234,000,000; 4.56 mills, \$0.456 per \$100 of valuation, 38 years 1.9 mills, \$0.19 per \$100 of valuation, continuing period of time
	Worthington City School District – Proposed Tax Levy (Additional)	Current expenses	Original, 2.9 mills, 2022 First Increment, 2 mills, 2023 Second Increment, 2 mills, 2024 Third Increment, 2 mills, 2025 Maximum 8.9 mills, \$0.89 per \$100 of valuation, continuing period of time
	New Albany Plain Local Joint Park District – Proposed Bond Issue	Park Facilities and Field House	\$46,000,000; 2.22 mills, \$0.222 per \$100 of valuation, 30 years
	New Albany Plain Local Joint Park District – Proposed Tax Levy (Additional)	Parks and recreational purposes	0.69 mill, \$0.069 per \$100 of valuation, continuing period of time
	Franklin County – Proposed Tax Levy (Renewal)	Senior Services	1.75 mills, \$0.175 per \$100 of valuation, 5 years, commencing in 2022
	City of Columbus – Proposed Bond Issue 1	Health, Safety and Infrastructure	\$300,000,000; 1.09 mills, \$0.109 per \$100 of valuation, 22 years
	City of Columbus – Proposed Bond Issue 2	Recreation and Parks	\$200,000,000; 0.86 mill, \$0.086 per \$100 of valuation, 17 years
	City of Columbus – Proposed Bond Issue 3	Neighborhood Development	\$200,000,000; 0.78 mill, \$0.078 per \$100 of valuation, 20 years
	City of Columbus – Proposed Bond Issue 4	Public Service	\$250,000,000; 1.12 mills, \$0.112 per \$100 of valuation, 16 years
	City of Columbus – Proposed Bond Issue 5	Public Utilities	\$550,000,000; 1.85 mills, \$0.185 per \$100 of valuation, 25 years
	City of Columbus – Proposed Charter Amendment 1	Initiative Process	

**(EXHIBIT B) QUESTIONS AND ISSUES RECOMMENDED FOR CERTIFICATION
TO THE NOVEMBER 8, 2022, GENERAL ELECTION**

Revised 8/16/2022

#	Subdivision	Purpose	Rate
	City of Columbus – Proposed Charter Amendment 2	Civil Service	
	City of Columbus – Proposed Charter Amendment 3	City Modernization	
	City of Grandview Heights – Proposed Bond Issue	Constructing a facility for fire, police and municipal services	\$25,000,000; 3.88 mills, \$0.388 per \$100 of valuation, 28 years
	City of Hilliard – Proposed Electric Service Aggregation Program	To authorize all actions necessary to effectuate an opt-out electric service aggregation program pursuant to R.C. 4928.20	
	City of Reynoldsburg – Proposed Charter Amendment	Article IV, Legislative Procedure	
	City of Reynoldsburg – Proposed Charter Amendment	Section 3.04, President of Council	
	City of Reynoldsburg – Proposed Charter Amendment	Section 3.07, Council Meetings	
	City of Reynoldsburg – Proposed Charter Amendment	Section 6.06, Department of Public Safety	
	City of Reynoldsburg – Proposed Charter Amendment	Section 7.01, Planning and Zoning Board	
	City of Reynoldsburg – Proposed Charter Amendment	Section 10.01, Initiative and Referendum	
	Village of Marble Cliff – Proposed Electric Aggregation	To authorize all actions necessary to effectuate an opt-out electric service aggregation program pursuant to R.C. 4928.20	
	Village of Minerva Park – Proposed Tax Levy (Renewal)	Current expenses	5 mills, \$0.50 per \$100 of valuation, 5 years
	Franklin Township – Proposed Tax Levy	Police Protection	7.4 mills, \$0.70 per \$100 of valuation, continuing period of time

**(EXHIBIT C) LOCAL OPTIONS RECOMMENDED FOR CERTIFICATION TO
THE NOVEMBER 8, 2022, GENERAL ELECTION**

Revised 8/16/2022

#	Subdivision	Purpose	Rate
	Columbus 2-D Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages, & Spirituous Liquor) Schmidt's Sausage Haus 240 E. Kossuth St, Columbus, OH 43206	
	Columbus 19-B Local Option Particular Location	Weekday Sales (Wine) Dante's Pizza 3586 Indianola Ave., Columbus, OH 43214	
	Columbus 19-B Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages and Spirituous Liquor) Dante's Pizza 3586 Indianola Ave., Columbus, OH 43214	
	Columbus 19-B Local Option Particular Location	Weekday Sales (Spirituous Liquor) Dante's Pizza 3586 Indianola Ave., Columbus, OH 43214	
	Columbus 19-E Local Option Particular Location	Weekday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) Seitan's Realm LLC d/b/a Seitan's Realm 3494-3496 North Hight Street, Columbus, Ohio 43214	
	Columbus 19-E Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages, & Spirituous Liquor) Seitan's Realm LLC d/b/a Seitan's Realm 3494-3496 North Hight Street, Columbus, Ohio 43214	
	Columbus 21-C Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages and Spirituous Liquor) Wine and Canvas 132 Graceland Blvd, Columbus, Ohio 43214	
	Columbus 28-D Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages and Spirituous Liquor) Bexley Liquor Agency 2173 E Livingston Ave, Columbus, Ohio 43209	
	Columbus 40-C Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages and Spirituous Liquor) Mango's 21 Smith Place, Columbus, Ohio 43201	
	Columbus 55-A Local Option Particular Location	Weekday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) Columbus Brewing Company 200 Kelton Ave., Columbus, OH 43205	
	Columbus 55-A Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages, & Spirituous Liquor) Columbus Brewing Company 200 Kelton Ave., Columbus, OH 43205	
	Columbus 55-D Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages, & Spirituous Liquor) Sunnyside Tacos 138 Parsons Avenue, Columbus, Ohio 43215	
	Dublin 2-E Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages) Urban Air Adventure Park 7679 Dublin Plain City Rd, Dublin, OH 43016	
	Grandview Heights-C Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages and Spirituous Liquor) Law Bird Supply House 1306 Grandview Avenue, Grandview Heights, Ohio 43212	

**(EXHIBIT C) LOCAL OPTIONS RECOMMENDED FOR CERTIFICATION TO
THE NOVEMBER 8, 2022, GENERAL ELECTION**

Revised 8/16/2022

#	Subdivision	Purpose	Rate
	Groveport-B Local Option Particular Location	Weekday Sales (Wine and Mixed Beverages) Rickenbacker Marathon 2560 London Groveport Road, Groveport, Ohio 43125	
	Groveport-B Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages) Rickenbacker Marathon 2560 London Groveport Road, Groveport, Ohio 43125	
	New Albany-E Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages) Aldi 9895 Johnstown Road, New Albany, Ohio 43054	
	Westerville 1-A Local Option Particular Location	Weekday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) Uptown Gather 74 N. State Street, Westerville, OH 43081	
	Westerville 1-A Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages, & Spirituous Liquor) Uptown Gather 74 N. State Street, Westerville, OH 43081	
	Westerville 1-D Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages) Good Vibes Winery 2 - 4 S. State St. & Basement, Westerville, OH 43081	
	Westerville 1-D Local Option Particular Location	Weekday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) Sugarbees Fine Confections 20 S. State St., Westerville, OH 43081	
	Westerville 1-D Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages, & Spirituous Liquor) Sugarbees Fine Confections 20 S. State St., Westerville, OH 43081	
	Westerville 1-D Local Option Particular Location	Weekday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) DiCarlo's Pizza 20 S. State St., units K & H, Westerville, OH 43081	
	Westerville 1-D Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages, & Spirituous Liquor) DiCarlo's Pizza 20 S. State St., units K & H, OH 43081	
	Westerville 3-A Local Option Particular Location	Weekday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) First Watch 2 Huber Village Blvd, Westerville, OH 43081	
	Westerville 3-A Local Option Particular Location	Sunday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) First Watch 2 Huber Village Blvd, Westerville, OH 43081	
	Franklin-D Local Option Particular Location	Sunday Sales (wine and mixed beverages) Swiftly 1814 Harrisburg Pike, Columbus, Ohio 43223	

**(EXHIBIT C) LOCAL OPTIONS RECOMMENDED FOR CERTIFICATION TO
THE NOVEMBER 8, 2022, GENERAL ELECTION**

Revised 8/16/2022

#	Subdivision	Purpose	Rate
	Jackson-C Local Option Particular Location	Sunday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) Wilshire Reserve, Inc 7471 Jackson Pike, Jackson Township, OH 43137	
	Prairie-E Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages and Spirituous Liquor) Ike's Pub 346 Hubbard Rd. & Patio, Galloway, OH 43119	
	Prairie-H Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages and Spirituous Liquor) Taco Nice 4832 W. Broad St., Ste B & Patios, Columbus, Ohio 43228	

**(EXHIBIT D) LOCAL OPTIONS NOT RECOMMENDED FOR CERTIFICATION TO
THE NOVEMBER 8, 2022, GENERAL ELECTION**

Revised 8/16/2022

Reason	Subdivision	Purpose	Rate
Insufficient Valid Signatures	Columbus 4-A Local Option Particular Location	Weekday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) CDL East Main, LLC 11-06-1108 E. Main St., Columbus, OH 43205	
	Columbus 4-A Local Option Particular Location	Sunday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) CDL East Main, LLC 11-06-1108 E. Main St., Columbus, OH 43205	
The filings were inconsistent and discrepancies/def iciencies made it unclear what permits were being sought	Westerville 1-D Local Option Particular Location	Weekday Sales (Beer, Wine and Mixed Beverages, & Spirituous Liquor) Life in the Ville 28 S. State St., Westerville, OH 43081	
	Westerville 1-D Local Option Particular Location	Sunday Sales (Spirituous Liquor) Life in the Ville 28 S. State St., Westerville, OH 43081	
Insufficient Valid Signatures	Franklin-D Local Option Particular Location	Sunday Sales (Wine and Mixed Beverages and Spirituous Liquor) 1616 Brown and Hart, LLC 1616 Brown Rd. and patio, Columbus, Ohio 43223	