

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

MINUTES OF THE MEETING ON

2/6/06

APPROVED ON

5/1/06

BY:

William A. Anthony, Jr.
William A. Anthony, Jr., Chairman

Michael F. Colley
Michael F. Colley, Esq.

Kimberly E. Marinello
Kimberly E. Marinello

Carolyn C. Petree
Carolyn C. Petree

ATTEST:

Matthew M. Damschroder
Matthew M. Damschroder, Director

1 ORIGINAL

2 HEARING IN RE: Board Meeting

3 DATE OF DELIVERY:

4 Franklin County Board of Elections
5 280 East Broad Street
6 Columbus, Ohio 43215
7 By Mr. Matt Damschroder

8 _____
9 MATT DAMSCHRODER

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BEFORE THE

FRANKLIN COUNTY BOARD OF ELECTIONS

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IN RE: :

Board Meeting :

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Proceedings before Chairman William A.
Anthony, Jr., Board Members Michael F. Colley,
Carolyn C. Petree, and Kimberly E. Marinello,
and Executive Director Matt Damschroder, taken
at the Franklin County Board of Elections, 280
East Broad Street, Columbus, Ohio, on Monday,
February 6, 2006, at 2:05 o'clock p.m.

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P R O C E E D I N G S

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CHAIRMAN ANTHONY: I'd like to call the Franklin County Board of Elections meeting to order. Roll call.

(Roll call conducted by Director Damschroder.)

DIRECTOR DAMSCHRODER: All members are present, Mr. Chairman.

CHAIRMAN ANTHONY: Thank you.

DIRECTOR DAMSCHRODER: The first item on the agenda is actually something that's not printed on your agenda, and that is the approval of the minutes from November the 29th, 2005, December the 6th, 2005, and December the 22nd, 2005, all of which had been previously distributed to you for your review.

CHAIRMAN ANTHONY: Go ahead. I will entertain a motion to accept those.

MS. MARINELLO: So moved.

CHAIRMAN ANTHONY: All those in -- is there a second?

MS. PETREE: Second.

1 CHAIRMAN ANTHONY: All those in
2 favor?

3 MEMBERS: Aye.

4 DIRECTOR DAMSCHRODER: And motion
5 carries. I'll send these down the row for the
6 signatures.

7 The first item on the printed
8 agenda, Mr. Chairman, is to establish a
9 payment schedule between the Board of
10 Elections and our voting machine storage
11 device vendor, SST. This is at the request of
12 the Franklin County Auditor, because a payment
13 schedule was not included in the initial
14 invitation to bid, and one has to be
15 established at this time.

16 The Deputy Director and I have
17 talked with the vendor. They've actually made
18 one delivery of cards last week; we're
19 expecting another delivery today.

20 What we have discussed was -- is
21 paying in full the invoices for the cards
22 we've received to date, receiving an invoice
23 of 20 percent of the balance, and then each
24 individual invoice thereafter would be

1 appropriated less than 20 percent.

2 So we recommend this schedule to you
3 and request a motion and passage.

4 MS. MARINELLO: Mr. Chairman, I move
5 that the Board of Elections adopt the
6 following payment schedule with its voting
7 machine storage device vendor, SST:

8 One, that any and all invoices for
9 voting machine storage cards delivered on or
10 before the date of this motion be paid in
11 full;

12 Two, that SST is authorized to
13 submit and the County Auditor directed to pay
14 an invoice equal to 20 percent of the balance
15 of the original purchase price, less any
16 invoices submitted for the payment to date;

17 Three, that all future invoices
18 submitted by SST will reflect a 20 percent
19 credit in recognition of the 20 percent
20 advance payment.

21 CHAIRMAN ANTHONY: Is there a
22 second?

23 MR. COLLEY: Second.

24 CHAIRMAN ANTHONY: All those in

1 favor, say aye.

2 MEMBERS: Aye.

3 DIRECTOR DAMSCHRODER: And motion
4 carries. And so that the auditor has a record
5 of the action, I'll send it and the signature
6 sheet down on that motion.

7 Just by way of keeping you all up to
8 date on what's going on, there is a Special
9 Election tomorrow in the Albany-Plain Local
10 School District. Seventeen precincts will be
11 open for that election. We will be using the
12 new ESS touchscreen voting machines for this
13 election.

14 So far, the process with ESS has
15 gone very smoothly. And last Saturday we had
16 a poll worker training for the election
17 officials who will be in the precincts
18 tomorrow. That training was Saturday morning
19 from 10:00 to about 12:30, 12:45, and from my
20 perspective, that training session went very
21 well.

22 Renee Clough did a presentation of
23 the bird's-eye view in the process, and we
24 broke all the judges down into small groups

1 and did one-on-one hands-on training with the
2 system.

3 So we're expecting a successful
4 Election Day tomorrow with the new voting
5 system. If any of you are interested in going
6 out to the precincts to watch, let Denny or I
7 know. We'll either meet you here, drive out,
8 or meet you at a precinct.

9 MR. WHITE: We will see you at your
10 house around 5:30.

11 CHAIRMAN ANTHONY: I'm not going to
12 be there then.

13 (Laughter.)

14 DIRECTOR DAMSCHRODER: We're very
15 pleased with the process. We will be having
16 actual full-time staff in the field tomorrow
17 as well, one full-time staff in each precinct,
18 an election official, just so that, not only
19 can they get additional experience and kind of
20 get a feel for what the voters or poll workers
21 are seeing, but also since they've had a
22 little bit more experience with the machines,
23 it will be helpful to voters.

24 CHAIRMAN ANTHONY: You know I -- any

1 questions?

2 MS. PETREE: Yes.

3 CHAIRMAN ANTHONY: Yes?

4 MS. PETREE: How many locations?

5 DIRECTOR DAMSCHRODER: Those
6 seventeen precincts are at about nine or ten
7 locations, so it's not very many.

8 MS. PETREE: How many machines?

9 DIRECTOR DAMSCHRODER: There's going
10 to be three machines in each precinct, so
11 fewer than sixty total machines.

12 CHAIRMAN ANTHONY: Any other
13 questions?

14 You know, we had an Executive
15 Committee meeting, and a machine was brought
16 over to our party headquarters, and folks
17 played with it and it got a pretty good
18 response; folks kind of liked it, played with
19 it a little bit. And as folks were coming in
20 and out, they got to play with it, and there
21 seemed to be a good response to it. So I
22 would love to see it happen.

23 DIRECTOR DAMSCHRODER: Just so that
24 you all know, the last year before, during the

1 calendar year, we made some changes, brought
2 Howard Heard from the warehouse, as you'll
3 recall, to do voter education, and hired
4 Lillian Williams to become our public
5 relations manager.

6 Both Lillian and Howard were working
7 very diligently in scheduling demonstrations
8 with the voting machines, with outreach
9 opportunities. Howard has spent much of the
10 last, probably, month up in the New
11 Albany-Westerville area doing demonstrations
12 at the local libraries, churches, and has a
13 pretty good schedule that we've actually now
14 posted to the Web site of his different
15 locations he's going to be at. The schedule
16 goes out into the summer.

17 And Denny and I have a demonstration
18 scheduled for the Dispatch Editorial Board
19 coming up the last week of February.

20 MR. WHITE: If you have any areas,
21 groups that you can help us identify where you
22 think that it would be good to have Howard and
23 Lillian go out, or anybody else, and do a
24 demonstration, we welcome suggestions or other

1 scenarios.

2 I think the more we get out now and
3 being proactive on educating the voters on the
4 machines will pay ten times the dividends on
5 Election Day, where we can educate them and
6 inform them now and resolve all their issues
7 and questions now.

8 So any groups, church groups, social
9 groups, clubs, we want to get them out there.

10 MS. PETREE: What about the Columbus
11 Bar Association?

12 MR. WHITE: That'd be great. Any
13 suggestions you have.

14 We are just trying to be real
15 proactive on educating the public, the users
16 of the machines, prior to Election Day. And
17 as I said, they're on their own out there
18 trying to identify a place. We're thinking
19 maybe some of the college universities, lunch
20 hour go and set up, anywhere you'll find
21 people.

22 DIRECTOR DAMSCHRODER: Where there's
23 a crowd.

24 Any other questions or comments?

1 CHAIRMAN ANTHONY: Not about this.
2 But I did have a -- wondering where we were
3 going to be at on the recently passed voter
4 legislation dealing with voter ID and all
5 that. How are we going to deal with that when
6 folks come in without an ID, without a picture
7 ID?

8 DIRECTOR DAMSCHRODER: Great
9 question. Actually, Denny and I have talked
10 about that issue earlier today. There's a
11 couple things that have taken place recently.

12 House Rule 234 became effective a
13 couple weeks ago; that's the no-excuse
14 absentee voting that, although it's effective
15 for this election, there haven't been very
16 many voter-requested absentee ballots for
17 tomorrow's special.

18 We've developed new forms for that.
19 With the no-fault absentee, the respective
20 absentee voter has to provide their date of
21 birth and either the last four digits of their
22 Social Security number or their driver's
23 license number, or a copy of a current utility
24 bill, government check, military ID, or

1 something along those lines. We will be
2 adjusting our Web site to provide that
3 information, and we're working with staff on
4 educating them on the system.

5 House Bill 3 passed, which is the
6 big issue in terms of voter identification at
7 the polls. That section of the statute is not
8 really effective until after the primary.

9 One of the things that Denny and I
10 discussed this morning is, as you know from
11 previous conversations, we're planning --
12 we're already planning a very robust voter
13 education campaign centered around the use of
14 the new machines, both for the primary and for
15 the general.

16 What we'd like to do is go back to
17 the Commissioners to ask for additional
18 funding to enhance the public education
19 campaign for the fall, so that it includes the
20 voter educator -- the identification
21 requirement.

22 You may have noticed that there was
23 an editorial in the Dispatch yesterday that
24 kind of talked about this, and I really keyed

1 in on one sentence from that, and that was,
2 that in the opinion of the Dispatch, that
3 voter disenfranchisement was not likely to
4 take place simply on the basis of voter
5 identification, that the requirement had come
6 into place but the disenfranchisement was most
7 likely just simply because longtime voters
8 didn't know they needed to bring an ID with
9 them.

10 And so, to me, that means that
11 education is going to be very key in reminding
12 folks in that last ten-day window, you need to
13 bring a driver's license with you or your
14 utility bill or something. If they show up
15 for the vote at the polls and they don't have
16 that, they can still vote a provisional
17 ballot. But my feeling is, every penny we
18 spend educating folks to bring their ID with
19 them to the polls will pay dividends in terms
20 of provisional ballots cast.

21 CHAIRMAN ANTHONY: Now, what about,
22 you know, we send out voter registration cards
23 -- a card, after you register to vote you get
24 a little card in the mail. That can't be used

1 as a voter ID?

2 DIRECTOR DAMSCHRODER: No, it can't.

3 CHAIRMAN ANTHONY: Okay. That's
4 what I thought. Is there any way that we
5 could -- what can we do to -- well, part of
6 the problem is if you don't have utility
7 bills.

8 DIRECTOR DAMSCHRODER: Right.

9 CHAIRMAN ANTHONY: You live with
10 somebody, you don't pay a utility bill, and
11 you haven't -- there are a few folks that
12 haven't gotten a Social Security card also.
13 And there are folks who don't have a
14 government job and can't go by their
15 government check. But we do send out a voter
16 registration ID card.

17 MR. WHITE: That doesn't suffice.
18 That's bizarre.

19 CHAIRMAN ANTHONY: Yeah, is there
20 any way that we could -- wow, I don't know the
21 answer to that whole question.

22 DIRECTOR DAMSCHRODER: Well, like I
23 said -- go ahead.

24 MS. MARINELLO: If they have the

1 last numbers of their Social Security, then
2 they have to do a provisional?

3 DIRECTOR DAMSCHRODER: If they don't
4 have the last four of their Social, they have
5 to cast a provisional ballot. Now, there's
6 also a provisional that was floating around,
7 I'll have to check to see whether it was
8 actually passed, was that a voter could fill
9 out an affidavit, basically attesting to who
10 they are and that they do not have or have
11 access to any forms of identification.

12 CHAIRMAN ANTHONY: So they'd just
13 have to vote on a provisional?

14 DIRECTOR DAMSCHRODER: Yes.

15 CHAIRMAN ANTHONY: Okay.

16 DIRECTOR DAMSCHRODER: But then you
17 come down to the issue of county provisional,
18 you still have to have your driver's license
19 or your Social and you're date of birth.

20 So, but one thought, Mr. Chairman,
21 on your comment about the identification cards
22 is, we have been talking about changing the
23 format of that card, and as a part of that, we
24 could, as part of that education fees, include

1 information with that card, and some of the
2 newly registered can change their address and
3 do all the mailings to include that new
4 identification card information so folks are
5 receiving information.

6 MR. WHITE: And I thought --

7 MS. PETREE: Mr. Chairman, Matt, if
8 I would come in to vote --

9 THE REPORTER: I'm sorry, I can't
10 hear you.

11 MS. PETREE: If I would come in to
12 vote and I don't have a picture ID with me,
13 you ask me my last four numbers of my Social
14 Security number and I give those to you, how
15 do you verify that?

16 DIRECTOR DAMSCHRODER: We don't.
17 Which is why, as one of the positions that our
18 association of elections officials took, was
19 that a lot of -- most of the requirements for
20 identification in this bill were really
21 meaningless, because there's no way to verify
22 that information.

23 You would just simply -- there's
24 nothing that prevents someone from walking

1 into the polling locations and say the last
2 four digits of his social are 1234, because we
3 have no way to verify it or check it. You
4 would have no way of checking if the voter ID
5 is valid. So it somewhat becomes an exercise
6 in futility.

7 CHAIRMAN ANTHONY: But without a
8 photo ID, it's a provisional ballot?

9 DIRECTOR DAMSCHRODER: Without a
10 photo ID or a copy of a utility bill,
11 government check, or stating the last four
12 digits of your Social, yes.

13 CHAIRMAN ANTHONY: Okay.

14 MR. WHITE: But correspondence from
15 the government to you with your address, that
16 doesn't count?

17 DIRECTOR DAMSCHRODER: No. They
18 left out passports, military ID, and voter
19 identification cards from the Board of
20 Elections.

21 MS. PETREE: Military ID doesn't
22 count either?

23 DIRECTOR DAMSCHRODER: That's
24 correct.

1 MS. PETREE: That's too bad, because
2 that is a picture ID.

3 DIRECTOR DAMSCHRODER: Exactly.

4 MR. WHITE: What about a parking
5 ticket?

6 DIRECTOR DAMSCHRODER: Probably not.

7 CHAIRMAN ANTHONY: Okay. This is a
8 go. That is almost a good go, actually.

9 MS. PETREE: So this isn't effective
10 until next May?

11 DIRECTOR DAMSCHRODER: This will
12 actually go into effect after the main
13 election.

14 MS. PETREE: After the main
15 election.

16 DIRECTOR DAMSCHRODER: So we don't
17 have to worry about it for the primary.

18 MR. WHITE: And they don't have to
19 be current either; I could give them an
20 electric bill from 2000?

21 DIRECTOR DAMSCHRODER: Well, the law
22 says it's supposed to be from your current
23 residential address. But, again, you know,
24 like Bill said, you could be living somewhere,

1 you know, like a parent, older parent living
2 with a child, the adult child is the one that
3 has the utilities in their name.

4 CHAIRMAN ANTHONY: Well, my
5 utilities are in my name because I pay it.

6 MR. WHITE: Social Security card,
7 does that count as an ID?

8 DIRECTOR DAMSCHRODER: Yeah, because
9 it would have the last four of your social.

10 MR. WHITE: Say I show a valid
11 driver's license?

12 DIRECTOR DAMSCHRODER: When you have
13 your Social Security card, they're okay.

14 MR. WHITE: Okay. So Social
15 Security card.

16 DIRECTOR DAMSCHRODER: And my guess
17 is, from talking to folks at the Common Cause,
18 League of Women Voters, that this will
19 probably be litigated, and I'm sure the
20 Secretary of State will be issuing some kind
21 of directive.

22 CHAIRMAN ANTHONY: Before November?

23 DIRECTOR DAMSCHRODER: At some
24 point, after the main primary, to help guide

1 us on this issue.

2 CHAIRMAN ANTHONY: Because it's
3 still not over.

4 DIRECTOR DAMSCHRODER: Yeah; there
5 really are a lot of open ends, and it's
6 subject to interpretation.

7 CHAIRMAN ANTHONY: One other thing
8 from being contained in the agenda here, the
9 Elections Science Institute did what -- what
10 was the result of their testing in the voting
11 system?

12 DIRECTOR DAMSCHRODER: There's some
13 things that we can say on the record and some
14 things that we will go into Executive Session
15 to discuss.

16 But for the record, they are not
17 quite finished with their full test. They are
18 reviewing several million lines of source
19 code. They have reviewed the hardware for the
20 voting system and are planning on recommending
21 some procedural, some changes in procedure to
22 the Board that will help further protect the
23 system from any possible attacks from voters
24 who would try to do something.

1 But on the whole, what ESI heads
2 found is that the system is secure, that it is
3 a well engineered system, and ESS has
4 continued to assure us that any issues that
5 ESI does find, they will resolve for future
6 releases of the software or firmware.

7 CHAIRMAN ANTHONY: Do we have a new
8 meeting schedule?

9 DIRECTOR DAMSCHRODER: Steve
10 Hertzberg's mom has been in and out of the
11 hospital for the last couple of months, and so
12 it's kind of put at least the local meeting
13 process up in the air, because he has not been
14 -- he's only been out to Columbus once in the
15 last three months.

16 CHAIRMAN ANTHONY: I've got a couple
17 of folks on that committee asking.

18 DIRECTOR DAMSCHRODER: Yeah. And as
19 the local child, he's kind of entrusted with
20 her care.

21 CHAIRMAN ANTHONY: As he should be.

22 DIRECTOR DAMSCHRODER: So he's been
23 focused on that recently. But I talked to him
24 a couple of times in the last couple of weeks.

1 He's still committed to caring on the process;
2 the study process with ESS has continued on
3 during that process, during that time frame.

4 That's just the local issues we're
5 working on as the advisement committee has
6 slowed in his absence.

7 CHAIRMAN ANTHONY: Okay.

8 MS. PETREE: Mr. Chairman?

9 CHAIRMAN ANTHONY: Yes, ma'am.

10 MS. PETREE: Did you say the BEPO or
11 ESS?

12 A. I said -- that's what I meant to
13 say. I just had visions of just bad things in
14 my head.

15 All right. We can continue with the
16 agenda items.

17 DIRECTOR DAMSCHRODER: The last
18 item, Mr. Chairman, is actually, because
19 tomorrow is election --

20 (Interruption in proceedings.)

21 CHAIRMAN ANTHONY: Go ahead.

22 DIRECTOR DAMSCHRODER: Rather than
23 adjourning today, we should make a motion to
24 recess subject to the call of its chairman.

1 That way if the Board has to meet tomorrow in
2 an emergency session to deal with an Election
3 Committee matter, we're still in session.

4 Let's just say, briefly, that in
5 terms of coming to future meetings, we can
6 have a meeting on February the 22nd -- and
7 we'll communicate those to you through Suzanne
8 as well. On February 22nd, we need to certify
9 candidates and issues to the second primary
10 and special elections ballot, and that will be
11 following the 16th final deadline.

12 CHAIRMAN ANTHONY: That's the
13 earliest we could meet?

14 DIRECTOR DAMSCHRODER: That's
15 actually kind of the latest we can meet.

16 CHAIRMAN ANTHONY: Okay.

17 DIRECTOR DAMSCHRODER: Also, I'll be
18 leaving that night to Albuquerque to do a
19 presentation for an Elections Center seminar.

20 CHAIRMAN ANTHONY: So you would
21 prefer an early meeting on that day?

22 DIRECTOR DAMSCHRODER: You know, we
23 can probably -- my preference would be kind of
24 a late morning meeting on the 22nd.

1 CHAIRMAN ANTHONY: I could -- do you
2 think it would be a long meeting?

3 DIRECTOR DAMSCHRODER: My plan is to
4 streamline it, as we have in the past, so we
5 can do things in big groups.

6 MS. PETREE: What day is that?

7 CHAIRMAN ANTHONY: I said Wednesday.

8 MS. PETREE: On Wednesday?

9 CHAIRMAN ANTHONY: Yeah.

10 DIRECTOR DAMSCHRODER: Well, we'll
11 play it by ear. I'll have Suzanne call
12 everybody later this week and get schedules,
13 if we have to maybe have it the day before or
14 whatever, on those various schedules.

15 CHAIRMAN ANTHONY: We are ratifying
16 our contract, so we're actually voting on the
17 21st, 22nd, and 23rd. So, I mean, I can get
18 away. But I can do it before the 22nd too.

19 DIRECTOR DAMSCHRODER: Okay.

20 CHAIRMAN ANTHONY: If you guys are
21 ready to go ahead.

22 DIRECTOR DAMSCHRODER: All right.
23 I'll have Suzanne call everybody and get it
24 scheduled. So the 22nd is the last day we

1 could do it.

2 CHAIRMAN ANTHONY: Okay.

3 DIRECTOR DAMSCHRODER: And then the
4 Secretary of State is expected to issue
5 appointments to board members on March the
6 1st, which means either the Board would then
7 have to meet either Thursday the 2nd or Friday
8 the 3rd or Monday the 6th for its
9 reorganization meeting.

10 CHAIRMAN ANTHONY: What dates are
11 those?

12 DIRECTOR DAMSCHRODER: March 2, 3,
13 or 6.

14 MR. WHITE: Thursday, Friday, and
15 Monday.

16 CHAIRMAN ANTHONY: Okay.

17 DIRECTOR DAMSCHRODER: Of March.

18 CHAIRMAN ANTHONY: Do you need those
19 now?

20 DIRECTOR DAMSCHRODER: No. I'll
21 have Suzanne call everybody with dates and
22 times that work.

23 CHAIRMAN ANTHONY: Okay. All right.

24 DIRECTOR DAMSCHRODER: Other than

1 that, we can entertain a motion.

2 MS. MARINELLO: Mr. Chairman.

3 CHAIRMAN ANTHONY: Yes, ma'am.

4 MS. MARINELLO: I move that the
5 Franklin County Board of Elections stand in
6 recess subject to the call of its chairman for
7 the Tuesday, February 7, 2006, New
8 Albany-Plain Local School District Special
9 Election pursuant to Section 3505.30 of the
10 Ohio Revised Code.

11 CHAIRMAN ANTHONY: Is there a
12 second?

13 MS. PETREE: Second.

14 CHAIRMAN ANTHONY: All those in
15 favor, say aye.

16 MEMBERS: Aye.

17 DIRECTOR DAMSCHRODER: And the
18 motion carries, and we stand in recess. Thank
19 you.

20

21 Thereupon, the proceedings were
22 adjourned at 2:30 o'clock p.m.

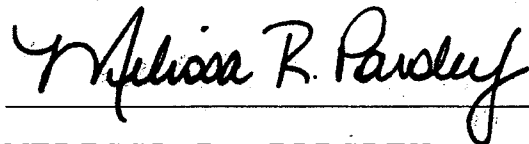
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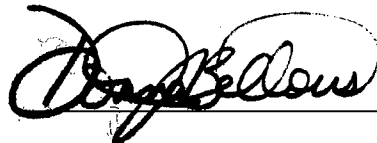
1 CERTIFICATE

2
3 The undersigned do hereby certify that
4 the foregoing proceedings were digitally
5 recorded, electronically transmitted, and
6 transcribed via audible playback, and that
7 the foregoing transcript of such proceedings
8 is a full, true and correct transcript of
9 the proceedings as so recorded.

10 IN WITNESS WHEREOF, I have hereunto set
11 my hand and affixed my seal of office at
12 Columbus, Ohio, on this 20th day of
13 February, 2006.

14 
15 _____

16 MELISSA R. PARSLEY
17 Certified Digital Reporter
18 Notary Public - State of Ohio.
19 My commission expires October 13, 2008.

20 
21 _____

22 DONNA J. BELLOUS
23 Certified Digital Transcriber
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A	audible 26:6 auditor 3:12 4:13 5:4 authorized 4:12 aye 3:3 5:1,2 25:15 25:16	Cause 18:17 Center 22:19 centered 11:13 CERTIFICATE 26:1 Certified 26:16,22 certify 22:8 26:3 chairman 1:8 2:4 2:10,11,19,22 3:1 3:8 4:4,21,24 6:11 6:24 7:3,12 10:1 12:21 13:3,9,19 14:12,15,20 15:7 16:7,13 17:7 18:4 18:22 19:2,7 20:7 20:16,21 21:7,8,9 21:18,21,24 22:12 22:16,20 23:1,7,9 23:15,20 24:2,10 24:16,18,23 25:2 25:3,6,11,14 change 15:2 changes 8:1 19:21 changing 14:22 check 10:24 13:15 14:7 16:3,11 checking 16:4 child 18:2,2 20:19 church 9:8 churches 8:12 Clough 5:22 clubs 9:9 code 19:19 25:10 college 9:19 Colley 1:9 4:23 Columbus 1:13 9:10 20:14 26:12 come 10:6 12:5 14:17 15:8,11 coming 7:19 8:19 22:5 comment 14:21 comments 9:24 commission 26:17 Commissioners 11:17 committed 21:1 committee 7:15 20:17 21:5 22:3 Common 18:17 communicate 22:7 conducted 2:7 contained 19:8 continue 21:15 continued 20:4 21:2 contract 23:16 conversations 11:11	copy 10:23 16:10 correct 16:24 26:8 correspondence 16:14 count 16:16,22 18:7 county 1:2,12 2:5 3:12 4:13 14:17 25:5 couple 10:11,13 20:11,16,24,24 credit 4:19 crowd 9:23 current 10:23 17:19 17:22	Director 1:11 2:7,9 2:12 3:4,16 5:3 6:14 7:5,9,23 9:22 10:8 13:2,8,22 14:3,14,16 15:16 16:9,17,23 17:3,6 17:11,16,21 18:8 18:12,16,23 19:4 19:12 20:9,18,22 21:17,22 22:14,17 22:22 23:3,10,19 23:22 24:3,12,17 24:20,24 25:17 discuss 19:15 discussed 3:20 11:10 disenfranchisement 12:3,6 Dispatch 8:18 11:23 12:2 distributed 2:18 District 5:10 25:8 dividends 9:4 12:19 doing 8:11 DONNA 26:22 drive 6:7 driver's 10:22 12:13 14:18 18:11
	B	D		
absence 21:6 absentee 10:14,16 10:19,20 accept 2:20 access 14:11 action 5:5 actual 6:16 additional 6:19 11:17 address 15:2 16:15 17:23 adjourned 25:22 adjourning 21:23 adjusting 11:2 adopt 4:5 adult 18:2 advance 4:20 advisement 21:5 affidavit 14:9 affixed 26:11 agenda 2:13,14 3:8 19:8 21:16 ago 10:13 ahead 2:19 13:23 21:21 23:21 air 20:13 Albany-Plain 5:9 25:8 Albany-Westerville 8:11 Albuquerque 22:18 answer 13:21 Anthony 1:9 2:4,11 2:19,22 3:1 4:21 4:24 6:11,24 7:3 7:12 10:1 12:21 13:3,9,19 14:12 14:15 16:7,13 17:7 18:4,22 19:2 19:7 20:7,16,21 21:7,9,21 22:12 22:16,20 23:1,7,9 23:15,20 24:2,10 24:16,18,23 25:3 25:11,14 anybody 8:23 appointments 24:5 appropriated 4:1 approval 2:15 area 8:11 areas 8:20 asking 20:17 association 9:11 15:18 assure 20:4 attacks 19:23 attesting 14:9	back 11:16 bad 17:1 21:13 balance 3:23 4:14 ballot 12:17 14:5 16:8 22:10 ballots 10:16 12:20 Bar 9:11 basically 14:9 basis 12:4 BELLOUS 26:22 BEPO 21:10 bid 3:14 big 11:6 23:5 bill 10:24 11:5 12:14 13:10 15:20 16:10 17:20,24 bills 13:7 bird's-eye 5:23 birth 10:21 14:19 bit 6:22 7:19 bizarre 13:18 board 1:2,5,9,12 2:5 3:9 4:5 8:18 16:19 19:22 22:1 24:5,6 25:5 briefly 22:4 bring 12:8,13,18 Broad 1:13 broke 5:24 brought 7:15 8:1	D	D 2:2 Damschroder 1:11 2:8,9,12 3:4 5:3 6:14 7:5,9,23 9:22 10:8 13:2,8,22 14:3,14,16 15:16 16:9,17,23 17:3,6 17:11,16,21 18:8 18:12,16,23 19:4 19:12 20:9,18,22 21:17,22 22:14,17 22:22 23:3,10,19 23:22 24:3,12,17 24:20,24 25:17 date 3:22 4:10,16 5:8 10:20 14:19 dates 24:10,21 day 6:4 9:5,16 22:21 23:6,13,24 26:12 deadline 22:11 deal 10:5 22:2 dealing 10:4 December 2:16,17 delivered 4:9 delivery 3:18,19 demonstration 8:17 8:24 demonstrations 8:7 8:11 Denny 6:6 8:17 10:9 11:9 Deputy 3:16 developed 10:18 device 3:11 4:7 different 8:14 Digital 26:16,22 digitally 26:4 digits 10:21 16:2,12 diligently 8:7 directed 4:13 directive 18:21	E
	C			
	C 1:10 2:2 calendar 8:1 call 2:4,6,7 21:24 23:11,23 24:21 25:6 campaign 11:13,19 candidates 22:9 card 12:23,24 13:12 13:16 14:23 15:1 15:4 18:6,13,15 cards 3:18,21 4:9 12:22 14:21 16:19 care 20:20 caring 21:1 Carolyn 1:10 carries 3:5 5:4 25:18 cast 12:20 14:5		E 1:10 2:2,2 ear 23:11 earlier 10:10 earliest 22:13 early 22:21 East 1:13 editorial 8:18 11:23 educate 9:5 educating 9:3,15 11:4 12:18 education 8:3 11:13 11:18 12:11 14:24 educator 11:20 effect 17:12 effective 10:12,14 11:8 17:9 either 6:7 10:21 16:22 17:19 24:6 24:7 election 5:9,11,13 5:16 6:4,18 9:5,16 10:15 17:13,15 21:19 22:2 25:9 elections 1:2,12 2:5 3:10 4:5 15:18 16:20 19:9 22:10 22:19 25:5 electric 17:20	

electronically 26:5 emergency 22:2 ends 19:5 engineered 20:3 enhance 11:18 entertain 2:20 25:1 entrusted 20:19 equal 4:14 ESI 20:1,5 ESS 5:12,14 20:3 21:2,11 establish 3:8 established 3:15 everybody 23:12,23 24:21 Exactly 17:3 Executive 1:11 7:14 19:14 exercise 16:5 expected 24:4 expecting 3:19 6:3 experience 6:19,22 expires 26:17	3:12 25:5 Friday 24:7,14 full 3:21 4:11 19:17 26:8 full-time 6:16,17 funding 11:18 further 19:22 futility 16:6 future 4:17 20:5 22:5	12:18 13:1,16 15:12 16:4,8,10 16:18,21 17:2 18:7 identification 11:6 11:20 12:5 14:11 14:21 15:4,20 16:19 identify 8:21 9:18 include 14:24 15:3 included 3:13 includes 11:19 individual 3:24 inform 9:6 information 11:3 15:1,4,5,22 initial 3:13 Institute 19:9 interested 6:5 interpretation 19:6 Interruption 21:20 invitation 3:14 invoice 3:22,24 4:14 invoices 3:21 4:8,16 4:17 issue 10:10 11:6 14:17 19:1 24:4 issues 9:6 20:4 21:4 22:9 issuing 18:20 item 2:13 3:7 21:18 items 21:16	League 18:18 leaving 22:18 left 16:18 legislation 10:4 Let's 22:4 libraries 8:12 license 10:23 12:13 14:18 18:11 liked 7:18 Lillian 8:4,6,23 lines 11:1 19:18 litigated 18:19 little 6:22 7:19 12:24 live 13:9 living 17:24 18:1 local 5:9 8:12 20:12 20:19 21:4 25:8 locations 7:4,7 8:15 16:1 long 23:2 longtime 12:7 lot 15:19 19:5 love 7:22 lunch 9:19	Michael 1:9 military 10:24 16:18,21 million 19:18 minutes 2:15 mom 20:10 Monday 1:13 24:8 24:15 month 8:10 months 20:11,15 morning 5:18 11:10 22:24 motion 2:20 3:4 4:3 4:10 5:3,6 21:23 25:1,18 move 4:4 25:4 moved 2:21
F	G	J	M	N
F 1:9 fall 11:19 far 5:14 favor 3:2 5:1 25:15 February 1:14 8:19 22:6,8 25:7 feel 6:20 feeling 12:17 fees 14:24 fewer 7:11 field 6:16 fill 14:8 final 22:11 find 9:20 20:5 finished 19:17 firmware 20:6 first 2:12 3:7 floating 14:6 focused 20:23 folks 7:16,18,19 10:6 12:12,18 13:11,13 15:4 18:17 20:17 following 4:6 22:11 foregoing 26:4,7 format 14:23 forms 10:18 14:11 found 20:2 four 10:21 14:4 15:13 16:2,11 18:9 frame 21:3 Franklin 1:2,12 2:5	general 11:15 give 15:14 17:19 go 2:19 8:23 9:20 11:16 13:14,23 17:8,8,12 19:14 21:21 23:21 goes 8:16 going 5:8 6:5,11 7:9 8:15 10:3,5 12:11 good 7:17,21 8:13 8:22 17:8 gotten 13:12 government 10:24 13:14,15 16:11,15 great 9:12 10:8 groups 5:24 8:21 9:8,8,9 23:5 guess 18:16 guide 18:24 guys 23:20	J 26:22 job 13:14 Jr 1:9 judges 5:24	machine 3:10 4:7,9 7:15 machines 5:12 6:22 7:8,10,11 8:8 9:4 9:16 11:14 mail 12:24 mailings 15:3 main 17:12,14 18:24 manager 8:5 March 24:5,12,17 Marinello 1:10 2:21 4:4 13:24 25:2,4 Matt 1:11 15:7 matter 22:3 ma'am 21:9 25:3 mean 23:17 meaningless 15:21 means 12:10 24:6 meant 21:12 meet 6:7,8 22:1,13 22:15 24:7 meeting 1:5 2:5 7:15 20:8,12 22:6 22:21,24 23:2 24:9 meetings 22:5 MELISSA 26:16 members 1:9 2:9 3:3 5:2 24:5 25:16	N 2:2 name 18:3,5 need 12:12 22:8 24:18 needed 12:8 new 5:12 6:4 8:10 10:18 11:14 15:3 20:7 25:7 newly 15:2 night 22:18 nine 7:6 Notary 26:17 noticed 11:22 November 2:15 18:22 no-excuse 10:13 no-fault 10:19 number 10:22,23 15:14 numbers 14:1 15:13
I	H	K	O	
ID 10:4,6,7,24 12:8	hand 26:11 hands-on 6:1 happen 7:22 hardware 19:19 head 21:14 headquarters 7:16 heads 20:1 hear 15:10 Heard 8:2 help 8:21 18:24 19:22 helpful 6:23 hereunto 26:10 Hertzberg's 20:10 hired 8:3 hospital 20:11 hour 9:20 house 6:10 10:12 11:5 Howard 8:2,6,9,22	keeping 5:7 key 12:11 keyed 11:24 Kimberly 1:10 kind 6:19 7:18 11:24 18:20 20:12 20:19 22:15,23 know 6:7,24 7:14 7:24 11:10 12:8 12:22 13:20 17:23 18:1 22:22	O 2:2 October 26:17 office 26:11 official 6:18 officials 5:17 15:18 Ohio 1:13 25:10 26:12,17 okay 13:3 14:15 16:13 17:7 18:13 18:14 21:7 22:16 23:19 24:2,16,23 older 18:1 once 20:14 one-on-one 6:1 open 5:11 19:5 opinion 12:2 opportunities 8:9	

order 2:6 original 4:15 outreach 8:8 o'clock 1:14 25:22	22:19 pretty 7:17 8:13 prevents 15:24 previous 11:11 previously 2:18 price 4:15 primary 11:8,14 17:17 18:24 22:9 printed 2:14 3:7 prior 9:16 proactive 9:3,15 probably 8:10 17:6 18:19 22:23 problem 13:6 procedural 19:21 procedure 19:21 proceedings 1:8 21:20 25:21 26:4 26:7,9 process 5:14,23 6:15 20:13 21:1,2 21:3 protect 19:22 provide 10:20 11:2 provisional 12:16 12:20 14:2,5,6,13 14:17 16:8 public 8:4 9:15 11:18 26:17 purchase 4:15 pursuant 25:9 put 20:12 p.m 1:14 25:22	reflect 4:18 register 12:23 registered 15:2 registration 12:22 13:16 relations 8:5 releases 20:6 reminding 12:11 Renee 5:22 reorganization 24:9 Reporter 15:9 26:16 request 3:11 4:3 requirement 11:21 12:5 requirements 15:19 residential 17:23 resolve 9:6 20:5 respective 10:19 response 7:18,21 result 19:10 review 2:18 reviewed 19:19 reviewing 19:18 Revised 25:10 right 13:8 21:15 23:22 24:23 robust 11:12 Roll 2:6,7 row 3:5 Rule 10:12	seminar 22:19 send 3:5 5:5 12:22 13:15 sentence 12:1 session 5:20 19:14 22:2,3 set 9:20 26:10 seventeen 5:10 7:6 sheet 5:6 show 12:14 18:10 signature 5:5 signatures 3:6 simply 12:4,7 15:23 site 8:14 11:2 sixty 7:11 slowed 21:6 small 5:24 smoothly 5:15 social 9:8 10:22 13:12 14:1,4,19 15:13 16:2,12 18:6,9,13,14 software 20:6 somebody 13:10 somewhat 16:5 sorry 15:9 source 19:18 special 5:8 10:17 22:10 25:8 spend 12:18 spent 8:9 SST 3:11 4:7,12,18 staff 6:16,17 11:3 stand 25:5,18 State 18:20 24:4 26:17 stating 16:11 statute 11:7 Steve 20:9 storage 3:10 4:7,9 streamline 23:4 Street 1:13 study 21:2 subject 19:6 21:24 25:6 submit 4:13 submitted 4:16,18 successful 6:3 suffice 13:17 suggestions 8:24 9:13 summer 8:16 supposed 17:22 sure 18:19 Suzanne 22:7 23:11 23:23 24:21 system 6:2,5 11:4 19:11,20,23 20:2	20:3 <hr/> T <hr/> take 12:4 taken 1:11 10:11 11:24 20:23 talked 3:17 10:9 11:24 20:23 talking 14:22 18:17 ten 7:6 9:4 ten-day 12:12 terms 11:6 12:19 22:5 test 19:17 testing 19:10 Thank 2:11 25:18 That'd 9:12 they'd 14:12 thing 19:7 things 10:11 11:9 19:13,14 21:13 23:5 think 8:22 9:2 23:2 thinking 9:18 thought 13:4 14:20 15:6 three 4:17 7:10 20:15 Thursday 24:7,14 ticket 17:5 time 3:15 21:3 times 9:4 20:24 24:22 today 3:19 10:10 21:23 tomorrow 5:9,18 6:4,16 21:19 22:1 tomorrow's 10:17 total 7:11 touchscreen 5:12 training 5:16,18,20 6:1 transcribed 26:6 Transcriber 26:22 transcript 26:7,8 transmitted 26:5 true 26:8 try 19:24 trying 9:14,18 Tuesday 25:7 Two 4:12 <hr/> U <hr/> undersigned 26:3 universities 9:19 use 11:13 users 9:15 utilities 18:3,5 utility 10:23 12:14
<hr/> P <hr/> P 2:2 paid 4:10 parent 18:1,1 parking 17:4 PARSLEY 26:16 part 13:5 14:23,24 party 7:16 passage 4:3 passed 10:3 11:5 14:8 passports 16:18 pay 4:13 9:4 12:19 13:10 18:5 paying 3:21 payment 3:9,12 4:6 4:16,20 penny 12:17 people 9:21 percent 3:23 4:1,14 4:18,19 perspective 5:20 Petree 1:10 2:24 7:2,4,8 9:10 15:7 15:11 16:21 17:1 17:9,14 21:8,10 23:6,8 25:13 photo 16:8,10 picture 10:6 15:12 17:2 place 9:18 10:11 12:4,6 plan 23:3 planning 11:11,12 19:20 play 7:20 23:11 playback 26:6 played 7:17,18 pleased 6:15 point 18:24 poll 5:16 6:20 polling 16:1 polls 11:7 12:15,19 positions 15:17 possible 19:23 posted 8:14 precinct 6:8,17 7:10 precincts 5:10,17 6:6 7:6 prefer 22:21 preference 22:23 present 2:10 presentation 5:22	<hr/> Q <hr/> question 10:9 13:21 questions 7:1,13 9:7 9:24 quite 19:17 <hr/> R <hr/> R 2:2 26:16 ratifying 23:15 ready 23:21 real 9:14 really 11:8,24 15:20 19:5 recall 8:3 received 3:22 receiving 3:22 15:5 recess 21:24 25:6 25:18 recognition 4:19 recommend 4:2 recommending 19:20 record 5:4 19:13,16 recorded 26:5,9	<hr/> S <hr/> S 2:2 Saturday 5:15,18 says 17:22 scenarios 9:1 schedule 3:9,13 4:2 4:6 8:13,15 20:8 scheduled 8:18 23:24 schedules 23:12,14 scheduling 8:7 School 5:10 25:8 Science 19:9 seal 26:11 second 2:23,24 4:22 4:23 22:9 25:12 25:13 Secretary 18:20 24:4 section 11:7 25:9 secure 20:2 Security 10:22 13:12 14:1 15:14 18:6,13,15 see 6:9 7:22 14:7 seeing 6:21		

13:6,10 16:10	workers 6:20			
<hr/>	working 8:6 11:3			
V	21:5			
valid 16:5 18:10	worry 17:17			
various 23:14	wow 13:20			
vendor 3:11,17 4:7	<hr/>			
verify 15:15,21	Y			
16:3	Yeah 13:19 18:8			
view 5:23	19:4 20:18 23:9			
visions 21:13	year 7:24 8:1			
vote 12:15,16,23	yesterday 11:23			
14:13 15:8,12	<hr/>			
voter 8:3 10:3,4,20	1			
11:6,12,20 12:3,4	1st 24:6			
12:22 13:1,15	10:00 5:19			
14:8 16:4,18	12:30 5:19			
voters 6:20,23 9:3	12:45 5:19			
12:7 18:18 19:23	1234 16:2			
voter-requested	13 26:17			
10:16	16th 22:11			
voting 3:10 4:6,9	<hr/>			
5:12 6:4 8:8	2			
10:14 19:10,20	2 24:12			
23:16	2nd 24:7			
<hr/>	2:05 1:14			
W	2:30 25:22			
walking 15:24	20 3:23 4:1,14,18			
want 9:9	4:19			
warehouse 8:2	2000 17:20			
watch 6:6	2005 2:16,16,17			
way 5:7 13:4,20	2006 1:14 25:7			
15:21 16:3,4 22:1	26:13			
Web 8:14 11:2	2008 26:17			
Wednesday 23:7,8	21st 23:17			
week 3:18 8:19	22nd 2:17 22:6,8,24			
23:12	23:17,18,24			
weeks 10:13 20:24	23rd 23:17			
welcome 8:24	234 10:12			
went 5:20	280 1:12			
we'll 6:7 22:7 23:10	29th 2:16			
we're 3:18 6:3,14	<hr/>			
9:18 11:3,11,12	3			
21:4 22:3 23:16	3 11:5 24:12			
we've 3:22 8:13	3rd 24:8			
10:18	3505.30 25:9			
WHEREOF 26:10	<hr/>			
WHITE 6:9 8:20	5			
9:12 13:17 15:6	5:30 6:10			
16:14 17:4,18	<hr/>			
18:6,10,14 24:14	6			
William 1:8	6 1:14 24:13			
Williams 8:4	6th 2:16 24:8			
window 12:12	<hr/>			
WITNESS 26:10	7			
Women 18:18	7 25:7			
wondering 10:2				
work 24:22				
worker 5:16				