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

MINUTES OF THE MEETING ON

APPROVED ON 5/1/06

BY:

William A. Anthony, Jr., Chairman

Michael F. Colley, Esq.

Kimberly E. Marinello

Carolyn C. Petree

ATTEST:

Matthew M. Damschroder, Director

1	ORIGINAL
2	PROCEEDINGS OF: Franklin County Board
3	of Elections Meeting
4	DATE OF DELIVERY: March 6, 2006
5	Office of the Executive Director
6	The Board of Elections of Franklin County, Ohio
7	280 East Broad Street Columbus, Ohio 43215
8	By Ms. Suzanne Brown,
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11	Ms. Suzanne Brown
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1	BEFORE THE BOARD OF ELECTIONS
2	OF FRANKLIN COUNTY, OHIO
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4	IN RE:
5	Board Meeting :
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7	Proceedings before Chairman William
8	A. Anthony, Jr., and Board members Carolyn
9	A. Petree, Kimberly E. Marinello, Michael
1,0	F. Colley, and Executive Director Matthew
11	Damschroder, taken at the Franklin County
12	Board of Elections, 280 East Broad Street,
13	Columbus, Ohio, on Tuesday, February 21,
14	2006, at 6:30 o'clock p.m.
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1	APPEARANCES:
2	Office of the Franklin County
3	Prosecuting Attorney 373 South High Street Columbus, Ohio 43215
4	By Mr. Nick A. Soulas, Jr., Chief Counsel, Civil Division,
5	
6	On behalf of the Franklin County Board of Elections.
7	ALSO PRESENT:
8	Ms. Rady Ananda
9	Mr. Stewart Wright
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2	PROCEEDINGS
3	——————————————————————————————————————
4	CHAIRMAN ANTHONY: I would like
5	to call the Franklin County Board of
6	Elections meeting to order.
7	May we have the roll call.
8	MR. DAMSCHRODER: Mr. Colley?
9	MR. COLLEY: Here.
10	MR. DAMSCHRODER: Ms. Marinello?
l 1	MS. MARINELLO: Here.
12	MR. DAMSCHRODER: Ms. Petree?
13	MS. PETREE: Here.
L 4	MR. DAMSCHRODER: And Chairman
L 5	Anthony?
16	CHAIRMAN ANTHONY: Here.
L7	MR. DAMSCHRODER: All members
L 8	are present, Mr. Chairman.
L 9	The first item on the agenda is
20	the certification of the February 7th,
21	2006 Special Election. In your packet
22	there is a summary sheet of the votes as
23	well as a precinct-by-precinct breakdown
24	of the results. Everything went very

1 smoothly within the new voting system. 2 I would recommend acceptance for 3 the certification of results. 4 CHAIRMAN ANTHONY: Any 5 questions? 6 I have got one. I visited some 7 of the polls on election day and folks 8 really seemed to like the machines. They didn't cause any problems to anybody that 10 I talked to. It looked like if that is an 11 indication that we are going to have 12 people being concerned about it, it has 13 not been there. 14 It was a very MR. DAMSCHRODER: 15 successful big toe in the water. 16 MS. MARINELLO: What was the 17 response of the poll workers? 18 MR. DAMSCHRODER: For the poll 19 workers the overwhelming response was very 20 positive. They thought the machines were 21 easier for them to use and set up, 22 particularly the casting of provisional 23 ballots on the electronic machines. They 24 were overwhelmingly in favor of that, so

it was a good experience for them.

The one thing we very clearly learned was that the education of poll workers is absolutely essential. You will see later on an agenda item that Denny and I recommend some additional training to be brought on in the spring. That will be to organize poll workers beyond the one class required. They got it and we had very few problems in terms of poll worker error.

CHAIRMAN ANTHONY: One of the things that, if there was any problem -- and I don't think it was a big problem -- was that folks felt there could have been more privacy. I guess you could figure that out by how you set them up and the placement.

The booth used to have a curtain all the way around. Now, it is pretty much out in the open and two blinders come up. It is still private but not the privacy of a booth.

MR. DAMSCHRODER: After 30 years of voting behind a curtain, people did say

1 they felt kind of exposed standing there; 2 but when they adjusted the side blinders 3 in close for them, it eliminates the possibility of anybody looking at the 4 5 ballot. 6 CHAIRMAN ANTHONY: Nobody was 7 going to be standing behind them anyway. Maybe that was the only real concern about 8 9 it that I can think of. 10 MR. DAMSCHRODER: We are going 11 to be putting a survey into the field, a 12 mail survey, of all individuals who voted 13 at the polls in New Albany, asking them 14 what they felt, what worked and didn't 15 work, what they liked and didn't like, so 16 we can respond to some of the concerns if 17 there are any in the voter education 18 handbook. 19 CHAIRMAN ANTHONY: All the sites 20 were great. They had some great sites in 21 New Albany. 22 MR. DAMSCHRODER: It is 23 definitely a lot easier to find 24 appropriate locations in the suburbs, as

. 1	compared to other parts of the city.
. 2	CHAIRMAN ANTHONY: They were
3	handicap accessible and well lit.
4	MS. PETREE: Good parking.
5	CHAIRMAN ANTHONY: So I would
6	entertain a motion.
.7	MS. MARINELLO: Mr. Chairman, I
8	move that the results of the February 7,
9	2006 New Albany Plain Local School
10	District Special Election be certified as
11	presented.
12	MS. PETREE: Mr. Chairman, I
13	second.
14	CHAIRMAN ANTHONY: All in favor,
15	say aye.
16	MR. DAMSCHRODER: The motion
17	carries.
18	CHAIRMAN ANTHONY: We're ready
19	for Candidate Certification.
20	MR. DAMSCHRODER: Okay. A call
21	has been received from Nick Soulas, who is
22	on his way. Everything is pretty
23	straightforward.
24	You will see in your packet of
1	, , , , , , , , , , , , , , , , , , ,

1 materials a list labeled Local Option Issues filed. It also includes all of the 2 3 tax questions that were filed with us. 4 There were three local options 5 that were filed in the Columbus 2F, 6 Columbus 4C, and Franklin F that were 7 found to have insufficient signatures. 8 It would be the Staff's 9 recommendation that the Board certify to 10 the ballot all of the tax questions, as 11 well as local options found to have 12 insufficient signatures. 13 CHAIRMAN ANTHONY: Are there any 14 questions? 15 (No audible response) CHAIRMAN ANTHONY: If not, I 16 17 will entertain a motion. 18 MR. COLLEY: Mr. Chairman, I 19 move that the list of issues and valid 20 local options be certified to the May 2nd, 21 2006 Primary Election ballot as presented. 22 CHAIRMAN ANTHONY: Is there a 23 second? 24 MS. MARINELLO: Mr. Chairman, I

1 second. 2 CHAIRMAN ANTHONY: All those in 3 favor, say aye. 4 MR. DAMSCHRODER: The motion 5 carries. 6 You will then find in your 7 packet of the candidate petition filings a 8 legal sheet, listing all the candidates that filed that were found to have 10 insufficient signatures. There is a list entitled Problem Petitions. 11 12 The first page are pretty much 13 cut and dried issues. Either a circulated 14 statement was not completed --15 CHAIRMAN ANTHONY: You are 16 talking about the problem petitions? 17 MR. DAMSCHRODER: Yes, either 18 insufficient signatures -- they didn't 19 properly execute a circulated statement. 20 In one instance the candidate failed to 21 provide an original signature on the 22 Declaration of Candidacy portion of the 23 petition. 24 For all those items on the first

1 page, Staff would recommend against 2 certification. 3 The two on the second page, 4 Scott Baughman for Republican County 5 Central Committee, Ward 9, and also 6 Charles Morrison, a candidate for 7 Republican County Central Committee 8 Hilliard, Ward 3, both of these individuals, the Declaration of Candidacy 10 appears to have been altered. 11 The printing in the case of Mr. 12 Baughman, a portion of the information 13 that was written has been marked out. And 14 in the instance of Mr. Morrison it appears 15 that he originally failed to provide a 16 precinct letter in the space provided, and later he came back in a different color 17 18 ink and used the Board's precinct code. 19 In the past using the precinct 20 code had not necessarily been a 21 disqualifying action, but Staff did want 22 to bring these two to the Board as being 23 questionable because of that alteration. 24 Mr. Baughman did fail to provide -- in addition to appearing to having an altered petition, he failed to put his precinct letter in the box required, so the Director's recommendation would be against certification for Mr. Baughman because he failed to provide the precinct information.

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If the Board is not so much concerned about the apparent -- there is no substantive change in the Declaration of Candidacy. It was just that the precinct code was added and appears at a later time.

It could be within the Board's discretion to approve that if it so chose. If you want to wait until counsel arrives to vote on these two matters.

CHAIRMAN ANTHONY: Yes, because it sounds to me like what you are telling us is that some of these may have been altered after they were circulated.

MR. DAMSCHRODER: It is hard to say exactly when the change occurred, but it is very clear that a change was made at

1 some point. In the instance again of 2 Mr. Baughman the precinct letter was in 3 combination with the Ward No. 9A, and the 4 person scratched out the precinct so only 5 the ward number is left. 6 In the instance of Mr. Morrison 7 it's an entirely different color ink 8 that's used to print the precinct code. 9 CHAIRMAN ANTHONY: If we don't 10 approve, they have the right to appeal. 11 MR. DAMSCHRODER: That's 12 correct. They both have the right to 13 appeal the Board's decision or run as a 14 write-in. 15 CHAIRMAN ANTHONY: Any other 16 questions for Mr. Damschroder? 17 (No audible response) 18 CHAIRMAN ANTHONY: So how do you 19 want us to move on this one? 20 MR. DAMSCHRODER: My feeling is 21 that Mr. Baughman's petition should be 22 invalidated. 23 I would say in the instance of 24 Mr. Morrison, in the past the Board has

1 accepted the use of the Board's precinct 2 code but, again, the apparent altering of 3 the public declaration of candidacy would 4 be questionable. 5 I would say in both of these 6 instances I would recommend against 7 certification. 8 CHAIRMAN ANTHONY: So should we 9 take them --10 MR. DAMSCHRODER: What I would 11 recommend, Mr. Chairman, is that we note for the record that the Board take a vote 12 on Baughman and Morrison for the record 13 14 that they are found to have an 15 insufficiency. 16 CHAIRMAN ANTHONY: Should we 17 list them all for the record? 18 Should we read them off? MR. DAMSCHRODER: I will give 19 20 you a list afterwards. 21 The frame of the motion should 22 read as follows: that the Board finds 23 that the following individuals, having 24 filed petitions to be candidates at the

1	May 2nd, 2006 Primary Election, are found
2	to be insufficient. The first is
3	Nickindar Nain Singh, Lauren Patrice
4	Shepherd, Jennifer Scott, Barbara Bryson,
5	Arthur Balis, Michael Murphy, Andre
6	Porter, Peter Wycoff, Scott Baughman, and
7	Charles Morrison.
8	CHAIRMAN ANTHONY: And we just
9	need somebody to make that motion?
10	MR. DAMSCHRODER: Yes.
11	MS. PETREE: I so move.
12	CHAIRMAN ANTHONY: And a
13	second?
14	MS. MARINELLO: Mr. Chairman, I
15	second.
16	CHAIRMAN ANTHONY: All those in
17	favor, say aye.
18	MR. DAMSCHRODER: The motion
19	carries.
20	MR. DAMSCHRODER: The next item,
21	Mr. Chairman, because there are two board
22	members who have also submitted petitions
23	for candidacy, we should deal with them
24	separately so that they can abstain.

. 1	We will refer to Mr. Colley
2	first on the motion from Ms. Petree's
3	certification.
4	MR. COLLEY: I move that Carolyn
5	C. Petree be certified as a candidate in
6	the office as a member of the Republican
7	State Central Committee for the 15th
8	Senate District.
9	CHAIRMAN ANTHONY: Is there a
10	second?
11	MS. MARINELLO: I second.
12	MR. DAMSCHRODER: We'll have a
13	roll-call vote for this since Ms. Petree
14	is abstaining.
15	Mr. Colley?
16	MR. COLLEY: Yes.
17	MR. DAMSCHRODER: Ms. Marinello?
18	MS. MARINELLO: Yes.
19	MR. DAMSCHRODER: And Chairman
20	Anthony?
21	CHAIRMAN ANTHONY: Yes.
22	MR. DAMSCHRODER: And Ms. Petree
23	is abstaining.
24	MS. PETREE: I am abstaining.

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,	1	MR. DAMSCHRODER: The motion
	2	carries.
	3	(Mr. Soulas enters.)
	4	MR. DAMSCHRODER: The second
	5	motion will be to certify Mr. Colley, and
	6	Mr. Colley abstains.
	7	MS. PETREE: Mr. Chairman, I
	8	move that Michael F. Colley be certified
	9	for the office of Member of the Republican
	10	State Central Committee from the 16th
	11	Senate District.
	12	CHAIRMAN ANTHONY: Is there a
	13	second?
,	14	MS. MARINELLO: Mr. Chairman, I
	15	second.
	16	MR. DAMSCHRODER: This is also a
	17	roll-call vote.
	18	Ms. Marinello?
	19	MS. MARINELLO: Yes.
	20	MR. DAMSCHRODER: Ms. Petree?
	21	MS. PETREE: Yes.
	22	MR. DAMSCHRODER: Chairman
	23	Anthony?
	24	CHAIRMAN ANTHONY: Yes.
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1 MR. DAMSCHRODER: Mr. Colley 2 abstaining, the motion carries. 3 And then the last would be to certify the ballots of the candidates that 4 5 were found to have sufficient signatures. 6 MS. MARINELLO: Mr. Chairman, I 7 move that the balance of the candidates 8 having submitted petitions for offices to 9 appear on the May 2nd, 2006 Primary 10 Election ballot be certified. 11 CHAIRMAN ANTHONY: Is there a 12 second? 13 MS. PETREE: Mr. Chairman, I 14 second. 15 CHAIRMAN ANTHONY: All those in favor, say aye. 16 17 MR. DAMSCHRODER: The motion 18 carries. 19 We will post that even yet 20 tonight, an official certified candidates 21 list on the Web site so the public has 22 that. 23 The next item in your packet is 24 the request by the candidates having filed

1 petitions for name changes to appear on 2 the ballot. The three are Patricia J. 3 Shaffer, who requests to appear on the 4 ballot as Paddy, P-a-d-d-y, Shaffer, 5 S-h-a-f-f-e-r; James R. Stewart, who 6 desires to appear on the ballot as Jimmy 7 Stewart; and Tracih H. Johnson requests to 8 appear on the ballot as Traci, T-r-a-c-i, 9 and then T-J in the middle, Johnson. Ms. 10 Johnson appeared previously on the 2000 11 general election ballot as TJ Johnson. 12 As you know, court cases approve 13 the use of common derivatives of names to 14 appear on the ballot. 15 To that end the Staff recommends 16 the acceptance of Mr. Stewart's request. 17 because Jimmy is a derivative of James and 18 against the name requests from Patricia 19 Shaffer and Tracih Johnson. Again, that Paddy, P-a-d-d-y, would not be a common 20 21 derivative of Patricia. 22 In the case of Ms. Johnson the 23 use of initials TJ when they are not her 24

full initials would be inappropriate in

1 the same way as Dana G. (Buck) Rinehart. 2 If Ms. Johnson wanted to come back and 3 appear on the ballot as simply TJ Johnson, that would be recommended, but to appear 4 5 as Tracih TJ Johnson would not be 6 recommended. 7 CHAIRMAN ANTHONY: Are there any 8 questions? 9 MS. MARINELLO: Why are we 10 rejecting Patricia Shaffer's petition? 11 MR. DAMSCHRODER: The Staff 12 recommendation would be that Paddy, 13 P-a-d-d-y, would not be a commonly known 14 derivative of Patricia, P-a-t-r-i-c-i-a. 15 Something like P-a-t-t-y or P-a-t-t-i-e 16 would, but again that's the Board's 17 decision. 18 CHAIRMAN ANTHONY: questions from the board members? 19 20 (No audible response) 21 CHAIRMAN ANTHONY: I will 22 entertain a motion. 23 MS. MARINELLO: Mr. Chairman, I 24 move that the request from James R.

Stewart, Democrat candidate for State
Representative from the 24th District for
his name to appear on the ballot as Jimmy
Stewart be accepted as submitted.
CHAIRMAN ANTHONY: Is there a
second?
MR. COLLEY: I second.
CHAIRMAN ANTHONY: All in
favor, say aye.
MR. DAMSCHRODER: The motion
carries.
CHAIRMAN ANTHONY: That means
that the other two, we don't have to
reject them.
MR. DAMSCHRODER: No. We don't
have to take a formal action.
CHAIRMAN ANTHONY: They do have
the opportunity to appear?
MR. DAMSCHRODER: And they have
the opportunity to come back and request
some other derivatives.
The next item on the agenda,
Mr. Chairman, is a request from Mr.
Stewart Wright, who is present, as well as

some other electors, from the November 2005 general election. The Ohio Revised Code contemplates a recount of a statewide question upon the request of five electors, who state that they voted in the election for the issue and that request has to be within a certain number of days of the Secretary of State's certification of the state issue.

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Due to some confusion emanating from the Secretary of State's Office surrounding the precise date of the certification of the issue, the individuals in question were not able to timely file their request for the recount to, specifically, of State Issue 2, the absentee ballots only with the Franklin County Board of Elections.

The Deputy Director and I met with Mr. Wright several weeks ago in an effort to find some kind of appropriate solution both for the voters who are interested in having a hand recount of the ballots conducted, as well as from

continuing in the Board's tradition of openness and transparency of the results. Being the first time of using the new electronic scanners, it would be a good practice or exercise for us to do that hand recount.

One option available to

Mr. Wright and company is to make a forma

Mr. Wright and company is to make a formal records request for copies of the ballots, pay five cents for the ballots, and then take them and do the recount in their own manner in their own place in their own time.

Mr. Wright has filed a public records request with the Board for that purpose, which we asked Mr. Wright to do so it would enjoin the statutory document destruction process, the records retention process.

It is the Deputy Director and my recommendation that the Board ask the Director and Deputy Director to conduct a hand inspection of all of the Issue 2 absentee ballots cast in 2005 for the

1 purpose, as we mentioned earlier the 2 transparency and proving factor if you 3 will, of testing the veracity of the new system. 5 Mr. Wright is here as well as some other electors, and it would be 6 7 appropriate to hear from them at this time 8 if the Board so desires. CHAIRMAN ANTHONY: Before we do 10 that, are there any questions from the 11 Board? 12 (No audible response) 13 CHAIRMAN ANTHONY: If not, Mr. Wright, would you like to say a few words? 14 15 MR. WRIGHT: Thank you very 16 much. I would be happy to answer any 17 questions that the Board may have. 18 CHAIRMAN ANTHONY: I believe we 19 understand. 20 MR. WRIGHT: You recognize that 21 there are people that are aware of the 22 machines. The software is not available 23 to be inspected. 24 The year before last, I believe

that the State Legislature passed
legislation requiring voter verifying with
a paper trail. Here we have these optical
scan ballots, which are a paper trail.

I just wanted to illustrate whether or not we could use the law and actually achieve the hand recount as the law provides. I think it was unfortunate that there was a misunderstanding about when the vote was certified.

I had been informed by the Office of the Secretary of State that the same day it was certified it should be up on the Web site. I kept looking for it on the Web site. When it finally appeared on the Web site I was told it had actually been certified on December 20th, but I have never seen any evidence to corroborate that. It seems to me that when certified part of that would be the publication of the fact that it has been certified.

I think you will probably certify the Plain Local School District

1 Levy tonight and it will appear on the 2 Franklin County Web site. Then that's a 3 publication that we want notice so everyone knows there is a five-day period 4 that will apply for recount. 5 I think it should have been that 6 7 way for the Secretary of State, but 8 apparently it wasn't. CHAIRMAN ANTHONY: Do you want 10 to do the same thing in other counties? 11 MR. WRIGHT: I am a resident of 12 Franklin County. 13 CHAIRMAN ANTHONY: Is there a 14group out there? 15 Is anybody doing this in Clairmont County or Pickaway County? If 16 17 you do it here, you ought to go around and 18 do it in other counties. 19 MS. ANANDA: Yes, we are. 20 CHAIRMAN ANTHONY: Any questions 21 for Mr. Wright? 22 (No audible response) 23 CHAIRMAN ANTHONY: Then I will 24 entertain a motion.

1 MS. MARINELLO: Mr. Chairman, I 2 move to authorize the Director and Deputy 3 Director to conduct a hand inspection of 4 State Issue 2 ballots only from the 2005 5 General Election for the purpose of 6 testing the veracity of the electronic 7 tabulation system. .8 CHAIRMAN ANTHONY: Is there a 9 second? 10 MR. COLLEY: I second. 11 CHAIRMAN ANTHONY: All those in 12 favor, say aye. 13 MR. DAMSCHRODER: The motion 14 carries. 15 I will coordinate with Mr. 16 Wright to find a mutually acceptable date 17 and time so we can follow the normal 18 procedures for a recount so that Mr. Wright and his committee can establish 19 20 observers for each of the county stations 21 and we'll observe the normal protocol for 22 a hand recount. 23 MS. PETREE: Will that be done 24 here?

1 MR. DAMSCHRODER: Yes. It will 2 be done here at the Board. 3 MR. WRIGHT: Should I talk to 4 you tomorrow about that? 5 MR. DAMSCHRODER: Yes. 6 MS. ANANDA: Do you have any 7 idea how many people you can accommodate . 8 to observe the process? 9 MR. DAMSCHRODER: Traditionally, 10 what we do is we break the ballots down 11 into counting stations, one Republican and 12 one Democrat per station from the Board 13 and we have one observer from your 14 committee of five; and you can appoint 15 additional members beyond your five, but one observer per station. 16 17 There were, I think, about 18 17,000 or so ballots, absentee ballots, 19 cast last fall. We will want to have 20 enough counting stations to do it in less 21 than a day. We will give you that number 22 well in advance so you can appoint 23 sufficient observers. 24 Is there anything else on that

1 issue, Mr. Wright? MR. WRIGHT: I think we are 3 happy with that. 4 MR. DAMSCHRODER: We will see 5 you tomorrow. 6 MR. WRIGHT: I want to thank you 7 for that. 8 CHAIRMAN ANTHONY: You are welcome. We have got to keep it 9 10 transparent. We want folks to feel good 11 about elections in Franklin County. We don't want folks to think they are not 12 safe and secure and accurate. 13 14 MR. DAMSCHRODER: The next item 15 on the agenda, Mr. Chairman, is House Bill 16 234 that passed the General Assembly that 17 permits the use of no-fault absentee 18 voting. One of the provisions in that 19 bill is that the Director has to notify 20 any prospective absentee voter who has 21 failed to provide the required 22 identification requirements; the last four 23 digits of the Social Security number, 24 driver's license, any of the permitted

identification information.

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The Director must notify that person by some means of their deficiency and give them a second opportunity to apply. The Secretary of State has recommended that the Board officially adopt some kind of procedure or protocol.

The Deputy Director and I are recommending that the Board adopt the policy of sending a letter via first class mail signed by the Director and the Deputy Director, notifying the prospective absentee voter of the deficiency and providing them with another application to complete and return to the Board in an effort to obtain a ballot.

Ms. Petree: Would you repeat that?

MR. DAMSCHRODER: The new no-fault absentee scenario, instead of having to use one of the 11 narrow reasons -- instead of having to qualify for an absentee ballot in order to run over the age of 62 on a county election

day, the general assembly said anyone can cast an absentee ballot as long as on the application and on the return ballot they provide some kind of proof of identification. Date of birth is required and either the last four digits of the Social Security number or the driver's license number. Or in lieu of either of those, they have to provide an actual copy of some other form of identification; government check, utility bill, current address, something along those lines.

application fails to provide that identification requirement, the statute now requires that the Board somehow notify that applicant that their application is deficient, that it does not have the required information, and will not be processed and that the applicant must complete a new application, providing all the information for the ballot to be processed.

Looking at both the volume and

the materials provided, ideally it would 1 2 be nice if we could notify the voter by 3 phone. Our applications have historically 4 had a blank for telephone number, and I 5 would say in probably less than five 6 percent of the instances do we get a 7 telephone number. 8 We also have the problem of 9 someone providing a telephone number, 10 whether they are in Iraq or Florida or wherever their ballot is to be delivered. 11 12 And even fewer provide an e-mail address. So in order to find some kind of equitable 13 14 manner of notifying voters, the Deputy 15 Director and I recommend the delivery to 16 voters by first class mail. 17 CHAIRMAN ANTHONY: I have a 18 couple of questions. 19 MR. DAMSCHRODER: Absolutely. 20 CHAIRMAN ANTHONY: One is how 21 big of a problem do you think this is 22 going to be? 23 MR. DAMSCHRODER: My response is 24 going to be two-fold. The response, one,

is it depends. In terms of the parties in the different groups that will be recruiting no-fault absentee voters, it depends on the extent to which they push the requirement of identification.

My guess is that because those entities are highly interested in the ballot being processed, they will push that information.

We have redesigned our application. There is a very clear explanation in the instructions as to what must be provided, and it goes into great detail as to specifically the types of identification required. If the person doesn't feel comfortable or have a driver's license number or doesn't feel comfortable providing the driver's license or the last four digits, the identification requirement portion of the application is set aside and highlighted in extra bold and dark lines and clear explanation.

My anticipation is that if the

1 parties and the various other political 2 entities follow suit with the Board and 3 really hype the notification or the importance of providing this information, 4 5 that it won't be a significant problem. 6 CHAIRMAN ANTHONY: Is that bill 7 being challenged that you know of? 8 MR. DAMSCHRODER: To my 9 knowledge there is not a legal challenge 10 to House Bill 234, which is the no-fault absentee bill. My guess is there will 11 12 likely be a challenge to House Bill 3, 13 which does not come into effect until May 14 3rd. And the other provisions don't go 1.5 into effect until June 1st. 16 CHAIRMAN ANTHONY: Just thinking 17 out loud, these are absentee ballots so 18 most will probably be done by college kids 19 and elderly and folks outside the country 20 or living in another part of the country 21 for some part of the year. It sounds like 22 to me this is kind of inconvenient for 23 folks. I might be wrong, but I'm thinking 24 it's kind of inconvenient.

What would be the cost for us if we mail something out to have it postpaid for them to send it back to us?

MR. DAMSCHRODER: The cost would be -- I'm trying to remember what the surcharge is for the business reply. It would be just nominally more, marginally more than the 1st class rate.

If the Board wanted to adopt the policy that if the person who fails to properly complete the application is mailed this notice, that the return application is postage paid by the Board, I think it is certainly well within the discretion of the Board to adopt such a policy.

If the Board wanted to adopt the policy that the actual ballots themselves were postage paid, it would be within your prerogative to do so. It would probably require a supplemental appropriation from the Commission, but something as simple as the insufficient application, I don't think would be overly burdensome to the budget.

1 CHAIRMAN ANTHONY: If we did have a problem one year where it was more 2 3 than a 39-cent stamp or something --4 MR. DAMSCHRODER: Actually, last 5 year with the two-page ballot -- and that 6 was one of the frustrating instances, 7 because in some cases the post office delivered it with 37 and in some instances 8 9 they required additional. Even within the 10 post office there was a question of what 11 to do. 12 State Issue 2, which did fail, 13 would have if enacted by the voters 14 required the ballots to be returned 15 postage paid by the local boards of 16 elections. 17 CHAIRMAN ANTHONY: I think we 18 ought to look at that to see what that 19 would cost. I don't want to make a big 20 spender of it. 21 MR. DAMSCHRODER: I can look into it and let the Board know what the 22 23 expense would have been for the Board say 24 in 2005 and also in 2004 had the ballots

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. 1	been postage paid by the Board coming
2	back.
3	My guess is that if on the other
4	matter of returned applications for
5	insufficient identification, my guess is
6	that that's not going to be an
7	overwhelming number, and so it would not
8	be unduly burdensome for the Board to
9	receive those secondary applications back
10	postage paid if the Board wanted to do
11	that.
12	CHAIRMAN ANTHONY: Any
13	questions?
14	MS. PETREE: I think that's a
15	good idea.
16	CHAIRMAN ANTHONY: Maybe if
17	everybody can kind of talk about it a
18	little bit. Two of us think it's a great
19	idea.
20	MS. MARINELLO: I think it's a
21	great idea.
22	MR. DAMSCHRODER: I don't hear
23	any dissension among the ranks.
24	CHAIRMAN ANTHONY: Can we add

1 that to the motion, or would you feel more 2 comfortable getting some numbers first? 3 MR. DAMSCHRODER: I feel 4 comfortable either way. 5 MS. PETREE: Could I make a 6 suggestion? 7 CHAIRMAN ANTHONY: Yes, ma'am. MS. PETREE: Why don't we table 8 9 this and you bring us back information for 10 the March meeting, and maybe we could do 11 this just as a primary program to see what 12 the cost is. 13 MR. DAMSCHRODER: All right. 14 will come back and report at the March 15 1st-ish meeting, whenever that is 16 scheduled. 17 CHAIRMAN ANTHONY: Around March 18 2nd. While you were away we set March 2nd 19 at 3 o'clock. 20 MR. DAMSCHRODER: I will report 21 back on the estimated cost for postage 22 paid return ballots, estimating the cost for postage-paid applications that fail to 23 24 meet the requirements, and also we will

provide the revised language for the motion.

The next item on the agenda, Mr. Chairman, is the use of the electronic voting machines for casting provisional ballots. Each of the new voting systems from ES&S or Hart is designed to accept the casting of a provisional ballot on the electronic voting machine. The way it works is dramatically dissimilar to the punch card system in that each ballot has a unique number or each application has a unique number.

Under the old scenario, as you recall, we had to essentially decommission a voting machine on election day for a provisional voter, tip it down, and allow the voter to go into the booth with a punch card, find the number corresponding with the candidate's name on the screen, punch the card, and pull the cards.

With the new electronic machines the voter will still have to fill out the application or what used to be on the

envelope, and that application will have a unique number similar to a ballot stub number that the poll worker will enter into the voting machine, then that voter's ballot or selections is associated with that coded number.

At no time in the canvas process once we have gone through the applications to decide which ballots can we count and which ones can't we count, at no part of that process are we able to see or know or divine what the selections were.

The process of counting the provisional ballot is very simple. There is a screen by precinct that shows all of those numbers, all the application numbers entered in the machines. You simply click yes or no on each one of those. If that is accepted, the votes we cannot see are added into the canvas.

With the advent of the voter verified paper audit trail this becomes a little bit more prickly, because on that voter verified paper audit trail it

records for the voter to verify. It prints everything. It prints that application number. Because of that, there is the possibility that either through mishandling of the applications and the paper trail in the office or through a redacted public records request it could be determined how a provisional voter voted regardless of whether the ballot was ultimately accepted.

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The Secretary of State's office has recommended against the use of electronic machines for use in provisional voting and is recommending the use of paper ballots for provisional voting. Our concern with the use of paper ballots with provisional voting is the same reason that we were concerned with using the precinct count optical scan, in that because so many precincts are split precincts there would be a high rate of voters casting the wrong ballot.

Because the Secretary of State has ruled that, you know, even if you were

in the right precinct and the wrong split, your provisional ballot does not count.

Our view is that by continuing to use the electronic machines for the provisional balloting, there will be ease of use of poll workers, ease of use for the provisional voter, and added protection in terms of warning against over votes and under votes, as well as a near guarantee that their ballot will be counted if otherwise valid due to voting the right split in the right precinct.

At this time there is not a directive or law that says we can't use the electronic machines for provisional voting. It's just a recommendation from the Secretary of State.

I will tell you that the poll workers from the February special to the man and woman said their favorite part of the voting system was using the system to cast provisional ballots.

From that standpoint what our recommendation is as the Deputy Director

1 and Director is that we continue our 2 planned use of electronic machines for 3 provisional voting and adopt strict 4 policies for handling of the applications 5 and the voter verified paper trails within 6 the office and also a revision to our 7 public records policy, stating the redaction of the application number from 9 the applications if viewed or requested. 10 That way there is not an instance where 11 either Staff or public will be able to 12 compare applications from the paper trail 13 and know how a person voted. That's a lot of background. 14 15 CHAIRMAN ANTHONY: Any questions 16 for Matt? 17 (No audible response) 18 CHAIRMAN ANTHONY: I will 19 entertain a motion. 20 You did a good job of 21 explaining. 22 MS. PETREE: Mr. Chairman, I 23 move that the Board authorize the Director 24 and Deputy Director to permit the use of

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1 direct recording electronic voting 2 machines with voter verifiable paper audit 3 trail devices for the purpose of 4 provisional voting and to prohibit the 5 simultaneous possession of or 6 accessibility to the executed applications 7 for provisional ballot and the 8 corresponding voter verified paper audit 9 tapes and move to amend the Board's public 10 records policy required by Section 3501.13 11 to read that prior to the public inspection or duplication for public 12 distribution of the executed applications 13 14 for provisional ballots that the coded 15 application number used to identify the 16 ballot shall be fully redacted from public 17 view or use. 18 CHAIRMAN ANTHONY: Is there a 19 second? 20 MS. MARINELLO: Mr. Chairman, I 21 second. 22 CHAIRMAN ANTHONY: This covers 23 our legal muster? 24 MR. DAMSCHRODER: It does.

1 CHAIRMAN ANTHONY: Are there any 2 questions? 3 (No audible response) 4 CHAIRMAN ANTHONY: All those in 5 favor, say aye. 6 MR. DAMSCHRODER: The motion 7 carries. 8 The next item, Mr. Chairman, as 9 you recall the Board is producing a poll 10 worker training video. This is just a 11 business transaction in terms of 12 authorizing entering into the contract 13 with them for the purpose of production 14 and accepting it. 15 CHAIRMAN ANTHONY: They did that 16 before, didn't they? 17 MR. DAMSCHRODER: Right. 18 did the Gate Keepers of Democracy video. 19 CHAIRMAN ANTHONY: I will entertain a motion. 20 21 MR. COLLEY: Mr. Chairman, I 22 move that the Board authorize the Director 23 to accept the proposed terms and 24 conditions and to enter into a contract

1 with Brainstorm Media for the purposes of 2 producing a poll worker training video. 3 CHAIRMAN ANTHONY: Is there a 4 second? 5 MS. MARINELLO: I second. 6 CHAIRMAN ANTHONY: Any other 7 questions? 8 (No audible response) 9 CHAIRMAN ANTHONY: All those in 10 favor, say eye. 11 MR. DAMSCHRODER: The motion 12 carries. 13 Our next motion, Mr. Chairman, 14 is to adopt a payment schedule with the International Foundation for Election 15 16 Systems (IFES) that is working with us as 17 a consultant to help develop the poll 18 worker training materials and curriculum 19 for the new voting system. The payment 20 schedule will be 25 percent upon the 21 initial date of resolution by the Board of 22 Commissioners which has passed and 50 23 percent upon the submission of all the 24 curriculum materials not to be later than

1 the first day of class. 2 At that point the vast majority 3 of the project will be completed and then the remaining 25 percent following the 4 5 election upon the submission of their 6 after-election report and analysis of the 7 program. 8 CHAIRMAN ANTHONY: How many 9 folks will have training? 10 MR. DAMSCHRODER: We are looking 11 at training about 4,500 poll workers for 12 the primary election. It's a lot of 13 folks. 14 IFES, the folks that we have 15 hired as consultants, have been great 16 already and bring a great deal of national 17 and international experience of 18 poll-worker training to the table with 19 them. 20 CHAIRMAN ANTHONY: I will 21 entertain a motion. 22 MS. MARINELLO: Mr. Chairman, I 23 move that the Board authorize the 24 following payment schedule with the

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1	International Foundation for Election
2	Systems (IFES): 1) twenty-five percent of
3	the total upon receipt of invoice
4	submitted on or after date of resolution
5	by the Board of County Commissioners
6	approving said contract; 2) fifty percent
7	upon receipt of invoice submitted on or
8	after the date of the first precinct
9	election training class, signifying final
10	submission and acceptance of all training
11	curricula and materials; and 3)
12	twenty-five percent of total upon receipt
13	of invoice submitted on or after the date
14	of submission of the post-election
15	evaluation report.
16	CHAIRMAN ANTHONY: Is there a
17	second?
18	MR. COLLEY: I second.
19	CHAIRMAN ANTHONY: All those in
20	favor, say aye.
21	MR. DAMSCHRODER: The motion
22	carries.
23	The next item on the agenda, as
24	Denny and I have looked at both what other

counties have done in terms of poll-worker training and both also what we did for the February special, we determined that instead of requiring poll workers to sit through four or five hours of training classes that we were better off breaking the classes up into two different sessions.

The first session would be a general plenary session where we talk about the administration operations of the precinct, the poll book, and the stuff to tape to the wall; and the other section of the first class would be a hands-on demonstration in small groups with the machine.

The second class that we are composing would be a required class that would bring the poll workers back during the weekend before the election. We would have multiple locations across the county with voting machines and training personnel where the poll workers would come back and, one more time, do the

1 hands-on portion with the machines, open 2 the polls, vote a few voters through in a 3 test scenario, and close the polls, so again they can have that last-minute 4 5 refresher hands-on opportunity. 6 Other counties for doing a 7 longer training class have adopted a 8 higher rate of pay. Fairfield County did \$25 last year. Delaware County, I - 10 believe, is going to do \$25 this year. 11 Our existing pay schedule is \$15 12 for one class. We are asking the Board to 13 adopt the second mandatory training class 14 for the primary election and also 15 authorize the Director and Deputy Director 16 to seek from the County Commissioners 17 supplemental appropriations in the amount 18 of \$81,320 to cover that additional 19 poll-worker training class. 20 CHAIRMAN ANTHONY: Have they 21 been told this? 22 MR. DAMSCHRODER: Denny and I wanted to wait until we had the Board's 23. 24 authorization before we approached the

1 commissioners. 2 MS. PETREE: So that would be 3 \$15? 4 MR. DAMSCHRODER: Yes. 5 compensation would be \$15 for each class 6 and both would be mandatory. 7 CHAIRMAN ANTHONY: How long are 8 these classes? 9 MR. DAMSCHRODER: The Special 10 Election training class would be about two and a half hours, and we have covered very 11 12 little of the administrative procedures. 13 The hands-on portion was probably 14 indicative of what it would be like for 1.5 the primary small groups of three or four with one trainer. So to ask folks to sit 16 17 through three or four hours of training 18 regardless of age or any other factors is 19 a long time of sitting through a training 20 class. Breaking it up this way gives them 21 two opportunities for hands-on with the 22 machines. In our follow-up session with 23 the poll workers after the Special 24 Election they all said that they

1 understood the system, the materials were 2 helpful, but they would have liked another opportunity to get their hands on the 3 machines. 5 CHAIRMAN ANTHONY: Two hours 6 each time? 7 MR. DAMSCHRODER: Probably the first class would be about two hours. The 8 9 second, because it would be kind of a come 10 anytime during these hours, would probably 11 be more of a half hour or 45 minutes kind 12 of thing to get hands-on open and close. 13 CHAIRMAN ANTHONY: About the 14 minimum wage. 15 MR. DAMSCHRODER: Unfortunately, 16 that's what we paid at the Gate Keepers of 17 Democracy. 18 CHAIRMAN ANTHONY: All right. Well, any questions of Matt? 19 20 (No audible response). 21 MR. DAMSCHRODER: I broke it up 22 to give Mr. Chairman an opportunity to 23 make a motion this time. 24 CHAIRMAN ANTHONY: I move that

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1 the Board authorize the Director to seek 2 supplemental appropriations in the amount 3 of \$81,320 for the purposes of providing 4 precinct election officials with an 5 additional \$15 for attending a second 6 mandatory training course on the new 7 voting machines and that \$6,800 of the 8 supplemental appropriation shall be used to replenish current poll worker 10 compensation funds depleted as a result of 11. the February 7th, 2006 Special Election 12 and further that the Board deems the 13 increased compensation as proper and 14 necessary expenses of the Board. 15 Is there a second? 16 MS. PETREE: Mr. Chairman, I 17 second. 18 CHAIRMAN ANTHONY: 19 questions? 20 (No audible response) 21 CHAIRMAN ANTHONY: All those in 22 favor, say aye. 23 MR. DAMSCHRODER: The motion 24 carries. Thank you, Mr. Chairman.

The next item on the agenda is, as you will recall, the Secretary of State required the purchase of a minimum number of 4,208 voting machines from our chosen vendor ES&S. I don't have all the exact numbers here in front of me, but it was approximately \$14 million in total costs of which 12-point-something came from the HAVA funds, leaving a balance of \$894,014.00 for the County. This was an anticipated, planned, and appropriate expense.

We have asked the Secretary of State if the Secretary of State has a proposed payment schedule for this and they do not. They have a payment schedule for their 12-point-something, but they said there was nothing contractual for us to follow in terms of a payment schedule for our share, and the Auditor won't release the funds until we resolve something.

We are recommending that we just pay that in a lump sum, and actually you

1 will notice we are not to exceed the 2 County's obligated \$894,000. In the 3 credits negotiated with ES&S it is actually less than that. 4 5 CHAIRMAN ANTHONY: This has 6 already been --7 MR. DAMSCHRODER: The 8 Commissioner has appropriated the full \$894,000. It is in our budget right now. 10 CHAIRMAN ANTHONY: I will 11 entertain a motion. 12 MS. PETREE: Mr. Chairman, I move that the Board authorize the Director 13 14 to pay in full any invoice submitted by 15 Election Systems & Software in an amount 16 not to exceed the county's obligated 17 \$894,014 balance due for the purchase of 18 4,208 direct recording electronic voting 19 machines. 20 CHAIRMAN ANTHONY: Is there a 21 second? 22 MS. MARINELLO: I second. 23 CHAIRMAN ANTHONY: All those in 24 favor, say aye.

MR. DAMSCHRODER: The motion carries.

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The last item on the public agenda before executive session, Mr. Chairman, also has to do with voting machines. The general assembly last year in passing House Bill 66 said that counties who are purchasing electronic voting machines, using a portion of the state's or HAVA funds must purchase those machines at a ratio of 1 to 175 registered voters and that the snapshot of the calculation or the 175 registered voters is taken, using the registration snapshot on Jan 1, 2005 minus some factor divined by the Secretary of State as to an estimated historic average purge rate.

The Secretary of State wants somewhere between 5 and 9 percent. Then House Bill 3 came along and reiterated that what House Bill 66 said you have to do, you have to do.

What that means for us in regular terms is that we have purchased an

initial amount of 4,208 voting machines, and that to comply with the law we must purchase an additional 339 machines. This was because of the passage of House Bill 66 last year. In the draft language of House Bill 3 the commissioners were made aware of the possibility of this additional expense in several memoranda sent prior to the budget process, as well as at the Board's budget hearing before the commissioners.

It is my understanding that almost \$1.1 million that this would entail, while it's not appropriated to the Board of Elections already, it is earmarked within the commissioners' reserves for this fiscal year. It would be appropriate that the Board in the event that the House Bill 3 was passed, and the legal counsel did say that what the law says, the law says. This is the formality of both acquiring the machines and seeking supplemental appropriation to pay for them.

1 CHAIRMAN ANTHONY: Why wouldn't 2 HAVA have picked up the tab? 3 MR. DAMSCHRODER: HAVA picked up 4 the 12-point-whatever million of the total 5 package. The issue, frankly, that the 6 other ES&S counties find themselves in is 7 that the HAVA funds divided among the 88 counties by the Secretary of State were 8 9 divided based upon the Debold price for 10 voting machines, and the ES&S machines had 11 a higher-per-unit price; and so part of 12 when we made our decision to purchase what 13 we viewed was a better machine came the 14 decision to locally bear a larger portion 15 of the price. 16 CHAIRMAN ANTHONY: Thank you. 17 Any other questions for Matt 18 before we make a motion? 19 (No audible response) 20 CHAIRMAN ANTHONY: All right. 21 move that the Board authorize the Director 22 and Deputy Director to seek supplemental 23 appropriations in the amount of 24. \$1,061,192.04 for the purposes of

1 acquiring an additional 339 direct recording electronic voting machines from 2 3 ES&S pursuant to Section 514.03(B) of 4 House Bill 66 and Section 3506.22(C) of 5 the Ohio Revised Code, effective May 2, 6 2006 and to enter into a contract on 7 behalf of the Board of Elections for the purchase of said voting devices and to 8 9 further authorize the following payment 10 schedule: 1) twenty-five percent of the 11 total due upon submission of invoice 12 following passage of Board of 13 Commissioners resolution providing the 14 supplemental appropriation; 2) fifty 15 percent of the total due upon submission 16 of invoice following complete delivery of 17 all required voting devices; and item 3) 18 twenty-five percent of the total due upon submission of invoice following 19 20 one-hundred percent per unit passage rate 21 of acceptance testing conducted by the 22 Board of Elections. 23 Is there a second? 24 MR. COLLEY: I second.

1	CHAIRMAN ANTHONY: Any
. 2	questions?
3	(No audible response)
4	CHAIRMAN ANTHONY: All those in
5	favor, say aye.
6	MR. DAMSCHRODER: The motion
7	carries.
8	CHAIRMAN ANTHONY: We move into
9	Executive Session?
10	MR. DAMSCHRODER: All for the
11	purpose of discussing personnel matters.
12	MS. PETREE: I move that the
13	Board go into Executive Session.
14	MS. MARINELLO: Mr. Chairman, I
15	second.
16	CHAIRMAN ANTHONY: May we have
17	a roll-call vote.
18	MR. DAMSCHRODER: Mr. Colley?
19	MR. COLLEY: Yes.
20	MR. DAMSCHRODER: Ms. Marinello?
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22	MS. MARINELLO: Yes.
23	MR. DAMSCHRODER: Ms. Petree?
24	MS. PETREE: Yes.

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1	MR. DAMSCHRODER: Chairman
2	Anthony?
3	CHAIRMAN ANTHONY: Yes.
4	MR. DAMSCHRODER: We are in
5	Executive Session.
6	(Adjournment to Executive
7	Session)
8	CHAIRMAN ANTHONY: I move that
9	we come out of Executive Session. No
10	votes were taken. No official business
11	was conducted.
12	Is there a second?
13	MS. MARINELLO: I second.
14	MR. DAMSCHRODER: We'll have a
15	roll-call vote.
16	Mr. Colley?
17	MR. COLLEY: Yes.
18	MR. DAMSCHRODER: Ms. Marinello?
19	MS. MARINELLO: Yes.
20	MR. DAMSCHRODER: Ms. Petree?
21	MS. PETREE: Yes.
22	MR. DAMSCHRODER: Chairman
23	Anthony?
24	CHAIRMAN ANTHONY: Yes.

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We are back on the record in 1 2 Public Session. 3 Is there any further discussion 4 on the record relative to health insurance 5 benefits? 6 (No audible response) 7 CHAIRMAN ANTHONY: If not, I 8 will entertain a motion. MS. MARINELLO: Mr. Chairman, I 10 move that the Board adopt the \$50 per 11 month spousal health insurance premium 12 contribution plan adopted by the County 13 Commissioners for the members of this 14 Board and its employees effective April 1, 15 2006. 16 CHAIRMAN ANTHONY: Is there a 17 second? 18 MR. COLLEY: I second. 19 CHAIRMAN ANTHONY: All those in 20 favor, say aye. 21 MR. DAMSCHRODER: The motion 22 carries. We will communicate that to the 23 Staff. 24 Other than that, Mr. Chairman,

1	there is no other formal business to come
2	before the Board at this time.
3	CHAIRMAN ANTHONY: I move for
4	adjournment.
5	MR. COLLEY: I second.
6	CHAIRMAN ANTHONY: We stand
7	adjourned.
8	· <mark>- </mark>
9	Thereupon, the proceeding was
10	concluded at 7:55 o'clock p.m.
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CERTIFICATE I, Patricia W. White, Court Reporter and Notary Public in and for the State of Ohio, do hereby certify that I reported the foregoing proceedings and that the foregoing transcript of such proceedings is a full, true and correct transcript of my stenotypy notes as so taken. I do further certify that I was called there in the capacity of a Court Reporter, and am not otherwise interested in this proceeding. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 6th day of March, 2006. PATRICIA W. WHITE, Notary Public -State of Ohio. My commission expires May 30, 2007.

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