

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

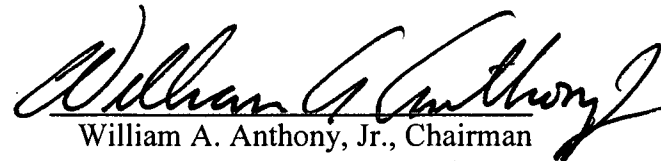
MINUTES OF THE MEETING ON

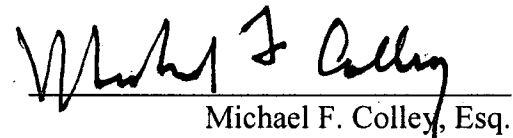
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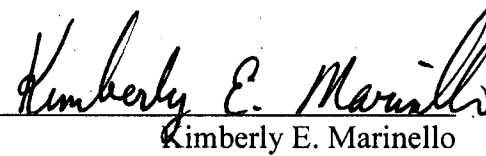
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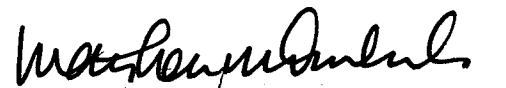
  
William A. Anthony, Jr., Chairman

  
Michael F. Colley, Esq.

  
Kimberly E. Marinello

  
Carolyn C. Petree

ATTEST:

  
Matthew M. Damschroder, Director

1 ORIGINAL

2 HEARING IN RE: Reorganization Board Meeting

3 DATE OF DELIVERY:

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

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MATTHEW DAMSCHRODER

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BEFORE THE STATE OF OHIO

FRANKLIN COUNTY BOARD OF ELECTIONS

- - - - -

IN RE: :

Reorganization Board :  
Meeting

:

- - - - -

Proceedings before Chairman William A.  
Anthony, Jr., Board Members Michael F.  
Colley, Carolyn Petree, and Kimberly  
Marinello, Director Matthew Damschroder, and  
Deputy Director Dennis L. White, taken at  
the Franklin County Board of Elections, 280  
East Broad Street, Columbus, Ohio, on  
Thursday, March 2, 2006, at 3:23 o'clock  
p.m.

- - - - -

## 1 APPEARANCES:

2 Franklin County Prosecuting  
3 Attorney  
373 South High Street  
4 14th Floor  
Columbus, Ohio 43215  
By Mr. Patrick J. Piccininni,  
5  
6 On behalf of the Board.

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## 8 ALSO PRESENT:

9 Judge John P. Bessey

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P R O C E E D I N G S

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

(Roll call taken.)

MR. DAMSCHRODER: The first item on the agenda, Mr. Chairman, is to swear in the two Board members whose terms begin effective yesterday. And they would be Bill Anthony and Carolyn Petree. And Judge Bessey is here to administer the oath of office to you.

MS. PETREE: Mr. Damschroder?

MR. DAMSCHRODER: Yes, ma'am.

MS. PETREE: I've been sworn in already.

MR. DAMSCHRODER: Oh, you were. Okay. Well, then, Ms. Petree does not need to be sworn in. She's already been sworn.

CHAIRMAN ANTHONY: I need to be sworn in.

JUDGE BESSEY: If you would repeat

1 after me.

2 CHAIRMAN ANTHONY: Should I raise  
3 my right hand?

4 JUDGE BESSEY: Yes.

5 - - - - -

6 Thereupon, Mr. William A. Anthony, Jr.,  
7 was sworn in to serve as Chairman of the  
8 Franklin County Board of Elections.

9 - - - - -

10 JUDGE BESSEY: Thank you. Just  
11 sign this.

12 (Applause.)

13 MR. DAMSCHRODER: The next item on  
14 the agenda, members of the Board, following  
15 the statute, is the selection of a director  
16 and then deputy director of the Board.

17 MR. COLLEY: As director, I  
18 nominate Matthew M. Damschroder of Bexley to  
19 be elected to a full-term for the office of  
20 Director of the Franklin County Board of  
21 Elections.

22 CHAIRMAN ANTHONY: Is there a  
23 second?

24 MS. PETREE: Second.

1 (A vote was taken.)

2 MR. DAMSCHRODER: Motion carries.  
3 And then the next item will be the selection  
4 of a deputy director.

5 CHAIRMAN ANTHONY: I nominate  
6 Dennis L. White of Madison Township to be  
7 elected to a full-term for the office of  
8 Deputy Director of the Franklin County Board  
9 of Elections.

10 Is there a second?

11 MS. MARINELLO: Second.

12 (A vote was taken.)

13 MR. DAMSCHRODER: And motion  
14 carries. Congratulations, Dennis.

15 (Applause.)

16 MR. WHITE: Thank you.

17 MR. DAMSCHRODER: Judge, if you  
18 want to administer the oath to us.

19 JUDGE BESSEY: Yes. I will do  
20 this for the two of you at the same time, if  
21 that's all right. If you would raise your  
22 respective right hands and repeat after me.

23 - - - - -

24 Thereupon, Mr. Matthew M. Damschroder was

1 sworn in as Director, and Mr. Dennis L.  
2 White was sworn in as Deputy Director of the  
3 Franklin County Board of Elections.

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5 JUDGE BESSEY: Thank you.

6 MR. DAMSCHRODER: Thank you,  
7 Judge, for coming in.

8 (Applause.)

9 CHAIRMAN ANTHONY: I would like to  
10 note for the record we appreciate Judge  
11 Bessey for coming down here today to swear  
12 us all in. Thank you very much, Judge.

13 JUDGE BESSEY: You're more than  
14 welcome.

15 MR. DAMSCHRODER: And I will take  
16 the oaths after we've all signed, and file  
17 them with the clerk of courts.

18 The next item for the members of  
19 the Board is to select a member from the  
20 Board to serve as chairman.

21 MS. PETREE: Mr. Chairman, I  
22 nominate William A. Anthony, Jr. of Columbus  
23 to serve as Chairman of the Franklin County  
24 Board of Elections.



1 CHAIRMAN ANTHONY: Is there a  
2 second?

3 MS. MARINELLO: Second.

4 (A vote was taken.)

5 MR. DAMSCHRODER: The motion  
6 carries. Congratulations, Bill.

7 The last aspect of the  
8 reorganization -- unless we want to hold  
9 this until a later time on the agenda --  
10 would be to reappoint all currently serving  
11 full-time employees of the Board as  
12 full-time elections clerks of the Board.

13 MS. MARINELLO: Mr. Chairman, I  
14 move that all presently serving full-time  
15 employees of the Franklin County Board of  
16 Elections be reappointed for the full-term.

17 CHAIRMAN ANTHONY: Is there a  
18 second?

19 MS. PETREE: Second.

20 (A vote was taken.)

21 MR. DAMSCHRODER: And the motion  
22 carries.

23 JUDGE BESSEY: Am I --

24 MR. DAMSCHRODER: Yep. I was

1 going to offer you the same kind words that  
2 you always offer visitors.

3 JUDGE BESSEY: Oh. Yes. Thank  
4 you.

5 MR. DAMSCHRODER: You're welcome  
6 to stay for the minutia, but we don't  
7 require it.

8 JUDGE BESSEY: Thank you.

9 MR. DAMSCHRODER: Thank you, Judge  
10 Bessey.

11 (Discussion off the record.)

12 MR. DAMSCHRODER: The first items  
13 on the non-organizational portion of the  
14 agenda, Mr. Chairman and members, are a  
15 couple of items related to candidacy  
16 petitions that were previously filed with  
17 the Board.

18 A request for reconsideration was  
19 filed by a Mr. Arthur Balis of Columbus. He  
20 filed as a candidate for Franklin County  
21 Republican Central Committee Member from  
22 Ward 73, not knowing or understanding that  
23 the City of Columbus had redrawn the wards.  
24 And that he had been drawn into the new

1 Columbus Ward 82.

2 Thus, when he filed his petitions,  
3 he was filing for an office outside of his  
4 ability to file. So the Board did not  
5 previously certify his candidacy.

6 He has requested that based upon  
7 his not knowing, and because the Board had  
8 not yet notified residents of the change,  
9 that he should be certified.

10 Statutorily it's not required for  
11 a Board to provide notice of change of  
12 precincting until 60 days before an  
13 election. Which is why he has not yet  
14 received his notice.

15 If he is certified to the ballot,  
16 it will set up a contestant primary for that  
17 seat.

18 So if there's a motion that's  
19 properly seconded, we can consider it.  
20 Otherwise, move forward.

21 CHAIRMAN ANTHONY: Is there a  
22 motion?

23 Hearing none. We'll move forward.

24 MR. DAMSCHRODER: The next item,

1 Mr. Chairman, is the request by Roslyn  
2 Patrick, who had filed as a candidate for  
3 Republican Central Committee for Grove City,  
4 Ward 3. She has requested that her  
5 candidacy be withdrawn from the May 2  
6 primary election ballot.

7 CHAIRMAN ANTHONY: Is there a  
8 motion?

9 MS. PETREE: Yes, Mr. Chairman. I  
10 move that the Board accept the withdrawal of  
11 candidacy requested by Roslyn R. Patrick,  
12 Grove City, Ward 3.

13 CHAIRMAN ANTHONY: Is there a  
14 second?

15 MS. MARINELLO: Second.

16 (A vote was taken.)

17 MR. DAMSCHRODER: And then the  
18 last issue, Mr. Chairman, I wanted to bring  
19 before the Board, a couple items actually.

20 You may recall that last year,  
21 right around the 75-day filing deadline for  
22 local referendum and initiatives, there was  
23 an issue surrounding -- an issue from  
24 Reynoldsburg where there was a rezoning

1 action that signatures were gathered, and a  
2 referendum of the action submitted to the  
3 Board.

4 We checked the petitions and found  
5 sufficient number of signatures. And at  
6 that time, the Reynoldsburg City Attorney  
7 recommended to the then Reynoldsburg City  
8 Auditor that the City Auditor not certify  
9 the question to the Board of Elections to be  
10 put on the 2006 General Election Ballot.

11 There was, at the time, a protest  
12 filed by the tenants of the property  
13 affected. But that protest was not heard by  
14 the Board because there was actually nothing  
15 before the Board to consider.

16 Earlier, at the end of February on  
17 the 28th, the Reynoldsburg City Auditor did  
18 certify the referendum question to the Board  
19 of Elections, and ask they be placed on the  
20 November 2006, General Election Ballot.

21 Again, the affected tenants have today filed  
22 a renewed protest against that. Their  
23 counsel is here today.

24 I don't know if you have any

1 questions, but there are a couple unique  
2 legal issues at play here.

3           The first being whether or not the  
4 time deadline for the auditor to certify the  
5 questions of the Board of Elections has come  
6 and gone.

7           The second being whether or not  
8 the issue itself is referandumable -- if  
9 that's such a word -- and whether it is up  
10 to the Board of Elections, or up to  
11 officials within the City of Reynoldsburg,  
12 to make the decision whether or not it is a  
13 referandumable issue.

14           So my recommendation to the Board  
15 today would be to -- although council is  
16 here from one side, we should defer to a  
17 little time, but also ask the Board's  
18 counsel to look into the issue. So that  
19 when the protest hearing is actually held,  
20 the Board kind of knows what its role in the  
21 middle of all of this really is.

22           CHAIRMAN ANTHONY: Do we have  
23 folks -- anyone here to speak on behalf of  
24 that?

1 MR. PICCININNI: Yeah. But I will  
2 wait until we have the formal hearing.

3 CHAIRMAN ANTHONY: Hearing. Okay.

4 MR. DAMSCHRODER: That way both  
5 sides can be heard.

6 MR. PICCININNI: Nobody else had  
7 notice that we would be taking up the issue  
8 today.

9 MR. DAMSCHRODER: Yeah. Right.

10 MS. PETREE: I have a question.

11 MR. DAMSCHRODER: Yes, ma'am.

12 MS. PETREE: Do I understand that  
13 the petition has been filed?

14 MR. DAMSCHRODER: Yes.

15 MS. PETREE: And there has been a  
16 protest?

17 MR. PICCININNI: The petition's --  
18 this is the original petition that was filed  
19 last August. Okay. And then at that time,  
20 they appeared before this Board to argue  
21 against it. But there was an issue of the  
22 certification in Reynoldsburg.

23 The city attorney at the time,  
24 that since the issue was not referandumable,

1 there should be no certification that the  
2 then auditor did not certify. So the issue  
3 died here because there was no certification  
4 by the auditor.

5 The auditor -- the current auditor  
6 has taken the petition that was filed in  
7 August, and has now certified it more than  
8 10 days after. Okay. And more than 30 days  
9 after this whole -- the entire resolution  
10 was passed at Reynoldsburg.

11 There are some unique issues at  
12 play here that we really do need to look at.  
13 But my suggestion to Mr. Damschroder earlier  
14 today was, let's put it in writing. Let's  
15 get an opinion, as much as I just love to do  
16 opinions. That's what we -- I think we came  
17 to that decision.

18 MR. DAMSCHRODER: Based on  
19 Patrick's schedule, we would recommend  
20 having a Board meeting then, Wednesday the  
21 22nd or Thursday the 23rd of March, to  
22 consider the matter and have all parties  
23 invited so they can be present.

24 CHAIRMAN ANTHONY: Wednesday,



1 March 22?

2 MR. DAMSCHRODER: Or Thursday,  
3 March 23rd.

4 CHAIRMAN ANTHONY: I'll have to  
5 get back with you on that.

6 MR. DAMSCHRODER: Yeah. I'll have  
7 Suzanne call everybody to see which day is  
8 better.

9 MS. PETREE: Either day is all  
10 right with me.

11 MR. DAMSCHRODER: Okay. Great.  
12 The two other items, briefly. One you have  
13 before you, a written opinion from the  
14 prosecuting attorney. It is protected by  
15 the attorney/client privilege so we can  
16 discuss it in executive session if you'd  
17 like. But I did want to let you know that  
18 that's there. That you should read that,  
19 and be aware of some issues surrounding the  
20 voting machines that you are made aware of.

21 Then the last is, at the previous  
22 Board meeting I was asked to get some  
23 numbers related to the question: If the  
24 Board were to pay the return postage on

1 completed absentee ballots, what would that  
2 have cost the county in 2004 and 2005.

3 And our estimate is that in 2004  
4 for the over, well, it was over \$65,000  
5 ballots that were actually returned. That  
6 would have cost the county \$39,335.

7 For the 2005 returned absentee  
8 ballots -- bearing in mind that in the  
9 general election there's added freight  
10 because of the two-page ballot -- the  
11 postage cost would have been \$28,523.98.

12 CHAIRMAN ANTHONY: Is that a high  
13 rate or is that about normal?

14 MR. DAMSCHRODER: That's the post  
15 office's standard business return program  
16 for that kind of volume. They actually  
17 discount the return, the number of return  
18 pieces if it has the bar codes on it and  
19 it's a high enough volume that that's, I  
20 think it's 36 cents a piece, approximately,  
21 for the first ounce. Assuming it's just a  
22 one-page ballot.

23 CHAIRMAN ANTHONY: Do you think  
24 we'll have 65,000?

1           MR. DAMSCHRODER: I think that it  
2 is very likely that this year we'll have at  
3 least 65,000 ballots between the primary and  
4 the general because of the no-fault  
5 absentee. I'm thinking we'll have at least  
6 the same numbers as 2004.

7           CHAIRMAN ANTHONY: Does anybody  
8 have anything else?

9           Do we have a budget for that?

10          MR. DAMSCHRODER: We don't have  
11 the funds in our existing postage budget.  
12 It would certainly be within the Board's  
13 discretion to ask the Commissioners for a  
14 supplemental appropriation to do this.

15          CHAIRMAN ANTHONY: That's okay.  
16 Thank you. That's a lot of money.

17          MR. DAMSCHRODER: You got it?  
18 Other than that, that's all the items on the  
19 agenda that I have for your consideration  
20 today, other than a discussion of some  
21 personal matters that are left over from the  
22 previous Board meeting. If you want to go  
23 into executive session.

24          CHAIRMAN ANTHONY: I make a motion

1 to go into executive session to discuss  
2 personal matters and legal issues.

3 MR. DAMSCHRODER: Is there a  
4 second?

5 MS. MARINELLO: Second.

6 MR. DAMSCHRODER: Roll call vote.

7 (A vote was taken.)

8 MR. DAMSCHRODER: We are in  
9 executive session.

10 (Executive session.)

11 MR. DAMSCHRODER: We are back in  
12 public session on the record. And for the  
13 record, no decisions or motions then to come  
14 out of executive session were made during  
15 executive session.

16 CHAIRMAN ANTHONY: Then I would  
17 like to make a motion that we grant the  
18 full-time employees a 2-percent pay raise  
19 retroactive to the first pay period of 2006.

20 Is there a second?

21 MS. PETREE: Second.

22 (A vote was taken.)

23 MR. DAMSCHRODER: Motion carries.  
24 That's all of the agenda we have for today.

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Thereupon, the meeting was  
adjourned at 4:19 o'clock p.m.  
-----

## 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 13<sup>th</sup> day of  
13 March, 2006.

14 Kimberly S. Payne  
15

16 KIMBERLY S. PAYNE  
17 Certified Digital Reporter  
18 Notary Public - State of Ohio.  
19 My commission expires October 26, 2009.

20 Joan L. McGraw

21 JOAN L. MCGRAW  
22 Certified Digital Transcriber  
23  
24

<b>A</b>				
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