

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

MINUTES OF THE MEETING ON

5/31/06

APPROVED ON

8/1/06

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



Where Government Works

BOARD OF ELECTIONS

Matthew M. Damschroder, Director

Dennis L. White, Deputy Director

280 E. Broad Street, Room 100
Columbus, Ohio 43215
www.FranklinCountyOhio.gov/BOE

(614) 462-3100
(614) 462-3489 Fax

June 21, 2006

William A. Anthony Jr.
2916 Dover Road
Columbus OH 43209

Michael F. Colley
4200 Dublin Road
Columbus OH 43221

Carolyn C. Petree
155 West Main Street
Suite 1006
Columbus OH 43215

Kimberly E. Marinello
80 Williams Road
Columbus OH 43207

Dear Board Members:

Enclosed you will find minutes from the May 31, 2006, board meeting for your review and approval at the next meeting.

If you should have any questions, please feel free to contact me.

Sincerely,

Matthew Damschroder, Director
Franklin County Board of Elections

Encls.

Board Members

William A. Anthony, Jr.-Chairman ★ Michael F. Colley ★ Kimberly E. Marinello ★ Carolyn C. Petree

1 ORIGINAL

2 PROCEEDINGS OF: FC Board of Elections

3 DATE OF DELIVERY: June 12, 2006

4 Board of Elections
5 Franklin County, Ohio
6 280 East Broad Street
7 Columbus, Ohio 43215
8 By Suzanne Brown,

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BEFORE THE FRANKLIN COUNTY, OHIO

BOARD OF ELECTIONS

- - - - -

IN RE: :

Board of Elections :

- - - - -

Proceedings before Chairman William
A. Anthony, Executive Director Matt
Damschroder, Deputy Director Dennis L.
White, and Board members Michael F.
Colley, Kimberly E. Marinello, and Carolyn
C. Petree, taken at the Franklin County
Board of Elections, 280 East Broad Street,
Columbus, Ohio, on Wednesday, May 31,
2006, at 5:20 o'clock p.m.

- - - - -

1 APPEARANCES:

2 Office of the Franklin County
3 Prosecuting Attorney
4 373 South High Street
5 Columbus, Ohio 43215
6 By Mr. Nick A. Soulas, Jr.
7 Assistant Prosecuting Attorney,

8 On behalf of the Franklin
9 County Board of Elections.

10 Office of Robert J. Fitrakis
11 1240 Bryden Road
12 Columbus, Ohio 43205
13 By Mr. Robert J. Fitrakis,

14 On behalf of Mr. Morrison.
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P R O C E E D I N G S

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

May we have a roll call.

MR. DAMSCHRODER: Mr. Colley?

MR. COLLEY: Here.

MR. DAMSCHRODER: Ms. Marinello?

MS. MARINELLO: Yes.

MR. DAMSCHRODER: Ms. Petree?

MS. PETREE: Yes.

MR. DAMSCHRODER: Chairman Anthony?

CHAIRMAN ANTHONY: Here.

MR. DAMSCHRODER: The first item of business, Mr. Chairman, is to consider the protest that was filed against the independent candidacy of Mr. Charlie Morrison for Congress. That protest was filed on May 22nd and this Board had scheduled today's hearing to allow both parties to present their views and

1 arguments and opinions on the question of
2 the protest.

3 We received a fax that is
4 enclosed in your packet today. We
5 received a fax from Mr. Morrison
6 yesterday, stating that he had spent some
7 time trying to find counsel and had done
8 so, but then the counsel was unavailable
9 to represent him at the hearing today and
10 respectfully requested a continuance of
11 this protest hearing until some future
12 date certain.

13 I spoke with Murray Armstrong,
14 counsel for the protesters. They are
15 agreeable to the continuance.

16 I believe Mr. Morrison is here
17 this afternoon and is represented by
18 counsel today for the purpose of
19 requesting a continuance. It's in the
20 Board's hands to determine whether or not
21 you wish to continue.

22 I think from the Staff
23 perspective we don't have an objection to
24 a continuance.

1 CHAIRMAN ANTHONY: Did you want
2 to say something, Mr. Morrison?

3 MR. MORRISON: I am Charlie
4 Morrison. The purpose of my coming
5 tonight was to ask for a postponement.

6 My attorney that I have retained
7 is on vacation currently in North Carolina
8 and can't appear, so in lieu of that I
9 have brought Robert Fittrakis, who is a
10 local attorney, to answer any questions
11 you might have about our case.

12 CHAIRMAN ANTHONY: Any questions
13 of Mr. Morrison?

14 MS. PETREE: I have a question.

15 CHAIRMAN ANTHONY: Yes, ma'am.

16 MS. PETREE: Mr. Morrison, when
17 will your attorney be returning?

18 THE WITNESS: He will be
19 returning June 5th, which is next week.
20 The request is to postpone at least until
21 next week. Thank you.

22 CHAIRMAN ANTHONY: Matt, is
23 there a time specific this has to be done?

24 MR. DAMSCHRODER: The deadline

1 for certification is mid July. We do have
2 plenty of time to address the issue.

3 CHAIRMAN ANTHONY: And do our
4 legal folks know where are we at on
5 recommendations?

6 MR. SOULAS: With respect to the
7 continuance it is within your discretion,
8 but since both sides are in favor of it,
9 there is no reason not to consider a
10 continuance for a short period of time to
11 allow his counsel to prepare.

12 CHAIRMAN ANTHONY: Have you
13 heard anything to help us make up our
14 minds on this?

15 MR. SOULAS: We are preparing
16 that.

17 CHAIRMAN ANTHONY: Then I guess
18 I move that we continue the protest
19 hearing. We should pick a date.

20 I think we should probably give
21 you enough time to have your attorney go
22 over stuff. We will all be gone through
23 the week of June 18th. We will be in
24 Cleveland June 14th, 15th and 16th.

1 The week after that, would that
2 give you enough time, Mr. Morrison?

3 MR. MORRISON: Yes.

4 CHAIRMAN ANTHONY: The week of
5 the 19th?

6 MR. WHITE: The 19th is a
7 Monday.

8 CHAIRMAN ANTHONY: Any
9 particular day you would like?

10 MR. MORRISON: At your
11 pleasure.

12 CHAIRMAN ANTHONY: What about
13 Tuesday, June 20th? We could do it in the
14 afternoon, probably 3:00 o'clock on
15 Wednesday the 21st.

16 Is that a good time for
17 everybody, 3:00 o'clock on June 21st?

18 MR. MORRISON: 3:00 o'clock on
19 June 21st.

20 CHAIRMAN ANTHONY: I move that
21 we continue the hearing until Wednesday,
22 June 21st, at 3:00 p.m. in order to
23 provide Mr. Morrison additional time to be
24 represented by counsel.

1 I will entertain a second.

2 MS. MARINELLO: I second.

3 CHAIRMAN ANTHONY: All those in
4 favor, say aye.

5 (Board response.)

6 CHAIRMAN ANTHONY: So moved.

7 The motion carries.

8 MR. MORRISON: Thank you very
9 much.

10 CHAIRMAN ANTHONY: You are
11 welcome.

12 MR. DAMSCHRODER: The next item
13 on the agenda, Mr. Chairman, there are
14 three issues that were submitted to boards
15 of elections that cover jurisdictions,
16 including Franklin County, for an August
17 Special Election. They are the City of
18 Westerville and the City of Reynoldsburg.

19 Franklin County is, obviously,
20 the most populous county for both of
21 those, and then also Jonathan Alder School
22 District, which includes a small handful
23 of registered voters up in Washington
24 Township. Those folks will be assigned to

1 Union County.

2 Westerville overlaps into
3 Delaware. The registered voters in
4 Delaware will conduct their own election.
5 The same thing with Licking County.
6 Fairfield County has one precinct of
7 registered voters in the City of
8 Reynoldsburg.

9 We have talked with the Director
10 and Deputy Director from Fairfield
11 County. Our preference, because this is
12 one precinct, is for us to run that
13 precinct with their voters in their
14 precinct and our pole workers and our
15 machines. Instead of assigning 450 voters
16 to Franklin County, to keep their normal
17 location and our folks to staff it.

18 We need a resolution to put
19 those questions on the ballot.

20 CHAIRMAN ANTHONY: Have we had
21 this before?

22 MR. DAMSCHRODER: Yes.

23 CHAIRMAN ANTHONY: Any other
24 questions for Matt?

1 (No audible response.)

2 CHAIRMAN ANTHONY: Then I will
3 entertain a motion.

4 MS. PETREE: I would move that
5 the Board certify to the August 8th, 2006
6 Special Election ballot the tax questions
7 submitted by the City of Westerville, the
8 City of Reynoldsburg, and the Jonathan
9 Alder Local School District and further
10 move that Franklin County voters in the
11 Jonathan Alder Local School District be
12 assigned to the Union County Board of
13 Elections for this election only and that
14 the Franklin County Board of Elections
15 accept the assignment of Fairfield County
16 voters in the City of Reynoldsburg from
17 the Fairfield County Board of Elections
18 for this election only.

19 CHAIRMAN ANTHONY: Is there a
20 second?

21 MS. MARINELLO: Second.

22 CHAIRMAN ANTHONY: It has been
23 seconded by Ms. Marinello.

24 All those in favor, say aye.

1 (Board response.)

2 CHAIRMAN ANTHONY: The motion
3 carries.

4 Mr. Damschroder?

5 MR. DAMSCHRODER: The last item
6 on this agenda, Mr. Chairman, the
7 Secretary of State has issued a directive
8 essentially to formalize the process that
9 we have used here in Franklin County for a
10 number of years with our old electronic
11 voter systems. There is a retention
12 schedule for each election that the
13 physical equipment has to be retained for
14 a certain period of months or days after
15 each election.

16 When we have a special election
17 that's thrown into the mix, it runs into
18 that retention schedule. The Secretary of
19 State has formalized our previous process
20 of basically copying or backing up the
21 data that's currently stored on PEBs and
22 the flash cards, backing all that up onto
23 CDs.

24 As part of the process they have

1 asked that we post a 48-hour notice so if
2 the public wants to observe that process,
3 they are able to do that. This just puts
4 into the record that the Director and
5 Deputy Director will be posting that
6 notice and that that backup process will
7 occur on Monday June 5.

8 CHAIRMAN ANTHONY: Is there a
9 certain time we have to post that notice?

10 MR. DAMSCHRODER: It's just as
11 simple as we do with our Board meeting
12 notices. We hang a sign on the door. We
13 don't have to purchase newspaper
14 advertising or do anything special.

15 CHAIRMAN ANTHONY: Any other
16 questions for Matt?

17 (No audible response.)

18 CHAIRMAN ANTHONY: Hearing none,
19 I will entertain a motion.

20 MS. MARINELLO: Mr. Chairman, I
21 move to direct the Director and Deputy
22 Director to post a notice pursuant to
23 direction from the Ohio Secretary of
24 State, providing the minimum 48-hour

1 public notice for the electronic copying
2 of data on Monday June 5th, 2006 from the
3 2006 Primary Election for appropriate
4 retention.

5 CHAIRMAN ANTHONY: Is there a
6 second?

7 MS. PETREE: I second.

8 CHAIRMAN ANTHONY: All those in
9 favor, say aye.

10 (Board responds.)

11 CHAIRMAN ANTHONY: The motion
12 carries.

13 MR. DAMSCHRODER: We will post
14 that notice tomorrow.

15 As you may recall there were a
16 couple of small personnel policy issues
17 that we had carried over from the previous
18 Board meeting. In talking to Nick Soulas
19 a little bit ago we may want to carry
20 those over to a future Board meeting.

21 MR. SOULAS: That would be
22 advisable.

23 MR. DAMSCHRODER: There are two
24 issues. One is relative to comp time,

1 payout policy, and what was the issue with
2 following the requirements of the law
3 there.

4 And also the issue of time off
5 and pay for the day after the election.
6 We want to make sure we have all I's
7 dotted and T's crossed. The Prosecutor's
8 Office has done an excellent job of
9 reviewing all those and making sure we
10 don't run afoul on those programs.

11 CHAIRMAN ANTHONY: Thank you. I
12 do have a question.

13 You gave us a letter from the
14 Ethics Commission.

15 MR. DAMSCHRODER: Yes.

16 CHAIRMAN ANTHONY: Did you work
17 on the team that pulls this information
18 together?

19 MR. DAMSCHRODER: I spoke with
20 Patrick before he left on vacation.
21 Basically, the letter from the Ethics
22 Commission is just to gather all the
23 documents that we have currently existing
24 that have been requested of all the

1 impacted employees that would have either
2 e-mail communication or some kind of
3 documents relating to three, four, or five
4 different requests in there. We are in
5 the process of complying with them.

6 CHAIRMAN ANTHONY: Do we need to
7 make a deadline?

8 MR. DAMSCHRODER: Yes.

9 CHAIRMAN ANTHONY: Is there
10 anything else?

11 Is No. 5 there?

12 Will anything else appear?

13 MR. DAMSCHRODER: Not that I am
14 aware of. The only things that the
15 Director and Deputy Director are aware of
16 that could possibly be of concern are the
17 three items that were listed for the
18 Board's resolution a week ago. That was
19 SST, IFES, and Capital Communications.

20 The Ethics Commission expanded
21 that resolution to include S&S.

22 CHAIRMAN ANTHONY: As part of
23 all this was there a date set?

24 Part of it was also training for

1 employee ethics?

2 MR. DAMSCHRODER: That is
3 separate from the subpoena and the
4 letter. As part of the Board's resolution
5 we have set a date for the Ethics
6 Commission to come in June 30th.

7 CHAIRMAN ANTHONY: What time,
8 all day?

9 MR. DAMSCHRODER: It's a half
10 day.

11 MR. WHITE: It's a Friday and
12 starts at 10:00. It's a basic one on one,
13 sort of have everybody go through it.
14 Then we're supposed to come back and maybe
15 do an advanced type thing for managers,
16 people who are in positions for
17 negotiating contracts for purchasing,
18 those type things.

19 CHAIRMAN ANTHONY: Will we do it
20 here?

21 MR. WHITE: Yes. I would
22 welcome the Board members to come.

23 CHAIRMAN ANTHONY: I think it
24 would be a good thing.

1 MS. PETREE: I have a conflict
2 on June 30th. June 30th I would think
3 would be a bad day because of the first
4 day of the holiday weekend.

5 MR. WHITE: It's a possibility,
6 but we can come back in too. I think it
7 will be an ongoing education program for a
8 while.

9 MR. DAMSCHRODER: In particular
10 with the motion or resolution from the
11 Board from last meeting to have the Board
12 employees, Board members, Director, Deputy
13 Direction, and managers participate in the
14 financial disclosure process. That will
15 be an ongoing education process. This
16 will be the first and there will be many
17 different sessions in the future to keep
18 us up to date with changes in the laws and
19 compliance.

20 CHAIRMAN ANTHONY: It starts at
21 10:00 and goes until 2:00?

22 MR. WHITE: We will e-mail.

23 MR. DAMSCHRODER: We made an
24 initial inquiry last week and we finalized

1 the date today. We will send something
2 out to the Board members with all
3 particulars.

4 CHAIRMAN ANTHONY: Any other
5 questions for Matt?

6 MS. PETREE: Matt, do we have
7 anything related to ethics in our
8 personnel manual?

9 MR. DAMSCHRODER: Not that I
10 recall off the top of my head. I will
11 look at it and supply the Board members
12 with a copy of what we have.

13 CHAIRMAN ANTHONY: Any other
14 questions for Matt?

15 (No audible response.)

16 CHAIRMAN ANTHONY: Any other
17 business before us today?

18 (No audible response.)

19 CHAIRMAN ANTHONY: I will move
20 that we stand adjourned until the protest
21 hearing.

22 MR. COLLEY: Second.

23 CHAIRMAN ANTHONY: All those in
24 favor, say aye.

1 (Board responds.)

2 CHAIRMAN ANTHONY: The motion
3 carries.

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5 Thereupon, the proceeding was
6 concluded at 5:35 o'clock p.m.

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1 CERTIFICATE

2 I, Patricia W. White, Court Reporter
3 and Notary Public in and for the State of
4 Ohio, do hereby certify that I reported
5 the foregoing proceedings and that the
6 foregoing transcript of such proceedings
7 is a full, true and correct transcript of
8 my stenotypy notes as so taken.

9 I do further certify that I was called
10 there in the capacity of a Court Reporter,
11 and am not otherwise interested in this
12 proceeding.

13 IN WITNESS WHEREOF, I have hereunto
14 set my hand and affixed my seal of office
15 at Columbus, Ohio, on this 12th day of
16 June, 2006.

17 *Patricia W. White*

18 Patricia W. White Notary Public -
19 State of Ohio.

20 My commission expires May 30, 2007.
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A	<p>able 12:3 accept 10:15 additional 7:23 address 6:2 adjourned 18:20 advanced 16:15 advertising 12:14 advisable 13:22 affixed 20:14 afoul 14:10 afternoon 4:17 7:14 agenda 8:13 11:6 ago 13:19 15:18 agreeable 4:15 Alder 8:21 10:9,11 allow 3:23 6:11 answer 5:10 Anthony 1:8 3:4,15 3:16 5:1,12,15,22 6:3,12,17 7:4,8,12 7:20 8:3,6,10 9:20 9:23 10:2,19,22 11:2 12:8,15,18 13:5,8,11 14:11 14:16 15:6,9,22 16:7,19,23 17:20 18:4,13,16,19,23 19:2 appear 5:8 15:12 APPEARANCES 2:1 appropriate 13:3 arguments 4:1 Armstrong 4:13 asked 12:1 assigned 8:24 10:12 assigning 9:15 assignment 10:15 Assistant 2:4 attorney 2:2,4 5:6 5:10,17 6:21 audible 10:1 12:17 18:15,18 August 8:16 10:5 aware 15:14,15 aye 8:4 10:24 13:9 18:24</p>	<p>behalf 2:5,9 believe 4:16 bit 13:19 Board 1:2,5,10,13 2:6 3:5,22 8:5 10:5,12,14,17 11:1 12:11 13:10 13:18,20 16:22 17:11,11,12 18:2 18:11 19:1 boards 8:14 Board's 4:20 15:18 16:4 Broad 1:13 brought 5:9 Bryden 2:7 business 3:18 18:17</p>	<p>18:22 Columbus 1:14 2:3 2:8 20:15 come 16:6,14,22 17:6 coming 5:4 commission 14:14 14:22 15:20 16:6 20:20 communication 15:2 Communications 15:19 comp 13:24 compliance 17:19 complying 15:5 concern 15:16 concluded 19:6 conduct 9:4 conflict 17:1 Congress 3:21 consider 3:18 6:9 continuance 4:10 4:15,19,24 6:7,10 continue 4:21 6:18 7:21 contracts 16:17 copy 18:12 copying 11:20 13:1 correct 20:7 counsel 4:7,8,14,18 6:11 7:24 county 1:1,12 2:2,6 3:5 8:16,19,20 9:1 9:5,6,11,16 10:10 10:12,14,15,17 11:9 couple 13:16 Court 20:2,10 cover 8:15 crossed 14:7 currently 5:7 11:21 14:23</p>	<p>16:10 17:3,4 20:15 days 11:14 deadline 5:24 15:7 Delaware 9:3,4 Dennis 1:9 Deputy 1:9 9:10 12:5,21 15:15 17:12 determine 4:20 different 15:4 17:17 direct 12:21 direction 12:23 17:13 directive 11:7 Director 1:8,9 9:9 9:10 12:4,5,21,22 15:15,15 17:12 disclosure 17:14 discretion 6:7 District 8:22 10:9 10:11 documents 14:23 15:3 door 12:12 dotted 14:7</p>	<p>e-mail 15:2 17:22</p>
	<p style="text-align: center;">C</p> <p>C 1:12 3:2 call 3:5,7 called 20:10 candidacy 3:20 capacity 20:10 Capital 15:19 cards 11:22 Carolina 5:7 Carolyn 1:11 carried 13:17 carries 8:7 11:3 13:12 19:3 carry 13:19 case 5:11 CDs 11:23 certain 4:12 11:14 12:9 CERTIFICATE 20:1 certification 6:1 certify 10:5 20:4,9 Chairman 1:7 3:4 3:14,16,18 5:1,12 5:15,22 6:3,12,17 7:4,8,12,20 8:3,6 8:10,13 9:20,23 10:2,19,22 11:2,6 12:8,15,18,20 13:5,8,11 14:11 14:16 15:6,9,22 16:7,19,23 17:20 18:4,13,16,19,23 19:2 changes 17:18 Charlie 3:20 5:3 City 8:17,18 9:7 10:7,8,16 Cleveland 6:24 Colley 1:11 3:8,9</p>	<p style="text-align: center;">D</p> <p>D 3:2 Damschroder 1:9 3:8,10,12,14,17 5:24 8:12 9:22 11:4,5 12:10 13:13,23 14:15,19 15:8,13 16:2,9 17:9,23 18:9 data 11:21 13:2 date 4:12 6:19 15:23 16:5 17:18 18:1 day 7:9 14:5 16:8</p>	<p style="text-align: center;">E</p> <p>E 1:11 3:2,2 East 1:13 education 17:7,15 either 15:1 election 8:17 9:4 10:6,13,18 11:12 11:15,16 13:3 14:5 elections 1:2,5,13 2:6 3:6 8:15 10:13,14,17 electronic 11:10 13:1 employee 16:1 employees 15:1 17:12 enclosed 4:4 entertain 8:1 10:3 12:19 equipment 11:13 essentially 11:8 ethics 14:14,21 15:20 16:1,5 18:7 everybody 7:17 16:13 excellent 14:8 Executive 1:8 existing 14:23 expanded 15:20 expires 20:20</p>	<p style="text-align: center;">F</p> <p>F 1:10 Fairfield 9:6,10 10:15,17 favor 6:8 8:4 10:24 13:9 18:24 fax 4:3,5 filed 3:19,22 finalized 17:24 financial 17:14 find 4:7 first 3:17 17:3,16 Fittrakis 2:7,8 5:9 five 15:3 flash 11:22 folks 6:4 8:24 9:17 following 14:2 foregoing 20:5,6 formalize 11:8 formalized 11:19 four 15:3 Franklin 1:1,12 2:2 2:5 3:5 8:16,19 9:16 10:10,14 11:9 Friday 16:11 full 20:7 further 10:9 20:9 future 4:11 13:20 17:17</p>	
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