

1 BEFORE THE BOARD OF ELECTIONS
2 OF FRANKLIN COUNTY, OHIO

3 - - - - -

4 IN RE: :

5 Public Meeting :

6 - - - - -

7 Proceedings before Chairman William
8 A. Anthony, Jr., and Board members Michael
9 F. Colley, Kimberly E. Marinello and
10 Carolyn C. Petree with Deputy Director
11 Dennis L. White, taken at the Franklin
12 County Board of Elections, 280 East Broad
13 Street, Columbus, Ohio, on Thursday, March
14 1, 2007, at 3:00 o'clock p.m.

15 - - - - -

16
17
18
19
20
21
22
23
24

1 ALSO PRESENT:

2 Ms. Peggy Howell
Ms. Karen Cotton
3 Mr. Don Summers

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 - - - - -

2 P R O C E E D I N G S

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. WHITE: Mr. Colley?

9 MR. COLLEY: Here.

10 MR. WHITE: Ms. Marinello?

11 MS. MARINELLO: Here.

12 MR. WHITE: Ms. Petree?

13 MS. PETREE: Here.

14 MR. WHITE: Chairman Anthony?

15 CHAIRMAN ANTHONY: Here.

16 We have a quorum present.

17 MR. WHITE: The first item on
18 the agenda, Mr. Chair, is the
19 certification of the Special Election.

20 MS. PETREE: Mr. Chairman, I
21 move that the results of the February 6,
22 2007 Special Election in the Village of
23 Riverlea be certified as canvassed and
24 reported.

1 CHAIRMAN ANTHONY: Is there a
2 second?

3 MS. MARINELLO: I second.

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

6 (Unanimous aye.)

7 CHAIRMAN ANTHONY: The motion
8 carries.

9 MR. WHITE: The next issue for
10 the Board is the certification of
11 candidates to the ballot.

12 I would like to ask Peggy Howell
13 to present her report to the Board.

14 MS. HOWELL: Peggy Howell,
15 H-o-w-e-l-l.

16 We have checked all the
17 petitions for the candidates that filed
18 for the primary and/or general election.
19 We have some questionable petitions that I
20 think we need to go through prior to
21 certifying the entire list, which is
22 second in your paperwork.

23 The first question that we have
24 to rule on is Steven Raimo, candidate for

1 Gahanna mayor. The only error Mr. Raimo
2 had was he inserted his voting precinct is
3 in C, and in reality he is in E precinct
4 of the First Ward.

5 Because he is running for a
6 city-wide office and did show the correct
7 address and ward on his petition, previous
8 rulings by this board have been that they
9 do not consider this to be a fatal flaw in
10 the petition and that Mr. Raimo should be
11 certified to the ballot.

12 Do you want me to go through
13 them or do you vote on each category?

14 MR. WHITE: What is your
15 preference, Mr. Chairman?

16 CHAIRMAN ANTHONY: Why don't we
17 go through the ones we should vote on.
18 That would be that one then?

19 MR. WHITE: Any questions on
20 the past practice of the Board?

21 CHAIRMAN ANTHONY: I move that
22 Steven Raimo, R-a-i-m-o, be certified to
23 the ballot.

24 Do we have to do that?

1 MR. WHITE: You don't have to
2 unless there is a concern by the Board.

3 CHAIRMAN ANTHONY: Is there a
4 second?

5 MS. PETREE: I second.

6 CHAIRMAN ANTHONY: All in favor,
7 say yes.

8 (Unanimous yes.)

9 CHAIRMAN ANTHONY: The motion
10 carries. Then he is on the ballot.

11 MS. HOWELL: The next six
12 candidates listed on your Questionable
13 Petitions and Issues for Election are all
14 candidates. I will take them one at a
15 time. Each of them had an insufficient
16 number of valid signatures.

17 I have given you a work sheet
18 that shows the number of petitions they
19 filed, the number of signatures that were
20 on those petitions, the number of
21 signatures they needed to be validated for
22 certification, and our finding by category
23 to the problem petitions.

24 Walter Downey, Republican

1 Candidate for Hilliard Council,
2 insufficient number of valid signatures.

3 Willis Spencer, Non-partisan

4 Candidate for Mayor of Whitehall,
5 insufficient valid signatures.

6 Carmen Allen, Non-partisan

7 Candidate for Columbus Board of Education,
8 insufficient number of valid signatures.

9 John Tracy Broaddus,

10 Non-partisan Candidate for Columbus Board
11 of Education, insufficient valid
12 signatures.

13 Joy Marshall, Non-partisan

14 Candidate for Columbus Board of Education,
15 insufficient number of valid signatures.

16 Michael Winston, Non-partisan

17 Candidate for Columbus Board of Education,
18 insufficient number of valid signatures.

19 In each case we were not able to
20 get the minimum required valid signature
21 number that would permit them to be
22 certified to the ballot.

23 CHAIRMAN ANTHONY: These folks,
24 once we vote them off, they do have appeal

1 rights; is that correct?

2 MS. HOWELL: They will be
3 notified and they will have five days to
4 come and appeal.

5 CHAIRMAN ANTHONY: I will
6 entertain a motion for those six
7 individuals to put them off the ballot.

8 I move that we do not certify
9 the ballots of Walter Downey, Willis
10 Spencer, Carmen Allen, Jon Tracy Broadus,
11 Joy L. Marshall, and Michael D. Winston
12 for not having valid signatures.

13 And they will be notified how?

14 MS. HOWELL: They will
15 be notified by mail tonight.

16 CHAIRMAN ANTHONY: And have how
17 many days to appeal?

18 MS. HOWELL: They have five days
19 in which to appeal or protest.

20 CHAIRMAN ANTHONY: Is there a
21 second on the motion?

22 MS. PETREE: I second.

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

1 (Unanimous aye.)

2 CHAIRMAN ANTHONY: The motion
3 carries.

4 MS. HOWELL: The next one is a
5 little different. I don't know, I think
6 you would probably have three ways you can
7 go on this one.

8 We have Candidate W. Shawna
9 Gibbs, who filed as a non-partisan
10 candidate for Columbus Board of Education.
11 There is a question regarding
12 her registration.

13 We could find no one registered
14 as she completed her petition. There is a
15 Weirdella LaRay Gibbs registered at the
16 address stated on W. Shawna Gibbs'
17 petition.

18 If we can ascertain that she is
19 a registered elector of the school
20 district you can either invalidate her now
21 until she can come in and prove she is
22 registered, or explain if the one we have,
23 Weirdella LaRay Gibbs, is in fact her,
24 then make an explanation that you would

1 have to consider to recertify her, or you
2 can continue it until such time. That's
3 your free choice.

4 MR. WHITE: Do we know if that
5 is her?

6 MS. HOWELL: No, we don't at
7 this time.

8 MR. WHITE: Do any Board members
9 know?

10 CHAIRMAN ANTHONY: Fortunately,
11 I do know her. I have known her for a
12 long time.

13 I knew her father. The father
14 was Weir D. Gibbs. He named the daughter
15 Weirdella and she refuses to go by that
16 name. She has always gone as Jessie and
17 W. as her father did. Her father's name
18 was Weir and he also went by W. as his
19 name.

20 I have known her as W. Shawna
21 Gibbs for pretty much all her life. I
22 have known the family for a long time.

23 MS. HOWELL: I don't know where
24 this LaRay comes into it, but I think we

1 need more clarification.

2 You can either not certify her
3 at this time or continue it until such
4 time as she can give you documentation and
5 then vote at that time. You can not
6 certify her until she can give you
7 documentation that may make you
8 reconsider. It's your choice.

9 CHAIRMAN ANTHONY: Did she file
10 a change of name?

11 MS. HOWELL: No. We have hunted
12 high and low. The copy of the
13 registration that I have attached behind
14 the copy of the petition is the only thing
15 we have on her.

16 CHAIRMAN ANTHONY: I did talk to
17 her about this. She would like to go on
18 the ballot as W. Shawna Gibbs instead of
19 Weirdella. That's why she did the
20 petition. I thought she told me she had
21 filed a name change.

22 MS. HOWELL: If she could come
23 in and prove it.

24 MR. WHITE: How did she sign her

1 pre-registration card?

2 MS. HOWELL: As Weirdella.

3 There was no middle initial. I looked
4 that far.

5 MR. WHITE: What is the Board's
6 preference?

7 CHAIRMAN ANTHONY: It's a tough
8 one for me because I do know her.

9 MR. WHITE: The main thing is,
10 you know, you know that it is her.

11 CHAIRMAN ANTHONY: Yes.

12 MR. WHITE: The main thing is to
13 find out how she wants her name to go on
14 the ballot, then the Board would decide
15 whether that's a proper name or not.

16 We have had people run by
17 different names if that's what they go
18 by, or if it's close to -- like a Robert
19 would run as Bill.

20 CHAIRMAN ANTHONY: Any
21 discussion?

22 MS. PETREE: Yes. What if we
23 would invalidate it and then notify her so
24 she could come in?

1 MR. WHITE: It's your call.

2 MS. HOWELL: Bill has verified
3 it is her, so we know it is her.

4 CHAIRMAN ANTHONY: That is
5 definitely her.

6 MR. WHITE: Since we know it is
7 her, I think it's a matter of the Board,
8 bottom line, deciding what name she should
9 have on the ballot. She has to do a
10 request form for that.

11 CHAIRMAN ANTHONY: I have no
12 idea how it works.

13 MS. HOWELL: My recommendation
14 would be not to certify her. She would
15 have five days to come in to protest or
16 appeal, and we will just set a hearing
17 date for the Board to hear any candidates
18 that file a protest and appeal. And she
19 can come at that time and submit her
20 arguments and you can rule either yea or
21 nae at that time.

22 MR. WHITE: The reason we are in
23 this position, Bill, is because our legal
24 counsel is tied up in another legal matter

1 and not here.

2 However, what reason do we have
3 to disqualify her from not being a
4 candidate?

5 MS. HOWELL: We have no one
6 registered by that name. Even though Bill
7 has said that is her, it does raise a
8 question for which we need clarification.

9 MS. COTTON: Her initial listed
10 on her registration form is different from
11 S. for Shawna. Because of that
12 inconsistency we can't determine whether
13 it is or isn't her.

14 MS. PETREE: My problem is with
15 it under the statement of candidacy she
16 did have W. Shawna Gibbs, and that's the
17 way she signed the petition.

18 CHAIRMAN ANTHONY: I don't have
19 the petition.

20 MS. HOWELL: Here is the
21 original.

22 I have asked the Prosecutor for
23 their opinion also, but they have been
24 tied up in court and weren't able to

1 provide it for this meeting.

2 CHAIRMAN ANTHONY: One of the
3 problems I have is when do we have to
4 certify this?

5 How much time?

6 MS. COTTON: You have the
7 five-day appeal process regardless.

8 MR. WHITE: We could ask the
9 Secretary of State's Office. It is
10 awkward because our legal counsel has been
11 tied up.

12 CHAIRMAN ANTHONY: I am out of
13 town from the 10th through the 17th. The
14 earliest I could meet would probably be
15 the week of the 8th or the 19th.

16 Would that give us enough time?

17 MR. WHITE: There is no
18 requirement for this?

19 MS. HOWELL: For them to ask for
20 an appeal, there is, but for you to set a
21 hearing, no.

22 CHAIRMAN ANTHONY: Then we will
23 go ahead and do it for lack of legal
24 counsel then.

1 MS. HOWELL: We are finished
2 with the problem petitions.

3 Now, we can go back to your
4 candidates list because you are going to
5 have to certify either to the November or
6 to the primary. Different offices have
7 filed petitions. Some will go straight to
8 the General Election in November. Others
9 will go through a primary.

10 On your list I have written for
11 Judge of Franklin County Municipal Court
12 there is no primary.

13 MR. WHITE: Peg, do we need a
14 motion for the record of the ruling to get
15 her off the ballot?

16 MS. HOWELL: Yes.

17 MR. WHITE: Do you want to do
18 that before going on to the other stuff?

19 MS. HOWELL: Yes.

20 CHAIRMAN ANTHONY: Yes.

21 MS. PETREE: Mr. Chairman, I
22 move to disqualify W. Shawna Gibbs and not
23 have her certified to the ballot because
24 of the discrepancy in the name and on her

1 registration card.

2 CHAIRMAN ANTHONY: Is there a
3 second?

4 MS. MARINELLO: Second.

5 CHAIRMAN ANTHONY: All in favor,
6 say aye.

7 (Unanimous aye.)

8 CHAIRMAN ANTHONY: The motion
9 carries.

10 MS. HOWELL: Would you like to
11 go through the certified for the primary
12 election now, those offices?

13 On your candidates' list judge
14 of Franklin County Municipal Court, no
15 primary; Columbus City, no primary; City
16 of Gahanna, there will be a mayoral
17 primary, but you will need to certify
18 that.

19 The City of Hilliard will have a
20 partisan primary with the exception of the
21 candidate Walter Downey, who has been
22 disqualified. The City of Reynoldsburg
23 does have a primary. Whitehall will have
24 a primary in mayoral only with the

1 exception of Willis Spencer, who was
2 disqualified.

3 Columbus City School District
4 with the disqualification of Allen,
5 Broaddus, Gibbs, Marshall, and Winston
6 will not face a primary. They are listed
7 at this time to be nominated. If there
8 are eight or less, they do not face a
9 primary. There will be no primary at this
10 time in Columbus City School District.

11 We recommend at this time that
12 you certify to the ballot those
13 municipalities with the exception of the
14 names I called out to be certified to the
15 May primary ballot.

16 MS. PETREE: Mr. Chairman?

17 CHAIRMAN ANTHONY: Yes.

18 MS. PETREE: I move that those
19 candidates, having timely filed valid and
20 sufficient petitions be certified to the
21 ballot.

22 MS. MARINELLO: Second.

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

1 (Unanimous aye.)

2 CHAIRMAN ANTHONY: The motion
3 carries.

4 MS. HOWELL: The next move is to
5 certify those candidates that filed that
6 will be certified directly to the November
7 general election, which is all the
8 judgeships and Franklin County Municipal
9 Court, all the candidates for City of
10 Columbus and, as it stands now, all the
11 candidates for Columbus City School
12 District.

13 I recommend that you, with the
14 exception of those names we disqualified
15 in Columbus School District, that you do
16 order them to the November general
17 election ballot or certify them to that
18 ballot.

19 MR. WHITE: You can use that
20 same motion again.

21 MS. PETREE: Mr. Chairman?

22 CHAIRMAN ANTHONY: Yes, Ms.
23 Petree.

24 MS. PETREE: I move that those

1 candidates having timely filed valid and
2 sufficient petitions be certified to the
3 November general ballot.

4 CHAIRMAN ANTHONY: Is there a
5 second?

6 MS. MARINELLO: Second.

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

9 (Unanimous aye.)

10 CHAIRMAN ANTHONY: The motion
11 carries.

12 MS. HOWELL: You have in your
13 packet an issues list that was received
14 for Jefferson Township, Mifflin Township,
15 Truro Township, New Albany Plain Local
16 School District, Westerville Public
17 Library District, Franklin County Senior
18 Options, City of Upper Arlington Public
19 Library District, and City of Upper
20 Arlington Police District.

21 I just spoke with the
22 Prosecutor's Office, and they recommend
23 that all are approved with the exception
24 of Westerville Public Library District in

1 that they did fail to file by the deadline
2 of 4:00 p.m., February 22nd. They did
3 file at 9:25 a.m. on February 23rd, but
4 they also have a problem with an
5 incomplete filing, in that they did not
6 file with their levy resolution an
7 Auditor's Certificate as required by law.

8 MR. WHITE: Karen, do you have
9 anything on the issues?

10 MS. COTTON: On Local Option
11 Questions that were submitted, which is on
12 page 2 of issues that were filed, we have
13 checked all five of the filings. They all
14 do qualify for the ballot as having enough
15 valid signatures to qualify for the
16 ballot.

17 However, only the Whitehall 2-B
18 question can go on the ballot in the
19 primary election, because the Ohio Revised
20 Code requires that there be candidates on
21 the ballot to place a local option
22 questionnaire.

23 We can go ahead and rule that
24 the -- an order that the Whitehall 2-B

1 question be printed on the primary ballot
2 and the Local Option Questions for 76-D
3 and the three separate questions, actually
4 three separate projects, two questions
5 each for Columbus Board 82 Precinct G,
6 would go to the November ballot.

7 MS. PETREE: Mr. Chairman, I
8 have a question.

9 CHAIRMAN ANTHONY: Yes, ma'am.

10 MS. PETREE: Karen, on the local
11 option are you saying Columbus 76-D, 82-G,
12 82-G, and all the rest of 82-Gs are to go
13 on the November ballot?

14 MS. COTTON: Yes, because the
15 requirement is that there be candidates on
16 the ballot for Local Option Questions,
17 and inasmuch as the Columbus Board of Ed
18 will not be presented, there will be no
19 candidates in the City of Columbus even if
20 Senior Options are on there as
21 candidates. We cannot place the issue on
22 the ballot at this time.

23 CHAIRMAN ANTHONY: I know there
24 is someone here from the Westerville

1 Public Library.

2 Would you like to address us?

3 MR. SUMMERS: Mr. Chairman,
4 first of all thank you for the opportunity
5 to address the Board. Let me say on
6 behalf of the library you are in a
7 position to make a decision on the levy as
8 it is.

9 As you may or may not know, this
10 levy is crucial to the Westerville Library
11 and represents 30 percent of their
12 operating funds. As you can imagine we
13 are looking at major layoffs and some
14 other things.

15 I think you may have noticed the
16 library board certainly did everything in
17 its power and certainly in a timely and
18 proper manner to file all paperwork. In
19 fact all the paperwork, including the
20 Auditor's Certificate, was delivered to
21 the school board on January 21st.

22 And the school board also
23 performed their duties in a timely and
24 efficient manner, which they passed all

1 necessary resolutions on Jan 29th. I
2 guess my point being this is clearly a
3 substantial completion of the requirements
4 under the statute.

5 Secondarily, it is clearly my
6 opinion, and I hope you will take into
7 consideration, that this is merely a
8 clerical error. The paperwork was stuck
9 on the treasurer's desk of the school
10 district and it was simply not filed.
11 When he was notified at 4:30 on the 22nd,
12 he was down here at 9:25, which I think
13 you mentioned, was on the 23rd.

14 What I am saying is the library
15 board and the library and the citizens of
16 Westerville should not be disenfranchised
17 of their right to take action on this
18 important levy,

19 And, secondly, the library
20 itself should be held harmless. We
21 completed all the things in a timely and
22 thoughtful manner.

23 I think you may agree that it is
24 simply a clerical error. We certainly

1 regret the mistake. Certainly the school
2 district regrets the mistake.

3 I would also like you to
4 consider that we all have policies; we all
5 have statutes to follow. I think from
6 time to time we have to take a look at
7 what is in the best interest not only of
8 our customers but also the people of
9 Franklin County.

10 The denial of Westerville being
11 on the ballot will basically force the
12 Westerville Library to be on a special
13 election and will ultimately cost our
14 taxpayers thousands of dollars for the
15 special election, not to mention all the
16 volunteers we will need and all those
17 kinds of things.

18 I would hope you would take
19 those into consideration. I certainly
20 understand the position you are in, and
21 certainly that that might establish some
22 sort of precedent that you don't want to
23 do.

24 On the other hand, I think it is

1 clear that it is simply a clerical error.
2 I think the library board upheld all its
3 statutory responsibilities and the school
4 board upheld all of its statutory
5 responsibilities. It simply was not
6 brought down here at the time it should
7 have been.

8 I hope and pray you will take
9 that into consideration prior to making
10 your decision.

11 CHAIRMAN ANTHONY: Thank you,
12 Mr. Summers.

13 What was your first name?

14 MR. SUMMERS: Don.

15 CHAIRMAN ANTHONY: Any questions
16 for Don?

17 MS. PETREE: Yes, I have a
18 question.

19 MR. SUMMERS: Yes, ma'am.

20 MS. PETREE: You said that the
21 Auditor's Certificate was filed?

22 MR. SUMMERS: Yes, ma'am. In
23 fact I have a copy of it here. We
24 actually filed it on time. We gave it to

1 the school board, the school
2 superintendent, in the packet with the
3 library board resolutions that were
4 passed, the resolutions that the school
5 board passed, as well as the Auditor's
6 Certificate. We received -- the auditor
7 signed off on that certificate on December
8 6th. The library board can't make their
9 resolutions until we have the certificate
10 from the auditors.

11 I think in the haste once the
12 school board noticed that they didn't file
13 on the 22nd in time, I think in the haste
14 to grab his papers the only thing I can
15 think of is he left the certificate on his
16 desk as well.

17 I do have a copy. I just now
18 became aware just a couple of hours ago
19 that the certificate was not filed with
20 the papers.

21 It was clearly approved on
22 December 6th. Again, all the paperwork
23 and legalities were performed on November
24 29th, over three weeks before any

