

1           BEFORE THE BOARD OF ELECTIONS

2                   OF FRANKLIN COUNTY, OHIO

3                           - - - - -

4 IN RE:                                 :

5 Board 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 Executive Director  
11 Matthew Damschroeder and Deputy Director  
12 Dennis L. White, taken at the Franklin  
13 County Board of Elections, 280 East Broad  
14 Street, Columbus, Ohio, on Wednesday,  
15 March 21, 2007, at 3:20 o'clock p.m.

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1 APPEARANCES:

2 Office of Donald McTigue  
3 3886 North High Street  
4 Columbus, Ohio 43214  
5 By Mr. Donald McTigue,  
6 On behalf of Ms. Weirdella  
7 L. Shawna Gibbs.

6 ALSO PRESENT:

7 Ms. W. Shawna Gibbs

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

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

7                   May we have a roll call?

8                   MR. DAMSCHROEDER: Mr. Colley?

9                   MR. COLLEY: Here.

10                  MR. DAMSCHROEDER:

11 Ms. Marinello?

12                  MS. MARINELLO: Here.

13                  MR. DAMSCHROEDER: Ms. Petree?

14                  MS. PETREE: Here.

15                  MR. DAMSCHROEDER: And Chairman

16 Anthony?

17                  CHAIRMAN ANTHONY: Here.

18                  MR. DAMSCHROEDER: All members

19 present.

20                  Mr. Chairman and members of the  
21 Board, the first item on the agenda is to  
22 address a resolution that was enacted by  
23 the Franklin County Commissioners  
24 yesterday morning. The resolution

1 requests the removal of the Senior Options  
2 levy from this spring's Primary and  
3 General Election ballot.

4           As you know had the Senior  
5 Options levy remained on the ballot, about  
6 700 precincts in this county would be open  
7 just for the purpose of voting on that  
8 single question. The Commissioners felt  
9 that it was in the interest of fiscal  
10 prudence to remove that question from the  
11 ballot this spring and cast ballots on it  
12 this fall when all precincts would be open  
13 and not just for this issue. This  
14 resolution for the Board to accept the  
15 request of the Commissioners is really a  
16 formality.

17           CHAIRMAN ANTHONY: I will  
18 entertain a motion.

19           MS. PETREE: Mr. Chairman, I  
20 move to remove the Senior Options levy  
21 from the May 7th, 2007 Primary and General  
22 Election ballot pursuant to the request of  
23 the Franklin County Commissioners.

24           CHAIRMAN ANTHONY: Is there a

1 second?

2 MS. MARINELLO: I second.

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

5 (Unanimous aye.)

6 MR. DAMSCHROEDER: The motion  
7 carries.

8 The next section of the agenda  
9 has to do with two letters that were  
10 received by the Board from candidates who  
11 filed petitions seeking the office of a  
12 member of Columbus Board of Education.

13 The first letter is from Joy  
14 Marshall, who was a candidate for Columbus  
15 Board of Education. In her letter she  
16 basically asked for an appeal to the  
17 finding of insufficient valid signatures  
18 due to lack of voter participation and  
19 opportunity as many registered voters were  
20 denied a voice and participation in the  
21 electoral process because of a change of  
22 address, and in addition many voters were  
23 denied because the signature did not match  
24 exactly that used in registration.

1           Based upon the foregoing request  
2 of the appeal against certification of her  
3 on the ballot the Board staff has reviewed  
4 the petitions that was submitted by  
5 Ms. Marshall and it is still the opinion  
6 of Staff -- and we are talking the County  
7 Prosecuting Attorney's Office -- that the  
8 reasons outlined in the recommendation by  
9 Staff for disqualification of signatures  
10 based on deciding how many had registered  
11 not being registered at the address shown  
12 on the petition as the address the voter  
13 was registered at, signers printing their  
14 name, signers living outside the district,  
15 signers not including addresses, all of  
16 those are inconsistent with law as  
17 directed by the Secretary of State's  
18 Petition Requirements and Candidate  
19 Qualifications Guide.

20           I don't know if Ms. Marshall is  
21 here today and would like to speak.

22           (No audible response)

23           MR. DAMSCHROEDER: If not, the  
24 request for the Board's consideration is

1 to put her back on the ballot, but the  
2 Staff's recommendation would be not to.

3 CHAIRMAN ANTHONY: Is there  
4 anyone here representing Ms. Marshall?

5 (No audible response)

6 MR. DAMSCHROEDER: The next  
7 candidate who filed a letter asking the  
8 Board to reconsider its decision against  
9 certification is Weirdella Shawna Gibbs.

10 The question at the time of the  
11 last Board meeting was that the name that  
12 appeared on the petition was inconsistent  
13 with the name that Ms. Gibbs had provided  
14 on her registration. At the time it was  
15 the Staff's recommendation to deny  
16 certification for that reason.

17 It is my understanding that  
18 Ms. Gibbs is here today and represented by  
19 counsel. I think it would be appropriate  
20 to have Mr. McTigue make a presentation to  
21 the Board at this time.

22 CHAIRMAN ANTHONY: Yes, sir.

23 MR. MCTIGUE: Good afternoon. I  
24 am Don McTigue.

1 CHAIRMAN ANTHONY: Good  
2 afternoon.

3 MR. MCTIGUE: Mr. Chairman and  
4 members of the Board, as the Director  
5 said, the original Staff recommendation  
6 was based on an inconsistency in name on  
7 the petition and the registration form for  
8 Ms. Gibbs.

9 Ms. Gibbs' registration form has  
10 her first name, which is Weirdella; and  
11 then I believe it had the middle initial  
12 L, which is LaRay or stands for LaRay, and  
13 the last name Gibbs. The petition is  
14 signed W. Shawna Gibbs.

15 What was not known at that time  
16 by the Board Staff is that Shawna is  
17 actually part of her lawful name and not  
18 recently but the day she was born. We  
19 have her birth certificate, and you should  
20 have copies of that.

21 The birth certificate is a  
22 little unusual in that she has five names,  
23 Weirdella LaRay Shawna Marie Gibbs.  
24 I think that -- and I hope I am not being



1 unfair here, but I think that if the Staff  
2 had had this information prior to the  
3 Board's meeting that you may have had a  
4 different recommendation last time,  
5 because there is nothing in the law that  
6 says you have to put your name on a  
7 petition and sign it.

8           The law doesn't actually say you  
9 can't use variations of your full name.  
10 The law doesn't say you have to register  
11 your whole name.

12           In fact the Secretary of State's  
13 guidelines on filling out petitions states  
14 that the name a candidate uses in the  
15 statement of candidacy may be any  
16 combination of the first and middle names  
17 or initials; but then what it says on  
18 nicknames is you can only use natural  
19 derivatives.

20           We are not talking about a  
21 nickname here. Shawna is her name. So  
22 she used the initial on the petition, W,  
23 she used Shawna, which is a middle name.  
24 She has a couple of different middle

1 names. She used her middle name and she  
2 used her last name.

3 Plus at the time she filed her  
4 petition she filled out the card that the  
5 Board asks all candidates to fill out as  
6 to how they would like their name to  
7 appear on the ballot. She writes, "I  
8 would like my name to appear as W. Shawna  
9 Gibbs. I am registered as Weirdella  
10 Gibbs." She actually signed it Weirdella  
11 Gibbs here.

12 At the time she filed her  
13 petition, the Board had who this person  
14 was. That matches her registration as  
15 well.

16 Although she signed it that way,  
17 when the Board took her money, the Board  
18 filled out a receipt for her as Shawna  
19 Gibbs. And it should also be noted that  
20 if you compared the signature on the  
21 petition, the W and the Gibbs, compare  
22 that to the signature on the voter  
23 registration card, they match. It's the  
24 same handwriting. I don't think there is

1 any question that it's the same person.

2           I would cite, one, there is not  
3 a whole lot of case law on this point.  
4 Maybe that's because the law, again,  
5 doesn't say that you have to put your full  
6 name.

7           One case in particular that some  
8 of the Board members may remember, or  
9 maybe this was before any of you were on  
10 the Board, it's an Ohio Supreme Court case  
11 Green versus Casey. In that case the  
12 Supreme Court said with regard to defects  
13 in names that the standard for reviewing  
14 technical defects in the declaration of  
15 candidacy and petition papers is whether  
16 the defect would cause the signer who  
17 signed that petition to be deceived or  
18 misled.

19           In fact if she had probably  
20 filled it out as Weirdella Gibbs that  
21 would have confused and misled people  
22 because no one calls her Weirdella Gibbs.

23           She was born in Columbus 33  
24 years ago. Her friends, her family, her

1 co-workers, her colleagues, her bosses,  
2 her neighbors, everybody calls her Shawna  
3 Gibbs. You could probably count on one  
4 hand the number of people who even know  
5 what her first name is.

6           She is running for School Board.  
7 She went through twelve years of school in  
8 Columbus Public Schools and every single  
9 teacher called her Shawna, not Weirdella.

10           I would also point out just to  
11 back up what I have just said, we have a  
12 couple of exhibits. One is her business  
13 card, her employment. On every business  
14 card she has ever had -- she is with the  
15 Girl Scouts right now as Director of  
16 Public Relations -- it says W. Shawna  
17 Gibbs.

18           E-mail -- I guess e-mail is  
19 really how we determine a name now. Her  
20 e-mail is wshawna@coho.org. Her previous  
21 employment was at Comocko with a picture  
22 of W. Shawna Gibbs. Her checking account  
23 has always been and still is W. Shawna  
24 Gibbs. When she pays her bills she pays

1 as W. Shawna Gibbs.

2           So within the community she has  
3 always used the name open and notoriously  
4 Shawna Gibbs or W. Shawna Gibbs. That's  
5 how people know her. No one is misled by  
6 the way she filled out the petition.

7           Based on all this I would ask  
8 that you respectfully reconsider your  
9 decision and certify her petition for the  
10 ballot.

11           Ms. Gibbs is here if any member  
12 of the Board would like to ask some  
13 questions.

14           CHAIRMAN ANTHONY: Thank you.

15           Any questions for legal counsel?

16           Ms. Gibbs, would you like to say  
17 anything?

18           MS. GIBBS: Mr. Chairman and  
19 members of the Board of Elections, just  
20 very short and sweet, I thank you for the  
21 opportunity to appeal this decision. As  
22 Mr. McTigue said, I have been here 33  
23 years born and raised. You may have seen  
24 me on TV and numerous places as W. Shawna

1 Gibbs.

2 I just hope that with the  
3 evidence that was presented today that you  
4 will consider this petition favorably and  
5 that I can continue to work on behalf of  
6 the students, their families and the staff  
7 of Columbus Public Schools. Thank you.

8 CHAIRMAN ANTHONY: Thank you.

9 Any questions of Ms. Gibbs?

10 (No audible response)

11 CHAIRMAN ANTHONY: Any

12 discussion?

13 MR. DAMSCHROEDER: I would add,  
14 Mr. Chairman, as Mr. McTigue did raise the  
15 notation from the Petition Requirements  
16 and Candidate Qualifications Guide from  
17 the Secretary of State. Prior to the  
18 meeting I spoke with Nick Soulas, the  
19 Assistant Prosecuting Attorney in the  
20 Prosecutor's Office.

21 It was his advice or at the  
22 conclusion of his research that there was  
23 nothing in the law that either precluded  
24 or supported the placement of Ms. Gibbs on

1 the ballot based on the situation and the  
2 difference between the name by which she  
3 was registered and the name she placed on  
4 her petition, and that if the Board either  
5 tied or voted against placement, that it  
6 was likely the Secretary of State would  
7 break the tie in favor of ballot access as  
8 would the courts under the substantial  
9 compliance doctrine.

10           So in his opinion the Board  
11 should gave her ballot access. And if  
12 that was not enough, to avoid unnecessary  
13 litigation it was almost certain to be  
14 filed against the Board.

15           It was his recommendation to put  
16 Ms. Gibbs on the ballot as a candidate for  
17 Columbus School Board, using the name W.  
18 Shawna Gibbs.

19           CHAIRMAN ANTHONY: Any  
20 discussion or questions for Matt?

21           I just want to go on the record  
22 to say I have known her since she was a  
23 very tiny girl. Her dad's name was Weir  
24 Don. She was fortunate enough to take her

1 dad's name, so now if nobody knew it they  
2 will know now.

3           At this point I would like to  
4 make a motion. I move that the Board  
5 certify Weirdella L. Shawna Gibbs to the  
6 ballot as a candidate for Member of the  
7 Columbus School Board of Education for a  
8 full term.

9           Is there a second?

10           MS. MARINELLO: Second.

11           CHAIRMAN ANTHONY: All those in  
12 favor, say aye.

13           (Unanimous aye)

14           MR. DAMSCHROEDER: The motion  
15 carries.

16           We should probably have a  
17 separate motion, Mr. Chairman, on how she  
18 will appear on the ballot.

19           CHAIRMAN ANTHONY: I make a  
20 motion that she will appear on the ballot  
21 as W. Shawna Gibbs.

22           Is there a second?

23           MS. MARINELLO: Second.

24           CHAIRMAN ANTHONY: All those in



1 favor, say aye.

2 (Unanimous aye)

3 MR. DAMSCHROEDER: The motion  
4 carries.

5 It might also be good to note  
6 for the record, Mr. Chairman, that the  
7 Board may want to ask Ms. Gibbs to amend  
8 her voter registration so we don't run  
9 into this issue in the future.

10 CHAIRMAN ANTHONY: Have you done  
11 that?

12 Have you amended your voter  
13 registration form?

14 MR. MCTIGUE: We are about to do  
15 that.

16 CHAIRMAN ANTHONY: Thank you.  
17 (Ms. Gibbs and Mr. McTigue  
18 exit.)

19 MR. DAMSCHROEDER: The next item  
20 on the agenda, Mr. Chairman and members of  
21 the Board, is a generic issue relative to  
22 approval of travel reimbursement for the  
23 Director.

24 I was asked to serve on a

1 committee for one day in Washington, D.C.,  
2 with the United States Elections Systems  
3 Commission on the committee they have to  
4 develop Best Practices for Early Voting  
5 and Absentee Voting. All of the expenses  
6 for that travel were paid for by the U.S.  
7 Elections System Commission except for my  
8 time, which I didn't charge the Board  
9 overtime for.

10           The other request is, I was  
11 asked last Friday by Minority members of  
12 the House Committee on Administration to  
13 testify yesterday before their Elections  
14 Subcommittee on top of House Bill 811, an  
15 election reform bill that among other  
16 things federally mandates voter verifiable  
17 paper audit trails, as well as creates a  
18 separate elections bureaucracy in addition  
19 to the Board of Elections run by the State  
20 Auditor to audit all the elections that  
21 the Board runs and certifies.

22           I was there testifying on  
23 Franklin County's experience using the  
24 VVPAT in the 15 congressional districts.

1 I am providing each Board member a copy of  
2 that testimony.

3 I would seek to have both of  
4 those activities deemed by the Board as a  
5 proper purpose to receive my normal day's  
6 compensation as well as travel  
7 reimbursement.

8 CHAIRMAN ANTHONY: Any  
9 discussion or questions?

10 (No audible response)

11 CHAIRMAN ANTHONY: Matt, we  
12 really appreciate your doing that. I saw  
13 you on TV. I think you represented us  
14 very well and we certainly appreciate it.

15 I move that to authorize as a  
16 proper public purpose the Director's  
17 travel expenses to Washington, D.C. to  
18 participate in EAC's Best Practices for  
19 Early and Absentee Voting Committee and to  
20 provide testimony at the request of the  
21 House Committee on Administration  
22 regarding HR 811.

23 Is there a second?

24 MS. PETREE: I second.

1 CHAIRMAN ANTHONY: All in favor,  
2 say aye.

3 (Unanimous aye)

4 MR. DAMSCHROEDER: The motion  
5 carries.

6 Thank you for allowing me the  
7 opportunity to participate.

8 MR. WHITE: It puts us on the  
9 map.

10 MR. DAMSCHROEDER: Denny and I  
11 would like the Board to go into executive  
12 session to discuss some personnel matters.

13 CHAIRMAN ANTHONY: I move that  
14 the Board go into executive session for  
15 discussing personnel matters.

16 Is there a second?

17 MS. MARINELLO: Second.

18 MR. DAMSCHROEDER: Mr. Colley?

19 MR. COLLEY: Yes.

20 MR. DAMSCHROEDER:

21 Ms. Marinello?

22 MS. MARINELLO: Yes.

23 MR. DAMSCHROEDER: Ms. Petree?

24 MS. PETREE: Yes.

1 MR. DAMSCHROEDER: And Chairman  
2 Anthony?

3 CHAIRMAN ANTHONY: Yes.

4 MR. DAMSCHROEDER: We are in  
5 executive session.

6 (Brief break in proceedings)

7 CHAIRMAN ANTHONY: I move that  
8 we come out of executive session. No  
9 votes were taken and no business was  
10 conducted.

11 Is there a second?

12 MS. PETREE: Second.

13 MR. DAMSCHROEDER: Mr. Colley?

14 MR. COLLEY: Yes.

15 MR. DAMSCHROEDER: Ms.  
16 Marinello?

17 MS. MARINELLO: Yes.

18 MR. DAMSCHROEDER: Ms. Petree?

19 MS. PETREE: Yes.

20 MR. DAMSCHROEDER: And Chairman  
21 Anthony?

22 CHAIRMAN ANTHONY: Yes.

23 With no further agenda coming  
24 before the Board, is there a motion to

1 adjourn?

2 MS. PETREE: I move to adjourn.

3 CHAIRMAN ANTHONY: Is there a  
4 second?

5 MS. MARINELLO: Second.

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

8 (Unanimous aye)

9 CHAIRMAN ANTHONY: We are  
10 adjourned.

11 Thank you very much.

12 - - - - -

13 Thereupon, the proceeding was  
14 concluded at 4:15 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  
10 called there in the capacity of a Court  
11 Reporter, and am not otherwise interested  
12 in this proceeding.

13 IN WITNESS WHEREOF, I have hereunto  
14 set my hand and affixed my seal of office  
15 at Columbus, Ohio, on this 4th day of  
16 March, 2007.

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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ORIGINAL

PROCEEDINGS OF: FCBE Board Meeting

DATE OF DELIVERY: April 4, 2007

Board of Elections of  
Franklin County, Ohio  
280 East Broad Street  
Columbus, Ohio 43215  
By Ms. Suzanne Brown,

---

Ms. Suzanne Brown



March 7, 2007

Franklin County Board of Elections.

In Whom It Concerns:

FILED  
07 MAR -7 PM 3:38  
FRANKLIN COUNTY  
BOARD OF ELECTIONS

My name is Jay L. Marshall and

I am a candidate for the Columbus City Schools Board of Education. I am asking to appeal the finding of insufficient valid signatures due to the lack of voter participation opportunity, as many registered voters were denied a voice and participation in the electoral process because of a change of address. In addition, many voters were denied because the signature did not match, exactly, that used for registration. Based upon the foregoing, I am requesting an appeal of the aforementioned finding.

Respect,

J. L. Marshall

Jay L. Marshall

Columbus School Board

FILED

March 6, 2007

07 MAR -6 PM 1:18

FRANKLIN COUNTY  
BOARD OF ELECTIONS

Peggy Howell, Petitions and Filings  
Franklin County Board of Elections  
380 East Broad Street  
Columbus Ohio, 43215

Dear Board of Elections:

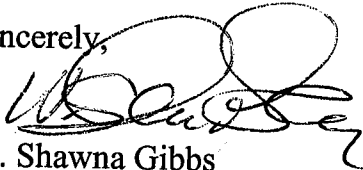
I received your letter on Saturday, March 3. Thank you for informing me of your decision regarding my petitions. I am very disappointed with this error.

Therefore, I humbly and respectfully request an appeal hearing to rectify this situation and hopefully provide any additional information you may need to approve my inclusion on the May 2007 primary ballot.

I can be reach during the day at (614) 340-8830, on my cell phone (614)354-3395 or via email at [wshawnagibbs@yahoo.com](mailto:wshawnagibbs@yahoo.com).

Thank you for your consideration and I look forward to hearing from you soon.

Sincerely,



W. Shawna Gibbs  
2331 Argyle Drive  
Columbus, Ohio 43219

Cc: Matt Damschroder, Director  
Dennis White, Deputy Director  
William Anthony, Chair

