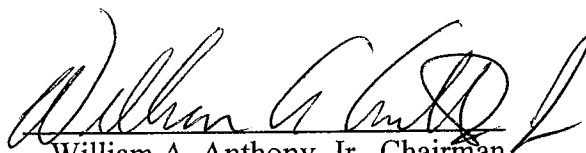


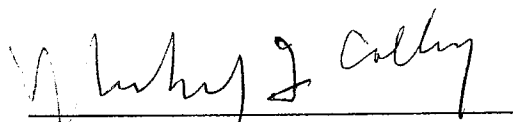
FRANKLIN COUNTY BOARD OF ELECTIONS  
280 EAST BROAD STREET  
COLUMBUS, OHIO 43215  
(614) 462-3100

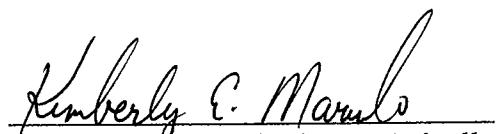
MINUTES OF THE MEETING ON  
8/29/07

APPROVED ON 10-1-07

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: Special Meeting,  
3 Franklin County Board  
of Elections

4 DATE OF DELIVERY: September 14, 2007

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

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Ms. Suzanne Brown

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

3                   - - - - -

4   IN RE:                                 :  
5   Special Meeting                     :

6                   - - - - -

7                   Proceedings before Chairman William  
8   A. Anthony, Jr. and Board members Kimberly  
9   E. Marinello, Carolyn C. Petree, and  
10   Michael F. Colley, with Director Matthew  
11   Damschroder and Deputy Director Dennis L.  
12   White, taken at the Franklin County Board  
13   of Elections, 280 East Broad Street,  
14   Columbus, Ohio, on Monday, August 29,  
15   2007, at 3:00 o'clock p.m.

16                   - - - - -

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1 APPEARANCES:

2 Franklin County  
3 Prosecuting Attorney  
4 Civil Division  
5 373 South High Street  
6 Columbus, Ohio 43215  
7 By Mr. Patrick J. Piccininni,  
8 Assistant Prosecuting Attorney,  
9  
10 On behalf of the Board.

11 ALSO PRESENT:

12 Mr. Eric M. Seabrook, Esquire  
13 Mr. Pete Sullivan  
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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                   Roll call?

8                   MR. DAMSCHRODER: Ms. Petree?

9                   MS. PETREE: Here.

10                  MR. DAMSCHRODER: Ms. Marinello?

11                  MS. MARINELLO: Here.

12                  MR. DAMSCHRODER: Mr. Colley?

13                  MR. COLLEY: Here.

14                  MR. DAMSCHRODER: Chairman

15 Anthony?

16                  CHAIRMAN ANTHONY: Here.

17                  MR. DAMSCHRODER: All members

18 are present, Mr. Chairman.

19                  The first item on the agenda is  
20 the certification of candidates. Having  
21 filed petitions for the November 6th, 2007  
22 General Election, we have a report from  
23 Peggy Howell of the Petitions and Filings  
24 Department.

1 MS. HOWELL: On your candidate  
2 lists those candidates in bold are those  
3 that have been certified prior to the  
4 election for November either out of the  
5 primary or by appointment. The unbolded  
6 ones are those that we have to address  
7 today.

8 The majority of them are  
9 qualified and did meet the minimum number  
10 of valid signatures. We do have a few  
11 that we have to rule on that possibly  
12 would be removed from this ballot.

13 I don't know how you want to put  
14 that motion into effect.

15 MR. DAMSCHRODER: We have got  
16 the first motion that Kim has, a motion to  
17 accept what will appear as Exhibit A.  
18 It's basically all the names that follow  
19 here.

20 - - - - -  
21 Thereupon, Exhibit A was marked  
22 for purposes of identification.

23 - - - - -  
24 MR. DAMSCHRODER: Those are the







1 ones that were found to be valid and  
2 sufficient.

3 And we will deal with each of  
4 the problem children individually.

5 CHAIRMAN ANTHONY: We should  
6 entertain a motion then?

7 MR. DAMSCHRODER: Yes.

8 MS. MARINELLO: Mr. Chairman, I  
9 move that the following candidates be  
10 certified to the November 6th, 2007  
11 General Election ballot.

12 CHAIRMAN ANTHONY: Which will we  
13 do first?

14 MR. DAMSCHRODER: We will do the  
15 valid candidates first, Exhibit A. Kim  
16 will read the resolution.

17 Instead of reading all the names  
18 we will attach an exhibit.

19 CHAIRMAN ANTHONY: It is pages 1  
20 through 11 that have them.

21 MS. MARINELLO: Mr. Chairman, I  
22 move that the candidates be certified to  
23 the November 6th, 2007 General Election  
24 ballot.

1                   CHAIRMAN ANTHONY: Is there a  
2 second?

3                   MR. COLLEY: Second.

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

6                   (Unanimous aye)

7                   MR. DAMSCHRODER: The motion  
8 carries.

9                   If you skip over, we will come  
10 back to the issues. There is a list. I  
11 think it's three pages in the back.

12                   Of the the list that Peggy gave  
13 you, there are two sets of names  
14 petitions. Some of the petitions are  
15 fatally flawed in that they didn't have  
16 sufficient signatures or some failed to  
17 appropriately complete the circulators  
18 statement or some of those things. Those  
19 are indeed fatal flaws.

20                   Other names that appear here in  
21 your agenda are people who made some kind  
22 of error but the law requires only  
23 substantial compliance with the  
24 requirements. For instance, if a person

1 didn't put down the county of their  
2 residence on their petition, we know they  
3 live in Franklin County. They have  
4 substantially complied with the  
5 requirements.

6           For these we need to memorialize  
7 them individually as being certified to  
8 the ballot by their name and the office.  
9 These are the ones that substantially  
10 complied.

11           We would recommend that we not  
12 even address in resolution form the  
13 individuals who did have fatal flaws, but  
14 we would be happy to answer any questions  
15 you would have about them at this time.

16           CHAIRMAN ANTHONY: I see a lot  
17 of stuff.

18           So who would be the first one  
19 that would have that recommendation?

20           MR. DAMSCHRODER: David Samuel,  
21 a City of Gahanna Ward 3 Member of  
22 Council, would be the first of the  
23 individuals that we would recommend that  
24 you certify to the ballot. Their flaw was

1 not fatal. It was in substantial  
2 compliance.

3 CHAIRMAN ANTHONY: And we have a  
4 supplement. These are the ones that you  
5 are saying there may be a minor error.

6 MR. DAMSCHRODER: Right.

7 CHAIRMAN ANTHONY: That would be  
8 David Samuel, City of Gahanna, and Abdi  
9 Issa, Village of Urbancrest?

10 MR. DAMSCHRODER: Yes.

11 CHAIRMAN ANTHONY: We could put  
12 those to the ballot?

13 MR. DAMSCHRODER: That's  
14 correct.

15 CHAIRMAN ANTHONY: I will  
16 entertain a motion.

17 MS. MARINELLO: Mr. Chairman, I  
18 move that the following candidates be  
19 certified to the November 6, 2007 General  
20 Election ballot: City of Gahanna Ward 3  
21 Member of Council, David Samuel; Village  
22 of Urbancrest Member of Council, Abdi O.  
23 Issa; Brown Township Trustee, Pamela  
24 Sayer; Brown Township Fiscal Officer,

1 Barbara Bloxam; Mifflin Township Fiscal  
2 Officer, Nancy White; Prairie Township  
3 Trustee, Douglas Stormont; Washington  
4 Township Trustee, Gene Bostic; and New  
5 Albany-Plain Local School District Member  
6 of the Board of Education, David Martin.

7 CHAIRMAN ANTHONY: Is there a  
8 second?

9 MS. PETREE: I second.

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

12 (Unanimous aye)

13 MR. DAMSCHRODER: The motion  
14 carries.

15 We had two requests for a name  
16 change, one from Walter H. Roch Von  
17 Rochsburg, who requests that his name  
18 appear on the ballot as Rocky Von  
19 Rochsburg.

20 I would recommend that we not  
21 address that because it's a nickname.  
22 It's not a derivative of Walter's proper  
23 name.

24 However, there is one, Melinda

1 Garverick, that Melinda has requested that  
2 her name appear on the ballot as Mindy. I  
3 think that's the Board's discretion if you  
4 believe that Mindy is a justifiable  
5 derivative of Melinda. I don't know if  
6 there are derivatives of Melinda or not.

7 CHAIRMAN ANTHONY: How does  
8 Walter H. Roch Von Rochsburg -- what's on  
9 his --

10 MR. DAMSCHRODER: His voter  
11 registration is Walter H. Roch Von  
12 Rochsburg.

13 CHAIRMAN ANTHONY: Okay. And is  
14 Melinda as --

15 MR. DAMSCHRODER: It is on her  
16 registration as Melinda Garverick.

17 CHAIRMAN ANTHONY: Is Rocky  
18 here?

19 (No audible response)

20 CHAIRMAN ANTHONY: Is Melinda  
21 here?

22 (No audible response)

23 CHAIRMAN ANTHONY: I will  
24 entertain a motion.

1 MS. MARINELLO: Mr. Chairman, I  
2 move that Melinda Garverick, a candidate  
3 for the Board of Education for  
4 Southwestern City Schools appear on the  
5 November 7, 2007 ballot as Mindy  
6 Garverick.

7 CHAIRMAN ANTHONY: Is there a  
8 second?

9 MR. COLLEY: Second.

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

12 Ms. Marinello: Aye.

13 MR. COLLEY: Aye.

14 CHAIRMAN ANTHONY: Aye.

15 MS. PETREE: I abstain.

16 MR. DAMSCHRODER: The motion  
17 passes.

18 And then the last candidates  
19 specific is the withdrawal of John  
20 Campbell as candidate for Columbus City  
21 Council and another motion replacing him  
22 with Jim O'Grady by his nominating  
23 committee.

24 MS. PETREE: Mr. Chairman, I



1 move that the Board accept the withdrawal  
2 of John Campbell as a candidate for the  
3 full-term office of member of Columbus  
4 City Council.

5 MR. COLLEY: Second.

6 CHAIRMAN ANTHONY: It has been  
7 moved and seconded.

8 All in favor, say aye.

9 (Unanimous aye)

10 MR. DAMSCHRODER: The motion  
11 carries.

12 MS. PETREE: Mr. Chairman, the  
13 nomination, having been properly submitted  
14 by the nominating committee of John  
15 Campbell, a former candidate for the  
16 office of Columbus City Council for an  
17 annual term, I move that the Board certify  
18 James O'Grady as a candidate for the  
19 office of member of the Columbus City  
20 Council for a full term and that the  
21 candidate's name appear on the ballot as  
22 Jim O'Grady.

23 CHAIRMAN ANTHONY: Is there a  
24 second?

1 MR. COLLEY: Second.

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

4 (Unanimous aye)

5 MR. DAMSCHRODER: The motion  
6 carries. I want to drop back to the  
7 issues now.

8 In the list that you have in  
9 front of you in the agenda there is one  
10 that, after consultation with the  
11 Prosecuting Attorney's Office, they do not  
12 at this time recommend that the Board  
13 certify that issue. It's the third  
14 Clinton Township issue on the list. It's  
15 a proposed replacement levy for police  
16 protection. It was the resolution 0706-32  
17 from the township.

18 There seems to be some confusion  
19 between election records, the township  
20 records, and the auditor's records as to  
21 the exact millage that they are  
22 replacing. Their resolution was to  
23 replace 1.3 mills, and the previous or the  
24 original election that was presented to

1 the voters was 1.5 mills.

2 We are going to recommend that  
3 we not certify that issue, and that will  
4 allow the township time to appeal the  
5 Board's decision and clarify their  
6 resolution so they can be accurate for the  
7 voters.

8 There are several local options  
9 that did not have sufficient petitions,  
10 sufficient signatures, that we are  
11 recommending that we exclude from the  
12 resolution.

13 Also I think of particular note,  
14 because it has received some media  
15 attention, Staff is at this time  
16 recommending that the Board not certify  
17 any of the local option for Columbus Ward  
18 7 to dry up all of Columbus Ward 7 due to  
19 invalid signatures and also insufficiency  
20 of the filing. There is a question of the  
21 affidavit that was filed whether that  
22 filing was sufficient.

23 Counsel for the petitioners Eric  
24 Seabrook is here. I talked to him before

1 the meeting. I think there is an  
2 inclination to protest the Board not  
3 certifying today. That will allow us more  
4 time to look into some of the legal  
5 questions here, and if those are answered  
6 properly for the petitioners, they can  
7 come back and have the Board certify the  
8 issue.

9           The question is, I guess there  
10 is one of several projects that actually  
11 does have enough signatures. And the  
12 question then becomes whether the filing  
13 was sufficient in that does the one  
14 affidavit that was filed for all the  
15 projects -- does that indeed cover all the  
16 problems or should one affidavit have been  
17 filed. There is some confusion over  
18 that.

19           Staff believes that a separate  
20 affidavit has to be filed for each  
21 project, and only one was filed for all of  
22 the projects. I think that's one of the  
23 items that the petitioner will be coming  
24 back to the Board with arguments on.

1 MR. WHITE: For not sufficient  
2 signatures?

3 MR. DAMSCHRODER: If there are  
4 not enough signatures, there are not  
5 enough signatures. I think for the one  
6 project -- and I don't remember which  
7 specific precinct it was that did have  
8 enough valid signatures, whether or not  
9 the rest of the instrument was sufficient  
10 or not.

11 CHAIRMAN ANTHONY: You said was  
12 there any other questions of Matt on this.  
13 I have one.

14 All these are Ward 7; right,  
15 Matt?

16 MR. DAMSCHRODER: Yes.

17 CHAIRMAN ANTHONY: And our legal  
18 opinion would be --

19 MR. DAMSCHRODER: The problem  
20 with local options is that there are two  
21 state agencies involved in the process  
22 plus the Board of Elections. And then we  
23 maintain the maps.

24 And the Prosecutor -- unlike the

1 issues provided by local jurisdictions,  
2 the Prosecutor doesn't approve language  
3 for these. So we will have to reach out  
4 to the Liquor Control Commission to get  
5 additional information.

6 CHAIRMAN ANTHONY: You say there  
7 is someone here today to talk about this?

8 MR. DAMSCHRODER: Eric, I don't  
9 know if you want to make any comments at  
10 all.

11 (Mr. Seabrook approaches podium)

12 MR. DAMSCHRODER: Please state  
13 your name and position.

14 MR. SEABROOK: Eric M. Seabrook,  
15 counsel for petitioners.

16 I are not going to elaborate.  
17 We are going to file a protest. I think  
18 it will speak for itself. Part of it is  
19 technical and part is sufficiency of  
20 signatures.

21 However, we feel it is a  
22 question of how and when and really  
23 refining, also getting some clarity. We  
24 submitted over 100 percent above the

1 required number of signatures for most of  
2 those areas; so, obviously, we have some  
3 concerns about the signatures that were  
4 disqualified and will be part of the  
5 protest process. We are, you know, simply  
6 following the process and procedures and  
7 going forward.

8           Also the issue of sufficiency of  
9 one of the affidavits, given that it  
10 covers the issue there.

11           Does the simple reading of it on  
12 its face mean that it identifies all the  
13 areas make that sufficient for the filing,  
14 particularly given the tendency of the  
15 precedent to suggest that the objective is  
16 to see it presented to voters?

17           Where should just discretion  
18 roll? I think at this point it is a  
19 matter of actually filing the protest and  
20 looking at the actual facts, of  
21 signatures, and what is the precedent on  
22 the sufficiency of the affidavit.

23           I don't know if there are any  
24 particular questions. I am open to

1 questions.

2 CHAIRMAN ANTHONY: I don't have  
3 any.

4 Do the Board members have any?  
5 (No audible response)

6 CHAIRMAN ANTHONY: Thank you,  
7 Mr. Seabrook.

8 MR. WHITE: This gives them an  
9 opportunity to review signatures.

10 CHAIRMAN ANTHONY: Is there  
11 anyone to speak on this matter?

12 MR. SULLIVAN: My name is Pete  
13 Sullivan, a resident in Ward 7.

14 We raised some issues as far as  
15 the legitimacy of signatures and the  
16 version used to obtain signatures. We  
17 have at least 25 residents in the  
18 neighborhood that say they were told that  
19 this issue was about keeping stores open  
20 later and keeping beer and wine for sale.

21 That said, we came down here and  
22 asked if there were rules to see if all  
23 the signatures were right. I personally  
24 went to ask what was said. They said they



1 were told the issue was to keep the sale  
2 of beer and wine.

3 Also this was not attached to  
4 any of the forms when they obtained  
5 signatures. It was just the process they  
6 went through to get signatures.

7 First when they went to get the  
8 signatures, the legitimacy of the  
9 signatures. One of the store owners was  
10 not given -- Steve's Food Market & Deli  
11 was not even given a certified letter  
12 stating that their beer license was going  
13 to be revoked. To date they still haven't  
14 gotten it. It was sent to the  
15 petitioner's address but the petitioner  
16 wanted the form. They sent it to their  
17 home address. We have some concerns.

18 CHAIRMAN ANTHONY: Yes. That  
19 can all be addressed during the hearings.  
20 We will have a hearing to reconsider.

21 Any questions of Mr. Sullivan?

22 (No audible response)

23 CHAIRMAN ANTHONY: There was  
24 none. Thank you, sir.

1 MR. DAMSCHRODER: Any other  
2 questions?

3 (No audible response)

4 CHAIRMAN ANTHONY: We will now  
5 have a motion and put in everything but  
6 Ward 7.

7 MR. DAMSCHRODER: On the Exhibit  
8 B that we will attach to the record we  
9 will exclude 7 and the third Clinton  
10 Township issue. We will amend that  
11 exhibit and give it to the reporter.

12 CHAIRMAN ANTHONY: All right.  
13 I will entertain a motion.

14 MS. MARINELLO: I move that the  
15 issues listed on Exhibit B be certified to  
16 the 2007 General Election ballot.

17 CHAIRMAN ANTHONY: Is there a  
18 second?

19 MS. PETREE: I second.

20 CHAIRMAN ANTHONY: All in favor,  
21 say aye.

22 (Unanimous aye)

23 MR. DAMSCHRODER: The motion  
24 carries.

1 I want to jump back to the first  
2 page of the agenda, the certification to  
3 the Special Election. This is the August  
4 7th, 2007 Special Election that was held  
5 in the Westerville Public Library.

6 CHAIRMAN ANTHONY: We will  
7 entertain a motion.

8 MS. MARINELLO: Mr. Chairman, I  
9 move that the results of the Tuesday  
10 August 7th Special Election held for the  
11 Westerville Public Library be certified as  
12 reported.

13 CHAIRMAN ANTHONY: Is there a  
14 second?

15 MR. COLLEY: Second.

16 CHAIRMAN ANTHONY: All those in  
17 favor, say aye.

18 (Unanimous aye)

19 MR. DAMSCHRODER: The motion  
20 carries and I will send the signature page  
21 down the row for everyone to sign.

22 Moving to the end of the agenda,  
23 there are a couple of miscellaneous items  
24 that we have to address. When the Board

1 passed its policy for public meetings we  
2 didn't anticipate or think about Mondays.  
3 In some cases they are federal holidays.

4 So we will amend that policy  
5 such that if the regular Board meeting, as  
6 in the case of next week, would fall on a  
7 Monday, a federal holiday, the Board  
8 meeting would be held on the immediate  
9 following Monday.

10 CHAIRMAN ANTHONY: I will  
11 entertain a motion.

12 MS. PETREE: Mr. Chairman, I  
13 move that the Board amend its public  
14 meetings policy to reflect that when  
15 regular meetings of the Board fall on a  
16 federal, state, county, or Columbus City  
17 legal holiday, that the regular meeting of  
18 the Board shall be held on the following  
19 Monday.

20 CHAIRMAN ANTHONY: Is there a  
21 second?

22 MR. COLLEY: Second.

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

1 (Unanimous aye)

2 MR. DAMSCHRODER: The motion  
3 carries.

4 The next two motions are  
5 requirements of the Ohio Revised Code that  
6 the Board appoint poll workers and adopt a  
7 program for training of said poll  
8 workers.

9 This is largely a formal  
10 process. As you know we approve poll  
11 workers for every election and place them.  
12 From time to time they come back and at  
13 other times they don't.

14 Also the program for training  
15 poll workers under 3501.27 of the Ohio  
16 Revised Code, all of our poll workers are  
17 required to take the training class for  
18 every election. We have a DVD that is  
19 somewhat outdated, given the new rules of  
20 the Secretary of State.

21 As you will recall from the last  
22 meeting when we approved the budget to be  
23 submitted to the commissioners, I  
24 requested funding for an online training

1 program for next year. That would replace  
2 the DVD and also every give everybody a  
3 several page training manual that gives  
4 them the information they need to be a  
5 poll worker.

6 Those are the two resolutions  
7 that need to be approved to satisfy those  
8 two statutory requirements.

9 CHAIRMAN ANTHONY: I will  
10 entertain a motion.

11 MS. MARINELLO: I move that the  
12 Board vest in the Director and Deputy  
13 Director its authority to appoint electors  
14 to serve as precinct election officials  
15 for a term of one year pursuant to Section  
16 3501.22 of the Ohio Revised Code.

17 CHAIRMAN ANTHONY: Is there a  
18 second?

19 MR. COLLEY: Second.

20 CHAIRMAN ANTHONY: All those in  
21 favor, say aye.

22 (Unanimous aye)

23 MR. DAMSCHRODER: The motion  
24 carries.

1 MS. MARINELLO: And, Mr.  
2 Chairman, I move that the Board adopt the  
3 program of instruction for precinct  
4 election officials presented by the  
5 Director and Deputy Director pursuant to  
6 Section 3501.27 of the Ohio Revised Code.

7 CHAIRMAN ANTHONY: Is there a  
8 second?

9 MR. COLLEY: Second.

10 CHAIRMAN ANTHONY: All in favor,  
11 say aye.

12 (Unanimous aye)

13 MR. DAMSCHRODER: The motion  
14 carries.

15 The last item on the agenda, Mr.  
16 Chairman -- there actually might be  
17 another one after this.

18 The Prosecuting Attorney just  
19 left to check on something. We may have  
20 to take a brief recess for him to research  
21 a matter. I know that one of our Board  
22 members needs to leave for another  
23 appointment, so I don't know if we want to  
24 talk about this now or do it at a

1 subsequent meeting.

2 As you recall, at a previous  
3 meeting of the Board the Director and  
4 Deputy Director presented a plan to  
5 provide for employee parking in the School  
6 Employees Retirement System garage  
7 immediately to the east of us, given that  
8 we need to accommodate voters in our  
9 parking lot here because of the number of  
10 meters that have been closed down on Gay  
11 Street, and also to find parking for  
12 employees who would be displaced by the  
13 eminent closing of the lots north of us  
14 between Gay and Long.

15 We have talked with the folks  
16 next door. They have spots for us. We  
17 can negotiate a lower than market rate.  
18 As Denny and I shared with you last time,  
19 we have a concern about locking in both  
20 those spaces and rates before market  
21 prices drive the rates up and demand  
22 reduces the number of available spaces due  
23 to the closing of the lots.

24 What we would ask is permissive



