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

MINUTES OF THE MEETING ON $\frac{9/10/07}{2}$

APPROVED ON (0-1-07

BY:

William A. Anthony, Jr., Chairman

Michael F. Colley, Esq.

Kimberly E. Marinello

Carolyn C. Petree

ATTEST:

Matthew M. Damschroder, Director

Page 1 BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS OF OHIO In Re: Board Meeting : September 10, 2007 Proceedings before Chairman William A. Anthony, Jr. and Board Members Michael F. Colley, Carolyn C. Petree, and Kimberly E. Marinello, taken at the Franklin County Board of Elections, 280 East Broad Street, Columbus, Ohio, on Monday, September 10, 2007, at 3:14 o'clock p.m.

			2 (Pages 2 to 5)
	Page 2		Page 4
1	INDEX	1	statement on any of his part petitions. And
2	AGENDA ITEMS: PAGE NO.	2	Mr. Donahue has filed an appeal with the Board.
3	CALL TO ORDER/ROLL CALL 3	3	I think all of you have received a copy of that
4	APPEALS (CANDIDATES)	4	letter.
5	STEVEN DONAHUE,		
	MAYOR, VILLAGE OF CANAL WINCHESTER	5	And Mr. Donahue is here today, and so
6		6	we can call him to begin his presentation, if it
_	NANCY FERGUSON,	7	pleases the Board.
7	MAYOR, VILLAGE OF NEW ALBANY 44	8	CHAIRMAN ANTHONY: Okay. Are there
8	STEVEN RAIMO,	9	any questions from the Board before you start?
9	AT LARGE MEMBER OF COUNCIL, CITY OF GAHANNA 56	10	(No response.)
1.0	APPEALS (LOCAL OPTIONS & ISSUES)	11	CHAIRMAN ANTHONY: Mr. Donahue, be
11	43203 ZONE DRY COALITION PETITIONS 60	12	sworn in and state your case before us.
12	CABELLEROS, LIMITED 80	13	MR. DONAHUE: Yes, sir.
13	AMENDMENT/APPROVAL OF MINUTES 107	14	(Steven Donahue was sworn.)
14	MISCELLANEOUS 111	15	MR. DONAHUE: Good afternoon. My name
15		16	is Steve Donahue. I hope to be a candidate for
16		17	the Mayor of the Village of Canal Winchester.
17		18	Unfortunately, at this point, my name
18		19	will not appear on the ballot. I made a mistake
19		20	when I personally gathered signatures for my
20		21	nominating petition and my statement of
21 22		22	candidacy. I mistakenly thought that I did not
23		23	have to sign the circulator statement because I
24		24	had personally circulated my own petitions.
······································		23	
	Page 3		Page 5
1		1	Because I'm not an attorney nor I'm
2	PROCEEDINGS	2	not an expert in the election laws, I asked for
3		3	assistance when I filed my petitions two weeks
4	CHAIRMAN ANTHONY: I would like to	4	prior to the filing deadline and was told by the
5	call the Franklin County Board of Elections	5	clerk at the Board of Elections that my petitions
6	meeting to order.	6	looked okay.
7	MR. DAMSCHRODER: Mr. Colley.	7	Relying on that statement, I continued
8	MR. COLLEY: Here.	8	to work on my campaign. What has occurred since
9	MR. DAMSCHRODER: Ms. Marinello.	9	August 13th, 2007, when I filed my petition, has
10	MS. MARINELLO: Here.	10	caused me to seriously question the integrity of
11	MR. DAMSCHRODER: Ms. Petree.	11	our system of elections.
12	MS. PETREE: Here.	12	The Ohio Secretary of State Jennifer
13	MR. DAMSCHRODER: Chairman Anthony.	13	Brunner's number one goal that she has on all her
14	CHAIRMAN ANTHONY: Here.	14	sheets here is restore the trust to Ohio
15	MR. DAMSCHRODER: All members are	15	elections. She states, we want citizens to have
16	present, Mr. Chairman.	16	faith in Ohio elections, that are free, fair,
17	CHAIRMAN ANTHONY: Thank you.	17	open, and honest.
18		18	Well, if that's the standard, my
19	MR. DAMSCHRODER: The first item on	19	experience has fallen short of that goal. I
20	the agenda for today's regular meeting is to hear	20	· -
21	the appeal by Steven Donahue, who was a candidate	21	prepared booklets, which I believe all of you
22		22	have, that document the chronology of events that
. / /	for Mayor of the Village of Canal Winchester.	22	led to me standing before you today.
1	The Decad Country (1)	22	7 4 7011 -1 1 -1 -1
23	The Board found his petitions to be invalid for lack of a complete or a circulator	23 24	In a moment, I'll go through the time line and the documents for you. What you will

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hear is a story of misinformation, misstatements, an unfair dealing that will do nothing to restore trust to Ohio elections.

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All I'm asking of you today is that you afford me equal treatment for all candidates for office in Franklin County. What you will hear is a story in which one candidate, with the support of the deputy director of the Board, got three opportunities to get his petitions correctly filed.

And the first time I heard that there was a problem with my petitions was when a reporter from the Columbus Dispatch called me and 13 asked for a reaction about being disqualified. I didn't receive a formal disqualification notice from this Board until almost a week after the Dispatch called.

As a non-lawyer, I do not understand how a candidate can get three bites in an apple. No declaration regarding Ohio Revised Code Section 3501-38 -- no declaration of candidacy, nominating petition, or other petition, for the purposes of becoming a candidate, may be withdrawn after it is filed in the public office.

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1 9th, Ed Dildine filed his first petition for 2 Madison Township Trustee. And you'll find that 3 Exhibit No. 1 in your booklet. 4

On August 6th, Ed Dildine withdrew his first petition, advised by the Board of Elections office and advised he could not file again prior to the filing deadline. If you'll notice, that was August 6th at 11:30 a.m.

On the same day, August 6th, Ed Dildine files as a write-in candidate for Madison Township Trustee. That's Exhibit No. 3. That was at 11:40 a.m., the same day.

On August 7th, David Brobst, was a candidate for Canal Winchester Local Schools, filed his petition. His petition was checked by Marlene Worth. He was told he needed to check a full-term box. She told him she was allowed to help him as long as she had not done it as -- not time-dated the petition. That's Exhibit 4.

Also in his Exhibit 4, if you'll notice, that he was -- just recently received a letter from the Board of Elections stating that, yes, he is on the ballot for the Canal Winchester City Schools. That is not correct. It's a Canal

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And if somehow -- and if it's somehow possible for a candidate to get more than one opportunity to correct his petition, why didn't the Board call all of the candidates with petition problems and afford them the same opportunity to correct their problems?

Again, I'm not a lawyer. But if a member of the Board staff helps one candidate and not all candidates, then the Board is no longer acting as an independent Board running fair elections. It's picking winners and losers, and it's not the job of the Board to do that.

I stand before you as a person who is not an expert in election law nor as a person who is interested in partisan politics. I stand before you as a person who is interested in becoming mayor of a small community in order to continue to service my community.

I stand before you asking that this Board treat all candidates for public office equally. I stand before this Board to say that it has not done so in this election.

And if you'll turn to your time line, I'd like to go over that real quickly. On July Winchester Local Schools.

Okay. August 13th. This is when I filed my petition. And I was told by the Board of Elections employee, Peggy Howell, that the petitions were fine. They were filed.

August 15th. Prior to the Madison Township Trustee meeting, Deputy Director Dennis White had conversations with Susan Brobst. If you look at Exhibit 6, in her letter she asked about a directive from the Secretary of State's office allowing candidates whose petitions were not correctly filled out to again come in and take out new petitions and would be allowed to be filed as long as they were filed before the original date, or before the due date.

Also, in the next paragraph, she says, I then made a comment that I suppose the Board of Elections would have to notify all candidates that were affected by this directive. Again, Mr. White will comment, but said, yes, that all candidates would be notified. Well, I was not notified.

August 17th. This is Exhibit No. 7. Matt Damschroder e-mails the new check-in policy

to staff. The new policy states that staff should not check any petitions for validity until the deadline had expired. He also stated that they should not release information about the status or findings of any of the petitions that have been checked prior to this announcement.

Now, I have a hard time understanding how Mr. White can tell Mr. Dildine, as the deputy director, that he can refile -- and then there's an e-mail sent out to the workers down at the front office down here that they can't even look or tell anybody.

So, in other words, if you filed your petition prior to this date, you could not get help, okay?

August 17th. If you'll notice, that e-mail went out at 8:10 in the morning.

Approximately 10:59, same day, Ed Dildine withdraws as a write-in candidate. He was informed by the Franklin County Board of Elections that he may file to be a candidate on the ballot

August 17th, 11:10, he submits another petition. He's on the ballot. The filing

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Brian Shinn from the Ohio Secretary of State's Office. I then went over there. He said I couldn't file. So I've got from the director that I could file, and now I can't file.

On that same day, two people contacted us. One contacted me, and one contacted my treasurer about checking how Ed Dildine got on the ballot. They said, you need to follow up on that, and that's what we did.

August 31st. I came in. That was a Friday, right before Labor Day. I brought my -- I wanted to file as a write-in candidate.

Marlene says you can't. I said, Marlene, I can't believe what you're saying because your boss -- I haven't heard from him and he said file. So I filed as a write-in candidate.

I also told her that I would drop off to her the letter of appeal that you have in this booklet. I also dropped one off to the Secretary of State. September 4th, after the weekend, 11 a.m., tried to file new petitions.

I went out over the weekend and picked up signatures for new petitions, signed everywhere. Tried to file them. Marlene says,

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deadline was the 24th. It wasn't till August 29th that I was contacted by the Columbus Dispatch reporter that the petitions were not approved and I was not on the ballot.

That same day, I talked to Mr. Damschroder. I said -- he said because the circulator portion of the petition was not signed, that was a fatal error. I told him that Peggy Howell said the petitions were fine. He said, that's not her responsibility, that's my responsibility. But I could file as a write-in candidate as long as I did it prior to September 5th.

So I came down the next day, August 30th, to file as a write-in candidate. And I'll let you know that we had signs printed August 30th that we had changed that say write-in candidate. Those were \$1500 worth of signs.

I come down to the office down here and Marlene Worth says, no, I can't file as a write-in candidate. I said, your boss told me yesterday I could. I asked to see

Mr. Damschroder, he wouldn't see me.

She then showed me an e-mail from

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you can't file them; it's after the deadline. I
 said, Marlene, Mr. Dildine filed them. You guys
 never contacted me. If you would have contacted
 me, I would have filed them prior to the
 deadline.

At that point in time, I asked to see Mr. Damschroder. Mike Ebert and I met with Mr. Damschroder. I asked him if I got the -- if he got the letter of appeal. His comment was, yes, but it probably won't do you any good.

Mr. Damschroder said I was responsible for the petition, and the law says you can only file once. Mr. -- I said Peggy Howell, Board of Elections worker, said it was okay when I filed it. He said, the ladies are not to help people, that Mr. Donahue was responsible, that I was responsible.

If you look at Exhibit 12, that is when I first came to pick up my petitions. And that's Marlene Worth, in her writing, saying, if you have any questions, make sure you call me. Now, I'm getting, should we call; shouldn't we call? I'm hearing, yes, we should get help; no, we shouldn't. I find out certain people got help

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to correct theirs, certain people didn't.

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Okay. I asked Mr. Damschroder if I could turn in the petitions that I had. He said, no, they were collected over the weekend, they were after the deadline, and the law states you can only file once. I heard that again. And we know that Mr. Dildine filed three times.

Okay. I asked Mr. Damschroder why Mr. Dildine was allowed to file three times. He said, Mr. Dildine was informed by the Board of Elections offices that there was a problem with his original petition and he should file as a write-in candidate. Mr. Damschroder said Deputy Dennis White shouldn't have done that.

Then I said, Mr. Dildine was called by the Board of Elections office again to say that he should submit a new petition, and he commented 17 he shouldn't have done that, once again.

If you'll notice, the letters are in here from Mr. Dildine and in both cases say that he was informed by the Board of Elections. So he was given an extra advantage. I asked why Mr. Dildine could be put on the ballot and I could not. He said he understood how I felt and

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their petitions and then resubmit them, provided the Board of Elections had not yet met, which he reported to be the case with Dildine's documents.

I'm hearing two different stories here. I'm hearing one story from the director that you could only file once. I'm reading here that you can take it off and file again. Nobody ever told me that.

White said that changes were also made regarding write-in candidates. He said, in the past, a candidate could file a write-in even the day after they filed the candidacy petitions; however, that provision was removed.

Since I am a Madison Township Trustee, I have an interest in the trustee's race. Ed Dildine filed his petitions very early. And someone told me his petition had a date error, which, in the past, would have been a fatal error. Well, my question, people: if you're going to tell one person they have a fatal error, why are we not telling everybody? What's fair is fair.

I called him. I told him about the mistake. On his own, Ed decided to file as a

he would be mad if it happened to him. But, by law, you can only register once.

I told Mr. Damschroder that, in this case, both he and Mr. White knowingly, then, broke the law, because you aided him in filing three times and you should be criminally prosecuted for tampering with an election. I said, if he wasn't on the ballot, then they should be out of a job, plain and simple.

September 4th, I finally received a letter from the Board of Elections Office that I wouldn't be on the ballot.

Now, I want to read an article that's in a newspaper today, the Southeast Messenger. 14 And it says, Mr. White responds in a telephone interview September 5th. Mr. White clarified recent changes in the election law made by the Secretary of State Jennifer Brunner's office regarding candidate petitions.

I might add, I tried to see the Secretary of State three times. Called her scheduler, and they never called back. He said, 22 the secretary ruled regardless of time stamping of the petitions, that a candidate could withdraw 24

write-in. But he found out about the new directive, so I told him that he couldn't do that. With the changes by the Secretary of State, there was enough time for him to withdraw, then refile.

My petitions were 11 days in, 11 days prior to the filing deadline. I could have got the 19 signatures needed in less than a half an hour. If I'd have known about the Canal Winchester mayor's candidate, I would have let him know, too. But what about the other candidates?

Later, I talked with the Board of Elections Director, Matt Damschroder, about the changes, and then he issued an e-mail saying not to check petitions, except the usual things, until after the filing deadline.

So we're going to check some people, take care of them, and then we're going to send an e-mail and say nobody else will be checked, even if there were mistakes. It doesn't seem fair to me.

In closing, let's go back to the Secretary of State's number one goal that she

Page 20 Page 18 1 probably shows on every one of her flyers. To 1 outcome, you have a huge advantage. 2 2 restore trust in Ohio elections because we want I urge this Board to accept my 3 citizens to have faith that Ohio elections are 3 corrected petitions and allow my name to appear 4 4 free, fair, open, honest, and to encourage the on the ballot. Thank you for your time. 5 5 CHAIRMAN ANTHONY: Thank you, sir. highest level of participation in our democracy. 6 6 Thank you very much. Before you go, Mr. Donahue, I haven't seen that. 7 7 is there any questions for Mr. Donahue? In this case, I've documented at least 8 8 MS. PETREE: I have one, sir. one candidate receiving advantage that was not 9 9 available to me. And why? Because by his very MR. DONAHUE: Yes. 10 10 own words, the deputy director of the Board of MS. PETREE: You did get all the 11 Elections had an interest in that race. 11 signatures, yourself. 12 Apparently, based that interest -- upon that 12 MR. DONAHUE: Oh, yes, ma'am. 13 13 MS. PETREE: Thank you. interest, he contacted one candidate and provided 14 14 MR. DONAHUE: Yeah. We had four him with an opportunity to correct a problem with 15 15 meetings at my home; and after two meetings, we his petitions. 16 16 If one candidate is going to be had enough signatures. contacted by this Board and be afforded an 17 17 MS. PETREE: Thank you. 18 18 opportunity to correct petitions, then all CHAIRMAN ANTHONY: Thank you. All 19 candidates must be afforded the same 19 right. Any other questions of Mr. Donahue? 20 20 opportunity. (No response.) 21 Instead, after Mr. Dildine was allowed 21 CHAIRMAN ANTHONY: And is there anyone 22 to correct his petitions two times and still a 22 else in the audience that would like to speak on 23 23 week prior to the filing of the deadline, this behalf of Mr. Donahue? 24 24 MR. EBERT: Good afternoon. My name Board prohibited any other assistance to any Page 21 1 other candidates through Mr. Damschroder's 1 is Mike Ebert. 2 2 e-mail. CHAIRMAN ANTHONY: Oh, you have to be 3 3 Let me be very clear, I have nothing sworn in, please. 4 against Ed Dildine. He has been completely 4 (Mike Ebert was sworn.) 5 honest and open with me, and I appreciate that. 5 MR. EBERT: Good afternoon again. My 6 I just want the same opportunity that he was 6 name is still Mike Ebert. I first became 7 afforded and be allowed to correct an error with 7 acquainted with Steve Donahue back in 1985 when 8 8 my petitions. he moved to Canal Winchester as my next-door 9 9 Whether or not the opportunity is neighbor. 10 10 afforded me and all other candidates who never Over the past 22 years, you know, I 11 got the opportunity to correct their petitions, 11 couldn't have asked for anybody who would be a 12 then this Board needs to take a serious look at 12 better neighbor. We've done a lot of things 13 13 the actions of your deputy director for a sitting together, family-wise, and we go on golf outings 14 Madison Township Trustee and an employee of this 14 and so forth. 15 Board, to inject himself into the process of not 15 What I want to talk about, mainly, is 16 only receiving the petitions of a candidate but 16 the petitions, the petitions in question. Those 17 to provide an extraordinary advantage to that 17 petitions -- and I'm glad Ms. Petree asked the 18 18 candidate, raising serious questions about the question, because that is exactly what he did. 19 19 integrity about the entire elections process. He did gather all the signatures, himself. I was 20 20 Rather than a process that will allow on his committee. He wouldn't even let anybody 21 citizens of Franklin County to have faith that 21 on the committee touch the petitions. He wanted 22 22 Ohio elections are free, fair, open, and honest. to do it himself, and he did it by himself. 23 23 The process I've been subjected to demonstrates And I think that's mostly what I want 24 that if the right person has an interest in the 24 to say. Thank you for your time.

Page 24 Page 22 1 CHAIRMAN ANTHONY: Thank you, sir. 1 for this election cycle that must now be extended 2 2 to all candidates with filing mistakes under due Any questions for Mr. Ebert? 3 (No response.) 3 process and equal treatment of the law. 4 CHAIRMAN ANTHONY: Anyone else that I agree that Mr. Donahue had an error 5 5 would like -- sir. in failing to sign his petition. This is an 6 6 (Thomas Rinehart was sworn.) obvious error and easy to correct. This should 7 7 MR. RINEHART: Hello. My name is have been caught by the election personnel prior 8 Thomas Rinehart. I'm a candidate for Madison 8 to Mr. Donahue filing and instruction of what 9 9 Township Trustee. I have an impact statement I'd needs to be corrected. 10 10 like to say here on behalf of Mr. Donahue. Under the current circumstances, 11 My name is Thomas Rinehart. I'm a 11 Mr. Donahue has the right to due process and 12 candidate for Madison Township Trustee. I'm here 12 equal treatment of the law, same as given to Ed 13 today to support Mr. Steve Donahue with this 13 Dildine, to make the needed corrections and be 14 disputed disqualification as candidate. 14 certified. 15 15 And I'm truly disturbed to learn about If Mr. Donahue is disqualified and I 16 16 this situation but yet not surprised. The reason lose the election to Ed Dildine, I will be forced 17 17 that I'm not surprised is the fact that we have a to challenge the outcome of the elections to the 18 18 conflict of interest here today. full extent of the law. 19 The deputy director of Franklin County 19 I thank you for your time and 20 20 Board of Elections is Dennis White, who is also a patience. 21 Madison Township Trustee. We have a candidate 21 CHAIRMAN ANTHONY: Thank you, sir. 22 who is running for Madison Township Trustee, Ed 22 Any questions to Mr. Rinehart? 23 Dildine, who is a Madison Township firefighter. 23 (No response.) 24 24 It is my understanding that if CHAIRMAN ANTHONY: No questions. Page 23 Page 25 1 1 appointed to or employed by the Board of Thank you, sir. 2 Elections, you're not allowed to run for election 2 Anyone else in the audience who would 3 3 or should hold office -- should hold an elected like to speak on behalf of Mr. Donahue? 4 office at the same time so the conflicts of (No response.) 5 5 CHAIRMAN ANTHONY: Anyone like to interest will not occur. 6 6 speak not on behalf of Mr. Donahue? It is obvious that a clear conflict 7 7 of -- clear contract -- excuse me -- clear MAYOR MILLER: I'm sorry, what was the 8 8 second indication? conflict of interest in endorsement of a 9 9 CHAIRMAN ANTHONY: Anyone who wanted candidate has occurred by the deputy director, 10 Dennis White. 10 to speak against what Mr. Donahue just said? 11 11 I find this action unethical that MAYOR MILLER: My name is Jeff 12 Dennis White can put on a hat and say that he is 12 Miller. I'm Mayor from Canal Winchester, and I 13 13 do swear to tell the truth. the deputy director of Franklin County Board of 14 Elections, unbiased and neutral, then change hats 14 It's difficult to come in front of you 15 15 to become Madison Township Trustee and states today as mayor, also as a candidate against 16 publicly that a township -- that as a township 16 Mr. Donahue. First, I want to support him, in a 17 17 trustee, he has a biased interest in the race for sense, be on the wrong side with that as far 18 18 as he's being a good councilman for our village. trustee, personally contacting the candidate, Ed 19 Dildine, to make sure corrections were made so 19 He's stood on many issues. And, together, we've 20 20 that this candidate will be certified. made many great changes for our village. So, in 21 21 I really doubt that I would have that sense, I believe Mr. Donahue has done a fine 22 22 job of representing his constituents in the received the same courtesy from anyone at 23 23 village. Franklin County Board of Elections. Deputy

director, Dennis White, has set the precedence

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At the same time, I would just like to

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point out, this is not the first time Mr. Donahue has been a candidate for a position. He did run

3 for office two years ago where he has served 4 since. He filed his petition. And, according to

5 all the information I have at this point, he 6 filed so correctly.

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I also find it a little strange that by the same -- the same ideas that -- I've heard a call for persons' jobs, to have them removed from office, because of special treatment or some other sort of statement. At the same time, he's requesting that he should have gotten some preferential treatment at the same time. Those two seem to be conflicting.

And as far as newspaper articles, ladies and gentlemen, go, I know that you would agree with me. We've all probably attended meetings where the news has been present and after reading it afterwards, maybe not recognize the fact that we were there.

But there was one newspaper article that was written in this week's newspaper where Mr. Donahue said that he had admitted to making the mistake, the fatal flaw of including his name

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and I've lived in Canal Winchester pretty much my

2 whole life. I left for a few years and then came 3

back. I have two small children in the school 4 district now. My parents live in Canal

5 Winchester, and I've known Mr. Donahue for many, 6

many years.

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He has not only been on council for the village, but he's also been the principal and the superintendent. He has been very active in pretty much everything that goes on in Canal Winchester.

I would just like for the opportunity for him to run. Is he going to win? Who knows? You know, that's up to the voters. But I would love for him to have the opportunity to have a fair race in this and a fair chance in fighting for mayor.

That's pretty much it.

CHAIRMAN ANTHONY: Thank you so much. 19

20 Any questions for her, for Ms. Howard?

21 (No response.)

CHAIRMAN ANTHONY: Thank you,

23 Ms. Howard.

Based on the testimony, I just had a

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and address on the circulator form of the petition. So we have one paper saying that he's admitted to it, we have other papers saying otherwise. And just bringing those things up.

Finally, in closing, just to say how difficult your job must be. But of all the 500 petitions, elections, or campaigns that are going on in Franklin County this election season, all but 11 of them did the right thing, including myself.

I got my signatures. I got my petition filed correctly. It was done in time. We did everything we were asked to do by this Board and above. I just hope that you bear that in consideration.

16 Thank you.

> CHAIRMAN ANTHONY: Thank you. Any 17 questions from Mr. Miller?

19 (No response.)

CHAIRMAN ANTHONY: Anyone else in

21 objection to Mr. Donahue's statement? 22

Yes, ma'am.

23 (Stacy Howard was sworn.) 24

MS. HOWARD: My name is Stacy Howard. 24

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1 couple of things that I needed -- I probably 2 needed clarified or some -- one is, we have an 3 opportunity to look at the petitions here. And 4 based on our -- and I'm quite sure our legal 5 folks have looked at this, as well as the Board. 6 What's the legal opinion from the --

MR. PICCININNI: The petitions are fatally flawed.

CHAIRMAN ANTHONY: Fatally flawed? Okay.

MR. PICCININNI: Statute 3501.38(e)(1) specifically states that the circulator of the petition shall sign the circulator statement, shall witness, shall indicate the number of signatures that that person witnessed, and that all the signors were to the best of the circulator's knowledge and belief the signature of the person whose signature it purports to be or an attorney in fact, pursuant to another provision of the Code.

This is not an issue of substantial compliance where, you know, the information was filled out, this is an issue where there was no compliance at all. This is an individual who had

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been a candidate before.

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The law is clear that a candidate -- it's the candidate's responsibility to know and understand the election laws when they enter the realm. The courts have held that repeatedly in numerous cases. And as recently as Friday, in a case against the Cuyahoga County Board of Elections. So that being said, the petitions are fatally flawed.

CHAIRMAN ANTHONY: Okay. Any questions for our legal attorney, based on what I've asked him?

> MR. COLLEY: The petitions are flawed? MR. PICCININNI: Yes. Fatally.

MR. COLLEY: The candidate can't get on the ballot?

MR. PICCININNI: This candidate cannot get on the ballot.

MR. COLLEY: I bet if you poled the people in the audience, most of them would say that's unfair.

MR. PICCININNI: The law is -- the cases have held in the past that even though the Board of Elections does -- or the Board of

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1 of petitions before the Board acts. And based 2 on, from what I understand, some advice from the 3 secretary, that may or may not -- I'm not going 4 to get into the ramifications of that particular 5 policy dictated from the secretary or what may 6 have been posted on a -- in response to a 7 question from a county Board of Elections. 8

However, it is the advice of the prosecuting attorney that based on the dictates of Title 35 and due to the fact that there was absolutely zero compliance with the circulator statement, that the petitions need to be rejected and the appeal should be denied and it should be voted in the negative.

CHAIRMAN ANTHONY: Thank you, sir. Any other questions?

(No response.)

CHAIRMAN ANTHONY: All right. I just had one other that, Matt, you could clear up for me. He had made a statement that Mr. Dildine was given three opportunities to submit applications or submit either the paperwork for write-in and then subsequently submit paperwork for the petitions. Can you explain the policy of why

1 Elections employees may give advice or make 2 representations, the Board still is required to 3 follow the law. The way the legislature dictated 4 in estoppel is not available -- the Board of 5 Elections is not estopped by that advice from complying with the dictates of Title 35 of the Revised Code.

MR. COLLEY: Well, the Board's followed the law, I don't doubt that. But it strikes me the law is unfair.

MR. PICCININNI: I'm only -- I understand what you're saying, Mr. Colley, and --

MR. COLLEY: Your recommendation, I assume, is exactly that, to -- based on the facts in the law, to recommend that the Board vote the negative.

MR. PICCININNI: The Board should vote in the negative. The Board does not have the leeway to correct what's been said, you know, or what may or may not have happened. The Board does not have the ability to go against the strictures and dictates of Title 35.

Yes, there were some changes in policy based on a decision from 2005 allowing withdrawal 24 Page 33

that was allowed?

MR. DAMSCHRODER: Up until after the Board meeting last week, neither the deputy director or I were aware of the impact of the changes of the law relative to write-ins that actually had been changed some time ago.

The changes in the law -historically, the write-in option was always available to a candidate who had failed to make the ballot as a regular candidate. That law had changed, actually, a couple of years ago. We were not aware of that.

And so both after the Board met last week -- or I guess it was over a week ago, when I errantly told Mr. Donahue that he could file as a write-in, I learned afterwards that he could not.

So at the time that Mr. Dildine filed as a write-in, that was the best understanding of the law that this office had. The other thing that changed is that, historically, this office, and most county boards of elections, had understood the law in all supporting court decisions to say that once a candidate had filed his or her petition, that there was not an

Page 36 Page 34 1 opportunity to withdraw the petition and file a 1 MR. DAMSCHRODER: Prior to the filing 2 2 new one. deadline. 3 In a case, I think up in Lucas County 3 CHAIRMAN ANTHONY: Right. Right. 4 4 MR. PICCININNI: And prior to the a couple of years ago, the courts reversed 5 5 themselves, and the Secretary of State filing deadline. 6 6 communicated that to the county boards of CHAIRMAN ANTHONY: Got you. 7 7 elections on -- in clarifying. MR. PICCININNI: I mean, that's what 8 It was the first time that I had 8 we're -- what we're coming to. 9 9 become aware of it, on August, I believe the CHAIRMAN ANTHONY: Absolutely. 10 10 10th, saying that a candidate could -- who had MR. PICCININNI: This case in 2005 out 11 timely filed their petitions, could withdraw 11 of Lucas County indicated that certain options 12 their candidacy relative to that set of petitions 12 were not available because he never timely 13 and file a new set of petitions for a new 13 withdrew candidacy. So I think that's where the 14 candidacy. 14 genesis and the impetuous for these 15 So that's, I think, what the genesis 15 interpretations are now coming from. 16 was for Mr. Dildine filing multiple candidacies. 16 And then in 2002, the legislature 17 First, in terms of the write-in, that we were not 17 specifically amended the write-in statute that 18 18 aware that that was prohibited; and then the specifically stated if you've already filed the 19 third candidacy was based on the first --19 declaration, you are prohibited from filing as a 20 withdraw of the first set of petitions, given our 20 write-in. 21 21 understanding of -- based from the August 10 So the Board has now taken action on 22 information from the Secretary of State. 22 the declaration of candidacy. The original 23 CHAIRMAN ANTHONY: All right. Thank 23 nominating petition said no, that's it, you're 24 you. Any clarification from what I've asked? done. And that's -- that's clear. There is no 24 Page 37 1 MS. MARINELLO: I have a question. So 1 interpretation. I think earlier in August the 2 before, you used to be able to not withdraw your 2 secretary came out and flat out said that. 3 3 petition and file as a write-in without CHAIRMAN ANTHONY: Okay. Ms. Petree, 4 withdrawing, but now you have to withdraw and you had a question? 5 5 MS. PETREE: Yes, I do. In looking at file another petition? A write-in is over? 6 6 Mr. Donahue's petitions, it's very clear that MR. DAMSCHRODER: There's two things 7 that used to be. The first was that if you filed 7 there is no signature of the circulator. And I 8 8 as a candidate, that you -- and you failed to don't understand how an employee of the Board 9 make the ballot, then you could file as a write-9 could look at these petitions and say that 10 10 in. That has changed. they're all right. 11 The other thing that used to be was 11 And this is very disturbing to me that 12 that once you had filed a petition, you could not 12 this gentleman wasn't given the chance to redo 13 13 withdraw that petition and file a new one. Now his petitions. 14 14 CHAIRMAN ANTHONY: Thank you. the way things are going forward prospectively is 15 15 that you can withdraw your candidacy relative to MR. WHITE: Do you want me to address 16 that instrument and file a new candidacy with a 16 that, Matt? You're doing a great job, by the 17 17 new instrument. way. 18 MR. PICCININNI: That's prior to the 18 MS. PETREE: Yes. 19 19 Board taking action on it. MR. DAMSCHRODER: Thanks, Denny. I 20 20 MR. DAMSCHRODER: That's right. think one of the -- one of the things, from an 21 That's prior to filing -- prior to the petition 21 administrative standpoint, that this issue has

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brought to light is that we do, in all areas of

our office, need to have better documented

policies and procedures on exactly what employees

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filing deadline.

action, you lose those options.

MR. PICCININNI: If the Board takes

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are to do and what not to do.

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And so later on in the meeting, I'll be proposing a Standard Operating Procedures for the petitions of financial filings department that will cover this going forward so that we have very clear expectations of what we are able to communicate and what we cannot and should not communicate.

MR. WHITE: Yeah, there's no written policies on how they handle the check-in of the petitions out there. Basically, all they're doing is clerking it in, time stamping it, make sure they make it before the requirement.

You know, some days, you might -- the early filers, you might have a couple of petitions come in. As you get closer towards the filing deadline, you could have them lined up back there.

MS. PETREE: All right.

MR. WHITE: And, basically, all they're doing is clerking it in so it's time dated, collecting the proper fees. And depending on how much demand is put on them at that particular time, how much of a look they're

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handle it a different way. Some clerk might be a little more helpful than the other. That's why it's good we have a protocol and say, this is what you'll do.

And the more help you give it -- you give the candidate -- because, ultimately, the law requires a candidate to be responsible. Then you're starting to shift that responsibility over to your -- over to your people, I think, or open up questions about, you did this for this candidate or that candidate.

So I think what Matt -- his draft protocol is going to address these problems. The other problem we had in this particular instance, this bulletin came from the Secretary of State right in the middle of this filing deadline period. We had candidates already filed and some hasn't filed. And they kind of changed the rules of the candidates right in the middle of it.

MR. DAMSCHRODER: Ms. Petree, I had a long conversation with Mr. Colley this morning about this very issue and the inherent or apparent unfairness of the situation notwithstanding, as the assistant prosecuting

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doing.

That's why I think that what Matt came up with to address the change in candidates can refile if there's a problem is a way of leveling that playing field to where no petition is actually checked for its fatal errors or those types of things until after the deadline.

All you're actually doing is clerking it in to have official time date on this stuff showing that it did get in by the filing deadline. Because if you wait like the day -- four o'clock before a filing deadline, they're out there, what, just clerking and punching?

MS. PETREE: I know. Yes. I've been here at that time, Mr. White, so I realize that. And I realize that that is a good procedure to go 17 from here on out. But I don't agree with this at 18 all.

MR. WHITE: Right.

MS. PETREE: And some people were helped and other people weren't, and it just isn't fair to me.

MR. WHITE: And different clerks will

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1 attorney has said, that there isn't -- the Board 2 does not have discretion to fix whatever our 3 administrative shortcomings were or were not by putting Mr. Donahue on the ballot.

The only -- we have to address those in different ways. And we can talk about that

CHAIRMAN ANTHONY: Any other discussions on this matter?

(No response.)

CHAIRMAN ANTHONY: It's my understanding that in order to place Mr. Donahue on the ballot, there has to be a motion to place him on the ballot.

MR. PICCININNI: In the affirmative. CHAIRMAN ANTHONY: In the affirmative. Is there such a motion from any Board member?

MS. PETREE: I will make a motion. CHAIRMAN ANTHONY: Is there a proper second?

MR. COLLEY: Second. CHAIRMAN ANTHONY: All right. It has been properly moved and seconded to place

Page 44 Page 42 1 Mr. Donahue on the ballot. 1 2 2 MR. DAMSCHRODER: And just for MR. DAMSCHRODER: The next item on the 3 clarification purposes, the motion, as I 3 agenda is an appeal filed by Nancy Ferguson, a 4 4 understand it, and the second, is to put potential candidate for Mayor of the Village of 5 5 Mr. Donahue on the ballot. New Albany. Mayor Ferguson was also rejected 6 6 CHAIRMAN ANTHONY: That's correct. from the ballot for having an incomplete 7 7 That's my understanding. circulator statement. It is my understanding 8 8 that Ms. Ferguson is here and she is represented MR. COLLEY: Has the prosecuting 9 9 attorney decided to recommend against that? by counsel, N. Victor Goodman. 10 MR. PICCININNI: I believe I had 10 CHAIRMAN ANTHONY: Mr. Goodman. 11 stated that earlier, yes. 11 MR. GOODMAN: Thank you, Mr. Chairman, 12 MR. COLLEY: You did. I just -- I was 12 members of the Board. I appreciate the 13 13 giving you one more chance to change your mind. opportunity to appear before the Board this 14 14 MR. PICCININNI: I'm sorry. The afternoon. 15 15 process -- it's a recommendation based on our As the Board -- before I say that, I 16 research in this area, is that the statutes do 16 gave to Mr. Damschroder packets for each of the 17 not give the Board the discretion to fix this 17 Board members. I know that last week we -- I did 18 18 fatal flaw at this date, despite what may or may provide a memorandum appeal, and this afternoon, 19 not have happened. What may or may not have 19 I gave Mr. Damschroder for members of the Board 20 20 happened with employees of the Board of Election copies of the two statutes which I wish to rely 21 and the advice they gave or did not give. 21 upon in cases which we cite. 22 22 CHAIRMAN ANTHONY: Any other CHAIRMAN ANTHONY: Yes, sir. 23 23 questions? MR. GOODMAN: Thank you, Mr. Chairman 24 24 MR. PICCININNI: There's no reliance As the Board well knows, on August Page 43 Page 45 1 on that. You cannot rely on -- you have to know 1 29th of this year, the Board invalidated the part 2 -- there's still the responsibility of the 2 petitions filed by Mayor Ferguson, and therefore 3 candidate to know the election laws. And this 3 Mayor Ferguson was not certified as the candidate 4 one is particularly crystal clear. 4 for reelection as mayor of Village of New Albany. 5 5 It doesn't say the circulator, unless Two of the four-part petitions which 6 6 you're the candidate, doesn't have to sign. The were filed by the mayor did not have the address 7 circulator must sign and indicate the number of 7 of the circulator. As all four part petitions 8 8 signatures witnessed. indicate, the mayor's name and address appears on 9 CHAIRMAN ANTHONY: Okay. For further the statement of candidacy and on two of the part 10 clarification, a yes vote will put him on the 10 petitions under the circulator's name, and she 11 ballot and no vote will keep him off the ballot. 11 did put her address. 12 Those in favor of keeping him on the ballot, 12 The Board employees reviewed the part 13 please signify by saying yes. 13 petitions and found that there were 56 valid 14 MS. PETREE: Yes. 14 signatures upon all four of the part petitions. 15 CHAIRMAN ANTHONY: All right. Those 15 Article V of the Charter of the Village of New 16 who are opposed to the motion, say no. No. 16 Albany requires that for the office of mayor 17 17 MS. MARINELLO: No. there be 25 signatures. And it further provides 18 MR. DAMSCHRODER: Michael. 18 that the petition shall be in the form required 19 19 MR. COLLEY: No. by the state election officials for nonpartison 20 CHAIRMAN ANTHONY: No. Motion fails. 20 candidates. 21 Thank you so much, sir. Sorry for all the 21 The mayor filed her part petitions 22 22 trouble you've gone through. pursuant to Section 3513.261 of the Ohio Revised 23 The second item on the agenda, 23 Code. And as the Board, I'm sure, is well aware, 24 Mr. Damschroder. provides in the opening paragraph that a

nominating petition may consist of one or more separate petition papers, each of which shall be substantially in the form described in this section.

And then down into that statute, Mr. Chairman, there is further language that says that the form of the nominating petition and statement of candidacy shall be substantially as follows, and then it prescribes the form. And it does provide a place for the signature of the circulator and that circulator's address.

Contrasted with that section, however, is Section 3501.38 of the Revised Code. Paragraph E-1 of that section has two sentences, both of which I believe bears substantially and fully on the matter before the Board this afternoon.

Section E-1 says, in the first sentence, quote -- and I'm just going to read the language that it bears on this appeal. It says, quote, on each petition paper, the circulator shall indicate the number of signatures, shall sign a statement made under penalty of election falsification, that the circulator witnessed that Page 48

County Board of Elections provided, which I believe, is the controlling law in this matter.

And the Court held, at page 531 of its opinion, that election laws are mandatory and require strict compliance and that substantial compliance is acceptable only when an election statute expressly permits it.

The Court went on to say, and I think this is the important part of that, quote, Revised Code Section 3513.261, however, expressly permits substantial compliance with the form of the nominating petition and statement of candidacy.

And that, as I said, was the holding of the Supreme Court in the Phillips case. In an older case called Stern, which we have provided to the members of the Board, which was decided by the Supreme Court in the year 1968, the Court held at page 180 of its opinion, quote, absolute compliance with every technicality should not be required in order to constitute substantial compliance unless such complete and absolute compliance to each technical requirement of the printed form serves a public interest and a

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all signors were the best to the circulator's knowledge and qualified to sign and the signature of the person. And that language, Mr. Chair, members of the Board, is mandatory.

However, E-1 goes on further to say, quote, on the circulator's statement for a declaration of candidacy or nominating petition for persons seeking to become a statewide candidate or for a statewide initiative or a statewide referendum petition, the circulator shall identify the circulator's name, the address of the circulator's permanent residence, and the name and address of the person employing the circulator to circulate the petition, if any, unquote.

It is important, as the Board hopefully will recognize, the difference in those two statutes. 3501.38 requiring, for a state candidate and for referendum and initiative, that the address of the circulator be put on the circulator's statement, that that language does not appear in Section 3513.61.

In 2001, the Supreme Court of Ohio in the case of State ex rel. Phillips vs. Loraine

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public purpose, unquote.

And I think for the purposes of this appeal and the decision of this Board, the language at page 184 of the Stern opinion, I think, sets very concisely what the rules are in this state.

Quote, the public policy which favors free, competitive elections in which the electorate has the opportunity to make a choice between candidates outweighs the arguments for absolute compliance with each technical requirement in the petition form where the statute requires only substantial compliance, where in fact the only admission cannot possibly mislead any petition signor or elector, where there is no claim of fraud or deception, and where there is sufficient substantial compliance to permit the Board of Elections based upon the prima facie evidence appearing on the face of the jurat, which is a part of the petition paper, to determine the petition to be valid, unquote.

And that language, Mr. Chairman and members of the Board, and that opinion has been affirmed numerous times by the Ohio Supreme

Page 52 Page 50 1 anybody else that wants to --1 Court, including in the cases of State ex rel. 2 2 Saffold, State ex rel. Osborne, and, most CHAIRMAN ANTHONY: Let's 3 recently, in the Phillips case, which all of them 3 see -- Ms. Nancy Ferguson, would you like to say 4 are before this Board this afternoon. 4 a few words or --5 5 MAYOR FERGUSON: No. I don't think I We have previously presented to 6 6 could improve upon Mr. Goodman's presentation, so Mr. Damschroder four affidavits. We had 7 7 I'm going to just stick with that. affidavits from two persons who signed each of 8 8 CHAIRMAN ANTHONY: Thank you so much. the so-called invalid petitions, all of whom say 9 9 they know Ms. Ferguson, they know where she MAYOR FERGUSON: Thank you. 10 10 CHAIRMAN ANTHONY: Mr. Goodman, thank lives, they know she was running for mayor of the 11 Village of New Albany. They were not misled or 11 you so much, sir. 12 deceived, and they knew, on the face of the 12 MR. GOODMAN: Thank you, Mr. Chairman. CHAIRMAN ANTHONY: Is there anyone in 13 13 statement of candidacy, that there was an address 14 14 the audience that would be in opposition to this? for Ms. Ferguson. 15 15 (No response.) Secondly, the fact that the address 16 appears on each of the four part petitions, there 16 CHAIRMAN ANTHONY: Any questions 17 has been no allegation that the employees of the 17 for -- well, I just have one. This seems like 18 18 Board have had or would have any problem in a -- totally different than the one we just --19 finding Ms. Ferguson -- to find out from her 19 MR. PICCININNI: It was. 20 anything they needed to know before they could 20 CHAIRMAN ANTHONY: -- we just heard. 21 21 MR. PICCININNI: And, if I may, I know further validate the petition. 22 And, therefore, Mr. Chairman and 22 I was asked about this --23 members of the Board, we find that based upon 23 CHAIRMAN ANTHONY: And I want to 24 24 Section 3513.261, there has been, in fact, ask --Page 51 Page 53 1 1 substantial compliance. MR. PICCININNI: I was specifically 2 2 No one has made any allegation that asked about this particular petition two weeks 3 3 anyone has been deceived or misled, nor have I ago, which goes to another issue that hopefully 4 4 heard, up till now, that any -- that there's any the policy that will be discussed later will 5 5 problem with the Board in validating the address. 6 6 petition; and, therefore, we would respectfully CHAIRMAN ANTHONY: Okay. 7 ask this Board to reverse the Board's position 7 MR. PICCININNI: I was not 8 8 enunciated on the 29th day of August and place provided -- our office was not provided with a 9 9 the mayor's name on the ballot for reelection to copy of this petition prior, so I was not 10 10 the Mayor of the Village of New Albany. aware -- our office was not aware of the defects, 11 The mayor is here. She's prepared to 11 except for in passing and briefly what was going 12 answer any question any member might have, and I 12 on at the meeting, and we had no opportunity to 13 13 would be pleased to answer any question of the take a look at it. 14 14 Board. It may be necessary that if the Board 15 15 Thank you very much. does identify problem petitions that we get 16 CHAIRMAN ANTHONY: Thank you, 16 petitions more than 24 -- in a time period more 17 17 Mr. Goodman. than 24 hours prior to the meeting so that we can 18 18 Are there any questions for adequately review them and give our proper -- and 19 19 Mr. Goodman? fulfill our statutory functions of the Board. 20 20 MR. COLLEY: I have no questions. I That being said, in review of the 21 21 have a motion. issues raised by Mayor Ferguson and through her 22 22 CHAIRMAN ANTHONY: Do you have a counsel, we've reviewed the issue as well. We 23 23 motion? are concurrent -- there was -- the Stern case

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dealt with an issue where a notary had not signed

MR. DAMSCHRODER: Let's see if there's

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Page 54 Page 56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	but stamped it, and the court allowed that petition to go through, finding substantial compliance. You can find who the notary is, can you then ask the notary, did this person sign? Similar situations. Based on that and the other cases cited by Mr. Goodman, it is our position that	2 3 4 5	thank you. CHAIRMAN ANTHONY: Thank you. MR. GOODMAN: We're really not that old.
2 CHAIRMAN ANTHONY: Thank you. 3 compliance. You can find who the notary is, can 4 you then ask the notary, did this person sign? 5 Similar situations. 6 Based on that and the other cases 7 cited by Mr. Goodman, it is our position that 8 this is different than the situation before. She 9 has signed it, and we should never—the 10 petition should not have been rejected in the 11 first instance. 12 CHAIRMAN ANTHONY: Okay. Any 13 questions for our assistant prosecutor? 14 (No response.) 15 CHAIRMAN ANTHONY: Now, as the case 16 before this one, we will need a motion to 17 basically certify this to the ballot. And I will 18 entertain a motion at this time. 19 MR. COLLEY: Mr. Chairman— 20 CHAIRMAN ANTHONY: Yes. 21 MR. COLLEY: I move that the Board 22 certify Ms. Ferguson to the ball oand—as a 23 candidate for Mayor of the City of New 24 Albany — Village of New Albany, excuse me. I 25 concurred with Mr. Goodman's analysis of this 2 case and recommend the Board certify her. 3 CHAIRMAN ANTHONY: Its been properly 24 moved and seconded, an affirmative placed on the 25 ballot. All those in favor, say, yes. 26 MS. MARNELLO: Second. 27 CHAIRMAN ANTHONY: Yes. 28 MS. PETREE: Yes. 29 MS. MARNELLO: Second. 30 CHAIRMAN ANTHONY: St. 31 MR. COLLEY: Aye. 32 MR. COLLEY: Yes. 33 MR. COLLEY: Yes. 44 MS. GOODMAN: Thank you. 45 MR. GOODMAN: Thank you. 46 MR. GOODMAN: Thank you. 47 MR. GOODMAN: Thank you. 48 MR. GOODMAN: Thank you. 49 MR. GOODMAN: Thank you. 40 MR. GOODMAN: Thank you. 40 MR. GOODMAN: Thank you. 40 MR. GOODMAN: Thank you. 41 MR. GOODMAN: Thank you. 41 MR. GOODMAN: Thank you. 42 MR. GOODMAN: Thank you. 43 MR. GOODMAN: Thank you. 44 MR. GOODMAN: Thank you. 45 MR. GOODMAN: Thank you. 46 MR. GOODMAN: Thank you. 47 MR. GAIRMAN ANTHONY: Thank you. 48 MR. GOODMAN: Thank you. 49 MR. GOODMAN: Thank you. 40 MR. GOODMAN: Thank you. 40 MR. GOODMAN: Thank you. 41 MR. GAIRMAN ANTHONY: Thank you. 41 MR. GAIRMAN ANTHONY: Thank you. 42 MR. GAIRMAN ANTHONY: Thank you. 43 MR. GOODMAN: Thank you. 44 MR. GOODMAN: Thank you. 45 MR. GOODMAN: Than	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	petition to go through, finding substantial compliance. You can find who the notary is, can you then ask the notary, did this person sign? Similar situations. Based on that and the other cases cited by Mr. Goodman, it is our position that	2 3 4 5	CHAIRMAN ANTHONY: Thank you. MR. GOODMAN: We're really not that old.
2 CHAIRMAN ANTHONY: Thank you. 3 compliance. You can find who the notary is, can 4 you then ask the notary, did this person sign? 5 Similar situations. 6 Based on that and the other cases 7 cited by Mr. Goodman, it is our position that 8 this is different than the situation before. She 9 has signed it, and we should never—the 10 petition should not have been rejected in the 11 first instance. 12 CHAIRMAN ANTHONY: Okay. Any 13 questions for our assistant prosecutor? 14 (No response.) 15 CHAIRMAN ANTHONY: Now, as the case 16 before this one, we will need a motion to 17 basically certify this to the ballot. And I will 18 entertain a motion at this time. 19 MR. COLLEY: Mr. Chairman— 20 CHAIRMAN ANTHONY: Yes. 21 MR. COLLEY: I move that the Board 22 certify Ms. Ferguson to the ball oan — as a 23 candidate for Mayor of the City of New 24 Albany — Village of New Albany, excuse me. I 25 concurred with Mr. Goodman's analysis of this 2 case and recommend the Board certify her. 3 CHAIRMAN ANTHONY: Its been properly 24 moved and seconded, an affirmative placed on the 25 ballot. All those in favor, say, yes. 26 MS. MARNELLO: Second. 27 CHAIRMAN ANTHONY: Yes. 28 MS. PETREE: Yes. 29 MS. MARNELLO: Second. 30 CHAIRMAN ANTHONY: St. 31 MR. COLLEY: Aye. 32 MR. COLLEY: Yes. 33 MAYOR FERGUSON: Thank you. 41 MAYOR FERGUSON: Thank you were much. 42 Large parted that you've allowed me to remain on the ballot. Thank you. 43 CHAIRMAN ANTHONY: The next item on the allotance on the ballot in the City of Gahanna. 4 MR. GOODMAN: Thank you. 4 MS. DAMSCHRODER: Motion carries. 4 MR. GOODMAN: Thank you. 5 MR. GOODMAN: Thank you. 6 MR. GOODMAN: Thank you. 7 MR. CHAIRMAN ANTHONY: Mr. Called the parter of the date of the stignature were gathered and dated after the date of the statement. The last time I think I was in this 4 or the field his request for appeal on August 31st. The Board rejected his petitions, initially, because the majority of the signatures were gathered and dated after the date of the statement of candidacy on the nominating petit	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	petition to go through, finding substantial compliance. You can find who the notary is, can you then ask the notary, did this person sign? Similar situations. Based on that and the other cases cited by Mr. Goodman, it is our position that	3 4 5	MR. GOODMAN: We're really not that old.
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passed. And I don't know what that means, but 24 knowingly knew what they were signing and also	24	building, in this part of the building, it was on very hot, three mornings in July of 1961 when Mr. Colley and I took the bar exam. Both of us	22 23	of the date that I had began circulating them. Everyone that signed that petition

14 (No response.) 14 law there, it appears that the law, and certainly 15 CHAIRMAN ANTHONY: Anyone else in the 15 the Secretary of State's guide, contemplates only			,	16 (Pages 58 to 61)
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that were gathered before the date of the issue of the notice of permit holders from the Division of Liquor Control that had to, by law, be attached to the petition.

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I think there's rationale for why that happened, because they started their project last year, but it is our contention that they should have attached the list from last year as well.

So I understand that Eric Seabrook is here representing the 43203 Zone Dry Coalition. And it would be in order to call Attorney Seabrook to represent them.

> CHAIRMAN ANTHONY: Mr. Seabrook. MR. SEABROOK: Thank you.

15 MR. DAMSCHRODER: You're an attorney, you don't have to.

CHAIRMAN ANTHONY: You're an attorney. We trust you, man.

MR. SEABROOK: Well, to take the issues in a more -- first, as it applies to the affidavit, or affidavits, plural, I would refer you to page 8 of the Board's guide to local liquor option elections, specifically to five petition options. Item number 2.

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Now, understanding that there are much brighter legal minds than mine -- and as we all know, simply from the proceedings today, often things happen which we may or may not be aware of. Absent some authority of state statute or the Secretary of State to the necessity for multiple affidavits, it is our contention that a plain reading of this language only requires a single affidavit.

Given that, I move to the second issue, the second issue being the issue of petitioner. It is our contention that Erika Conner was the petitioner. Understanding because this effort started earlier, there may in fact -- we acknowledge that there may be some question as to the single petitioner; however, our contention is that Erika Conner was the single petitioner, absent some other notification.

And what we would like to request, understanding that our belief is that the people at Board of Elections are diligent people, is to be provided, either in the course of this proceeding or as a result of this decision, a

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And the plain reading of that is as follows: an affidavit, Form 5-N, certifying that the petitioner notified all affected permit holders in the manner and time required, that each part petition contained a copy of the list of affected permit holders at the time each signor of the petition affixed his or her signature. Repeat -- I repeat, an affidavit.

Subtitling that, it says, failure of the petitioner to supply either a complete and accurate list of liquor permit holders as furnished to him or her by the Division of Liquor 12 Control or the affidavit invalidates the entire petition.

I would argue that a plain reading of that section speaks in singular to this issue. It refers to an affidavit. This is a collective effort for Ward 7. Therefore, I would argue, as my contention, that only an affidavit, as made by the plain reading, would suffice.

Furthermore, I think if you go to the actual document, itself, the affidavit of local option petitioner, it makes reference to the affidavit in singular.

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written statement of the deficiencies. Obviously, this has been an ongoing effort that's been going on for some two years now.

Our knowledge as to the third issue, we would make two statements here. One is a -- has been a continuing effort and that the entities in question have not changed.

Okay. The entities in question both from last year when the original set of signatures were acquired and from this year, the carry -- and, specifically, what we're talking about here is the carry-out entities within this ward have not changed.

So notification to signature holders both last year and this year apply to the same set of establishments. And we have provided certification that we did notify all of those establishments.

So based upon that, what we're simply saying is, as to issue 3, it's the same set of people. There has been no change. It's -- we're dealing with the same set of facts.

So, therefore, we believe that since this is a question of judgment, a judgment call,

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that we've made substantial compliance. And, even more so, we've made actual compliance because we're talking about the same set of business entities that we notified.

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I would be glad to answer any questions. And, you know, we don't want to cast any dispersion upon what was conveyed to us. It was our understanding that the previous signatures would be acceptable. That was our understanding, based upon conversations with people at the office.

I have advised my client that the bottom line is that we are responsible, regardless of what we were told. But it has been my client's contention that they were made aware, because we were dealing with the same set of facts, the same set of entities that would be affected, those signatures would be good, in fact.

And in -- as a substantive issue of law, I have to agree with my clients from that standpoint. You know, there's been no factual change in terms of the entities affected from the initial signature collection to the second set of

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2007, the store owners and myself question the legitimacy of the petitions, the signatures obtained in the issues, because the petitioner and or the circulator did not comply with all applicable constitutional and statutory provisions governing local liquor options.

As the attorney stated before, on page 8, it is real simple. Okay. And it states that the petitioner must attach to each part petition a copy of the list of permit holders whom would be affected by the election, as provided by the Division of Liquor Control. Any part petition circulated at any time without a list of affidavit of permit holders attached to it is invalid.

I have a stack of petitions from -- that were circulated. There's so many mistakes on these petitions. It took me six hours just to go through them and just come up with the small mistakes. On some, the precincts aren't right. On others, there are duplicate signatures on two different petitions signed by two different -- signed by two different people. Now, again, this issue has been going

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1 signature collections. 2 CHAIRMAN ANTHONY: Thank you. Any 3 questions for Mr. Seabrook?

(No response.)

CHAIRMAN ANTHONY: Thank you, Mr. Seabrook. Anybody else for the affirmative for 43203 Zone Dry Committee?

(No response.)

9 CHAIRMAN ANTHONY: Is there anyone in 10 the audience that would be against us approving 11 this?

12 Yes, sir. Give your name and -- are 13 you an attorney?

14 MR. SULLIVAN: No, I'm not.

15 CHAIRMAN ANTHONY: You have to be 16

sworn in.

(Keith Sullivan was sworn.)

MR. SULLIVAN: My name is Keith Sullivan. I'm a resident of Ward 7 and Precinct

F where the petitions were circulated -- where

21 the petitions were circulated to put on the 22 ballot to vote Ward 7 dry.

23 After reviewing the petitions filed 24

with the Board of Elections on August 23rd of

Page 69

1 on for a couple of years. I, myself, can't 2 understand why simple instructions can't be 3

followed. That's all I have to say.

CHAIRMAN ANTHONY: Any questions for Mr. Sullivan?

(No response.)

7 CHAIRMAN ANTHONY: Thank you, sir. 8 Anyone else in the audience who would like to 9

Yes, sir.

speak against this issue?

MR. LINDAHL: I'm not an attorney.

12 CHAIRMAN ANTHONY: Be sworn in. 13 (Dennis Lindahl was sworn.)

14 MR. LINDAHL: My name is Dennis

Lindahl. I represent the Mt. Vernon Avenue

District Improvement Association --

CHAIRMAN ANTHONY: Now, hold on. You went awful fast with your name, and we need to make sure it gets down for the record.

MR. LINDAHL: I apologize. I'm

21 sorry. I'm nervous.

CHAIRMAN ANTHONY: All right. That's

quite all right.

MR. LINDAHL: My name is Dennis

Page 70 Page 72 1 Lindahl. 1 lets the petitioner -- lets the registered voter 2 CHAIRMAN ANTHONY: Dennis Lindahl? 2 know what the issue is about, the stores in the 3 MR. LINDAHL: Lindahl, L-i-n-d-a-h-l. 3 area that will be affected. And that's basically 4 CHAIRMAN ANTHONY: Thank you so much. 4 what our -- that's basically what the merchants 5 5 Go ahead now. would like to express to you guys. 6 6 MR. LINDAHL: And I represent the Mt. Thank you. 7 7 CHAIRMAN ANTHONY: Thank you. Any Vernon Avenue District Improvement Association 8 8 which the merchants are members. questions for Mr. Lindahl? 9 CHAIRMAN ANTHONY: Okay. Thank you, 9 (No response.) 10 sir. 10 CHAIRMAN ANTHONY: Thank you, sir. 11 MR. LINDAHL: So I'm their political 11 Anyone else in the audience? Any rebuttal or 12 consultant. 12 any --13 13 CHAIRMAN ANTHONY: Okay. Thank you. MR. SEABROOK: I'd like to speak in 14 MR. LINDAHL: The merchants got 14 rebuttal. 15 together and went to visit the residences that 15 CHAIRMAN ANTHONY: Yes, sir. 16 16 are listed as having signed the petitions, and I MR. SEABROOK: This is a very simple 17 17 have the petitions that state -- this is the issue. And I think while we presented the -- my 18 petition that they circulated. 18 clients presented their petitions, and I stand 19 19 Ward 7 project complaint list. By with confidence that they presented them 20 signing this statement, you are saying the 20 accurately, they did present additional 21 petitioner of the circulator of Ward 7 petitions 21 information. 22 have misled you about the issues of the Ward 7 22 And based upon my knowledge, having 23 project. Attached is a list of permit holders 23 worked with the Secretary of State's Office, 24 that will be affected by this issue and a copy of 24 there's nothing that prevents the sharing of Page 71 Page 73 1 the issues that will affect this community. And 1 additional information. And we've spoken to the 2 so I have these petitions which we can get to 2 additional impact that these liquor sales have 3 3 had in our community in Ward 7. 4 4 The issue was not presented correctly We've spoken to the fact that this is 5 5 in many cases when the petitions were circulated, a question of both violent crime, this is a 6 and that's what I'm here to express for the 6 question of domestic violence, this is a question 7 merchants. There is a lot of concern that the 7 of how these liquor sales impact our community. 8 8 issue was misrepresented as other issues. And, But these aren't issues. None of those are 9 9 like I said, we do have registered voters, people issues that deal with processing the 10 in the community that were presented with the 10 applications. 11 issue that we can get those to you. That's the 11 We haven't -- and what I speak to is 12 12 first issue. the question of meeting the requirements of 13 13 On the third issue of the affidavit processing the applications. And that, 14 14 being attached, the affidavit needs to be fundamentally, is the issue at hand. I would not 15 attached, as you well know. The petitioner shall 15 have addressed these issues or brought these 16 16 attach a copy of the list provided by the issues up, but I do think it is a very simple 17 17 division to each petition paper. A part petition issue. 18 18 paper circulated at any time without the list of And since reference was made to some 19 affected permit holders attached to it is 19 deficiency or the best interest of the community, 20 invalid. 20 I felt the necessity to speak to that. Because 21 21 Now, the reason that we're we are speaking about things in addition to the 22 22 stating -- the reason that we would like to go to fundamental registration.

Ohio Revised Code 4301.332 is because when the

petitions were circulated, the affidavit is what

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We're speaking to the abuse and the

unnecessary exposure of this community to a high

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Page 76 Page 74 1 concentration of alcohol distribution and sale, 1 short on this one. There are signatures added to this 2 which is having an adverse impact upon the 2 3 3 one, okay, plus the date on it is September community, which questions a question of 4 4 9th -- September the 11th of 2007. This here was community participation and business efforts. 5 5 And that, fundamentally, is the issue submitted August 23rd, 2007, 3:50 p.m. 6 6 in which we seek to use the process provided to Again, it just speaks to the 7 7 us by the Ohio Revised Code to allow the voters inconsistencies, the irregularities, and 8 8 of that community to make a decision. everything that deals with these issues. 9 9 And my premise is, given our good I say, let them go back to the drawing 10 10 board, dot their I's, cross their T's, and come business citizens in the community, there should 11 be no fear of allowing the voters to make a 11 back out and lick them thumbs and get ready for 12 12 reasonable decision about their community. the next one. 13 Thank you very much. I'm sorry if I 13 Thank you. 14 14 held up your time. CHAIRMAN ANTHONY: Thank you. Any 15 15 CHAIRMAN ANTHONY: Thank you, sir. further questions? Sir? 16 MR. PICCININNI: I think the secretary Yes, sir. For the record, Keith 16 17 17 Sullivan, correct? has opined on this. I think -- we had not had 18 18 the opportunity to in depth look at this issue. MR. SULLIVAN: Yes. 19 19 CHAIRMAN ANTHONY: Okay. Any CHAIRMAN ANTHONY: All right. Go 20 20 ahead. questions of Mr. Damschroder before we vote? 21 21 MR. SULLIVAN: Again, here I am MR. PICCININNI: And we have not had 22 22 the opportunity to take a look at this issue. hearing the same things over and over again of 23 CHAIRMAN ANTHONY: Okay. Any how the alcohol is tearing the community up, why 23 24 it's such a great big issue. Our community is questions from Mr. Damschroder? Anything you Page 75 Page 77 1 thriving, okay? 1 want to clarify, Matt? 2 2 I'm the president of Mt. Vernon Plaza MR. DAMSCHRODER: I would only add to 3 3 Residents Counsel. I'm also the chairperson for the record that I spoke with Gretchen Quinn this 4 4 the Near East Council Committee, which is morning from the Secretary of State's Office, and 5 presidents from Sawyer, Mt. Vernon Plaza, 5 she said that she is not aware of any court 6 Poindexter, and Nelson Road Apartments. There 6 decisions that speak to either the 7 7 are many, many residents in that neighborhood disqualification of all of the petitions based on 8 8 that don't drink. There are some that do. the filing of only a single affidavit for all of 9 9 I really don't think the issue is what the individual local option questions and that 10 it's doing to the neighborhood, all right, more 10 that issue, she believes, is at least, in the 11 so because if we dry up the east side, they're 11 absence of clear guidance from the Court, within 12 12 going to go outside of the east side to get the the Board's discretion. 13 13 alcoholic beverages. They wanted to stop a However, on the issue of a single 14 14 known individual being identified as the liquor store from coming in the community. 15 15 Carl Browns was there for 10 years or petitioner for all three purposes of getting the 16 16 so. Prior to that, there was a state liquor number of -- the certificate of number of 17 17 agency on Mt. Vernon and on Long Street, and the signatures from the Board of Elections, the list 18 crime didn't change that much then, you know. 18 of permit holders from the Division of Liquor 19 19 Control, and the executing of the affidavit, that Responsible drinking is what we need 20 to teach, okay? A long -- when I heard him say 20 it is her contention that the guidance in the 21 21 what he said, I just happened to look at one of Secretary of State's guide to local option 22 22

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one individual.

elections is clear that the petitioner has to be

And, in this case, we have a different

these petitions that were circulated. And this

petition here is a copy. But if you take a look

at the signatures, they run long on this one and

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individual executing the affidavit than the individual who requested the certificate of number of electors to sign the petition and the notice of permit holders from the Division of Liquor Control.

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So that being said, if this Board were to hold with its previous ruling of not putting any of these issues on the ballot and the 43203 Zone Dry Coalition were to sue the Board of Elections, obviously, we don't know how the courts would rule because this, based on Gretchen's comments, is unchartered territory. And because of that, it appears to be the Board's discretion.

So if the Board were to say that the affidavit issue is not a problem and the multiple petitioner issue is not a problem, then we would have to look at the number of signatures on each petition and address the question of -- for the individual petitions that had signatures dated prior to the date of the notice of permit holders that was attached to that petition.

We'd have to address that issue and then -- obviously, then, there's some other

Thank you, sir.

CHAIRMAN ANTHONY: The next item on the agenda.

MR. DAMSCHRODER: The next item on the agenda is an appeal filed by Caballeros Limited, doing business as, Tres Portillos -- I apologize for mispronouncing that -- at 964968 Galloway Road.

They are a current permit holder for various permits, and they wanted to put a question on the ballot to expand sales of beer and spirits, liquor. And the Board, in the review of their petitions, found an insufficient number of valid signatures.

The petitioner filed an appeal outlining their individual differences with the Board staff's finding. I have asked Matt Rushay to review all of the individual challenges to signatures advanced by the petitioner.

And even -- and, Matt, as you know, is a very meticulous individual. Even giving them the benefit of the doubt on some of the signatures on which there could be a call, they

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1 still come up short on the number of signatures 2 that they would need. 3

I believe someone is here representing the petitioner.

CHAIRMAN ANTHONY: Yes, ma'am. MS. SAVINO: I'm Angela Alexander

Savino. I'm an attorney. I'm also the petitioner.

this matter on the ballot.

CHAIRMAN ANTHONY: Thank you. MS. SAVINO: And I thank you, Chairman and Board members, for your time this afternoon. I know it's late in the day. I also appreciate the Board staff relooking at the signatures, but we do disagree. We do believe that of the 344 signatures that we submitted, that there were the requisite number of at least 250 in order to put

Specifically, we did outline in a very detailed memo -- and I did make some copies. If anvone didn't ---

MR. DAMSCHRODER: They all have it. MS. SAVINO: Okay. Thank you. Specific questions that we had. And I don't know if it would be helpful since -- if there are some

petitions that just have invalid signatures on its face. So there's just a handful.

So I think if the Board wants to examine putting this issue on the ballot, we would have to vote first in the affirmative on allowing multiple individuals to constitute the definition of petitioner and then deal with each of those in -- those insufficiencies one by one.

But it's staff recommendation, based on what appears in the guide to local option elections from the Secretary of State that the number of individuals acting as the petitioner is a fatal flaw.

CHAIRMAN ANTHONY: Any questions to Mr. Damschroder based on what he just told us? (No response.)

CHAIRMAN ANTHONY: Like the others before this one, we would -- the Board would need a motion in the affirmative in order to place this on the ballot. The chair will entertain a motion as such.

(No response.)

23 CHAIRMAN ANTHONY: Hearing none, the 23 issue stands as it is.

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Page 82 that, with the Board's re-review or the Board staff's re-review we could skip because they agree they should have been counted towards or none of them, then I'll go through piece by piece. MR. DAMSCHRODER: Why don't we do that? Why don't we identify the ones that we still have a concern with. The first one that appeared on your exhibit, Christopher, last name is spelled R-e-r-i-c-h-a, at 1358 Gilead Court in Galloway.

Our review finds that the signature was not validated because also it appeared twice on the petition. And we counted one of the signatures, and the other one did not count.

The second is for Eddie Cimini, C-i-m-i-n-i, of 5756 Blanton Park Drive. The question here was, in the Board's staff determination, the signature was not valid because it was a printed signature. Which, as the Board will recall from numerous previous questions, a printed name does not count.

In your packet, you'll see, I think it was Exhibit 2, the signature as it appeared on

it was a valid signature, and it was valid when we registered. We could not find the indication that you're speaking of.

MR. DAMSCHRODER: And I can show you that. I actually have it here, if you'd like to review it.

(Pause in proceedings.)

8 MR. DAMSCHRODER: It appears, if you 9 want to take a look at this --

MS. SAVINO: Do you want me to approach?

MR. DAMSCHRODER: Yeah, you can come on up. It appears that Ms. Chapman circulated two different petitions and had both Ms. Williams and Christopher as notated where we've got two different signatures. And we can get the originals if you want to see them. But I think we've got -- I think we've got two different individual part petitions here.

MS. SAVINO: Okay.

MR. DAMSCHRODER: And we can bring out the originals if you want.

MS. SAVINO: Okay. Because I was not aware that those were done. It looks more like a

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the petition on line 1. And then the next page is a signature on file.

In the staff's opinion, the difference that would lead us to believe that the signature on the petition is indeed printed is that on the signature on file, the d-i-e, at the end of the first name are connected and the last name, Cimini, is a -- what appears to be a C with a squiggle as opposed to on the petition it is very clearly printed.

So in the Board staff's opinion, that signature would be a printed signature and therefore invalid.

MS. SAVINO: I guess if we're going to -- if we're going to do that, maybe we should hit each one --

MR. DAMSCHRODER: Okay. Sure. MS. SAVINO: -- if that's okay, if the Board would indulge me on that.

MR. DAMSCHRODER: Certainly.
MS. SAVINO: If I could go back, on item 1, we did not find duplication. I think if you could point that out to me, that would help. But, in fact, in our research, we did find that

copy, but I'm not aware of that.

MR. DAMSCHRODER: Okay. We can get -- Karen, can you get this petition?

MS. SAVINO: While she does that, I can move on.

MR. DAMSCHRODER: Yeah, you want to address number two? Certainly.

MS. SAVINO: On the Eddie Cimini, if I'm pronouncing that correctly, it appeared that even on -- if you look at Exhibit 2, second page, he does print part of his signature. It is consistent.

If you look at number one, his first name, I believe, is very consistent with the first name of the Exhibit 2. And the C even looks similar. Now, the last name is partially printed, but there is connection to all the printed letters that he does on the file -- that you have on file.

And I, unfortunately, did not record the date of his signature. Because I've only looked at one signature, even though we may have received a number of signatures over the years that may have these variations in them.

Page 88 Page 86 1 MR. PICCININNI: Mr. Chairman, the law 1 name and the signature. 2 is clear that you can print your signature 2 So they have -- they certainly have 3 3 provided that the signature does appear. the ability, at that point in time, and the 4 4 CHAIRMAN ANTHONY: On the -- on the recollection to refresh themselves as to how you 5 5 voter registration card. sign it. Here, I think there is enough 6 6 MR. PICCININNI: You have to sign it correlation, if you will, to his first name and 7 like I -- the way I sign my name, I usually print 7 the first letter of the last name to indicate a 8 8 my name below it so you can find that it's me. signature. 9 9 CHAIRMAN ANTHONY: Right. I think we're going to have -- you're 10 10 MR. PICCININNI: In this particular going to see -- I'm probably not the first one 11 case, it is printed, and we've traditionally held 11 before you to say this, but it's wholly 12 those invalid. 12 impossible for some people to remember, even for 13 CHAIRMAN ANTHONY: So -- okay. Let's 13 me -- and I take it very seriously, and I think 14 continue, then. 14 most people do -- to remember exactly how you 15 MS. SAVINO: If I could go back 15 sign it every year. Or if you voted in a primary 16 and -- I can hardly hear you, I apologize. 16 in some years, even every six months. 17 17 MR. DAMSCHRODER: That's all right. But, fortunately, when you go in to 18 I'm sorry. It's bad acoustics in this room, so 18 sign, you do have the ability to refresh your 19 I'll speak up. 19 memory as to exactly how you did it. They do not 20 MS. SAVINO: And you indicated what? 20 have that when you go door to door to an 21 MR. DAMSCHRODER: I was going to move 21 individual's home. They ask them to give them 22 22 on to number three, if you were ready. the person's signature, and Mr. Cimini responded 23 23 CHAIRMAN ANTHONY: No, she's -with this. 24 24 MR. DAMSCHRODER: Oh, you were talking MR. DAMSCHRODER: Why don't we make a Page 87 Page 89 to Patrick. I'm sorry. 1 1 note of that as we move forward. 2 2 MR. PICCININNI: The law is clear that CHAIRMAN ANTHONY: Okay. A point of 3 3 your signature has to appear as it is on file. clarification. 4 You may print your name if you're -- underneath 4 MR. DAMSCHRODER: Sure. 5 it, but the signature has to appear there. 5 CHAIRMAN ANTHONY: We could either 6 6 MS. SAVINO: Well, and I guess as an rule on these as we go, which I think makes a lot 7 7 overall -- overall, we all, at different of sense, so you don't have to come back to it --8 8 times -- none of us have the signature line when MR. DAMSCHRODER: That's great. 9 you're going out and circulating. It is a very 9 CHAIRMAN ANTHONY: And so we could 10 meticulous job to go out and circulate. 10 just take number one, and we could take a vote 11 And, as you can see by the 11 whether we could -- whether we accept it or not 12 12 completeness of the petitions, we tried very accept it, and that way we keep a running total 13 13 desperately to stick to all the meticuality and know where we are to see --14 14 required. MR. DAMSCHRODER: And if we get there, 15 15 But you don't have a copy of the then they're on. 16 signature, and individuals don't always remember 16 CHAIRMAN ANTHONY: Huh? 17 17 if they vote once every four years or even once a MR. DAMSCHRODER: And if we get there, 18 year exactly how those signatures are or which 18 we're on, that's that. 19 19 letters are signed. CHAIRMAN ANTHONY: And if you get 20 20 In fact, many people -- when we had there, then they're on. If we don't get there, 21 21 said that we have to be in cursive, they still then it's not on. 22 gave the signature similar to Mr. Cimini because 22 MR. DAMSCHRODER: That's a great 23 that's what you believed it was. When you go to 23 suggestion. 24 vote each year, you actually see on the page your 24 CHAIRMAN ANTHONY: So on the first

Page 92 Page 90 1 one, Christopher -- do you want to hold off on 1 MR. DAMSCHRODER: And we can 2 that one? 2 probably -- on the next couple ones, the staff 3 3 MR. DAMSCHRODER: Actually, I have the finds for number three and four that we concur 4 4 with the explanation or appeal. originals. 5 5 MS. SAVINO: If I may approach, CHAIRMAN ANTHONY: And what was that? 6 6 MR. DAMSCHRODER: Number three and please. 7 7 MR. DAMSCHRODER: Yeah, absolutely. four --8 8 We're a little less formal here. You don't have CHAIRMAN ANTHONY: Are they 9 9 to -registered? 10 MS. SAVINO: I beg your pardon? 10 MR. DAMSCHRODER: Yeah. 11 MR. DAMSCHRODER: We're a little more 11 CHAIRMAN ANTHONY: They are 12 informal here. Did you guys photocopy them 12 registered. 13 before you submitted them? 13 MR. DAMSCHRODER: Yeah. 14 14 CHAIRMAN ANTHONY: So we can MS. SAVINO: I did photocopy them 15 for --15 say -- okay. So I move that we, then, accept 16 MR. DAMSCHRODER: That's what we got. number three and four as valid signatures or good 16 17 MS. SAVINO: Is that what happened? 17 on the petition. Is there a second? 18 MR. DAMSCHRODER: We got the photocopy 18 MS. PETREE: Second. 19 19 CHAIRMAN ANTHONY: All those in favor, stuck in here. 20 20 MS. SAVINO: Okav. say, aye. 21 MR. DAMSCHRODER: So I would recommend 21 (Board members in favor of the motion 22 that the Board concur with the --22 so indicated.) 23 CHAIRMAN ANTHONY: That that's a 23 CHAIRMAN ANTHONY: We've got two more. 24 valid --24 MR. DAMSCHRODER: Number five. Our Page 91 Page 93 1 MR. DAMSCHRODER: That number one is a 1 staff finds that this signature by Richard J. 2 valid signature. 2 Ritterbeck was not valid because Mr. Ritterbeck, 3 3 CHAIRMAN ANTHONY: Is a valid when he submitted his voter registration form on 4 signature. All right. Then I will make a motion 4 8/11/07, August 11 of '07, he did not provide a 5 that Christopher Rericha -- anyway, that first 5 signature on his voter registration form. 6 one; I cannot pronounce it -- is a valid 6 That form is, therefore, not valid 7 7 signature. Is there a second? until such time as the signature appears on the 8 MR. DAMSCHRODER: Is there a second? 8 form and it's refiled with the Board of 9 9 MS. PETREE: Second. Elections. 10 CHAIRMAN ANTHONY: All those in favor, 10 CHAIRMAN ANTHONY: Okay. Any 11 say, yes or aye. 11 questions on that one, ma'am? 12 12 (Board members in favor of the motion MS. SAVINO: Yes, yes. Thank you. 13 so indicated.) 13 The voter registration form that was submitted 14 CHAIRMAN ANTHONY: All right. We've 14 was a change of address form. His signature, the 15 15 got one. On number two, Eddie Cimini. I make a Board of Elections already has on file. 16 motion that we do not accept Edward Cimini. Is 16 And the signature of item four, line 17 there a second? 17 four of this 8/11 petition, does match the 18 MS. PETREE: Second. 18 signature you have on file. What it doesn't 19 CHAIRMAN ANTHONY: All those in favor, 19 match and why I'm presuming it was considered not 20 20 valid and not registered address was because the say, aye. 21 21 (Board members in favor of the motion address was different. 22 22 so indicated.) The voter registration form is the 23 CHAIRMAN ANTHONY: We're not going to 23 change of address. It is not where, you know, he 24 take that one. All right. Well, go ahead. 24 necessarily draw his signature, it is the address

the signature or the address previously on file with the Board of Elections is in this precinct? M.S. SAVINO: I do not know that. It's because it was not signature on the petition at this address along with the Change of address. But I put it before the brack of Elections is in this precinct? M.S. SAVINO: I do not know that. It's bublic records and typed in 33009 Green Arbor Lane, which was the previous address, this signature came up. And so it thadn't done a change of address. But I put it before the bublic records and typed in 33009 Green Arbor Lane, which was the previous address, this signature came up. And so it that fit is, intial registration, it's merely a change of that this attached voter registration form is not that this attached voter registration form changing his argument would be, when these individuals are signing the petitions, they're stating we, the undersigned qualified electors of the precinct therein defined at the time this individual signed the precinct. Page 95 Address, that he didn't meet the statutory Page 95 Address, that he didn't meet the statutory Page 95 Address, that he didn't meet the statutory Page 95 Address, that he didn't meet the statutory Page 95 Address, that he didn't meet the statutory Page 95 Address, that he didn't meet the statutory Page 95 Address, that he didn't meet the statutory Address, that he didn't meet the statutory Address, that he didn't meet the statutory Address, that he didn't meet the statut				25 (Pages 94 to 97
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22 MS. SAVINO: I would disagree. I 22 CHAIRMAN ANTHONY: Where's Kathy's at? 23 disagree. Because, again, you have a you have 23 MR. DAMSCHRODER: Line four of Exhibit		elector, but he's a qualified elector of a	20	
23 disagree. Because, again, you have a you have 23 MR. DAMSCHRODER: Line four of Exhibit		different precinct.	21	MS. PETREE: I see Joel's.
		MS. SAVINO: I would disagree. I	22	CHAIRMAN ANTHONY: Where's Kathy's at?
24 his signature. If you look at 3009, you have his 24 8.	23		23	MR. DAMSCHRODER: Line four of Exhibit
	24	his signature. If you look at 3009, you have his	24	8.

			26 (Pages 98 to 101
	Page 98		Page 100
1	CHAIRMAN ANTHONY: On the next page?	1	so indicated.)
2	I got it. All right. Any rebuttal of those? Or	2	MR. DAMSCHRODER: For numbers 10, 11,
3	I'll take a motion.	3	12, 13, 14, 15, 16, and 17, staff recommends that
4	MS. SAVINO: It's similar to the	4	the Board concur with the petitioner.
5	previous one. We've already there's partial	5	MS. PETREE: Would you repeat that,
6	printing. Specifically, on Joel Redding, the way	6	please?
7	that he makes his R and then the E and D are	7	MR. DAMSCHRODER: Yes. For Exhibits
8	connected similar. And then the second D of his	8	10, 11, 12, 13, 14, 15, 16, and 17, that my
9	last name is totally disconnected, but	9	recommendation is the Board concur with the
10	CHAIRMAN ANTHONY: I will entertain a	10	petitioner.
11	motion on that one.	11	CHAIRMAN ANTHONY: Okay. Then I make
12	(No response.)	12	a motion that the Board will accept the
13	CHAIRMAN ANTHONY: Then I will make a	13	signatures as items number 10, 11, 12, 13, 14,
14	motion that we will not accept these, Joel	14	15, 16, and 17 to be valid signatures or to
15	Redding or Kathy Redding. Is there a second?	15	be yeah, valid signatures. Is that the
16	MS. MARINELLO: Second.	16	correct
17	CHAIRMAN ANTHONY: All those in favor,	17	MR. DAMSCHRODER: Valid signatures.
18	say, aye.	18	CHAIRMAN ANTHONY: Yeah. Is there a
19	(Board members in favor of the motion	19	second?
20	so indicated.)	20	MS. MARINELLO: Second.
21	MR. DAMSCHRODER: The next one, number	21	CHAIRMAN ANTHONY: All those in favor,
22	9, Exhibit No. 9, for Michael Dolby. The	22	say, aye.
23	address, 707 Murnan, M-u-r-n-a-n, Road is	23	(Board members in favor of the motion
24	actually not in this Columbus precinct.	24	so indicated.)
	Page 99	<u> </u>	Page 101
1	In reviewing the petitions prepared	1	CHAIRMAN ANTHONY: Okay.
2	for this meeting, the next signature under	2	MR. WHITE: How many more do they
3	Michael Dolby's is Penny Dolby. Staff improperly	3	need, Matt?
4	validated Penny Dolby's signature as being in the	4	MR. DAMSCHRODER: They need five.
5	precinct when it is not and rejected Mr. Dolby's	5	MR. WHITE: Five?
6	properly. So	6	MS. PETREE: Five more?
7	CHAIRMAN ANTHONY: Is 709 in the	7	CHAIRMAN ANTHONY: Yeah. They just
8	precinct or is that is that 707? But that is	8	have 12. They need five more.
9	both of them, 707? Okay. Got you. So they're	9	MS. SAVINO: Three more, three more.
10	not in the precinct?	10	MR. DAMSCHRODER: Based on Matt
11	Any rebuttal?	11	Rushay's review.
12	MS. SAVINO: I was not aware it's not	12	CHAIRMAN ANTHONY: Okay. The next on
13	in the precinct. When we looked him up,	13	will be Eugene Whetsell.
14	certainly the signature was the same. I	14	MR. DAMSCHRODER: I'm pulling the
15	understood it was his signature being not good	15	original here.
16	when questioned by the reviewers.	16	CHAIRMAN ANTHONY: Okay. I got it.
17	CHAIRMAN ANTHONY: I'll make I will	17	(Pause in proceedings.)
18	make a motion that we do not accept Michael Dolby	18	CHAIRMAN ANTHONY: Matt, part of the
19	<u> </u>	19	problem is he wrote Gene instead of Eugene
20	- · · · · · · · · · · · · · · · · · · ·	20	or am I looking at the right one?
21	MS. PETREE: Second.	21	MR. DAMSCHRODER: Well,
22	CHAIRMAN ANTHONY: All those in favor	22	actually and I'm just really looking at these
23	say, aye.	23	for the first time now. In the memorandum that
24	(Board members in favor of the motion	24	staff prepared for you, in putting together
17 18 19 20 21 22 23	CHAIRMAN ANTHONY: I'll make I will make a motion that we do not accept Michael Dolby and, at this point, Penny Dolby as valid residents of the precinct. Is there a second? MS. PETREE: Second. CHAIRMAN ANTHONY: All those in favor, say, aye.	17 18 19 20 21 22 23	(Pause in proceedings.) CHAIRMAN ANTHONY: Matt, part of the problem is he wrote Gene instead of Eugene or am I looking at the right one? MR. DAMSCHRODER: Well, actually and I'm just really looking at these for the first time now. In the memorandum that

			27 (Pages 102 to 105)
	Page 102		Page 104
1	everything in response to this, staff is actually	1	MS. PETREE: And it's okay if they do
2	recommending, in response to number 18, that we	2	the address, too, isn't it?
3	disqualify, now, the entire part petition because	3	MR. DAMSCHRODER: Right.
4	and that's why I'm trying to get the original	4	MR. WHITE: Matt, I'm not a
5	here. Because there appears to be one, two,	5	handwriting expert, but it looks like the
6	three, four at least four signatures: number	6	circulator.
7	4, 5, 6 4, 6, 7 that appear to be of the same	7	CHAIRMAN ANTHONY: So we've got a
8	hand.	8	problem here that if you get rid of the whole
9	CHAIRMAN ANTHONY: Oh, you mean on	9	part petition, you lose 15 votes.
10	this petition, the Westdale Berkeley?	10	MR. DAMSCHRODER: And that's what I
11	MR. DAMSCHRODER: And staff is	11	think the Board has to decide on this one, is
12	recommending that we invalidate the entire part	12	whether we shouldn't retroactively take away
13	petition.	13	these signatures after having previously found
14	CHAIRMAN ANTHONY: Oh, I see. Okay.	14	that they were valid.
15	I see what you're saying. You're talking about	15	MR. WHITE: What's the law say if the
16	on 4, 5, 6, 7 of the petition?	16	circulator forges signatures?
17	MR. DAMSCHRODER: Yes.	17	MR. PICCININNI: The entire part
18	CHAIRMAN ANTHONY: Okay. Looks like	18	petition is history.
19	the same person wrote all of these? Natasha Sean	19	MR. WHITE: Yeah, it's pretty obvious
20	Catherine.	20	that it's the circulator that did it by the way
21	MR. DAMSCHRODER: And what we'd asked		they do their 8's.
22	counsel is whether or not we should disqualify	22	MR. PICCININNI: I've got four cases
23 24	the entire part petition, actually dock them 500 signatures that we had previously counted.	23 24	right now with people fraudulently okay?
24		24	MR. WHITE: Looks like you've got a
	Page 103		Page 105
1	CHAIRMAN ANTHONY: Wow, if you docked	1	fifth one.
2	the whole petition, that just really make its	2	MR. PICCININNI: Didn't we go
3	difficult.	3	through didn't we go through ACORN hearings
4	MR. COLLEY: Doesn't it look like the	4	earlier last year for six hours with those
5 6	circulator's the one that did it? MR. DAMSCHRODER: I don't know who did	5 6	people?
7	it.	7	CHAIRMAN ANTHONY: Any rebuttal to
8	MS. MARINELLO: It does look like that	8	that, ma'am? MS. SAVINO: I had not looked at that
9	handwriting.	9	issue. Catherine I mean, I was looking
10	MS. PETREE: It's the same signature.	10	specifically at the ones that were found to be
	1115. I BITTEB. It b the ballie bighatare.		
11	CHAIRMAN ANTHONY: Chapman Melissa	11	= -
11 12	CHAIRMAN ANTHONY: Chapman, Melissa Chapman?	11 12	three, four and eight, and they appeared to
	CHAIRMAN ANTHONY: Chapman, Melissa Chapman? MS. PETREE: Yeah.	12	three, four and eight, and they appeared to resemble the signatures that I pulled up and gave
12	Chapman? MS. PETREE: Yeah.		three, four and eight, and they appeared to resemble the signatures that I pulled up and gave you.
12 13	Chapman?	12 13	three, four and eight, and they appeared to resemble the signatures that I pulled up and gave you. I certainly don't have any information
12 13 14	Chapman? MS. PETREE: Yeah. CHAIRMAN ANTHONY: She was trying to	12 13 14	three, four and eight, and they appeared to resemble the signatures that I pulled up and gave you.
12 13 14 15	Chapman? MS. PETREE: Yeah. CHAIRMAN ANTHONY: She was trying to get away with something, wasn't she? It looks	12 13 14 15	three, four and eight, and they appeared to resemble the signatures that I pulled up and gave you. I certainly don't have any information of any fraudulent entries. I did not bring the
12 13 14 15 16	Chapman? MS. PETREE: Yeah. CHAIRMAN ANTHONY: She was trying to get away with something, wasn't she? It looks like she did that. But she certainly wrote all	12 13 14 15 16	three, four and eight, and they appeared to resemble the signatures that I pulled up and gave you. I certainly don't have any information of any fraudulent entries. I did not bring the circulator with me. I would have, had I realized
12 13 14 15 16 17	Chapman? MS. PETREE: Yeah. CHAIRMAN ANTHONY: She was trying to get away with something, wasn't she? It looks like she did that. But she certainly wrote all the Galloway's.	12 13 14 15 16 17	three, four and eight, and they appeared to resemble the signatures that I pulled up and gave you. I certainly don't have any information of any fraudulent entries. I did not bring the circulator with me. I would have, had I realized that was an issue. But I certainly don't have
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12 13 14 15 16 17 18 19 20 21	Chapman? MS. PETREE: Yeah. CHAIRMAN ANTHONY: She was trying to get away with something, wasn't she? It looks like she did that. But she certainly wrote all the Galloway's. MS. PETREE: Yeah. CHAIRMAN ANTHONY: But she could do that. MR. DAMSCHRODER: And that's okay.	12 13 14 15 16 17 18 19 20 21	three, four and eight, and they appeared to resemble the signatures that I pulled up and gave you. I certainly don't have any information of any fraudulent entries. I did not bring the circulator with me. I would have, had I realized that was an issue. But I certainly don't have anything on that. There's no indication. CHAIRMAN ANTHONY: Then I will thank you so thank you, ma'am. I will entertain a motion that I mean, I make a

Page 106 1 appearance that the circulator signed at least 2 one, two, three, four of the signatures on this 3 page. 3 Is there a second? 4 6th, 2007 general election ballot: 5 MS. PETREE: Second. 6 CHAIRMAN ANTHONY: All those in favor say, aye. 8 (Board members in favor of the motion 9 so indicated.) 7 MR. DAMSCHRODER: Number 19, there, 11 deals with the exact same petition that we just 12 invalidated. 12 invalidated. 13 Number 20 is the exact same thing. 14 And then number 21, 22, 23, 24, and 25, staff 15 recommends that you agree with the petitioner. 16 CHAIRMAN ANTHONY: I make a motion 17 that on 21, 22, 23, 24, and 25 that we consider 18 those valid signatures. Is there a second? 19 MS. MARINELLO: Second. CHAIRMAN ANTHONY: All those in favor 20 say, aye. 10 of the Franklin County Board of Elections be amended to reflect all the following candidates as having been timely certified to the November 6th, 2007 general election ballot: 10 Attorney for the City of Gahanna. 10 David Samuel for the City of Gahanna. 11 David Samuel for the City of Gahanna. 11 David Samuel for the City of Gahanna. 12 David Samuel for the City of Gahanna. 13 David Samuel for the City of Gahanna. 14 David Samuel for the City of Gahanna. 15 David Samuel for the City of Gahanna. 16 Member of Council for the Village of New Albar for the unexpired term ending December 31st, 12 David Samuel for the village of Valleyview. 18 David Samuel for the Village of Valleyview. 19 Chad Allen Radford for the office of Member of Council for the Village of Valleyview. 19 Abdi Issa for the office of Member of Council for the Village of Urbancrest. 19 Pamela Sayer for the office of Trustee for Brown Township. 19 Barbara Bloxam for the office of Trustee for Brown Township. 19 David Samuel for the Office of Trustee for Brown Township. 19 David Samuel for the November of Chad Allen Radford for the Office of Trustee for Brown Township. 10 David Samuel for the Office of Trustee for Brown Township. 10 David Samuel for the November of Chad Allen Radford for the
2 one, two, three, four of the signatures on this 3 page. 4 Is there a second? 5 MS. PETREE: Second. 6 CHAIRMAN ANTHONY: All those in favor. 7 say, aye. 7 (Board members in favor of the motion so indicated.) 9 MR. DAMSCHRODER: Number 19, there, 11 deals with the exact same petition that we just 12 invalidated. 13 Number 20 is the exact same thing. 14 And then number 21, 22, 23, 24, and 25, staff recommends that you agree with the petitioner. 16 CHAIRMAN ANTHONY: I make a motion 17 that on 21, 22, 23, 24, and 25 that we consider 18 those valid signatures. Is there a second? 10 MS. MARINELLO: Second. 20 CHAIRMAN ANTHONY: All those in favor, 20 for Brown Township.
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5 MS. PETREE: Second. 6 CHAIRMAN ANTHONY: All those in favor, 7 say, aye. 7 David Samuel for the office of At 8 (Board members in favor of the motion 9 so indicated.) 10 MR. DAMSCHRODER: Number 19, there, 11 deals with the exact same petition that we just 12 invalidated. 13 Number 20 is the exact same thing. 14 And then number 21, 22, 23, 24, and 25, staff 15 recommends that you agree with the petitioner. 16 CHAIRMAN ANTHONY: I make a motion 17 that on 21, 22, 23, 24, and 25 that we consider 18 those valid signatures. Is there a second? 19 MS. MARINELLO: Second. 20 CHAIRMAN ANTHONY: All those in favor, 20 for Brown Township.
CHAIRMAN ANTHONY: All those in favor, say, aye. (Board members in favor of the motion so indicated.) (Board member of Council for the Village of New Albarta so in the office of Member of Council for the Village of Valleyview. (Chairman Manthony: I make a motion that we just should be a motion so indicated.) (Board members in favor of the motion so indicated.) (Board member of Council for the City of Gahan at Large Member of Council for the Village of New Albarta so indicated.) (Board member of Council for the City of Gahan at Large Member of Council for the Village of New Albarta so indicated.) (Board member of Council for the City of Gahan at Large Member of Council for the City of Gahan at Large Member of Council for the Village of New Albarta so indicated.) (Board member of Council for the City of Gahan at Large Member of Council for the City of Gahan at Large Member of Council for the Village of Valley so indicated.) (Board member of Council for the Village of Valley so indicated.) (Board me
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Number 20 is the exact same thing. And then number 21, 22, 23, 24, and 25, staff recommends that you agree with the petitioner. CHAIRMAN ANTHONY: I make a motion that on 21, 22, 23, 24, and 25 that we consider those valid signatures. Is there a second? MS. MARINELLO: Second. CHAIRMAN ANTHONY: All those in favor, 20 Thomas E. Watkins for the office of Mayor of the Village of Valleyview. Chad Allen Radford for the office of Member of Council for the Village of Valleyvie Abdi Issa for the office of Member of Council for the Village of Urbancrest. Pamela Sayer for the office of Trustee for Brown Township.
And then number 21, 22, 23, 24, and 25, staff recommends that you agree with the petitioner. CHAIRMAN ANTHONY: I make a motion that on 21, 22, 23, 24, and 25 that we consider those valid signatures. Is there a second? MS. MARINELLO: Second. CHAIRMAN ANTHONY: All those in favor, 20 Mayor of the Village of Valleyview. Chad Allen Radford for the office of Member of Council for the Village of Urbancrest. Pamela Sayer for the office of Trustee for Brown Township.
recommends that you agree with the petitioner. CHAIRMAN ANTHONY: I make a motion that on 21, 22, 23, 24, and 25 that we consider those valid signatures. Is there a second? MS. MARINELLO: Second. CHAIRMAN ANTHONY: All those in favor, 20 CHAIRMAN ANTHONY: All those in favor, 20 Chairman Radford for the office of Member of Council for the Village of Urbancrest. Pamela Sayer for the office of Trustee for Brown Township.
CHAIRMAN ANTHONY: I make a motion that on 21, 22, 23, 24, and 25 that we consider those valid signatures. Is there a second? Member of Council for the Village of Valleyvie Abdi Issa for the office of Member of Council for the Village of Urbancrest. MS. MARINELLO: Second. CHAIRMAN ANTHONY: All those in favor, 20 for Brown Township.
that on 21, 22, 23, 24, and 25 that we consider those valid signatures. Is there a second? MS. MARINELLO: Second. CHAIRMAN ANTHONY: All those in favor, 20 that on 21, 22, 23, 24, and 25 that we consider Council for the Village of Urbancrest. Pamela Sayer for the office of Trustee for Brown Township.
those valid signatures. Is there a second? 18 Council for the Village of Urbancrest. 19 MS. MARINELLO: Second. 19 Pamela Sayer for the office of Trustee 20 CHAIRMAN ANTHONY: All those in favor. 20 for Brown Township.
19 MS. MARINELLO: Second. 19 Pamela Sayer for the office of Trustee CHAIRMAN ANTHONY: All those in favor, 20 for Brown Township.
20 CHAIRMAN ANTHONY: All those in favor, 20 for Brown Township.
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Page 107 Page 10
1 running total, that still puts us five signatures 1 Doug Stormont for the office of
2 short of having sufficient signatures. 2 Trustee of Prairie Township.
3 CHAIRMAN ANTHONY: Okay. As on the 3 Gene Bostic for the office of Trustee
4 other motions, we would need a motion, then, 4 of Washington Township.
5 to in the affirmative to allow this to be on 5 David Martin, III for the office of
6 the ballot. I will entertain a motion as such. 6 Member of the Board of Education for the New
7 (No response.) 7 Albany Plain Local School District.
8 CHAIRMAN ANTHONY: Not hearing one, 8 CHAIRMAN ANTHONY: Is there a second
9 the Board's earlier recommendation stands. 9 MS. PETREE: Second.
10 Thank you, ma'am. 10 CHAIRMAN ANTHONY: All those in fa
11 MS. SAVINO: Thank you. 11 say, aye.
12 (Board members in favor of the motion
MR. DAMSCHRODER: The next item on the 13 so indicated.)
14 agenda is to although we don't have the 14 MR. DAMSCHRODER: The second
minutes yet prepared from the last meeting, we do 15 resolution there is also an amending resolution
16 have a couple of amendments to the meeting, the 16 to the minutes from the previous meeting.
minutes of the last meeting, to clarify the list 17 CHAIRMAN ANTHONY: Okay. I will
18 of candidates that the Board certified. 18 entertain a motion.
And these should be read into the 19 MS. MARINELLO: I move that the
20 record as stated in the resolution before you. 20 minutes of the August 23rd, 2007 meeting of the
21 CHAIRMAN ANTHONY: All right. Then I 21 Franklin County Board of Elections be amended t
22 will entertain a motion. 22 reflect the following relative to the November
MS. MARINELLO: Mr. Chairman, I move 23 6th, 2007 general election ballot:
that the minutes of the August 23rd, 2007 meeting 24 Gene Dawson was not certified as a

	, , , , , , , , , , , , , , , , , , ,		29 (Pages 110 to 113
	Page 110		Page 112
1	candidate for Mayor of the Village of Harrisburg.	1	Candidate be approved as submitted from the
2	Ellen Dawson was not certified as a	2	following individuals:
3	candidate for Council of the Village of	3	Joshua Williams for Member of Columbus
4	Harrisburg.	4	City Council for the full term.
5	CHAIRMAN ANTHONY: Is there a second?	1	Michael L. Ebert for Mayor of the
6	MS. PETREE: Second.	6	Village of Canal Winchester.
7	CHAIRMAN ANTHONY: All those in favor	1	Rebecca Lynn Peterson for Mayor of the
8	say, aye.	8	Village of Harrisburg.
9	(Board members in favor of the motion	9	Colleen H. Briscoe for Mayor of the
10	so indicated.)	10	Village of New Albany.
11	MS. MARINELLO: And I also make a	11	Richard A. Fisher for Mayor of the
12	motion, Mr. Chairman, if I may.	12	Village of New Albany.
13	CHAIRMAN ANTHONY: Yes, you may.	13	Glyde A. Marsh for Mayor of the
14	MS. MARINELLO: I move that the	14	Village of New Albany.
15	minutes of the August 23rd, 2007 meeting of the	15	Sloan T. Spalding for Mayor of the
16	Franklin County Board of Elections be amended to	16	Village of New Albany.
17	reflect that Ed Dildine was certified to the	17	Kathryn Wihl for Fiscal Officer of
18	November 6th, 2007 general election, having	18	Franklin Township.
19	timely filed valid and sufficient nominating	19	CHAIRMAN ANTHONY: Is there a second?
20	petitions for the office of trustee of Madison	20	MR. COLLEY: Second.
21	Township, following the timely withdraw of	21	CHAIRMAN ANTHONY: All those in favor
22	candidacy for the same office under a different	22	say, aye.
23	nominating petition.	23	(Board members in favor of the motion
24	CHAIRMAN ANTHONY: Is there a second?	24	so indicated.)
	Page 111		Page 113
1	MS. PETREE: Second.	1	
2	CHAIRMAN ANTHONY: All those in favor.		MS. PETREE: Mr. Chairman, I move that
3	say, aye.	3	the Standard Operating Procedures for the
4	(Board members in favor of the motion	4	Petitions & Financial Filings Department be
5	so indicated.)	5	adopted as submitted.
6	MR. DAMSCHRODER: Do you want to just		CHAIRMAN ANTHONY: Is there a second?
7	keep on going with some of these other ones,	7	MS. MARINELLO: Second.
8	Carolyn?	8	CHAIRMAN ANTHONY: I'm sorry.
9	CHAIRMAN ANTHONY: Okay.	9	MR. DAMSCHRODER: And just for
10		10	clarification purposes, that is the Standard
11	MS. PETREE: Mr. Chairman, I move that	11	Operating Procedure document that I referenced
12	the name of Jerry L. Hicks be withdrawn from the	12	earlier in the meeting that is in your packets
13	November 6th, 2007 general election ballot as a	13	relative to
14	candidate for the office of Trustee for Hamilton	14	MR. WHITE: Have y'all had a chance to
15	Township.	15	review that? Because you might want to review it
16	CHAIRMAN ANTHONY: Is there a second?	16	before you vote on it because then you're on
17	MR. COLLEY: Second.	17	record how we're going to handle these petitions
18	CHAIRMAN ANTHONY: Thank you. All	18	from this point on.
19	those in favor, say, aye.	19	And we're not going to have any more
20	(Board members in favor of the motion	20	petitions for a while, so they could review it
21	so indicated.)	21	till the next meeting. That way, you're
22		22	comfortable with it.
23	MS. PETREE: Mr. Chairman, I move that	23	Because I think it's a good document.
24	the Declarations of Intent to be a Write-In	24	I just feel better if you all fully understood it

Page 116 Page 114 if the Board votes to loan 140 voting machines to 1 before you voted it. It's your call. I don't 1 2 2 know if you have time to review it. Putnam County at the Secretary of State's 3 CHAIRMAN ANTHONY: Looks like it's all 3 request. 4 4 MS. PETREE: I have a question. from the Revised Code to me. 5 5 CHAIRMAN ANTHONY: Okay. I had some MR. WHITE: Pretty much. It just 6 6 spells out what we're going to do, what we're not too, but I'll let you go ahead. 7 7 MS. PETREE: With the problem with the going to do from now on, so there's no confusion. 8 8 County Commissioners, has that been resolved? CHAIRMAN ANTHONY: Got you. 9 9 MR. DAMSCHRODER: The problem with our MR. WHITE: Also, it gives directions 10 to our employees, what's expected from them to do 10 County Commissioners? 11 11 MS. PETREE: Yes. and what not to do. 12 CHAIRMAN ANTHONY: We could always 12 MR. DAMSCHRODER: I have not -- and 13 13 just so everyone knows, the day after -- the day revise it if we see something we don't like in 14 14 it. the Secretary of State called me and asked if we 15 15 would loan our voting machines to Putnam County, MR. DAMSCHRODER: Sure. 16 the Secretary of State issued a press release CHAIRMAN ANTHONY: All right. The 16 17 17 saying that that was likely to happen. The motions are properly moved and seconded. Is 18 18 there -- all those in favor, say, aye. Toledo Blade ran that. 19 (Board members in favor of the motion 19 And our County Commissioners, in a 20 20 so indicated.) meeting where no representatives from the Board 21 MR. DAMSCHRODER: And motion carries. 21 of Elections were present at, our County 22 22 Commissioners questioned that move. 23 23 MR. DAMSCHRODER: The next item, And so, at the request of the 24 24 Mr. Chairman and members of the Board -- as assistant County Commissioners, I sent an e-mail 1 1 probably most of you are aware, the flooding in explaining that there would not be any cost to 2 northwest Ohio wiped out two Boards of Elections: 2 Franklin County as a result of this loan. I 3 3 the Board of Elections in Putnam County and also copied all the Board members on that e-mail. 4 4 the Board of Elections in Hancock County. I have not received any response of 5 5 Putnam County uses the ESNS touch any kind, electronic phone call, written, or 6 screen voting machines just like we do. And in 6 otherwise from any of the County Commissioners or 7 7 their staff in response to the explanation that I the -- as a result of the death of Congressman 8 8 Gilmore, the governor is likely going to declare provided them after they raised their concerns 9 9 with their staff. a special primary election, and the Secretary of 10 State will set that calendar. 10 MR. WHITE: I have not received any 11 11 The Secretary of State called last calls either. 12 12 week and asked if this Board of Elections would MS. PETREE: May I make a comment? 13 13 loan Putnam County 140 voting machines, 1-4-0 MR. DAMSCHRODER: Yes, ma'am. 14 14 MS. PETREE: Could we not have a voting machines, so that they could run the 15 congressional special primary election and the 15 letter sent from our Secretary of State to our 16 general election this November. 16 County Commissioners to let them know that she 17 I would note to the Board that we have 17 requested this from us? 18 18 an inventory of more than 4500 voting machines, MR. DAMSCHRODER: We can certainly 19 of which we plan on deploying approximately 3,000 19 request that. 20 20 of those machines for this election. MS. PETREE: Thank you. 21 And despite what has already been 21 MR. WHITE: Have you heard any 22 22 written about me on some of the internet blogs, objection --23 23 there will be ample number of voting machines to MR. DAMSCHRODER: And I copied the

Secretary of State on the e-mail that I sent to

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handle turnout for this year's general election

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CHAIRMAN ANTHONY: Which raises some of what my concerns were, just minor ones. One is that, I mean, we've gotten hit pretty hard. The 2004 cycle of not having enough voting machines. And we all know the nightmare that we lived through.

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help.

vou all.

If we're going to do something like that, we need something a little more from the Secretary of State's office indicating that she would like for us to do this and the fact that, you know, we won't be the brunt of a bunch of negative press because we --

> MR. WHITE: We're trying to help. CHAIRMAN ANTHONY: -- we're trying to

MR. PICCININNI: In '04, remember, we did not have the benefit of the subsequent amendments to the legislation regarding deployment -- deployment standards at the rate of 175 per registered voter based on the last gubernatorial election. Based on our numbers from the last gubernatorial election --

MR. DAMSCHRODER: We need less

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CHAIRMAN ANTHONY: And I certainly understand the need for Putnam County to get machines. I'm not trying to cause a problem, and we certainly would do what we can to make sure that they have a fair election there. But, at the same time, we don't want to be the brunt of the stuff that we've been faced with in the last couple of elections.

machines for this election.

MR. WHITE: I think it's the right thing to do. Because we borrow equipment from time to time. And, however, it does expose our director, Matt.

I mean, if that's a close election or an election where there's problems with the machines, then you're going to be the target again like you were in 2004. And that's the only bad thing about exposing Matt in this position.

If they could get them someplace else, it would be very nice. I don't know who else has this many voting machines available. Because I just don't know if you want to put that target on your back again, Matt.

MR. DAMSCHRODER: Yeah. And that's

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than -- if we do the minimum requirement from the prosecuting attorney's opinion that he issued last year after looking at the law, we'll actually need to deploy fewer than 2500 machines this election to meet the minimum requirements.

CHAIRMAN ANTHONY: Set by the state legislature?

MR. DAMSCHRODER: Set by the legislature and the previous Secretary of State's directive.

CHAIRMAN ANTHONY: Yeah.

MR. DAMSCHRODER: Obviously, we're going to exceed that minimum; because in some of those cases because of the turnout, 1 to 175 of the turnout would only require one voting machine in a precinct. Well, clearly, we can't do that.

CHAIRMAN ANTHONY: Right.

MR. DAMSCHRODER: So we're going to be 18 increasing that, and this Board will actually have to vote at its next meeting on the voting machine allocation based on law.

So we're -- as staff, even though we have an inventory of 4500 machines, we're actually only looking at deploying only 3,000 Page 121

one of the things is -- I mean, part of the reason why I think the Secretary of State turned to us was that this county, of all the other ESNS counties, this county stepped up and purchased more machines than the state required. And so we have a little bit of surplus inventory, if you will, for an election like this.

And it's also important, I think, for the record, to state that these machines will be back in the Franklin County, all 140 of them, in time for the presidential primary election in 2008. So it will not -- this will not hurt us in terms of the higher turnout 2008 elections.

CHAIRMAN ANTHONY: And one more issue --

MR. DAMSCHRODER: Absolutely. CHAIRMAN ANTHONY: -- about this. In reading the paper this morning, or the other day, about the Secretary of State, whom I have a lot of respect for, is looking at spending a lot of money to take a look at all the voting machines to see if they're this compliance.

And I know we've gone through a lot of effort here to make sure that our machines are in

CHAIRMAN ANTHONY: You said a whole

Page 124 Page 122 1 1 compliance. I don't -- I would hate for that to MS. PETREE: Then we won't meet again 2 2 until -come back and bite us, you know, or come back and 3 be an adverse thing for us, loaning machines out 3 MR. DAMSCHRODER: We may call a quick 4 4 meeting together to address that if -that were then deemed non-compliant. But I know 5 5 ours are. CHAIRMAN ANTHONY: Just to deal with 6 6 So we kind of need her to kind of help this issue. Okav. 7 7 MR. WHITE: Or pass some kind of us out on that aspect, too, if she's -- you know, 8 8 resolution. As long as we -would be the one. 9 9 MR. DAMSCHRODER: I think, given my MR. DAMSCHRODER: That's a great idea. 10 10 MR. WHITE: -- you know, the Secretary unique relationship with the Secretary of State, of State is the one borrowing them, she's fully 11 a letter perhaps coming from the chairman of the 11 12 Board to the Secretary of State requesting that 12 responsible for the certification, everything 13 13 with them, and we have nothing to do with it she put her request for us to loan machines to 14 14 other than giving them --Putnam County, putting that in writing, may be 15 15 CHAIRMAN ANTHONY: Yeah, but we need the best way to ask for that. 16 CHAIRMAN ANTHONY: Then let's make 16 to make sure she's willing to do that. 17 17 MR. PICCININNI: You know, I don't that happen, then. I agree with that. I just 18 18 want to -- I want -much think you need another meeting. 19 19 CHAIRMAN ANTHONY: Yeah, I think --MR. WHITE: And, well, like, can she 20 20 MR. DAMSCHRODER: We could pull a take control of them so that you don't get beat 21 up by the blogs if this election is close or --21 quick one together even if not all four members 22 MR. DAMSCHRODER: Yeah. 22 can attend. 23 23 CHAIRMAN ANTHONY: Got you. MR. WHITE: -- saying that you 24 24 programmed the machines and all that. Page 123 Page 125 1 MR. DAMSCHRODER: Right. 1 MR. DAMSCHRODER: Last item on the 2 MR. WHITE: I mean, loan them to the 2 printed agenda. As you all know, the Secretary 3 3 Secretary of State and let her be responsible to of State has changed the rules requiring us to 4 make sure they're certified, calibrated and all 4 use paper ballots for provisionals both at the 5 5 that kind of stuff. voting locations and here at the Board of 6 6 MR. DAMSCHRODER: That's an excellent Elections. 7 idea. That's an excellent idea. 7 As a part of that process, we've done 8 MS. PETREE: That's excellent. 8 competitive bid process to buy standing voting 9 9 CHAIRMAN ANTHONY: And make sure they booths for those provisional voters to cast their 10 10 get them back to us the same way we sent them? ballot. We're looking at buying 1,000 of those, 11 MR. WHITE: Since she's requesting 11 that way we have a little bit extra for here at 12 them. Because I just don't want -- if the 12 the office and also for the precincts that have a 13 13 election is close or something like that -historically higher number of provisional 14 CHAIRMAN ANTHONY: They'll blame our 14 ballots. We'll be able to put two booths in each 15 machines for -- all right. 15 precinct. 16 But, anyway, those are just some 16 This Election Works bid of \$142.50 per 17 concerns that I have. I think it's something we 17 booth was the lowest and best and actually only 18 ought to do, but I think we ought to make sure 18 bid for voting booths in response to this 19 19 that we're covered. invitation to bids, so we would ask the Board to 20 MR. DAMSCHRODER: Well let's, then, 20 award that contract so that we can move forward 21 not bring this resolution forward until we have 21 making that purchase and have them delivered in 22 22 the response from the Secretary of State? time for use at this year's general election.

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lot there.

CHAIRMAN ANTHONY: All right. That

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works for me.

1 MR, DAMSCHRODER: 1 did. 2 MR, PICCININNI: He wants to buy more stiff. 3 stuff. 4 CHAIRMAN ANTHONY: He wants to buy more stiff. Our County Commissioners, are they on Board? Do they know we're going to be 5 on Board? Do they know we're going to be 5 spending this kind of money? 5 MR, DAMSCHRODER: They know that we're going to be spending this kind of money. 6 MR, DAMSCHRODER: They don't - they going to be spending this kind of money. 7 MR, DAMSCHRODER: They don't - they a going to be spending this kind of money. 8 MR, DAMSCHRODER: They don't - they a have not, as of this time, approved the all of the overages that we'll have this year as a 1 a result of this; but if we don't move forward with purchasing theses, we won't have them in time of the election and will be in violation of the 17 CHAIRMAN ANTHONY: The ADA 19 MR, DAMSCHRODER: MS, Marinello. 19 MR, DAMSCHRODER: MS, Marinello. 19 MR, DAMSCHRODER: We do have, at this 20 moment in time, sufficient funds to make this 21 moment in time, sufficient funds to make this 22 moment in time, sufficient funds to make this 23 purchase. But we will be going back to the 24 commissioners for supplemental funding. 24 CHAIRMAN ANTHONY: And this is just a hard one, right? 3 MR, DAMSCHRODER: Exactly, It's a a - it's a voting booth. It has legs. It's 10 whetchair can approach it and cast their a wheelchair can approach it and cast their 20 ballot. And it kind of folds down into a suitcase. 24 CHAIRMAN ANTHONY: All right. Well, I 24 MR, DAMSCHRODER: Ms, Marinello. 25 MR, DAMSCHRODER: Ms, Marinello. 26 MR, DAMSCHRODER: Ms, Marinello. 27 MR, DAMSCHRODER: Ms, Marinello. 28 MR, DAMSCHRODER: Ms, Marinello. 29 MR, DAMSCHRODER: Ms, Marinello. 29 MR, DAMSCHRODER: Ms, Marinello. 29 MR, DAMSCHRODER: Ms, Marinello. 20 MR, DAMSCHRODER: Ms, Marinello. 20 MR, DAMSCHRODER: Ms, Marinello. 20 MR, DAMSCHRODER: Ms, Marinello. 21 MR, DAMSCHRODER: Ms, Marinello. 21 MR, DAMSCHRODER: Ms, Marinello. 21 MR, DAMSCHROD				33 (Pages 126 to 129
2		Page 126		Page 128
2	1	MR. DAMSCHRODER: I did.	1	say, aye.
suff. CHAIRMAN ANTHONY: He wants to buy more stuff. Our County Commissioners, are they on Board? Do they know we're going to be spending this kind of money? MR. DAMSCHRODER: They know that we're going to be spending this kind of money. MR. DAMSCHRODER: They know that we're going to be spending this kind of money. MR. DAMSCHRODER: They know that we're going to be spending this kind of money. MR. DAMSCHRODER: They know that we're going to be spending this kind of money. MR. DAMSCHRODER: They don't they have not, as of this time, approved the supplemental appropriations to the Board to cover all of the overages that we'll have this year as a result of this; but if we don't move forward the with purchasing these, we won't have them in time of the election and will be in violation of the characteristic or the election and will be in violation of the characteristic or the election and will be in violation of the characteristic or the election and will be in violation of the characteristic or the election and will be in violation of the commissioners for supplemental funding. MR. DAMSCHRODER: We do have, at this purchase. But we will be going back to the commissioners for supplemental funding. Page 127 MR. DAMSCHRODER: Mr. DaMSCHRODER: Propurposes of discussing personnel matters? MR. DAMSCHRODER: Mr. DaMSCHRODER: Ms. PetrREE: Yes. MR. DAMSCHRODER: Ms. Marinello. MR. DAMSCHRODER: We do have, at this moment in time, sufficient funds to make this purchase. But we will be going back to the commissioners for supplemental funding. Page 127 MR. DAMSCHRODER: Mr. DaMSCHRODER: Ms. Marinello. MR. DAMSCHRODER: Ms. Marinello. CHAIRMAN ANTHONY: And this is just a hard—this is just a hard one, right? MR. DAMSCHRODER: we do have, at this individual— CHAIRMAN ANTHONY: And this is just a hard—this is just a hard—this is just a hard—with a propuration of the commissioners for supplemental funding. Page 127 MR. DAMSCHRODER: Mr. Callery we are in executive session. CHAIRMAN ANTHONY: In the Page 127 MR. DAMSCHRODER	1		1	e · · · · ·
CHAIRMAN ANTHONY: He wants to buy more stuff. Our County Countiscioners, are they on Board? Do they know we're going to be spending this kind of money? MR. DAMSCHRODER: They know that we're going to be spending this kind of money. CHAIRMAN ANTHONY: Okay. MR. DAMSCHRODER: They know that we're going to be spending this kind of money. CHAIRMAN ANTHONY: Okay. MR. DAMSCHRODER: They know that we're going to be spending this kind of money. CHAIRMAN ANTHONY: Okay. MR. DAMSCHRODER: They know that we're going to be spending this kind of money. CHAIRMAN ANTHONY: Okay. MR. DAMSCHRODER: They know that we're going to be spending this kind of money. CHAIRMAN ANTHONY: Okay. MR. DAMSCHRODER: Popurposes of discussing personnel matters? MR. DAMSCHRODER: Okay. CHAIRMAN ANTHONY: Is there a second? MR. DAMSCHRODER: Okay. CHAIRMAN ANTHONY: Is there a second? MR. DAMSCHRODER: Popurposes of discussing personnel matters? MR. DAMSCHRODER: Okay. CHAIRMAN ANTHONY: Is there a second? MR. DAMSCHRODER: Okay. CHAIRMAN ANTHONY: The ADA Trequirements. MR. DAMSCHRODER: We do have, at this gurtaen in time, sufficient funds to make this purchase. But we will be going back to the commissioners for supplemental funding. Apage 12: CHAIRMAN ANTHONY: And this is just a hard - this is just a hard one, right? MR. DAMSCHRODER: Exactly. It's and individual - CHAIRMAN ANTHONY: Okay. Got you. MR. DAMSCHRODER: We do have, at this moiton. MR. DAMSCHRODER: Mr. Damschroneric manner in executive session. CHAIRMAN ANTHONY: Is make a motion that we dome the folds down into a suitcase. MR. DAMSCHRODER: Mr. Calley. MR. DAMSCHRODER: Mr. Marinello. MR. DAMSCHRODER: Mr. Calley. MR. DAMSCHRODER: Mr. Marinello. MR. DAMSCHRODER: Mr. Marinello. MR. DAMSCHRODER: Mr. Marinello. MR. DAMSCHRODER: Mr. Mr. Marinello. MR. DAMSCHRODER: Mr. Marinello. MR. DAMSCHRODER: Mr. Mr. Marinello. MR. DAMSCHRODER: Mr. Mr. Marinello. MR.	1		\$	· ·
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22 CHAIRMAN ANTHONY: Is there a second? 22 MS. MARINELLO: Second. 23 MR. COLLEY: Second. 23 MR. DAMSCHRODER: All those in favor,		-	20	adjourn.
23 MR. COLLEY: Second. 23 MR. DAMSCHRODER: All those in favor,	l .			
		l de la companya de		
24 CHAIRMAN ANTHONY: All those in favor 24 say, aye.	1			MR. DAMSCHRODER: All those in favor,
	24	CHAIRMAN ANTHONY: All those in favor	24	say, aye.

	Page 130	
1	(Board members in favor of the motion	
2	so indicated.)	A CONTRACTOR OF THE PARTY OF TH
3	MR. DAMSCHRODER: Motion carries. We	***************************************
4	are adjourned.	200000000000000000000000000000000000000
5	Thereupon, the proceedings were	222.000.000.000
7	concluded at 5:55 o'clock p.m.	200000000000000000000000000000000000000
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	Page 131	200250000000000000000000000000000000000
1	CERTIFICATE	2000
2	The undersigned do hereby certify that the	Annual Control
3 4	foregoing proceedings were digitally recorded, electronically transmitted, and transcribed via	
5	audible playback, and that the foregoing	000000000000000000000000000000000000000
6 7	transcript of such proceedings is a full, true	
8	and correct transcript of the proceedings as so recorded.	
9	IN WITNESS WHEREOF, I have hereunto set my	
10 11	hand and affixed my seal of office at Columbus, Ohio, on this day of , 2007.	
12	omo, on this day of, 2007.	
13		
14		
1 -	ELEGRA R. DAVIS	
15	Certified Digital Reporter Notary Public - State of Ohio.	
16	My commission expires October 2, 2009.	
17 18		
19		SEASONS.
20		200000000000000000000000000000000000000
	AMANDA C. BERKSTRESSER	
21	Certified Digital Transcriber	
22 23		SCHOOL STATES
24		SECTION.