

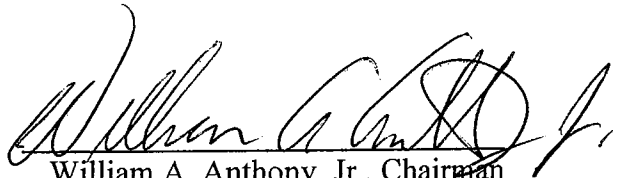
FRANKLIN COUNTY BOARD OF ELECTIONS  
280 EAST BROAD STREET  
COLUMBUS, OHIO 43215  
(614) 462-3100


MINUTES OF THE MEETING ON

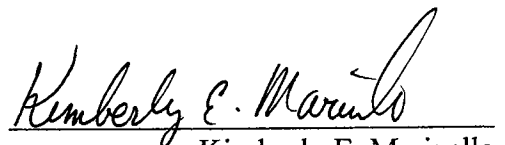
9/10/07

APPROVED ON 10-1-07

BY:

  
William A. Anthony, Jr., Chairman

  
Michael F. Colley, Esq.

  
Kimberly E. Marinello

  
Carolyn C. Petree

ATTEST:

  
Matthew M. Damschroder, Director



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,	5 And Mr. Donahue is here today, and so
6 MAYOR, VILLAGE OF CANAL WINCHESTER 3	6 we can call him to begin his presentation, if it
7 NANCY FERGUSON,	7 pleases the Board.
8 MAYOR, VILLAGE OF NEW ALBANY 44	8 CHAIRMAN ANTHONY: Okay. Are there
9 STEVEN RAIMO,	9 any questions from the Board before you start?
10 AT LARGE MEMBER OF COUNCIL,	10 (No response.)
11 CITY OF GAHANNA 56	11 CHAIRMAN ANTHONY: Mr. Donahue, be
12 APPEALS (LOCAL OPTIONS & ISSUES)	12 sworn in and state your case before us.
13 43203 ZONE DRY COALITION PETITIONS 60	13 MR. DONAHUE: Yes, sir.
14 CABELLERS, LIMITED 80	14 (Steven Donahue was sworn.)
15 AMENDMENT/APPROVAL OF MINUTES 107	15 MR. DONAHUE: Good afternoon. My name
16 MISCELLANEOUS 111	16 is Steve Donahue. I hope to be a candidate for
17	17 the Mayor of the Village of Canal Winchester.
18	18 Unfortunately, at this point, my name
19	19 will not appear on the ballot. I made a mistake
20	20 when I personally gathered signatures for my
21	21 nominating petition and my statement of
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.
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 prepared booklets, which I believe all of you
21 the appeal by Steven Donahue, who was a candidate	21 have, that document the chronology of events that
22 for Mayor of the Village of Canal Winchester.	22 led to me standing before you today.
23 The Board found his petitions to be	23 In a moment, I'll go through the time
24 invalid for lack of a complete -- or a circulator	24 line and the documents for you. What you will

<p style="text-align: right;">Page 6</p> <p>1 hear is a story of misinformation, misstatements,                  2 an unfair dealing that will do nothing to restore                  3 trust to Ohio elections.                  4 All I'm asking of you today is that                  5 you afford me equal treatment for all candidates                  6 for office in Franklin County. What you will                  7 hear is a story in which one candidate, with the                  8 support of the deputy director of the Board, got                  9 three opportunities to get his petitions                  10 correctly filed.                  11 And the first time I heard that there                  12 was a problem with my petitions was when a                  13 reporter from the Columbus Dispatch called me and                  14 asked for a reaction about being disqualified. I                  15 didn't receive a formal disqualification notice                  16 from this Board until almost a week after the                  17 Dispatch called.                  18 As a non-lawyer, I do not understand                  19 how a candidate can get three bites in an apple.                  20 No declaration regarding Ohio Revised Code                  21 Section 3501-38 -- no declaration of candidacy,                  22 nominating petition, or other petition, for the                  23 purposes of becoming a candidate, may be                  24 withdrawn after it is filed in the public office.</p> <p style="text-align: right;">Page 7</p> <p>1 And if somehow -- and if it's somehow                  2 possible for a candidate to get more than one                  3 opportunity to correct his petition, why didn't                  4 the Board call all of the candidates with                  5 petition problems and afford them the same                  6 opportunity to correct their problems?                  7 Again, I'm not a lawyer. But if a                  8 member of the Board staff helps one candidate and                  9 not all candidates, then the Board is no longer                  10 acting as an independent Board running fair                  11 elections. It's picking winners and losers, and                  12 it's not the job of the Board to do that.                  13 I stand before you as a person who is                  14 not an expert in election law nor as a person who                  15 is interested in partisan politics. I stand                  16 before you as a person who is interested in                  17 becoming mayor of a small community in order to                  18 continue to service my community.                  19 I stand before you asking that this                  20 Board treat all candidates for public office                  21 equally. I stand before this Board to say that                  22 it has not done so in this election.                  23 And if you'll turn to your time line,                  24 I'd like to go over that real quickly. On July</p>	<p style="text-align: right;">Page 8</p> <p>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                  5 first petition, advised by the Board of Elections                  6 office and advised he could not file again prior                  7 to the filing deadline. If you'll notice, that                  8 was August 6th at 11:30 a.m.                  9 On the same day, August 6th, Ed                  10 Dildine files as a write-in candidate for Madison                  11 Township Trustee. That's Exhibit No. 3. That                  12 was at 11:40 a.m., the same day.                  13 On August 7th, David Brobst, was a                  14 candidate for Canal Winchester Local Schools,                  15 filed his petition. His petition was checked by                  16 Marlene Worth. He was told he needed to check a                  17 full-term box. She told him she was allowed to                  18 help him as long as she had not done it as -- not                  19 time-dated the petition. That's Exhibit 4.                  20 Also in his Exhibit 4, if you'll                  21 notice, that he was -- just recently received a                  22 letter from the Board of Elections stating that,                  23 yes, he is on the ballot for the Canal Winchester                  24 City Schools. That is not correct. It's a Canal</p> <p style="text-align: right;">Page 9</p> <p>1 Winchester Local Schools.                  2 Okay. August 13th. This is when I                  3 filed my petition. And I was told by the Board                  4 of Elections employee, Peggy Howell, that the                  5 petitions were fine. They were filed.                  6 August 15th. Prior to the Madison                  7 Township Trustee meeting, Deputy Director Dennis                  8 White had conversations with Susan Brobst. If                  9 you look at Exhibit 6, in her letter she asked                  10 about a directive from the Secretary of State's                  11 office allowing candidates whose petitions were                  12 not correctly filled out to again come in and                  13 take out new petitions and would be allowed to be                  14 filed as long as they were filed before the                  15 original date, or before the due date.                  16 Also, in the next paragraph, she says,                  17 I then made a comment that I suppose the Board of                  18 Elections would have to notify all candidates                  19 that were affected by this directive. Again,                  20 Mr. White will comment, but said, yes, that all                  21 candidates would be notified. Well, I was not                  22 notified.                  23 August 17th. This is Exhibit No. 7.                  24 Matt Damschroder e-mails the new check-in policy</p>
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1 to staff. The new policy states that staff  
 2 should not check any petitions for validity until  
 3 the deadline had expired. He also stated that  
 4 they should not release information about the  
 5 status or findings of any of the petitions that  
 6 have been checked prior to this announcement.  
 7 Now, I have a hard time understanding  
 8 how Mr. White can tell Mr. Dildine, as the deputy  
 9 director, that he can refile -- and then there's  
 10 an e-mail sent out to the workers down at the  
 11 front office down here that they can't even look  
 12 or tell anybody.  
 13 So, in other words, if you filed your  
 14 petition prior to this date, you could not get  
 15 help, okay?  
 16 August 17th. If you'll notice, that  
 17 e-mail went out at 8:10 in the morning.  
 18 Approximately 10:59, same day, Ed Dildine  
 19 withdraws as a write-in candidate. He was  
 20 informed by the Franklin County Board of  
 21 Elections that he may file to be a candidate on  
 22 the ballot.  
 23 August 17th, 11:10, he submits another  
 24 petition. He's on the ballot. The filing

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1 deadline was the 24th. It wasn't till August  
 2 29th that I was contacted by the Columbus  
 3 Dispatch reporter that the petitions were not  
 4 approved and I was not on the ballot.  
 5 That same day, I talked to  
 6 Mr. Damschroder. I said -- he said because the  
 7 circulator portion of the petition was not  
 8 signed, that was a fatal error. I told him that  
 9 Peggy Howell said the petitions were fine. He  
 10 said, that's not her responsibility, that's my  
 11 responsibility. But I could file as a write-in  
 12 candidate as long as I did it prior to September  
 13 5th.  
 14 So I came down the next day, August  
 15 30th, to file as a write-in candidate. And I'll  
 16 let you know that we had signs printed August  
 17 30th that we had changed that say write-in  
 18 candidate. Those were \$1500 worth of signs.  
 19 I come down to the office down here  
 20 and Marlene Worth says, no, I can't file as a  
 21 write-in candidate. I said, your boss told me  
 22 yesterday I could. I asked to see  
 23 Mr. Damschroder, he wouldn't see me.  
 24 She then showed me an e-mail from

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1 Brian Shinn from the Ohio Secretary of State's  
 2 Office. I then went over there. He said I  
 3 couldn't file. So I've got from the director  
 4 that I could file, and now I can't file.  
 5 On that same day, two people contacted  
 6 us. One contacted me, and one contacted my  
 7 treasurer about checking how Ed Dildine got on  
 8 the ballot. They said, you need to follow up on  
 9 that, and that's what we did.  
 10 August 31st. I came in. That was a  
 11 Friday, right before Labor Day. I brought my --  
 12 I wanted to file as a write-in candidate.  
 13 Marlene says you can't. I said, Marlene, I can't  
 14 believe what you're saying because your boss -- I  
 15 haven't heard from him and he said file. So I  
 16 filed as a write-in candidate.  
 17 I also told her that I would drop off  
 18 to her the letter of appeal that you have in this  
 19 booklet. I also dropped one off to the Secretary  
 20 of State. September 4th, after the weekend,  
 21 11 a.m., tried to file new petitions.  
 22 I went out over the weekend and picked  
 23 up signatures for new petitions, signed  
 24 everywhere. Tried to file them. Marlene says,

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1 you can't file them; it's after the deadline. I  
 2 said, Marlene, Mr. Dildine filed them. You guys  
 3 never contacted me. If you would have contacted  
 4 me, I would have filed them prior to the  
 5 deadline.  
 6 At that point in time, I asked to see  
 7 Mr. Damschroder. Mike Ebert and I met with  
 8 Mr. Damschroder. I asked him if I got the -- if  
 9 he got the letter of appeal. His comment was,  
 10 yes, but it probably won't do you any good.  
 11 Mr. Damschroder said I was responsible  
 12 for the petition, and the law says you can only  
 13 file once. Mr. -- I said Peggy Howell, Board of  
 14 Elections worker, said it was okay when I filed  
 15 it. He said, the ladies are not to help people,  
 16 that Mr. Donahue was responsible, that I was  
 17 responsible.  
 18 If you look at Exhibit 12, that is  
 19 when I first came to pick up my petitions. And  
 20 that's Marlene Worth, in her writing, saying, if  
 21 you have any questions, make sure you call me.  
 22 Now, I'm getting, should we call; shouldn't we  
 23 call? I'm hearing, yes, we should get help; no,  
 24 we shouldn't. I find out certain people got help

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1 to correct theirs, certain people didn't.  
 2 Okay. I asked Mr. Damschroder if I  
 3 could turn in the petitions that I had. He said,  
 4 no, they were collected over the weekend, they  
 5 were after the deadline, and the law states you  
 6 can only file once. I heard that again. And we  
 7 know that Mr. Dildine filed three times.  
 8 Okay. I asked Mr. Damschroder why  
 9 Mr. Dildine was allowed to file three times. He  
 10 said, Mr. Dildine was informed by the Board of  
 11 Elections offices that there was a problem with  
 12 his original petition and he should file as a  
 13 write-in candidate. Mr. Damschroder said Deputy  
 14 Dennis White shouldn't have done that.  
 15 Then I said, Mr. Dildine was called by  
 16 the Board of Elections office again to say that  
 17 he should submit a new petition, and he commented  
 18 he shouldn't have done that, once again.  
 19 If you'll notice, the letters are in  
 20 here from Mr. Dildine and in both cases say that  
 21 he was informed by the Board of Elections. So he  
 22 was given an extra advantage. I asked why  
 23 Mr. Dildine could be put on the ballot and I  
 24 could not. He said he understood how I felt and

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1 he would be mad if it happened to him. But, by  
 2 law, you can only register once.  
 3 I told Mr. Damschroder that, in this  
 4 case, both he and Mr. White knowingly, then,  
 5 broke the law, because you aided him in filing  
 6 three times and you should be criminally  
 7 prosecuted for tampering with an election. I  
 8 said, if he wasn't on the ballot, then they  
 9 should be out of a job, plain and simple.  
 10 September 4th, I finally received a  
 11 letter from the Board of Elections Office that I  
 12 wouldn't be on the ballot.  
 13 Now, I want to read an article that's  
 14 in a newspaper today, the Southeast Messenger.  
 15 And it says, Mr. White responds in a telephone  
 16 interview September 5th. Mr. White clarified  
 17 recent changes in the election law made by the  
 18 Secretary of State Jennifer Brunner's office  
 19 regarding candidate petitions.  
 20 I might add, I tried to see the  
 21 Secretary of State three times. Called her  
 22 scheduler, and they never called back. He said,  
 23 the secretary ruled regardless of time stamping  
 24 of the petitions, that a candidate could withdraw

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1 their petitions and then resubmit them, provided  
 2 the Board of Elections had not yet met, which he  
 3 reported to be the case with Dildine's documents.  
 4 I'm hearing two different stories  
 5 here. I'm hearing one story from the director  
 6 that you could only file once. I'm reading here  
 7 that you can take it off and file again. Nobody  
 8 ever told me that.  
 9 White said that changes were also made  
 10 regarding write-in candidates. He said, in the  
 11 past, a candidate could file a write-in even the  
 12 day after they filed the candidacy petitions;  
 13 however, that provision was removed.  
 14 Since I am a Madison Township Trustee,  
 15 I have an interest in the trustee's race. Ed  
 16 Dildine filed his petitions very early. And  
 17 someone told me his petition had a date error,  
 18 which, in the past, would have been a fatal  
 19 error. Well, my question, people: if you're  
 20 going to tell one person they have a fatal error,  
 21 why are we not telling everybody? What's fair is  
 22 fair.  
 23 I called him. I told him about the  
 24 mistake. On his own, Ed decided to file as a

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1 write-in. But he found out about the new  
 2 directive, so I told him that he couldn't do  
 3 that. With the changes by the Secretary of  
 4 State, there was enough time for him to withdraw,  
 5 then refile.  
 6 My petitions were 11 days in, 11 days  
 7 prior to the filing deadline. I could have got  
 8 the 19 signatures needed in less than a half an  
 9 hour. If I'd have known about the Canal  
 10 Winchester mayor's candidate, I would have let  
 11 him know, too. But what about the other  
 12 candidates?  
 13 Later, I talked with the Board of  
 14 Elections Director, Matt Damschroder, about the  
 15 changes, and then he issued an e-mail saying not  
 16 to check petitions, except the usual things,  
 17 until after the filing deadline.  
 18 So we're going to check some people,  
 19 take care of them, and then we're going to send  
 20 an e-mail and say nobody else will be checked,  
 21 even if there were mistakes. It doesn't seem  
 22 fair to me.  
 23 In closing, let's go back to the  
 24 Secretary of State's number one goal that she

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1 probably shows on every one of her flyers. To  
 2 restore trust in Ohio elections because we want  
 3 citizens to have faith that Ohio elections are  
 4 free, fair, open, honest, and to encourage the  
 5 highest level of participation in our democracy.  
 6 I haven't seen that.

7 In this case, I've documented at least  
 8 one candidate receiving advantage that was not  
 9 available to me. And why? Because by his very  
 10 own words, the deputy director of the Board of  
 11 Elections had an interest in that race.  
 12 Apparently, based that interest -- upon that  
 13 interest, he contacted one candidate and provided  
 14 him with an opportunity to correct a problem with  
 15 his petitions.

16 If one candidate is going to be  
 17 contacted by this Board and be afforded an  
 18 opportunity to correct petitions, then all  
 19 candidates must be afforded the same  
 20 opportunity.

21 Instead, after Mr. Dildine was allowed  
 22 to correct his petitions two times and still a  
 23 week prior to the filing of the deadline, this  
 24 Board prohibited any other assistance to any

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1 other candidates through Mr. Damschroder's  
 2 e-mail.

3 Let me be very clear, I have nothing  
 4 against Ed Dildine. He has been completely  
 5 honest and open with me, and I appreciate that.  
 6 I just want the same opportunity that he was  
 7 afforded and be allowed to correct an error with  
 8 my petitions.

9 Whether or not the opportunity is  
 10 afforded me and all other candidates who never  
 11 got the opportunity to correct their petitions,  
 12 then this Board needs to take a serious look at  
 13 the actions of your deputy director for a sitting  
 14 Madison Township Trustee and an employee of this  
 15 Board, to inject himself into the process of not  
 16 only receiving the petitions of a candidate but  
 17 to provide an extraordinary advantage to that  
 18 candidate, raising serious questions about the  
 19 integrity about the entire elections process.

20 Rather than a process that will allow  
 21 citizens of Franklin County to have faith that  
 22 Ohio elections are free, fair, open, and honest.  
 23 The process I've been subjected to demonstrates  
 24 that if the right person has an interest in the

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1 outcome, you have a huge advantage.  
 2 I urge this Board to accept my  
 3 corrected petitions and allow my name to appear  
 4 on the ballot. Thank you for your time.

5 CHAIRMAN ANTHONY: Thank you, sir.  
 6 Thank you very much. Before you go, Mr. Donahue,  
 7 is there any questions for Mr. Donahue?  
 8 MS. PETREE: I have one, sir.  
 9 MR. DONAHUE: Yes.  
 10 MS. PETREE: You did get all the  
 11 signatures, yourself.  
 12 MR. DONAHUE: Oh, yes, ma'am.  
 13 MS. PETREE: Thank you.  
 14 MR. DONAHUE: Yeah. We had four  
 15 meetings at my home; and after two meetings, we  
 16 had enough signatures.  
 17 MS. PETREE: Thank you.  
 18 CHAIRMAN ANTHONY: Thank you. All  
 19 right. Any other questions of Mr. Donahue?  
 20 (No response.)  
 21 CHAIRMAN ANTHONY: And is there anyone  
 22 else in the audience that would like to speak on  
 23 behalf of Mr. Donahue?  
 24 MR. EBERT: Good afternoon. My name

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1 is Mike Ebert.  
 2 CHAIRMAN ANTHONY: Oh, you have to be  
 3 sworn in, please.  
 4 (Mike Ebert was sworn.)  
 5 MR. EBERT: Good afternoon again. My  
 6 name is still Mike Ebert. I first became  
 7 acquainted with Steve Donahue back in 1985 when  
 8 he moved to Canal Winchester as my next-door  
 9 neighbor.

10 Over the past 22 years, you know, I  
 11 couldn't have asked for anybody who would be a  
 12 better neighbor. We've done a lot of things  
 13 together, family-wise, and we go on golf outings  
 14 and so forth.

15 What I want to talk about, mainly, is  
 16 the petitions, the petitions in question. Those  
 17 petitions -- and I'm glad Ms. Petree asked the  
 18 question, because that is exactly what he did.  
 19 He did gather all the signatures, himself. I was  
 20 on his committee. He wouldn't even let anybody  
 21 on the committee touch the petitions. He wanted  
 22 to do it himself, and he did it by himself.  
 23 And I think that's mostly what I want  
 24 to say. Thank you for your time.

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1 CHAIRMAN ANTHONY: Thank you, sir.  
 2 Any questions for Mr. Ebert?  
 3 (No response.)  
 4 CHAIRMAN ANTHONY: Anyone else that  
 5 would like -- sir.  
 6 (Thomas Rinehart was sworn.)  
 7 MR. RINEHART: Hello. My name is  
 8 Thomas Rinehart. I'm a candidate for Madison  
 9 Township Trustee. I have an impact statement I'd  
 10 like to say here on behalf of Mr. Donahue.  
 11 My name is Thomas Rinehart. I'm a  
 12 candidate for Madison Township Trustee. I'm here  
 13 today to support Mr. Steve Donahue with this  
 14 disputed disqualification as candidate.  
 15 And I'm truly disturbed to learn about  
 16 this situation but yet not surprised. The reason  
 17 that I'm not surprised is the fact that we have a  
 18 conflict of interest here today.  
 19 The deputy director of Franklin County  
 20 Board of Elections is Dennis White, who is also a  
 21 Madison Township Trustee. We have a candidate  
 22 who is running for Madison Township Trustee, Ed  
 23 Dildine, who is a Madison Township firefighter.  
 24 It is my understanding that if

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1 appointed to or employed by the Board of  
 2 Elections, you're not allowed to run for election  
 3 or should hold office -- should hold an elected  
 4 office at the same time so the conflicts of  
 5 interest will not occur.  
 6 It is obvious that a clear conflict  
 7 of -- clear contract -- excuse me -- clear  
 8 conflict of interest in endorsement of a  
 9 candidate has occurred by the deputy director,  
 10 Dennis White.  
 11 I find this action unethical that  
 12 Dennis White can put on a hat and say that he is  
 13 the deputy director of Franklin County Board of  
 14 Elections, unbiased and neutral, then change hats  
 15 to become Madison Township Trustee and states  
 16 publicly that a township -- that as a township  
 17 trustee, he has a biased interest in the race for  
 18 trustee, personally contacting the candidate, Ed  
 19 Dildine, to make sure corrections were made so  
 20 that this candidate will be certified.  
 21 I really doubt that I would have  
 22 received the same courtesy from anyone at  
 23 Franklin County Board of Elections. Deputy  
 24 director, Dennis White, has set the precedence

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1 for this election cycle that must now be extended  
 2 to all candidates with filing mistakes under due  
 3 process and equal treatment of the law.  
 4 I agree that Mr. Donahue had an error  
 5 in failing to sign his petition. This is an  
 6 obvious error and easy to correct. This should  
 7 have been caught by the election personnel prior  
 8 to Mr. Donahue filing and instruction of what  
 9 needs to be corrected.  
 10 Under the current circumstances,  
 11 Mr. Donahue has the right to due process and  
 12 equal treatment of the law, same as given to Ed  
 13 Dildine, to make the needed corrections and be  
 14 certified.  
 15 If Mr. Donahue is disqualified and I  
 16 lose the election to Ed Dildine, I will be forced  
 17 to challenge the outcome of the elections to the  
 18 full extent of the law.  
 19 I thank you for your time and  
 20 patience.  
 21 CHAIRMAN ANTHONY: Thank you, sir.  
 22 Any questions to Mr. Rinehart?  
 23 (No response.)  
 24 CHAIRMAN ANTHONY: No questions.

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1 Thank you, sir.  
 2 Anyone else in the audience who would  
 3 like to speak on behalf of Mr. Donahue?  
 4 (No response.)  
 5 CHAIRMAN ANTHONY: Anyone like to  
 6 speak not on behalf of Mr. Donahue?  
 7 MAYOR MILLER: I'm sorry, what was the  
 8 second indication?  
 9 CHAIRMAN ANTHONY: Anyone who wanted  
 10 to speak against what Mr. Donahue just said?  
 11 MAYOR MILLER: My name is Jeff  
 12 Miller. I'm Mayor from Canal Winchester, and I  
 13 do swear to tell the truth.  
 14 It's difficult to come in front of you  
 15 today as mayor, also as a candidate against  
 16 Mr. Donahue. First, I want to support him, in a  
 17 sense, be on the wrong side with that as far  
 18 as he's being a good councilman for our village.  
 19 He's stood on many issues. And, together, we've  
 20 made many great changes for our village. So, in  
 21 that sense, I believe Mr. Donahue has done a fine  
 22 job of representing his constituents in the  
 23 village.  
 24 At the same time, I would just like to



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1 point out, this is not the first time Mr. Donahue  
 2 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.

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

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

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

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

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

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

16 Thank you.

17 CHAIRMAN ANTHONY: Thank you. Any  
 18 questions from Mr. Miller?  
 19 (No response.)  
 20 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,

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1 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.

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

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

18 That's pretty much it.

19 CHAIRMAN ANTHONY: Thank you so much.  
 20 Any questions for her, for Ms. Howard?  
 21 (No response.)  
 22 CHAIRMAN ANTHONY: Thank you,  
 23 Ms. Howard.  
 24 Based on the testimony, I just had a

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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 --

7 MR. PICCININNI: The petitions are  
 8 fatally flawed.

9 CHAIRMAN ANTHONY: Fatally flawed?  
 10 Okay.

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

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

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1 been a candidate before.  
 2 The law is clear that a  
 3 candidate -- it's the candidate's responsibility  
 4 to know and understand the election laws when  
 5 they enter the realm. The courts have held that  
 6 repeatedly in numerous cases. And as recently as  
 7 Friday, in a case against the Cuyahoga County  
 8 Board of Elections. So that being said, the  
 9 petitions are fatally flawed.  
 10 CHAIRMAN ANTHONY: Okay. Any  
 11 questions for our legal attorney, based on what  
 12 I've asked him?  
 13 MR. COLLEY: The petitions are flawed?  
 14 MR. PICCININNI: Yes. Fatally.  
 15 MR. COLLEY: The candidate can't get  
 16 on the ballot?  
 17 MR. PICCININNI: This candidate cannot  
 18 get on the ballot.  
 19 MR. COLLEY: I bet if you poled the  
 20 people in the audience, most of them would say  
 21 that's unfair.  
 22 MR. PICCININNI: The law is -- the  
 23 cases have held in the past that even though the  
 24 Board of Elections does -- or the Board of

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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  
 6 complying with the dictates of Title 35 of the  
 7 Revised Code.  
 8 MR. COLLEY: Well, the Board's  
 9 followed the law, I don't doubt that. But it  
 10 strikes me the law is unfair.  
 11 MR. PICCININNI: I'm only -- I  
 12 understand what you're saying, Mr. Colley, and --  
 13 MR. COLLEY: Your recommendation, I  
 14 assume, is exactly that, to -- based on the facts  
 15 in the law, to recommend that the Board vote the  
 16 negative.  
 17 MR. PICCININNI: The Board should vote  
 18 in the negative. The Board does not have the  
 19 leeway to correct what's been said, you know, or  
 20 what may or may not have happened. The Board  
 21 does not have the ability to go against the  
 22 strictures and dictates of Title 35.  
 23 Yes, there were some changes in policy  
 24 based on a decision from 2005 allowing withdrawal

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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  
 9 prosecuting attorney that based on the dictates  
 10 of Title 35 and due to the fact that there was  
 11 absolutely zero compliance with the circulator  
 12 statement, that the petitions need to be rejected  
 13 and the appeal should be denied and it should be  
 14 voted in the negative.  
 15 CHAIRMAN ANTHONY: Thank you, sir.  
 16 Any other questions?  
 17 (No response.)  
 18 CHAIRMAN ANTHONY: All right. I just  
 19 had one other that, Matt, you could clear up for  
 20 me. He had made a statement that Mr. Dildine was  
 21 given three opportunities to submit applications  
 22 or submit either the paperwork for write-in and  
 23 then subsequently submit paperwork for the  
 24 petitions. Can you explain the policy of why

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1 that was allowed?  
 2 MR. DAMSCHRODER: Up until after the  
 3 Board meeting last week, neither the deputy  
 4 director or I were aware of the impact of the  
 5 changes of the law relative to write-ins that  
 6 actually had been changed some time ago.  
 7 The changes in the law --  
 8 historically, the write-in option was always  
 9 available to a candidate who had failed to make  
 10 the ballot as a regular candidate. That law had  
 11 changed, actually, a couple of years ago. We  
 12 were not aware of that.  
 13 And so both after the Board met last  
 14 week -- or I guess it was over a week ago, when I  
 15 errantly told Mr. Donahue that he could file as a  
 16 write-in, I learned afterwards that he could not.  
 17 So at the time that Mr. Dildine filed  
 18 as a write-in, that was the best understanding of  
 19 the law that this office had. The other thing  
 20 that changed is that, historically, this office,  
 21 and most county boards of elections, had  
 22 understood the law in all supporting court  
 23 decisions to say that once a candidate had filed  
 24 his or her petition, that there was not an

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1 opportunity to withdraw the petition and file a  
 2 new one.  
 3 In a case, I think up in Lucas County  
 4 a couple of years ago, the courts reversed  
 5 themselves, and the Secretary of State  
 6 communicated that to the county boards of  
 7 elections on -- in clarifying.  
 8 It was the first time that I had  
 9 become aware of it, on August, I believe the  
 10 10th, saying that a candidate could -- who had  
 11 timely filed their petitions, could withdraw  
 12 their candidacy relative to that set of petitions  
 13 and file a new set of petitions for a new  
 14 candidacy.  
 15 So that's, I think, what the genesis  
 16 was for Mr. Dildine filing multiple candidacies.  
 17 First, in terms of the write-in, that we were not  
 18 aware that that was prohibited; and then the  
 19 third candidacy was based on the first --  
 20 withdraw of the first set of petitions, given our  
 21 understanding of -- based from the August 10  
 22 information from the Secretary of State.  
 23 CHAIRMAN ANTHONY: All right. Thank  
 24 you. Any clarification from what I've asked?

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1 MS. MARINELLO: I have a question. So  
 2 before, you used to be able to not withdraw your  
 3 petition and file as a write-in without  
 4 withdrawing, but now you have to withdraw and  
 5 file another petition? A write-in is over?  
 6 MR. DAMSCHRODER: There's two things  
 7 that used to be. The first was that if you filed  
 8 as a candidate, that you -- and you failed to  
 9 make the ballot, then you could file as a write-  
 10 in. That has changed.  
 11 The other thing that used to be was  
 12 that once you had filed a petition, you could not  
 13 withdraw that petition and file a new one. Now  
 14 the way things are going forward prospectively is  
 15 that you can withdraw your candidacy relative to  
 16 that instrument and file a new candidacy with a  
 17 new instrument.  
 18 MR. PICCININNI: That's prior to the  
 19 Board taking action on it.  
 20 MR. DAMSCHRODER: That's right.  
 21 That's prior to filing -- prior to the petition  
 22 filing deadline.  
 23 MR. PICCININNI: If the Board takes  
 24 action, you lose those options.

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1 MR. DAMSCHRODER: Prior to the filing  
 2 deadline.  
 3 CHAIRMAN ANTHONY: Right. Right.  
 4 MR. PICCININNI: And prior to the  
 5 filing deadline.  
 6 CHAIRMAN ANTHONY: Got you.  
 7 MR. PICCININNI: I mean, that's what  
 8 we're -- what we're coming to.  
 9 CHAIRMAN ANTHONY: Absolutely.  
 10 MR. PICCININNI: This case in 2005 out  
 11 of Lucas County indicated that certain options  
 12 were not available because he never timely  
 13 withdrew candidacy. So I think that's where the  
 14 genesis and the impetuous for these  
 15 interpretations are now coming from.  
 16 And then in 2002, the legislature  
 17 specifically amended the write-in statute that  
 18 specifically stated if you've already filed the  
 19 declaration, you are prohibited from filing as a  
 20 write-in.  
 21 So the Board has now taken action on  
 22 the declaration of candidacy. The original  
 23 nominating petition said no, that's it, you're  
 24 done. And that's -- that's clear. There is no

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1 interpretation. I think earlier in August the  
 2 secretary came out and flat out said that.  
 3 CHAIRMAN ANTHONY: Okay. Ms. Petree,  
 4 you had a question?  
 5 MS. PETREE: Yes, I do. In looking at  
 6 Mr. Donahue's petitions, it's very clear that  
 7 there is no signature of the circulator. And I  
 8 don't understand how an employee of the Board  
 9 could look at these petitions and say that  
 10 they're all right.  
 11 And this is very disturbing to me that  
 12 this gentleman wasn't given the chance to redo  
 13 his petitions.  
 14 CHAIRMAN ANTHONY: Thank you.  
 15 MR. WHITE: Do you want me to address  
 16 that, Matt? You're doing a great job, by the  
 17 way.  
 18 MS. PETREE: Yes.  
 19 MR. DAMSCHRODER: Thanks, Denny. I  
 20 think one of the -- one of the things, from an  
 21 administrative standpoint, that this issue has  
 22 brought to light is that we do, in all areas of  
 23 our office, need to have better documented  
 24 policies and procedures on exactly what employees

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1 are to do and what not to do.  
 2 And so later on in the meeting, I'll  
 3 be proposing a Standard Operating Procedures for  
 4 the petitions of financial filings department  
 5 that will cover this going forward so that we  
 6 have very clear expectations of what we are able  
 7 to communicate and what we cannot and should not  
 8 communicate.  
 9 MR. WHITE: Yeah, there's no written  
 10 policies on how they handle the check-in of the  
 11 petitions out there. Basically, all they're  
 12 doing is clerking it in, time stamping it, make  
 13 sure they make it before the requirement.  
 14 You know, some days, you might -- the  
 15 early filers, you might have a couple of  
 16 petitions come in. As you get closer towards the  
 17 filing deadline, you could have them lined up  
 18 back there.  
 19 MS. PETREE: All right.  
 20 MR. WHITE: And, basically, all  
 21 they're doing is clerking it in so it's time  
 22 dated, collecting the proper fees. And depending  
 23 on how much demand is put on them at that  
 24 particular time, how much of a look they're

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1 doing.  
 2 That's why I think that what Matt came  
 3 up with to address the change in candidates can  
 4 refile if there's a problem is a way of leveling  
 5 that playing field to where no petition is  
 6 actually checked for its fatal errors or those  
 7 types of things until after the deadline.  
 8 All you're actually doing is clerking  
 9 it in to have official time date on this stuff  
 10 showing that it did get in by the filing  
 11 deadline. Because if you wait like the  
 12 day -- four o'clock before a filing deadline,  
 13 they're out there, what, just clerking and  
 14 punching?  
 15 MS. PETREE: I know. Yes. I've been  
 16 here at that time, Mr. White, so I realize that.  
 17 And I realize that that is a good procedure to go  
 18 from here on out. But I don't agree with this at  
 19 all.  
 20 MR. WHITE: Right.  
 21 MS. PETREE: And some people were  
 22 helped and other people weren't, and it just  
 23 isn't fair to me.  
 24 MR. WHITE: And different clerks will

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1 handle it a different way. Some clerk might be a  
 2 little more helpful than the other. That's why  
 3 it's good we have a protocol and say, this is  
 4 what you'll do.  
 5 And the more help you give it -- you  
 6 give the candidate -- because, ultimately, the  
 7 law requires a candidate to be responsible. Then  
 8 you're starting to shift that responsibility over  
 9 to your -- over to your people, I think, or open  
 10 up questions about, you did this for this  
 11 candidate or that candidate.  
 12 So I think what Matt -- his draft  
 13 protocol is going to address these problems. The  
 14 other problem we had in this particular instance,  
 15 this bulletin came from the Secretary of State  
 16 right in the middle of this filing deadline  
 17 period. We had candidates already filed and some  
 18 hasn't filed. And they kind of changed the rules  
 19 of the candidates right in the middle of it.  
 20 MR. DAMSCHRODER: Ms. Petree, I had a  
 21 long conversation with Mr. Colley this morning  
 22 about this very issue and the inherent or  
 23 apparent unfairness of the situation  
 24 notwithstanding, as the assistant prosecuting

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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  
 4 putting Mr. Donahue on the ballot.  
 5 The only -- we have to address those  
 6 in different ways. And we can talk about that  
 7 later.  
 8 CHAIRMAN ANTHONY: Any other  
 9 discussions on this matter?  
 10 (No response.)  
 11 CHAIRMAN ANTHONY: It's my  
 12 understanding that in order to place Mr. Donahue  
 13 on the ballot, there has to be a motion to place  
 14 him on the ballot.  
 15 MR. PICCININNI: In the affirmative.  
 16 CHAIRMAN ANTHONY: In the  
 17 affirmative. Is there such a motion from any  
 18 Board member?  
 19 MS. PETREE: I will make a motion.  
 20 CHAIRMAN ANTHONY: Is there a proper  
 21 second?  
 22 MR. COLLEY: Second.  
 23 CHAIRMAN ANTHONY: All right. It has  
 24 been properly moved and seconded to place

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1 Mr. Donahue on the ballot.  
 2 MR. DAMSCHRODER: And just for  
 3 clarification purposes, the motion, as I  
 4 understand it, and the second, is to put  
 5 Mr. Donahue on the ballot.  
 6 CHAIRMAN ANTHONY: That's correct.  
 7 That's my understanding.  
 8 MR. COLLEY: Has the prosecuting  
 9 attorney decided to recommend against that?  
 10 MR. PICCININNI: I believe I had  
 11 stated that earlier, yes.  
 12 MR. COLLEY: You did. I just -- I was  
 13 giving you one more chance to change your mind.  
 14 MR. PICCININNI: I'm sorry. The  
 15 process -- it's a recommendation based on our  
 16 research in this area, is that the statutes do  
 17 not give the Board the discretion to fix this  
 18 fatal flaw at this date, despite what may or may  
 19 not have happened. What may or may not have  
 20 happened with employees of the Board of Election  
 21 and the advice they gave or did not give.  
 22 CHAIRMAN ANTHONY: Any other  
 23 questions?  
 24 MR. PICCININNI: There's no reliance

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1 on that. You cannot rely on -- you have to know  
 2 -- there's still the responsibility of the  
 3 candidate to know the election laws. And this  
 4 one is particularly crystal clear.  
 5 It doesn't say the circulator, unless  
 6 you're the candidate, doesn't have to sign. The  
 7 circulator must sign and indicate the number of  
 8 signatures witnessed.  
 9 CHAIRMAN ANTHONY: Okay. For further  
 10 clarification, a yes vote will put him on the  
 11 ballot and no vote will keep him off the ballot.  
 12 Those in favor of keeping him on the ballot,  
 13 please signify by saying yes.  
 14 MS. PETREE: Yes.  
 15 CHAIRMAN ANTHONY: All right. Those  
 16 who are opposed to the motion, say no. No.  
 17 MS. MARINELLO: No.  
 18 MR. DAMSCHRODER: Michael.  
 19 MR. COLLEY: No.  
 20 CHAIRMAN ANTHONY: No. Motion fails.  
 21 Thank you so much, sir. Sorry for all the  
 22 trouble you've gone through.  
 23 The second item on the agenda,  
 24 Mr. Damschroder.

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1 -----  
 2 MR. DAMSCHRODER: The next item on the  
 3 agenda is an appeal filed by Nancy Ferguson, a  
 4 potential candidate for Mayor of the Village of  
 5 New Albany. Mayor Ferguson was also rejected  
 6 from the ballot for having an incomplete  
 7 circulator statement. It is my understanding  
 8 that Ms. Ferguson is here and she is represented  
 9 by counsel, N. Victor Goodman.  
 10 CHAIRMAN ANTHONY: Mr. Goodman.  
 11 MR. GOODMAN: Thank you, Mr. Chairman,  
 12 members of the Board. I appreciate the  
 13 opportunity to appear before the Board this  
 14 afternoon.  
 15 As the Board -- before I say that, I  
 16 gave to Mr. Damschroder packets for each of the  
 17 Board members. I know that last week we -- I did  
 18 provide a memorandum appeal, and this afternoon,  
 19 I gave Mr. Damschroder for members of the Board  
 20 copies of the two statutes which I wish to rely  
 21 upon in cases which we cite.  
 22 CHAIRMAN ANTHONY: Yes, sir.  
 23 MR. GOODMAN: Thank you, Mr. Chairman.  
 24 As the Board well knows, on August

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1 29th of this year, the Board invalidated the part  
 2 petitions filed by Mayor Ferguson, and therefore  
 3 Mayor Ferguson was not certified as the candidate  
 4 for reelection as mayor of Village of New Albany.  
 5 Two of the four-part petitions which  
 6 were filed by the mayor did not have the address  
 7 of the circulator. As all four part petitions  
 8 indicate, the mayor's name and address appears on  
 9 the statement of candidacy and on two of the part  
 10 petitions under the circulator's name, and she  
 11 did put her address.  
 12 The Board employees reviewed the part  
 13 petitions and found that there were 56 valid  
 14 signatures upon all four of the part petitions.  
 15 Article V of the Charter of the Village of New  
 16 Albany requires that for the office of mayor  
 17 there be 25 signatures. And it further provides  
 18 that the petition shall be in the form required  
 19 by the state election officials for nonpartison  
 20 candidates.  
 21 The mayor filed her part petitions  
 22 pursuant to Section 3513.261 of the Ohio Revised  
 23 Code. And as the Board, I'm sure, is well aware,  
 24 provides in the opening paragraph that a

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1 nominating petition may consist of one or more  
 2 separate petition papers, each of which shall be  
 3 substantially in the form described in this  
 4 section.  
 5 And then down into that statute,  
 6 Mr. Chairman, there is further language that says  
 7 that the form of the nominating petition and  
 8 statement of candidacy shall be substantially as  
 9 follows, and then it prescribes the form. And it  
 10 does provide a place for the signature of the  
 11 circulator and that circulator's address.  
 12 Contrasted with that section, however,  
 13 is Section 3501.38 of the Revised Code.  
 14 Paragraph E-1 of that section has two sentences,  
 15 both of which I believe bears substantially and  
 16 fully on the matter before the Board this  
 17 afternoon.  
 18 Section E-1 says, in the first  
 19 sentence, quote -- and I'm just going to read the  
 20 language that it bears on this appeal. It says,  
 21 quote, on each petition paper, the circulator  
 22 shall indicate the number of signatures, shall  
 23 sign a statement made under penalty of election  
 24 falsification, that the circulator witnessed that

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1 all signors were the best to the circulator's  
 2 knowledge and qualified to sign and the signature  
 3 of the person. And that language, Mr. Chair,  
 4 members of the Board, is mandatory.  
 5 However, E-1 goes on further to say,  
 6 quote, on the circulator's statement for a  
 7 declaration of candidacy or nominating petition  
 8 for persons seeking to become a statewide  
 9 candidate or for a statewide initiative or a  
 10 statewide referendum petition, the circulator  
 11 shall identify the circulator's name, the address  
 12 of the circulator's permanent residence, and the  
 13 name and address of the person employing the  
 14 circulator to circulate the petition, if any,  
 15 unquote.  
 16 It is important, as the Board  
 17 hopefully will recognize, the difference in those  
 18 two statutes. 3501.38 requiring, for a state  
 19 candidate and for referendum and initiative, that  
 20 the address of the circulator be put on the  
 21 circulator's statement, that that language does  
 22 not appear in Section 3513.61.  
 23 In 2001, the Supreme Court of Ohio in  
 24 the case of State ex rel. Phillips vs. Loraine

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1 County Board of Elections provided, which I  
 2 believe, is the controlling law in this matter.  
 3 And the Court held, at page 531 of its  
 4 opinion, that election laws are mandatory and  
 5 require strict compliance and that substantial  
 6 compliance is acceptable only when an election  
 7 statute expressly permits it.  
 8 The Court went on to say, and I think  
 9 this is the important part of that, quote,  
 10 Revised Code Section 3513.261, however, expressly  
 11 permits substantial compliance with the form of  
 12 the nominating petition and statement of  
 13 candidacy.  
 14 And that, as I said, was the holding  
 15 of the Supreme Court in the Phillips case. In an  
 16 older case called Stern, which we have provided  
 17 to the members of the Board, which was decided by  
 18 the Supreme Court in the year 1968, the Court  
 19 held at page 180 of its opinion, quote, absolute  
 20 compliance with every technicality should not be  
 21 required in order to constitute substantial  
 22 compliance unless such complete and absolute  
 23 compliance to each technical requirement of the  
 24 printed form serves a public interest and a

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1 public purpose, unquote.  
 2 And I think for the purposes of this  
 3 appeal and the decision of this Board, the  
 4 language at page 184 of the Stern opinion, I  
 5 think, sets very concisely what the rules are in  
 6 this state.  
 7 Quote, the public policy which favors  
 8 free, competitive elections in which the  
 9 electorate has the opportunity to make a choice  
 10 between candidates outweighs the arguments for  
 11 absolute compliance with each technical  
 12 requirement in the petition form where the  
 13 statute requires only substantial compliance,  
 14 where in fact the only admission cannot possibly  
 15 mislead any petition signor or elector, where  
 16 there is no claim of fraud or deception, and  
 17 where there is sufficient substantial compliance  
 18 to permit the Board of Elections based upon the  
 19 prima facie evidence appearing on the face of the  
 20 jurat, which is a part of the petition paper, to  
 21 determine the petition to be valid, unquote.  
 22 And that language, Mr. Chairman and  
 23 members of the Board, and that opinion has been  
 24 affirmed numerous times by the Ohio Supreme

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1 Court, including in the cases of State ex rel.  
 2 Saffold, State ex rel. Osborne, and, most  
 3 recently, in the Phillips case, which all of them  
 4 are before this Board this afternoon.  
 5 We have previously presented to  
 6 Mr. Damschroder four affidavits. We had  
 7 affidavits from two persons who signed each of  
 8 the so-called invalid petitions, all of whom say  
 9 they know Ms. Ferguson, they know where she  
 10 lives, they know she was running for mayor of the  
 11 Village of New Albany. They were not misled or  
 12 deceived, and they knew, on the face of the  
 13 statement of candidacy, that there was an address  
 14 for Ms. Ferguson.  
 15 Secondly, the fact that the address  
 16 appears on each of the four part petitions, there  
 17 has been no allegation that the employees of the  
 18 Board have had or would have any problem in  
 19 finding Ms. Ferguson -- to find out from her  
 20 anything they needed to know before they could  
 21 further validate the petition.  
 22 And, therefore, Mr. Chairman and  
 23 members of the Board, we find that based upon  
 24 Section 3513.261, there has been, in fact,

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1 substantial compliance.  
 2 No one has made any allegation that  
 3 anyone has been deceived or misled, nor have I  
 4 heard, up till now, that any -- that there's any  
 5 problem with the Board in validating the  
 6 petition; and, therefore, we would respectfully  
 7 ask this Board to reverse the Board's position  
 8 enunciated on the 29th day of August and place  
 9 the mayor's name on the ballot for reelection to  
 10 the Mayor of the Village of New Albany.  
 11 The mayor is here. She's prepared to  
 12 answer any question any member might have, and I  
 13 would be pleased to answer any question of the  
 14 Board.  
 15 Thank you very much.  
 16 CHAIRMAN ANTHONY: Thank you,  
 17 Mr. Goodman.  
 18 Are there any questions for  
 19 Mr. Goodman?  
 20 MR. COLLEY: I have no questions. I  
 21 have a motion.  
 22 CHAIRMAN ANTHONY: Do you have a  
 23 motion?  
 24 MR. DAMSCHRODER: Let's see if there's

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1 anybody else that wants to --  
 2 CHAIRMAN ANTHONY: Let's  
 3 see -- Ms. Nancy Ferguson, would you like to say  
 4 a few words or --  
 5 MAYOR FERGUSON: No. I don't think I  
 6 could improve upon Mr. Goodman's presentation, so  
 7 I'm going to just stick with that.  
 8 CHAIRMAN ANTHONY: Thank you so much.  
 9 MAYOR FERGUSON: Thank you.  
 10 CHAIRMAN ANTHONY: Mr. Goodman, thank  
 11 you so much, sir.  
 12 MR. GOODMAN: Thank you, Mr. Chairman.  
 13 CHAIRMAN ANTHONY: Is there anyone in  
 14 the audience that would be in opposition to this?  
 15 (No response.)  
 16 CHAIRMAN ANTHONY: Any questions  
 17 for -- well, I just have one. This seems like  
 18 a -- totally different than the one we just --  
 19 MR. PICCININNI: It was.  
 20 CHAIRMAN ANTHONY: -- we just heard.  
 21 MR. PICCININNI: And, if I may, I know  
 22 I was asked about this --  
 23 CHAIRMAN ANTHONY: And I want to  
 24 ask --

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1 MR. PICCININNI: I was specifically  
 2 asked about this particular petition two weeks  
 3 ago, which goes to another issue that hopefully  
 4 the policy that will be discussed later will  
 5 address.  
 6 CHAIRMAN ANTHONY: Okay.  
 7 MR. PICCININNI: I was not  
 8 provided -- our office was not provided with a  
 9 copy of this petition prior, so I was not  
 10 aware -- our office was not aware of the defects,  
 11 except for in passing and briefly what was going  
 12 on at the meeting, and we had no opportunity to  
 13 take a look at it.  
 14 It may be necessary that if the Board  
 15 does identify problem petitions that we get  
 16 petitions more than 24 -- in a time period more  
 17 than 24 hours prior to the meeting so that we can  
 18 adequately review them and give our proper -- and  
 19 fulfill our statutory functions of the Board.  
 20 That being said, in review of the  
 21 issues raised by Mayor Ferguson and through her  
 22 counsel, we've reviewed the issue as well. We  
 23 are concurrent -- there was -- the Stern case  
 24 dealt with an issue where a notary had not signed

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1 but stamped it, and the court allowed that  
 2 petition to go through, finding substantial  
 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 ballot and -- as a  
 23 candidate for Mayor of the City of New  
 24 Albany -- Village of New Albany, excuse me. I

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1 concurred with Mr. Goodman's analysis of this  
 2 case and recommend the Board certify her.  
 3 CHAIRMAN ANTHONY: Is there a second?  
 4 MS. MARINELLO: Second.  
 5 CHAIRMAN ANTHONY: It's been properly  
 6 moved and seconded, an affirmative placed on the  
 7 ballot. All those in favor, say, yes.  
 8 MS. PETREE: Yes.  
 9 MS. MARINELLO: Yes.  
 10 CHAIRMAN ANTHONY: Yes.  
 11 MR. COLLEY: Aye.  
 12 CHAIRMAN ANTHONY: Or aye, yeah.  
 13 MR. COLLEY: Yes.  
 14 MR. DAMSCHRODER: Motion carries.  
 15 CHAIRMAN ANTHONY: Motion carries.  
 16 MR. GOODMAN: Thank you,  
 17 Mr. Chairman.  
 18 CHAIRMAN ANTHONY: Thank you.  
 19 MR. GOODMAN: I have a personal  
 20 statement. The last time I think I was in this  
 21 building, in this part of the building, it was on  
 22 very hot, three mornings in July of 1961 when  
 23 Mr. Colley and I took the bar exam. Both of us  
 24 passed. And I don't know what that means, but

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1 thank you.  
 2 CHAIRMAN ANTHONY: Thank you.  
 3 MR. GOODMAN: We're really not that  
 4 old.  
 5 MAYOR FERGUSON: Thank you very much.  
 6 I am so grateful that you've allowed me to remain  
 7 on the ballot. Thank you.  
 8 CHAIRMAN ANTHONY: You're welcome.  
 9 MS. MARINELLO: You're welcome.  
 10 CHAIRMAN ANTHONY: The next item. The  
 11 next item on the agenda.  
 12 -----  
 13 MR. DAMSCHRODER: The next item on the  
 14 agenda is an appeal filed by Mr. Raimo, who filed  
 15 to be an At Large Member of Council in the City  
 16 of Gahanna.  
 17 He filed his request for appeal on  
 18 August 31st. The Board rejected his petitions,  
 19 initially, because the majority of the signatures  
 20 were gathered and dated after the date of the  
 21 statement of candidacy on the nominating  
 22 petition.  
 23 In reviewing the petitions this  
 24 weekend with counsel, there appears to be another

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1 more fatal flaw, and that is that because  
 2 Mr. Raimo was on the ballot in May, in the  
 3 primary election as a candidate for mayor, the  
 4 law prohibits him -- actually prohibits the Board  
 5 of Elections from even accepting his petition.  
 6 So there is that issue as well.  
 7 CHAIRMAN ANTHONY: All right. Is  
 8 Mr. Raimo in the audience today? Mr. Raimo?  
 9 MR. RAIMO: Yes. I'll be, I guess,  
 10 representing myself.  
 11 CHAIRMAN ANTHONY: Sir, we need to  
 12 swear you in.  
 13 (Steven Raimo was sworn.)  
 14 MR. RAIMO: I was actually not aware  
 15 of the second part of that, so I really don't  
 16 know how to defend myself for that.  
 17 As for the misdate on my petitions,  
 18 though, all I can really say is that I made a  
 19 mistake. I had actually filled out those  
 20 petitions prior to the date that it is dated but  
 21 put the date that the petitions were due instead  
 22 of the date that I had began circulating them.  
 23 Everyone that signed that petition  
 24 knowingly knew what they were signing and also



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1 signed it to the date that they had  
 2 wrote -- written on the petition, and it was  
 3 completely filled out prior to when I circulated  
 4 it.  
 5 I guess the only thing I can really  
 6 say is, I came before you guys today to just ask  
 7 to reevaluate your decision and give the people  
 8 of Gahanna the opportunity to decide if I can run  
 9 for them on their council.  
 10 Thank you.  
 11 CHAIRMAN ANTHONY: Thank you so much,  
 12 Mr. Raimo. Any questions for Mr. Raimo?  
 13 MR. PICCININNI: I just had -- that  
 14 was him on --  
 15 CHAIRMAN ANTHONY: Yeah, that was you,  
 16 right?  
 17 MR. PICCININNI: You were the  
 18 candidate in May.  
 19 MR. RAIMO: Yes.  
 20 CHAIRMAN ANTHONY: Yes.  
 21 MR. PICCININNI: Okay.  
 22 CHAIRMAN ANTHONY: Okay.  
 23 MR. PICCININNI: 3515.052 is pretty  
 24 clear. It's exactly designed for this

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1 particular --  
 2 CHAIRMAN ANTHONY: Purpose, reason?  
 3 MR. PICCININNI: -- this reason. He  
 4 filed nominating petitions. You cannot file for  
 5 more than one race. He never withdrew the  
 6 nomination back. He was not elected to appear on  
 7 the ballot in November for mayor. It is -- this  
 8 is a textbook example of the particular statute  
 9 in question, and we should never have accepted  
 10 the petition.  
 11 CHAIRMAN ANTHONY: Okay. Any other  
 12 questions for our district attorney, Patrick or  
 13 Mr. Raimo?  
 14 (No response.)  
 15 CHAIRMAN ANTHONY: Anyone else in the  
 16 audience that would like to speak on behalf of  
 17 Mr. Raimo?  
 18 (No response.)  
 19 CHAIRMAN ANTHONY: Anyone like to  
 20 speak against Mr. Raimo?  
 21 (No response.)  
 22 CHAIRMAN ANTHONY: All right. Hearing  
 23 none. The same applies here. The Board would  
 24 have to have an affirmative motion to place you

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1 on the ballot. Is there a motion to place  
 2 Mr. Raimo on the ballot?  
 3 (No response.)  
 4 CHAIRMAN ANTHONY: Hearing none, it  
 5 stands. Thank you so much, sir.  
 6 MR. RAIMO: Thank you.  
 7 -----  
 8 MR. DAMSCHRODER: Now we move to the  
 9 local options and issues appeals portion of the  
 10 agenda. The first is the set of petitions filed  
 11 by a group who has appealed under the name of the  
 12 43203 Zone Dry Coalition.  
 13 There were, I believe, 10 individual  
 14 local option questions that were being attempted  
 15 to be put on the ballot. The staff rejected  
 16 these petitions for a number of reasons. The  
 17 first two, the staff believe to have been fatal  
 18 flaws.  
 19 The first, in that the affidavit  
 20 that's required by law to be filed by the  
 21 petitioner with the petitions attesting that they  
 22 had notified all of the permit holders  
 23 affected -- that would have been affected by the  
 24 election, there was one affidavit filed for all

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1 of the individual petitions instead of one  
 2 affidavit for each petition, each individual  
 3 question petition.  
 4 The second is that the individual  
 5 listed on the records of the Board at the time  
 6 that the Board certified to the group the number  
 7 of signatures that they were going to have to  
 8 obtain and the individual to whom the Ohio  
 9 Division of Liquor Control issued the list of  
 10 permit holders, that individual is different than  
 11 the individual who executed the affidavit.  
 12 And in review of the Secretary of  
 13 State's guide on local options and the relevant  
 14 law there, it appears that the law, and certainly  
 15 the Secretary of State's guide, contemplates only  
 16 one individual acting as the petitioner.  
 17 And so we believe that it's fatal to  
 18 have a different individual execute the affidavit  
 19 than the individual who requests for the number  
 20 of signatures and the list of permit holders from  
 21 the Division of Liquor Control.  
 22 Beyond that, several of the petitions  
 23 were just flawed because they did not have  
 24 sufficient signatures. And others had signatures

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1 that were gathered before the date of the issue  
 2 of the notice of permit holders from the Division  
 3 of Liquor Control that had to, by law, be  
 4 attached to the petition.  
 5 I think there's rationale for why that  
 6 happened, because they started their project last  
 7 year, but it is our contention that they should  
 8 have attached the list from last year as well.  
 9 So I understand that Eric Seabrook is  
 10 here representing the 43203 Zone Dry Coalition.  
 11 And it would be in order to call Attorney  
 12 Seabrook to represent them.  
 13 CHAIRMAN ANTHONY: Mr. Seabrook.  
 14 MR. SEABROOK: Thank you.  
 15 MR. DAMSCHRODER: You're an attorney,  
 16 you don't have to.  
 17 CHAIRMAN ANTHONY: You're an  
 18 attorney. We trust you, man.  
 19 MR. SEABROOK: Well, to take the  
 20 issues in a more -- first, as it applies to the  
 21 affidavit, or affidavits, plural, I would refer  
 22 you to page 8 of the Board's guide to local  
 23 liquor option elections, specifically to five  
 24 petition options. Item number 2.

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1 And the plain reading of that is as  
 2 follows: an affidavit, Form 5-N, certifying that  
 3 the petitioner notified all affected permit  
 4 holders in the manner and time required, that  
 5 each part petition contained a copy of the list  
 6 of affected permit holders at the time each  
 7 signor of the petition affixed his or her  
 8 signature. Repeat -- I repeat, an affidavit.  
 9 Subtitling that, it says, failure of  
 10 the petitioner to supply either a complete and  
 11 accurate list of liquor permit holders as  
 12 furnished to him or her by the Division of Liquor  
 13 Control or the affidavit invalidates the entire  
 14 petition.  
 15 I would argue that a plain reading of  
 16 that section speaks in singular to this issue.  
 17 It refers to an affidavit. This is a collective  
 18 effort for Ward 7. Therefore, I would argue, as  
 19 my contention, that only an affidavit, as made by  
 20 the plain reading, would suffice.  
 21 Furthermore, I think if you go to the  
 22 actual document, itself, the affidavit of local  
 23 option petitioner, it makes reference to the  
 24 affidavit in singular.

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1 Now, understanding that there are much  
 2 brighter legal minds than mine -- and as we all  
 3 know, simply from the proceedings today, often  
 4 things happen which we may or may not be aware  
 5 of. Absent some authority of state statute or  
 6 the Secretary of State to the necessity for  
 7 multiple affidavits, it is our contention that a  
 8 plain reading of this language only requires a  
 9 single affidavit.  
 10 Given that, I move to the second  
 11 issue, the second issue being the issue of  
 12 petitioner. It is our contention that Erika  
 13 Conner was the petitioner. Understanding because  
 14 this effort started earlier, there may in  
 15 fact -- we acknowledge that there may be some  
 16 question as to the single petitioner; however,  
 17 our contention is that Erika Conner was the  
 18 single petitioner, absent some other  
 19 notification.  
 20 And what we would like to request,  
 21 understanding that our belief is that the people  
 22 at Board of Elections are diligent people, is to  
 23 be provided, either in the course of this  
 24 proceeding or as a result of this decision, a

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1 written statement of the deficiencies.  
 2 Obviously, this has been an ongoing effort that's  
 3 been going on for some two years now.  
 4 Our knowledge as to the third issue,  
 5 we would make two statements here. One is  
 6 a -- has been a continuing effort and that the  
 7 entities in question have not changed.  
 8 Okay. The entities in question both  
 9 from last year when the original set of  
 10 signatures were acquired and from this year, the  
 11 carry -- and, specifically, what we're talking  
 12 about here is the carry-out entities within this  
 13 ward have not changed.  
 14 So notification to signature holders  
 15 both last year and this year apply to the same  
 16 set of establishments. And we have provided  
 17 certification that we did notify all of those  
 18 establishments.  
 19 So based upon that, what we're simply  
 20 saying is, as to issue 3, it's the same set of  
 21 people. There has been no change. It's -- we're  
 22 dealing with the same set of facts.  
 23 So, therefore, we believe that since  
 24 this is a question of judgment, a judgment call,

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<p>1 that we've made substantial compliance. And,                  2 even more so, we've made actual compliance                  3 because we're talking about the same set of                  4 business entities that we notified.                  5 I would be glad to answer any                  6 questions. And, you know, we don't want to cast                  7 any dispersion upon what was conveyed to us. It                  8 was our understanding that the previous                  9 signatures would be acceptable. That was our                  10 understanding, based upon conversations with                  11 people at the office.                  12 I have advised my client that the                  13 bottom line is that we are responsible,                  14 regardless of what we were told. But it has been                  15 my client's contention that they were made aware,                  16 because we were dealing with the same set of                  17 facts, the same set of entities that would be                  18 affected, those signatures would be good, in                  19 fact.                  20 And in -- as a substantive issue of                  21 law, I have to agree with my clients from that                  22 standpoint. You know, there's been no factual                  23 change in terms of the entities affected from the                  24 initial signature collection to the second set of</p>	<p>1 2007, the store owners and myself question the                  2 legitimacy of the petitions, the signatures                  3 obtained in the issues, because the petitioner                  4 and or the circulator did not comply with all                  5 applicable constitutional and statutory                  6 provisions governing local liquor options.                  7 As the attorney stated before, on page                  8 8, it is real simple. Okay. And it states that                  9 the petitioner must attach to each part petition                  10 a copy of the list of permit holders whom would                  11 be affected by the election, as provided by the                  12 Division of Liquor Control. Any part petition                  13 circulated at any time without a list of                  14 affidavit of permit holders attached to it is                  15 invalid.                  16 I have a stack of petitions                  17 from -- that were circulated. There's so many                  18 mistakes on these petitions. It took me six                  19 hours just to go through them and just come up                  20 with the small mistakes. On some, the precincts                  21 aren't right. On others, there are duplicate                  22 signatures on two different petitions signed by                  23 two different -- signed by two different people.                  24 Now, again, this issue has been going</p>
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<p>1 signature collections.                  2 CHAIRMAN ANTHONY: Thank you. Any                  3 questions for Mr. Seabrook?                  4 (No response.)                  5 CHAIRMAN ANTHONY: Thank you,                  6 Mr. Seabrook. Anybody else for the affirmative                  7 for 43203 Zone Dry Committee?                  8 (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.                  17 (Keith Sullivan was sworn.)                  18 MR. SULLIVAN: My name is Keith                  19 Sullivan. I'm a resident of Ward 7 and Precinct                  20 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</p>	<p>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.                  4 CHAIRMAN ANTHONY: Any questions for                  5 Mr. Sullivan?                  6 (No response.)                  7 CHAIRMAN ANTHONY: Thank you, sir.                  8 Anyone else in the audience who would like to                  9 speak against this issue?                  10 Yes, sir.                  11 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                  15 Lindahl. I represent the Mt. Vernon Avenue                  16 District Improvement Association --                  17 CHAIRMAN ANTHONY: Now, hold on. You                  18 went awful fast with your name, and we need to                  19 make sure it gets down for the record.                  20 MR. LINDAHL: I apologize. I'm                  21 sorry. I'm nervous.                  22 CHAIRMAN ANTHONY: All right. That's                  23 quite all right.                  24 MR. LINDAHL: My name is Dennis</p>

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1 Lindahl.  
 2 CHAIRMAN ANTHONY: Dennis Lindahl?  
 3 MR. LINDAHL: Lindahl, L-i-n-d-a-h-l.  
 4 CHAIRMAN ANTHONY: Thank you so much.  
 5 Go ahead now.  
 6 MR. LINDAHL: And I represent the Mt.  
 7 Vernon Avenue District Improvement Association  
 8 which the merchants are members.  
 9 CHAIRMAN ANTHONY: Okay. Thank you,  
 10 sir.  
 11 MR. LINDAHL: So I'm their political  
 12 consultant.  
 13 CHAIRMAN ANTHONY: Okay. Thank you.  
 14 MR. LINDAHL: The merchants got  
 15 together and went to visit the residences that  
 16 are listed as having signed the petitions, and I  
 17 have the petitions that state -- this is the  
 18 petition that they circulated.  
 19 Ward 7 project complaint list. By  
 20 signing this statement, you are saying the  
 21 petitioner of the circulator of Ward 7 petitions  
 22 have misled you about the issues of the Ward 7  
 23 project. Attached is a list of permit holders  
 24 that will be affected by this issue and a copy of

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1 the issues that will affect this community. And  
 2 so I have these petitions which we can get to  
 3 later.  
 4 The issue was not presented correctly  
 5 in many cases when the petitions were circulated,  
 6 and that's what I'm here to express for the  
 7 merchants. There is a lot of concern that the  
 8 issue was misrepresented as other issues. And,  
 9 like I said, we do have registered voters, people  
 10 in the community that were presented with the  
 11 issue that we can get those to you. That's the  
 12 first issue.  
 13 On the third issue of the affidavit  
 14 being attached, the affidavit needs to be  
 15 attached, as you well know. The petitioner shall  
 16 attach a copy of the list provided by the  
 17 division to each petition paper. A part petition  
 18 paper circulated at any time without the list of  
 19 affected permit holders attached to it is  
 20 invalid.  
 21 Now, the reason that we're  
 22 stating -- the reason that we would like to go to  
 23 Ohio Revised Code 4301.332 is because when the  
 24 petitions were circulated, the affidavit is what

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1 lets the petitioner -- lets the registered voter  
 2 know what the issue is about, the stores in the  
 3 area that will be affected. And that's basically  
 4 what our -- that's basically what the merchants  
 5 would like to express to you guys.  
 6 Thank you.  
 7 CHAIRMAN ANTHONY: Thank you. Any  
 8 questions for Mr. Lindahl?  
 9 (No response.)  
 10 CHAIRMAN ANTHONY: Thank you, sir.  
 11 Anyone else in the audience? Any rebuttal or  
 12 any --  
 13 MR. SEABROOK: I'd like to speak in  
 14 rebuttal.  
 15 CHAIRMAN ANTHONY: Yes, sir.  
 16 MR. SEABROOK: This is a very simple  
 17 issue. And I think while we presented the -- my  
 18 clients presented their petitions, and I stand  
 19 with confidence that they presented them  
 20 accurately, they did present additional  
 21 information.  
 22 And based upon my knowledge, having  
 23 worked with the Secretary of State's Office,  
 24 there's nothing that prevents the sharing of

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1 additional information. And we've spoken to the  
 2 additional impact that these liquor sales have  
 3 had in our community in Ward 7.  
 4 We've spoken to the fact that this is  
 5 a question of both violent crime, this is a  
 6 question of domestic violence, this is a question  
 7 of how these liquor sales impact our community.  
 8 But these aren't issues. None of those are  
 9 issues that deal with processing the  
 10 applications.  
 11 We haven't -- and what I speak to is  
 12 the question of meeting the requirements of  
 13 processing the applications. And that,  
 14 fundamentally, is the issue at hand. I would not  
 15 have addressed these issues or brought these  
 16 issues up, but I do think it is a very simple  
 17 issue.  
 18 And since reference was made to some  
 19 deficiency or the best interest of the community,  
 20 I felt the necessity to speak to that. Because  
 21 we are speaking about things in addition to the  
 22 fundamental registration.  
 23 We're speaking to the abuse and the  
 24 unnecessary exposure of this community to a high

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1 concentration of alcohol distribution and sale,  
 2 which is having an adverse impact upon the  
 3 community, which questions a question of  
 4 community participation and business efforts.  
 5 And that, fundamentally, is the issue  
 6 in which we seek to use the process provided to  
 7 us by the Ohio Revised Code to allow the voters  
 8 of that community to make a decision.  
 9 And my premise is, given our good  
 10 business citizens in the community, there should  
 11 be no fear of allowing the voters to make a  
 12 reasonable decision about their community.  
 13 Thank you very much. I'm sorry if I  
 14 held up your time.  
 15 CHAIRMAN ANTHONY: Thank you, sir.  
 16 Yes, sir. For the record, Keith  
 17 Sullivan, correct?  
 18 MR. SULLIVAN: Yes.  
 19 CHAIRMAN ANTHONY: All right. Go  
 20 ahead.  
 21 MR. SULLIVAN: Again, here I am  
 22 hearing the same things over and over again of  
 23 how the alcohol is tearing the community up, why  
 24 it's such a great big issue. Our community is

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1 thriving, okay?  
 2 I'm the president of Mt. Vernon Plaza  
 3 Residents Counsel. I'm also the chairperson for  
 4 the Near East Council Committee, which is  
 5 presidents from Sawyer, Mt. Vernon Plaza,  
 6 Poindexter, and Nelson Road Apartments. There  
 7 are many, many residents in that neighborhood  
 8 that don't drink. There are some that do.  
 9 I really don't think the issue is what  
 10 it's doing to the neighborhood, all right, more  
 11 so because if we dry up the east side, they're  
 12 going to go outside of the east side to get the  
 13 alcoholic beverages. They wanted to stop a  
 14 liquor store from coming in the community.  
 15 Carl Browns was there for 10 years or  
 16 so. Prior to that, there was a state liquor  
 17 agency on Mt. Vernon and on Long Street, and the  
 18 crime didn't change that much then, you know.  
 19 Responsible drinking is what we need  
 20 to teach, okay? A long -- when I heard him say  
 21 what he said, I just happened to look at one of  
 22 these petitions that were circulated. And this  
 23 petition here is a copy. But if you take a look  
 24 at the signatures, they run long on this one and

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1 short on this one.  
 2 There are signatures added to this  
 3 one, okay, plus the date on it is September  
 4 9th -- September the 11th of 2007. This here was  
 5 submitted August 23rd, 2007, 3:50 p.m.  
 6 Again, it just speaks to the  
 7 inconsistencies, the irregularities, and  
 8 everything that deals with these issues.  
 9 I say, let them go back to the drawing  
 10 board, dot their I's, cross their T's, and come  
 11 back out and lick them thumbs and get ready for  
 12 the next one.  
 13 Thank you.  
 14 CHAIRMAN ANTHONY: Thank you. Any  
 15 further questions? Sir?  
 16 MR. PICCININNI: I think the secretary  
 17 has opined on this. I think -- we had not had  
 18 the opportunity to in depth look at this issue.  
 19 CHAIRMAN ANTHONY: Okay. Any  
 20 questions of Mr. Damschroder before we vote?  
 21 MR. PICCININNI: And we have not had  
 22 the opportunity to take a look at this issue.  
 23 CHAIRMAN ANTHONY: Okay. Any  
 24 questions from Mr. Damschroder? Anything you

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1 want to clarify, Matt?  
 2 MR. DAMSCHRODER: I would only add to  
 3 the record that I spoke with Gretchen Quinn this  
 4 morning from the Secretary of State's Office, and  
 5 she said that she is not aware of any court  
 6 decisions that speak to either the  
 7 disqualification of all of the petitions based on  
 8 the filing of only a single affidavit for all of  
 9 the individual local option questions and that  
 10 that issue, she believes, is at least, in the  
 11 absence of clear guidance from the Court, within  
 12 the Board's discretion.  
 13 However, on the issue of a single  
 14 known individual being identified as the  
 15 petitioner for all three purposes of getting the  
 16 number of -- the certificate of number of  
 17 signatures from the Board of Elections, the list  
 18 of permit holders from the Division of Liquor  
 19 Control, and the executing of the affidavit, that  
 20 it is her contention that the guidance in the  
 21 Secretary of State's guide to local option  
 22 elections is clear that the petitioner has to be  
 23 one individual.  
 24 And, in this case, we have a different

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1 individual executing the affidavit than the  
 2 individual who requested the certificate of  
 3 number of electors to sign the petition and the  
 4 notice of permit holders from the Division of  
 5 Liquor Control.  
 6 So that being said, if this Board were  
 7 to hold with its previous ruling of not putting  
 8 any of these issues on the ballot and the 43203  
 9 Zone Dry Coalition were to sue the Board of  
 10 Elections, obviously, we don't know how the  
 11 courts would rule because this, based on  
 12 Gretchen's comments, is unchartered territory.  
 13 And because of that, it appears to be the Board's  
 14 discretion.  
 15 So if the Board were to say that the  
 16 affidavit issue is not a problem and the multiple  
 17 petitioner issue is not a problem, then we would  
 18 have to look at the number of signatures on each  
 19 petition and address the question of -- for the  
 20 individual petitions that had signatures dated  
 21 prior to the date of the notice of permit holders  
 22 that was attached to that petition.  
 23 We'd have to address that issue and  
 24 then -- obviously, then, there's some other

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1 petitions that just have invalid signatures on  
 2 its face. So there's just a handful.  
 3 So I think if the Board wants to  
 4 examine putting this issue on the ballot, we  
 5 would have to vote first in the affirmative on  
 6 allowing multiple individuals to constitute the  
 7 definition of petitioner and then deal with each  
 8 of those in -- those insufficiencies one by one.  
 9 But it's staff recommendation, based  
 10 on what appears in the guide to local option  
 11 elections from the Secretary of State that the  
 12 number of individuals acting as the petitioner is  
 13 a fatal flaw.  
 14 CHAIRMAN ANTHONY: Any questions to  
 15 Mr. Damschroder based on what he just told us?  
 16 (No response.)  
 17 CHAIRMAN ANTHONY: Like the others  
 18 before this one, we would -- the Board would need  
 19 a motion in the affirmative in order to place  
 20 this on the ballot. The chair will entertain a  
 21 motion as such.  
 22 (No response.)  
 23 CHAIRMAN ANTHONY: Hearing none, the  
 24 issue stands as it is.

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1 Thank you, sir.  
 2 -----  
 3 CHAIRMAN ANTHONY: The next item on  
 4 the agenda.  
 5 MR. DAMSCHRODER: The next item on the  
 6 agenda is an appeal filed by Caballeros Limited,  
 7 doing business as, Tres Portillos -- I apologize  
 8 for mispronouncing that -- at 964968 Galloway  
 9 Road.  
 10 They are a current permit holder for  
 11 various permits, and they wanted to put a  
 12 question on the ballot to expand sales of beer  
 13 and spirits, liquor. And the Board, in the  
 14 review of their petitions, found an insufficient  
 15 number of valid signatures.  
 16 The petitioner filed an appeal  
 17 outlining their individual differences with the  
 18 Board staff's finding. I have asked Matt Rushay  
 19 to review all of the individual challenges to  
 20 signatures advanced by the petitioner.  
 21 And even -- and, Matt, as you know, is  
 22 a very meticulous individual. Even giving them  
 23 the benefit of the doubt on some of the  
 24 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  
 4 the petitioner.  
 5 CHAIRMAN ANTHONY: Yes, ma'am.  
 6 MS. SAVINO: I'm Angela Alexander  
 7 Savino. I'm an attorney. I'm also the  
 8 petitioner.  
 9 CHAIRMAN ANTHONY: Thank you.  
 10 MS. SAVINO: And I thank you, Chairman  
 11 and Board members, for your time this afternoon.  
 12 I know it's late in the day. I also appreciate  
 13 the Board staff relooking at the signatures, but  
 14 we do disagree. We do believe that of the 344  
 15 signatures that we submitted, that there were the  
 16 requisite number of at least 250 in order to put  
 17 this matter on the ballot.  
 18 Specifically, we did outline in a very  
 19 detailed memo -- and I did make some copies. If  
 20 anyone didn't --  
 21 MR. DAMSCHRODER: They all have it.  
 22 MS. SAVINO: Okay. Thank you.  
 23 Specific questions that we had. And I don't know  
 24 if it would be helpful since -- if there are some

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1 that, with the Board's re-review or the Board  
 2 staff's re-review we could skip because they  
 3 agree they should have been counted towards or  
 4 none of them, then I'll go through piece by  
 5 piece.  
 6 MR. DAMSCHRODER: Why don't we do  
 7 that? Why don't we identify the ones that we  
 8 still have a concern with. The first one that  
 9 appeared on your exhibit, Christopher, last name  
 10 is spelled R-e-r-i-c-h-a, at 1358 Gilead Court in  
 11 Galloway.  
 12 Our review finds that the signature  
 13 was not validated because also it appeared twice  
 14 on the petition. And we counted one of the  
 15 signatures, and the other one did not count.  
 16 The second is for Eddie Cimini,  
 17 C-i-m-i-n-i, of 5756 Blanton Park Drive. The  
 18 question here was, in the Board's staff  
 19 determination, the signature was not valid  
 20 because it was a printed signature. Which, as  
 21 the Board will recall from numerous previous  
 22 questions, a printed name does not count.  
 23 In your packet, you'll see, I think it  
 24 was Exhibit 2, the signature as it appeared on

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1 the petition on line 1. And then the next page  
 2 is a signature on file.  
 3 In the staff's opinion, the difference  
 4 that would lead us to believe that the signature  
 5 on the petition is indeed printed is that on the  
 6 signature on file, the d-i-e, at the end of the  
 7 first name are connected and the last name,  
 8 Cimini, is a -- what appears to be a C with a  
 9 squiggle as opposed to on the petition it is very  
 10 clearly printed.  
 11 So in the Board staff's opinion, that  
 12 signature would be a printed signature and  
 13 therefore invalid.  
 14 MS. SAVINO: I guess if we're going  
 15 to -- if we're going to do that, maybe we should  
 16 hit each one --  
 17 MR. DAMSCHRODER: Okay. Sure.  
 18 MS. SAVINO: -- if that's okay, if the  
 19 Board would indulge me on that.  
 20 MR. DAMSCHRODER: Certainly.  
 21 MS. SAVINO: If I could go back, on  
 22 item 1, we did not find duplication. I think if  
 23 you could point that out to me, that would help.  
 24 But, in fact, in our research, we did find that

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1 it was a valid signature, and it was valid when  
 2 we registered. We could not find the indication  
 3 that you're speaking of.  
 4 MR. DAMSCHRODER: And I can show you  
 5 that. I actually have it here, if you'd like to  
 6 review it.  
 7 (Pause in proceedings.)  
 8 MR. DAMSCHRODER: It appears, if you  
 9 want to take a look at this --  
 10 MS. SAVINO: Do you want me to  
 11 approach?  
 12 MR. DAMSCHRODER: Yeah, you can come  
 13 on up. It appears that Ms. Chapman circulated  
 14 two different petitions and had both Ms. Williams  
 15 and Christopher as notated where we've got two  
 16 different signatures. And we can get the  
 17 originals if you want to see them. But I think  
 18 we've got -- I think we've got two different  
 19 individual part petitions here.  
 20 MS. SAVINO: Okay.  
 21 MR. DAMSCHRODER: And we can bring out  
 22 the originals if you want.  
 23 MS. SAVINO: Okay. Because I was not  
 24 aware that those were done. It looks more like a

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1 copy, but I'm not aware of that.  
 2 MR. DAMSCHRODER: Okay. We can  
 3 get -- Karen, can you get this petition?  
 4 MS. SAVINO: While she does that, I  
 5 can move on.  
 6 MR. DAMSCHRODER: Yeah, you want to  
 7 address number two? Certainly.  
 8 MS. SAVINO: On the Eddie Cimini, if  
 9 I'm pronouncing that correctly, it appeared that  
 10 even on -- if you look at Exhibit 2, second page,  
 11 he does print part of his signature. It is  
 12 consistent.  
 13 If you look at number one, his first  
 14 name, I believe, is very consistent with the  
 15 first name of the Exhibit 2. And the C even  
 16 looks similar. Now, the last name is partially  
 17 printed, but there is connection to all the  
 18 printed letters that he does on the file -- that  
 19 you have on file.  
 20 And I, unfortunately, did not record  
 21 the date of his signature. Because I've only  
 22 looked at one signature, even though we may have  
 23 received a number of signatures over the years  
 24 that may have these variations in them.

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1 MR. PICCININNI: Mr. Chairman, the law  
 2 is clear that you can print your signature  
 3 provided that the signature does appear.  
 4 CHAIRMAN ANTHONY: On the -- on the  
 5 voter registration card.  
 6 MR. PICCININNI: You have to sign it  
 7 like I -- the way I sign my name, I usually print  
 8 my name below it so you can find that it's me.  
 9 CHAIRMAN ANTHONY: Right.  
 10 MR. PICCININNI: In this particular  
 11 case, it is printed, and we've traditionally held  
 12 those invalid.  
 13 CHAIRMAN ANTHONY: So -- okay. Let's  
 14 continue, then.  
 15 MS. SAVINO: If I could go back  
 16 and -- I can hardly hear you, I apologize.  
 17 MR. DAMSCHRODER: That's all right.  
 18 I'm sorry. It's bad acoustics in this room, so  
 19 I'll speak up.  
 20 MS. SAVINO: And you indicated what?  
 21 MR. DAMSCHRODER: I was going to move  
 22 on to number three, if you were ready.  
 23 CHAIRMAN ANTHONY: No, she's --  
 24 MR. DAMSCHRODER: Oh, you were talking

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1 to Patrick. I'm sorry.  
 2 MR. PICCININNI: The law is clear that  
 3 your signature has to appear as it is on file.  
 4 You may print your name if you're -- underneath  
 5 it, but the signature has to appear there.  
 6 MS. SAVINO: Well, and I guess as an  
 7 overall -- overall, we all, at different  
 8 times -- none of us have the signature line when  
 9 you're going out and circulating. It is a very  
 10 meticulous job to go out and circulate.  
 11 And, as you can see by the  
 12 completeness of the petitions, we tried very  
 13 desperately to stick to all the meticulousity  
 14 required.  
 15 But you don't have a copy of the  
 16 signature, and individuals don't always remember  
 17 if they vote once every four years or even once a  
 18 year exactly how those signatures are or which  
 19 letters are signed.  
 20 In fact, many people -- when we had  
 21 said that we have to be in cursive, they still  
 22 gave the signature similar to Mr. Cimini because  
 23 that's what you believed it was. When you go to  
 24 vote each year, you actually see on the page your

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1 name and the signature.  
 2 So they have -- they certainly have  
 3 the ability, at that point in time, and the  
 4 recollection to refresh themselves as to how you  
 5 sign it. Here, I think there is enough  
 6 correlation, if you will, to his first name and  
 7 the first letter of the last name to indicate a  
 8 signature.  
 9 I think we're going to have -- you're  
 10 going to see -- I'm probably not the first one  
 11 before you to say this, but it's wholly  
 12 impossible for some people to remember, even for  
 13 me -- and I take it very seriously, and I think  
 14 most people do -- to remember exactly how you  
 15 sign it every year. Or if you voted in a primary  
 16 in some years, even every six months.  
 17 But, fortunately, when you go in to  
 18 sign, you do have the ability to refresh your  
 19 memory as to exactly how you did it. They do not  
 20 have that when you go door to door to an  
 21 individual's home. They ask them to give them  
 22 the person's signature, and Mr. Cimini responded  
 23 with this.  
 24 MR. DAMSCHRODER: Why don't we make a

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1 note of that as we move forward.  
 2 CHAIRMAN ANTHONY: Okay. A point of  
 3 clarification.  
 4 MR. DAMSCHRODER: Sure.  
 5 CHAIRMAN ANTHONY: We could either  
 6 rule on these as we go, which I think makes a lot  
 7 of sense, so you don't have to come back to it --  
 8 MR. DAMSCHRODER: That's great.  
 9 CHAIRMAN ANTHONY: And so we could  
 10 just take number one, and we could take a vote  
 11 whether we could -- whether we accept it or not  
 12 accept it, and that way we keep a running total  
 13 and know where we are to see --  
 14 MR. DAMSCHRODER: And if we get there,  
 15 then they're on.  
 16 CHAIRMAN ANTHONY: Huh?  
 17 MR. DAMSCHRODER: And if we get there,  
 18 we're on, that's that.  
 19 CHAIRMAN ANTHONY: And if you get  
 20 there, then they're on. If we don't get there,  
 21 then it's not on.  
 22 MR. DAMSCHRODER: That's a great  
 23 suggestion.  
 24 CHAIRMAN ANTHONY: So on the first



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1 one, Christopher -- do you want to hold off on  
 2 that one?  
 3 MR. DAMSCHRODER: Actually, I have the  
 4 originals.  
 5 MS. SAVINO: If I may approach,  
 6 please.  
 7 MR. DAMSCHRODER: Yeah, absolutely.  
 8 We're a little less formal here. You don't have  
 9 to --  
 10 MS. SAVINO: I beg your pardon?  
 11 MR. DAMSCHRODER: We're a little more  
 12 informal here. Did you guys photocopy them  
 13 before you submitted them?  
 14 MS. SAVINO: I did photocopy them  
 15 for --  
 16 MR. DAMSCHRODER: That's what we got.  
 17 MS. SAVINO: Is that what happened?  
 18 MR. DAMSCHRODER: We got the photocopy  
 19 stuck in here.  
 20 MS. SAVINO: Okay.  
 21 MR. DAMSCHRODER: So I would recommend  
 22 that the Board concur with the --  
 23 CHAIRMAN ANTHONY: That that's a  
 24 valid --

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1 MR. DAMSCHRODER: That number one is a  
 2 valid signature.  
 3 CHAIRMAN ANTHONY: Is a valid  
 4 signature. All right. Then I will make a motion  
 5 that Christopher Rericha -- anyway, that first  
 6 one; I cannot pronounce it -- is a valid  
 7 signature. Is there a second?  
 8 MR. DAMSCHRODER: Is there a second?  
 9 MS. PETREE: Second.  
 10 CHAIRMAN ANTHONY: All those in favor,  
 11 say, yes or aye.  
 12 (Board members in favor of the motion  
 13 so indicated.)  
 14 CHAIRMAN ANTHONY: All right. We've  
 15 got one. On number two, Eddie Cimini. I make a  
 16 motion that we do not accept Edward Cimini. Is  
 17 there a second?  
 18 MS. PETREE: Second.  
 19 CHAIRMAN ANTHONY: All those in favor,  
 20 say, aye.  
 21 (Board members in favor of the motion  
 22 so indicated.)  
 23 CHAIRMAN ANTHONY: We're not going to  
 24 take that one. All right. Well, go ahead.

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1 MR. DAMSCHRODER: And we can  
 2 probably -- on the next couple ones, the staff  
 3 finds for number three and four that we concur  
 4 with the explanation or appeal.  
 5 CHAIRMAN ANTHONY: And what was that?  
 6 MR. DAMSCHRODER: Number three and  
 7 four --  
 8 CHAIRMAN ANTHONY: Are they  
 9 registered?  
 10 MR. DAMSCHRODER: Yeah.  
 11 CHAIRMAN ANTHONY: They are  
 12 registered.  
 13 MR. DAMSCHRODER: Yeah.  
 14 CHAIRMAN ANTHONY: So we can  
 15 say -- okay. So I move that we, then, accept  
 16 number three and four as valid signatures or good  
 17 on the petition. Is there a second?  
 18 MS. PETREE: Second.  
 19 CHAIRMAN ANTHONY: All those in favor,  
 20 say, aye.  
 21 (Board members in favor of the motion  
 22 so indicated.)  
 23 CHAIRMAN ANTHONY: We've got two more.  
 24 MR. DAMSCHRODER: Number five. Our

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1 staff finds that this signature by Richard J.  
 2 Ritterbeck was not valid because Mr. Ritterbeck,  
 3 when he submitted his voter registration form on  
 4 8/11/07, August 11 of '07, he did not provide a  
 5 signature on his voter registration form.  
 6 That form is, therefore, not valid  
 7 until such time as the signature appears on the  
 8 form and it's refiled with the Board of  
 9 Elections.  
 10 CHAIRMAN ANTHONY: Okay. Any  
 11 questions on that one, ma'am?  
 12 MS. SAVINO: Yes, yes. Thank you.  
 13 The voter registration form that was submitted  
 14 was a change of address form. His signature, the  
 15 Board of Elections already has on file.  
 16 And the signature of item four, line  
 17 four of this 8/11 petition, does match the  
 18 signature you have on file. What it doesn't  
 19 match and why I'm presuming it was considered not  
 20 valid and not registered address was because the  
 21 address was different.  
 22 The voter registration form is the  
 23 change of address. It is not where, you know, he  
 24 necessarily draw his signature, it is the address

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<p>1 change, was what he was doing at this point.</p> <p>2 MR. DAMSCHRODER: Do you know whether</p> <p>3 the signature or the address previously on file</p> <p>4 with the Board of Elections is in this precinct?</p> <p>5 MS. SAVINO: I do not know that. It's</p> <p>6 listed as Dublin. My guess is it's not. This is</p> <p>7 a Galloway precinct. But when I went in on the</p> <p>8 public records and typed in 33009 Green Arbor</p> <p>9 Lane, which was the previous address, this</p> <p>10 signature came up. And so it hadn't done a</p> <p>11 change of address yet. And so what it is, is</p> <p>12 that this attached voter registration form is not</p> <p>13 his initial registration, it's merely a change of</p> <p>14 address.</p> <p>15 MR. PICCININNI: But he didn't sign</p> <p>16 it.</p> <p>17 MR. DAMSCHRODER: But I think the</p> <p>18 argument would be, when these individuals are</p> <p>19 signing the petitions, they're stating we, the</p> <p>20 undersigned qualified electors of the precinct</p> <p>21 herein defined at the time this individual signed</p> <p>22 the petition -- because he had not properly</p> <p>23 executed the voter registration form changing his</p> <p>24 address, that he didn't meet the statutory</p>	<p>1 signature. And here you have his signature on</p> <p>2 the petition at this address along with the</p> <p>3 change of address. But I put it before the</p> <p>4 Board.</p> <p>5 CHAIRMAN ANTHONY: Thank you very</p> <p>6 much. I was getting ready to stop y'all.</p> <p>7 MS. SAVINO: I'm sorry.</p> <p>8 MR. DAMSCHRODER: That's fine. We</p> <p>9 have to stop all that.</p> <p>10 CHAIRMAN ANTHONY: All right. Is</p> <p>11 there a -- then I will make a motion that we do</p> <p>12 not accept his signature as a valid signature</p> <p>13 because it was not signed on the voter</p> <p>14 registration form. Is there a second?</p> <p>15 MR. COLLEY: Second.</p> <p>16 CHAIRMAN ANTHONY: All those in favor</p> <p>17 say, aye.</p> <p>18 (Board members in favor of the motion</p> <p>19 so indicated.)</p> <p>20 CHAIRMAN ANTHONY: So we will not</p> <p>21 accept that one. Number six.</p> <p>22 MR. DAMSCHRODER: Number six, the</p> <p>23 Board agrees with the petitioner that it is a</p> <p>24 valid signature.</p>
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<p>1 definition of a qualified elector of the</p> <p>2 precinct.</p> <p>3 CHAIRMAN ANTHONY: All right.</p> <p>4 Then -- thank you. I --</p> <p>5 MR. DAMSCHRODER: Unless you have a</p> <p>6 comment.</p> <p>7 CHAIRMAN ANTHONY: Go ahead.</p> <p>8 MS. SAVINO: Well, I find that -- I</p> <p>9 find that really difficult, if you will.</p> <p>10 Because, as an individual, I mean, you have his</p> <p>11 signature. You have his previous address. You</p> <p>12 have all the keys to attach it. You've been</p> <p>13 given everything. And so I do find that a</p> <p>14 difficult position.</p> <p>15 MR. DAMSCHRODER: But we have no way</p> <p>16 of validating that this individual does,</p> <p>17 indeed -- is, indeed, registered in this</p> <p>18 precinct. All we know, from the official records</p> <p>19 of the Board, is that, yes, he's a qualified</p> <p>20 elector, but he's a qualified elector of a</p> <p>21 different precinct.</p> <p>22 MS. SAVINO: I would disagree. I</p> <p>23 disagree. Because, again, you have a -- you have</p> <p>24 his signature. If you look at 3009, you have his</p>	<p>1 CHAIRMAN ANTHONY: Okay. I will then</p> <p>2 make a motion that we will accept number six,</p> <p>3 Charity Napier, as a valid signature. Is there a</p> <p>4 second?</p> <p>5 MS. PETREE: Second.</p> <p>6 CHAIRMAN ANTHONY: All those in favor,</p> <p>7 say, aye.</p> <p>8 (Board members in favor of the motion</p> <p>9 so indicated.)</p> <p>10 CHAIRMAN ANTHONY: All right. We</p> <p>11 accept that one.</p> <p>12 MR. DAMSCHRODER: The</p> <p>13 petition -- signatures 7 and 8 on Exhibit 7 and</p> <p>14 8, both the same kind of question as the printed</p> <p>15 signature from before.</p> <p>16 CHAIRMAN ANTHONY: Joel Redding.</p> <p>17 MR. DAMSCHRODER: It's line three,</p> <p>18 Joel Redding. And then Exhibit 8, Kathy Redding.</p> <p>19 CHAIRMAN ANTHONY: And did we have</p> <p>20 theirs on file?</p> <p>21 MS. PETREE: I see Joel's.</p> <p>22 CHAIRMAN ANTHONY: Where's Kathy's at?</p> <p>23 MR. DAMSCHRODER: Line four of Exhibit</p> <p>24 8.</p>

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1 CHAIRMAN ANTHONY: On the next page?  
 2 I got it. All right. Any rebuttal of those? Or  
 3 I'll take a motion.  
 4 MS. SAVINO: It's similar to the  
 5 previous one. We've already -- there's partial  
 6 printing. Specifically, on Joel Redding, the way  
 7 that he makes his R and then the E and D are  
 8 connected similar. And then the second D of his  
 9 last name is totally disconnected, but --  
 10 CHAIRMAN ANTHONY: I will entertain a  
 11 motion on that one.  
 12 (No response.)  
 13 CHAIRMAN ANTHONY: Then I will make a  
 14 motion that we will not accept these, Joel  
 15 Redding or Kathy Redding. Is there a second?  
 16 MS. MARINELLO: Second.  
 17 CHAIRMAN ANTHONY: All those in favor,  
 18 say, aye.  
 19 (Board members in favor of the motion  
 20 so indicated.)  
 21 MR. DAMSCHRODER: The next one, number  
 22 9, Exhibit No. 9, for Michael Dolby. The  
 23 address, 707 Murnan, M-u-r-n-a-n, Road is  
 24 actually not in this Columbus precinct.

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1 In reviewing the petitions prepared  
 2 for this meeting, the next signature under  
 3 Michael Dolby's is Penny Dolby. Staff improperly  
 4 validated Penny Dolby's signature as being in the  
 5 precinct when it is not and rejected Mr. Dolby's  
 6 properly. So --  
 7 CHAIRMAN ANTHONY: Is 709 in the  
 8 precinct or is that -- is that 707? But that is  
 9 both of them, 707? Okay. Got you. So they're  
 10 not in the precinct?  
 11 Any rebuttal?  
 12 MS. SAVINO: I was not aware it's not  
 13 in the precinct. When we looked him up,  
 14 certainly the signature was the same. I  
 15 understood it was his signature being not good  
 16 when questioned by the reviewers.  
 17 CHAIRMAN ANTHONY: I'll make -- I will  
 18 make a motion that we do not accept Michael Dolby  
 19 and, at this point, Penny Dolby as valid  
 20 residents of the precinct. Is there a second?  
 21 MS. PETREE: Second.  
 22 CHAIRMAN ANTHONY: All those in favor,  
 23 say, aye.  
 24 (Board members in favor of the motion

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1 so indicated.)  
 2 MR. DAMSCHRODER: For numbers 10, 11,  
 3 12, 13, 14, 15, 16, and 17, staff recommends that  
 4 the Board concur with the petitioner.  
 5 MS. PETREE: Would you repeat that,  
 6 please?  
 7 MR. DAMSCHRODER: Yes. For Exhibits  
 8 10, 11, 12, 13, 14, 15, 16, and 17, that my  
 9 recommendation is the Board concur with the  
 10 petitioner.  
 11 CHAIRMAN ANTHONY: Okay. Then I make  
 12 a motion that the Board will accept the  
 13 signatures as items number 10, 11, 12, 13, 14,  
 14 15, 16, and 17 to be valid signatures -- or to  
 15 be -- yeah, valid signatures. Is that the  
 16 correct --  
 17 MR. DAMSCHRODER: Valid signatures.  
 18 CHAIRMAN ANTHONY: Yeah. Is there a  
 19 second?  
 20 MS. MARINELLO: Second.  
 21 CHAIRMAN ANTHONY: All those in favor,  
 22 say, aye.  
 23 (Board members in favor of the motion  
 24 so indicated.)

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1 CHAIRMAN ANTHONY: Okay.  
 2 MR. WHITE: How many more do they  
 3 need, Matt?  
 4 MR. DAMSCHRODER: They need five.  
 5 MR. WHITE: Five?  
 6 MS. PETREE: Five more?  
 7 CHAIRMAN ANTHONY: Yeah. They just  
 8 have 12. They need five more.  
 9 MS. SAVINO: Three more, three more.  
 10 MR. DAMSCHRODER: Based on Matt  
 11 Rushay's review.  
 12 CHAIRMAN ANTHONY: Okay. The next one  
 13 will be Eugene Whetsell.  
 14 MR. DAMSCHRODER: I'm pulling the  
 15 original here.  
 16 CHAIRMAN ANTHONY: Okay. I got it.  
 17 (Pause in proceedings.)  
 18 CHAIRMAN ANTHONY: Matt, part of the  
 19 problem is he wrote Gene instead of Eugene  
 20 or -- am I looking at the right one?  
 21 MR. DAMSCHRODER: Well,  
 22 actually -- and I'm just really looking at these  
 23 for the first time now. In the memorandum that  
 24 staff prepared for you, in putting together

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1 everything in response to this, staff is actually  
 2 recommending, in response to number 18, that we  
 3 disqualify, now, the entire part petition because  
 4 -- and that's why I'm trying to get the original  
 5 here. Because there appears to be one, two,  
 6 three, four -- at least four signatures: number  
 7 4, 5, 6 -- 4, 6, 7 that appear to be of the same  
 8 hand.  
 9 CHAIRMAN ANTHONY: Oh, you mean on  
 10 this petition, the Westdale Berkeley?  
 11 MR. DAMSCHRODER: And staff is  
 12 recommending that we invalidate the entire part  
 13 petition.  
 14 CHAIRMAN ANTHONY: Oh, I see. Okay.  
 15 I see what you're saying. You're talking about  
 16 on 4, 5, 6, 7 of the petition?  
 17 MR. DAMSCHRODER: Yes.  
 18 CHAIRMAN ANTHONY: Okay. Looks like  
 19 the same person wrote all of these? Natasha Sean  
 20 Catherine.  
 21 MR. DAMSCHRODER: And what we'd asked  
 22 counsel is whether or not we should disqualify  
 23 the entire part petition, actually dock them 500  
 24 signatures that we had previously counted.

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1 CHAIRMAN ANTHONY: Wow, if you docked  
 2 the whole petition, that just really make its  
 3 difficult.  
 4 MR. COLLEY: Doesn't it look like the  
 5 circulator's the one that did it?  
 6 MR. DAMSCHRODER: I don't know who did  
 7 it.  
 8 MS. MARINELLO: It does look like that  
 9 handwriting.  
 10 MS. PETREE: It's the same signature.  
 11 CHAIRMAN ANTHONY: Chapman, Melissa  
 12 Chapman?  
 13 MS. PETREE: Yeah.  
 14 CHAIRMAN ANTHONY: She was trying to  
 15 get away with something, wasn't she? It looks  
 16 like she did that. But she certainly wrote all  
 17 the Galloway's.  
 18 MS. PETREE: Yeah.  
 19 CHAIRMAN ANTHONY: But she could do  
 20 that.  
 21 MR. DAMSCHRODER: And that's okay.  
 22 CHAIRMAN ANTHONY: Yeah, she could do  
 23 that. It's just the signatures you can't -- they  
 24 can't.

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1 MS. PETREE: And it's okay if they do  
 2 the address, too, isn't it?  
 3 MR. DAMSCHRODER: Right.  
 4 MR. WHITE: Matt, I'm not a  
 5 handwriting expert, but it looks like the  
 6 circulator.  
 7 CHAIRMAN ANTHONY: So we've got a  
 8 problem here that if you get rid of the whole  
 9 part petition, you lose 15 votes.  
 10 MR. DAMSCHRODER: And that's what I  
 11 think the Board has to decide on this one, is  
 12 whether we shouldn't retroactively take away  
 13 these signatures after having previously found  
 14 that they were valid.  
 15 MR. WHITE: What's the law say if the  
 16 circulator forges signatures?  
 17 MR. PICCININNI: The entire part  
 18 petition is history.  
 19 MR. WHITE: Yeah, it's pretty obvious  
 20 that it's the circulator that did it by the way  
 21 they do their 8's.  
 22 MR. PICCININNI: I've got four cases  
 23 right now with people fraudulently -- okay?  
 24 MR. WHITE: Looks like you've got a

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1 fifth one.  
 2 MR. PICCININNI: Didn't we go  
 3 through -- didn't we go through ACORN hearings  
 4 earlier last year for six hours with those  
 5 people?  
 6 CHAIRMAN ANTHONY: Any rebuttal to  
 7 that, ma'am?  
 8 MS. SAVINO: I had not looked at that  
 9 issue. Catherine -- I mean, I was looking  
 10 specifically at the ones that were found to be  
 11 three, four and eight, and they appeared to  
 12 resemble the signatures that I pulled up and gave  
 13 you.  
 14 I certainly don't have any information  
 15 of any fraudulent entries. I did not bring the  
 16 circulator with me. I would have, had I realized  
 17 that was an issue. But I certainly don't have  
 18 anything on that. There's no indication.  
 19 CHAIRMAN ANTHONY: Then I  
 20 will -- thank you so -- thank you, ma'am. I will  
 21 entertain a motion that -- I mean, I make a  
 22 motion that this whole part petition be  
 23 disqualified.  
 24 Is there a second -- based on the

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<p>1 appearance that the circulator signed at least                  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.                  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,                  21 say, aye.                  22 (Board members in favor of the motion                  23 so indicated.)                  24 MR. DAMSCHRODER: And based on my</p>	<p>1 of the Franklin County Board of Elections be                  2 amended to reflect all the following candidates                  3 as having been timely certified to the November                  4 6th, 2007 general election ballot:                  5 Thomas L. Weber for the office of City                  6 Attorney for the City of Gahanna.                  7 David Samuel for the office of At                  8 Large Member of Council for the City of Gahanna.                  9 Edward Fellows for the office of                  10 Member of Council for the Village of New Albany                  11 for the unexpired term ending December 31st,                  12 2009.                  13 Thomas E. Watkins for the office of                  14 Mayor of the Village of Valleyview.                  15 Chad Allen Radford for the office of                  16 Member of Council for the Village of Valleyview.                  17 Abdi Issa for the office of Member of                  18 Council for the Village of Urbancrest.                  19 Pamela Sayer for the office of Trustee                  20 for Brown Township.                  21 Barbara Bloxam for the office of                  22 Fiscal Officer for Brown Township.                  23 Kim Jones for the office of Fiscal                  24 Officer for Jefferson Township.</p>
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<p>1 running total, that still puts us five signatures                  2 short of having sufficient signatures.                  3 CHAIRMAN ANTHONY: Okay. As on the                  4 other motions, we would need a motion, then,                  5 to -- in the affirmative to allow this to be on                  6 the ballot. I will entertain a motion as such.                  7 (No response.)                  8 CHAIRMAN ANTHONY: Not hearing one,                  9 the Board's earlier recommendation stands.                  10 Thank you, ma'am.                  11 MS. SAVINO: Thank you.                  12 - - - -                  13 MR. DAMSCHRODER: The next item on the                  14 agenda is to -- although we don't have the                  15 minutes yet prepared from the last meeting, we do                  16 have a couple of amendments to the meeting, the                  17 minutes of the last meeting, to clarify the list                  18 of candidates that the Board certified.                  19 And these should be read into the                  20 record as stated in the resolution before you.                  21 CHAIRMAN ANTHONY: All right. Then I                  22 will entertain a motion.                  23 MS. MARINELLO: Mr. Chairman, I move                  24 that the minutes of the August 23rd, 2007 meeting</p>	<p>1 Doug Stormont for the office of                  2 Trustee of Prairie Township.                  3 Gene Bostic for the office of Trustee                  4 of Washington Township.                  5 David Martin, III for the office of                  6 Member of the Board of Education for the New                  7 Albany Plain Local School District.                  8 CHAIRMAN ANTHONY: Is there a second?                  9 MS. PETREE: Second.                  10 CHAIRMAN ANTHONY: All those in favor                  11 say, aye.                  12 (Board members in favor of the motion                  13 so indicated.)                  14 MR. DAMSCHRODER: The second                  15 resolution there is also an amending resolution                  16 to the minutes from the previous meeting.                  17 CHAIRMAN ANTHONY: Okay. I will                  18 entertain a motion.                  19 MS. MARINELLO: I move that the                  20 minutes of the August 23rd, 2007 meeting of the                  21 Franklin County Board of Elections be amended to                  22 reflect the following relative to the November                  23 6th, 2007 general election ballot:                  24 Gene Dawson was not certified as a</p>

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

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

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1 you all.

2 CHAIRMAN ANTHONY: Which raises some

3 of what my concerns were, just minor ones. One

4 is that, I mean, we've gotten hit pretty hard.

5 The 2004 cycle of not having enough voting

6 machines. And we all know the nightmare that we

7 lived through.

8 If we're going to do something like

9 that, we need something a little more from the

10 Secretary of State's office indicating that she

11 would like for us to do this and the fact that,

12 you know, we won't be the brunt of a bunch of

13 negative press because we --

14 MR. WHITE: We're trying to help.

15 CHAIRMAN ANTHONY: -- we're trying to

16 help.

17 MR. PICCININNI: In '04, remember, we

18 did not have the benefit of the subsequent

19 amendments to the legislation regarding

20 deployment -- deployment standards at the rate of

21 175 per registered voter based on the last

22 gubernatorial election. Based on our numbers

23 from the last gubernatorial election --

24 MR. DAMSCHRODER: We need less

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1 than -- if we do the minimum requirement from the

2 prosecuting attorney's opinion that he issued

3 last year after looking at the law, we'll

4 actually need to deploy fewer than 2500 machines

5 this election to meet the minimum requirements.

6 CHAIRMAN ANTHONY: Set by the state

7 legislature?

8 MR. DAMSCHRODER: Set by the

9 legislature and the previous Secretary of State's

10 directive.

11 CHAIRMAN ANTHONY: Yeah.

12 MR. DAMSCHRODER: Obviously, we're

13 going to exceed that minimum; because in some of

14 those cases because of the turnout, 1 to 175 of

15 the turnout would only require one voting machine

16 in a precinct. Well, clearly, we can't do that.

17 CHAIRMAN ANTHONY: Right.

18 MR. DAMSCHRODER: So we're going to be

19 increasing that, and this Board will actually

20 have to vote at its next meeting on the voting

21 machine allocation based on law.

22 So we're -- as staff, even though we

23 have an inventory of 4500 machines, we're

24 actually only looking at deploying only 3,000

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1 machines for this election.

2 CHAIRMAN ANTHONY: And I certainly

3 understand the need for Putnam County to get

4 machines. I'm not trying to cause a problem, and

5 we certainly would do what we can to make sure

6 that they have a fair election there. But, at

7 the same time, we don't want to be the brunt of

8 the stuff that we've been faced with in the last

9 couple of elections.

10 MR. WHITE: I think it's the right

11 thing to do. Because we borrow equipment from

12 time to time. And, however, it does expose our

13 director, Matt.

14 I mean, if that's a close election or

15 an election where there's problems with the

16 machines, then you're going to be the target

17 again like you were in 2004. And that's the only

18 bad thing about exposing Matt in this position.

19 If they could get them someplace else,

20 it would be very nice. I don't know who else has

21 this many voting machines available. Because I

22 just don't know if you want to put that target on

23 your back again, Matt.

24 MR. DAMSCHRODER: Yeah. And that's

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1 one of the things is -- I mean, part of the

2 reason why I think the Secretary of State turned

3 to us was that this county, of all the other ESNS

4 counties, this county stepped up and purchased

5 more machines than the state required. And so we

6 have a little bit of surplus inventory, if you

7 will, for an election like this.

8 And it's also important, I think, for

9 the record, to state that these machines will be

10 back in the Franklin County, all 140 of them, in

11 time for the presidential primary election in

12 2008. So it will not -- this will not hurt us in

13 terms of the higher turnout 2008 elections.

14 CHAIRMAN ANTHONY: And one more

15 issue --

16 MR. DAMSCHRODER: Absolutely.

17 CHAIRMAN ANTHONY: -- about this. In

18 reading the paper this morning, or the other day,

19 about the Secretary of State, whom I have a lot

20 of respect for, is looking at spending a lot of

21 money to take a look at all the voting machines

22 to see if they're this compliance.

23 And I know we've gone through a lot of

24 effort here to make sure that our machines are in



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

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<p>1 MR. DAMSCHRODER: I did.                  2 MR. PICCININNI: He wants to buy more                  3 stuff.                  4 CHAIRMAN ANTHONY: He wants to buy                  5 more stuff. Our County Commissioners, are they                  6 on Board? Do they know we're going to be                  7 spending this kind of money?                  8 MR. DAMSCHRODER: They know that we're                  9 going to be spending this kind of money.                  10 CHAIRMAN ANTHONY: Okay.                  11 MR. DAMSCHRODER: They don't -- they                  12 have not, as of this time, approved the                  13 supplemental appropriations to the Board to cover                  14 all of the overages that we'll have this year as                  15 a result of this; but if we don't move forward                  16 with purchasing these, we won't have them in time                  17 for the election and will be in violation of the                  18 Secretary of State. So we will be --                  19 CHAIRMAN ANTHONY: The ADA                  20 requirements.                  21 MR. DAMSCHRODER: We do have, at 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.</p>	<p>1 say, aye.                  2 (Board members in favor of the motion                  3 so indicated.)                  4 CHAIRMAN ANTHONY: Motion carries.                  5 MR. DAMSCHRODER: And that's all that                  6 we have on the written agenda.                  7 MS. PETREE: Mr. Chairman, I would                  8 like to go into executive session.                  9 MR. DAMSCHRODER: For purposes of                  10 discussing personnel matters?                  11 MS. PETREE: Yes, please.                  12 MR. DAMSCHRODER: Okay.                  13 CHAIRMAN ANTHONY: Is there a second?                  14 MS. MARINELLO: Second.                  15 MR. DAMSCHRODER: I'll do a roll call                  16 vote. Mr. Colley.                  17 MR. COLLEY: Yes.                  18 MR. DAMSCHRODER: Ms. Marinello.                  19 MS. MARINELLO: Yes.                  20 MR. DAMSCHRODER: Ms. Petree.                  21 MS. PETREE: Yes.                  22 MR. DAMSCHRODER: Chairman Anthony.                  23 CHAIRMAN ANTHONY: Yes.                  24 MR. DAMSCHRODER: We are in executive</p>
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<p>1 CHAIRMAN ANTHONY: And this is just a                  2 hard -- this is just a hard one, right?                  3 MR. DAMSCHRODER: Exactly. It's                  4 a -- it's a voting booth. It has legs. It's                  5 low. And the legs are spread so that an                  6 individual --                  7 CHAIRMAN ANTHONY: Okay. Got you.                  8 MR. DAMSCHRODER: -- with a -- in a                  9 wheelchair can approach it and cast their                  10 ballot. And it kind of folds down into a                  11 suitcase.                  12 CHAIRMAN ANTHONY: All right. Well, I                  13 will entertain a motion.                  14 MS. MARINELLO: Mr. Chairman, I move                  15 that the Board declare Election Works to be the                  16 successful bidder of portions of Invitation to                  17 Bid 2007-51-61 and authorize the director and the                  18 deputy director to purchase a total quantity of                  19 1,000 hard-curtain ADA-accessible voting booths                  20 from Election Works at its bid price of \$142.50                  21 per unit for a total cost of \$142,500.                  22 CHAIRMAN ANTHONY: Is there a second?                  23 MR. COLLEY: Second.                  24 CHAIRMAN ANTHONY: All those in favor,</p>	<p>1 session.                  2 (Board members in executive session.)                  3 CHAIRMAN ANTHONY: I make a motion                  4 that the Board comes out of executive sessions.                  5 No motions were made. No consensus were made.                  6 Is there a second?                  7 MS. PETREE: Second.                  8 CHAIRMAN ANTHONY: Roll call.                  9 MR. DAMSCHRODER: Mr. Colley.                  10 MR. COLLEY: Yes.                  11 MR. DAMSCHRODER: Ms. Marinello.                  12 MS. MARINELLO: Yes.                  13 MR. DAMSCHRODER: Ms. Petree.                  14 MS. PETREE: Yes.                  15 MR. DAMSCHRODER: Chairman Anthony.                  16 CHAIRMAN ANTHONY: Yes.                  17 MR. DAMSCHRODER: And we're back in                  18 public session. Is there a motion to adjourn?                  19 MS. PETREE: I make a motion that we                  20 adjourn.                  21 MR. DAMSCHRODER: Is there a second?                  22 MS. MARINELLO: Second.                  23 MR. DAMSCHRODER: All those in favor,                  24 say, aye.</p>

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