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

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

7 Roll call?

8 MR. DAMSCHRODER: Mr. Colley?

9 MR. COLLEY: Here.

10 MR. DAMSCHRODER: Ms. Marinello?

11 MS. MARINELLO: Here.

12 MR. DAMSCHRODER: Ms. Petree?

13 MS. PETREE: Here.

14 MR. DAMSCHRODER: Chairman

15 Anthony?

16 CHAIRMAN ANTHONY: Here.

17 MR. DAMSCHRODER: All members

18 are present, Mr. Chairman.

19 The first item on the agenda is
20 certification of the results of the
21 recounts that we had. As you will recall
22 there were four automatic recounts where
23 the results of the contests fell within
24 one half of one percent and a fifth for

1 one of the wards of Reynoldsburg, Ward 1,
2 where the losing candidate paid for a
3 recount.

4 Those were conducted last week
5 on Tuesday and Wednesday. The ultimate
6 outcome of the results as previously
7 certified by the Board did not change the
8 winners that were declared at the previous
9 meeting. They are still the declared
10 winners.

11 There was a slight change in
12 total votes, particularly in Upper
13 Arlington, a net change with some of the
14 candidates. But, again, it did not change
15 the ultimate winners and losers.

16 It would be worth noting, again,
17 that just as we did in the case last year
18 in the 15th Congressional District
19 recount, as well as some of the other
20 ones, the hand recount of the paper tapes
21 from the electronic machines matched the
22 electronic record with 100 percent
23 accuracy.

24 The only small changes were in

1 the paper absentee and provisional
2 ballots.

3 We would request a resolution to
4 certify the results of the recount,
5 changing the written resolution on the
6 fourth line. It's Ward 1 of the City of
7 Reynoldsburg, not Ward 4 as I have
8 printed.

9 CHAIRMAN ANTHONY: Ward 1?

10 MR. DAMSCHRODER: Yes, Ward 1.

11 CHAIRMAN ANTHONY: I will
12 entertain a motion.

13 MS. MARINELLO: Mr. Chairman, I
14 move that the Board certify the results of
15 the recount of votes cast at the November
16 6, 2007 General Election for the Offices
17 of Mayor of the Village of Urbancrest;
18 Member of City Council for the City of
19 Dublin and the City of Upper Arlington;
20 Member of Council, Ward 4, for the City of
21 Reynoldsburg; and Member of the Board of
22 Education for the Bexley City School
23 District.

24 CHAIRMAN ANTHONY: Is there a

1 second?

2 MR. COLLEY: Second.

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

5 (Unanimous aye)

6 MR. DAMSCHRODER: The motion
7 carries.

8 I will pass the signature sheets
9 down the aisle for you to sign. There are
10 five copies there.

11 The next item on the agenda are
12 challenges of right to vote and correction
13 of registration list as we have done the
14 last couple of Board meetings. These are
15 individuals who have received some kind of
16 mail from the Board of Elections addressed
17 to a voter, who does not live at that
18 address. This allows them to challenge
19 that.

20 We have sent letters to the
21 individuals, showing them they had a right
22 to appear here and be represented by
23 counsel, et cetera.

24 It is the Staff's recommendation

1 that these individuals be canceled from
2 the rolls because they don't live where
3 they purport to live. And they don't have
4 a voting history there either, a current
5 voting history.

6 CHAIRMAN ANTHONY: We've been
7 getting a lot of these folks.

8 MR. DAMSCHRODER: The issue is
9 based on what we have looked at as a
10 result of the confirmation cards that we
11 were required to send every two years
12 under the National Voter Registration Act.
13 So if someone lived there six or eight
14 years ago, doesn't live there anymore, and
15 never changed their address, those cards
16 would go to those houses anyway.

17 I think that's the biggest issue
18 here is people just following up, new
19 residents saying this person hasn't lived
20 here for --

21 CHAIRMAN ANTHONY: I will
22 entertain a motion.

23 MR. DAMSCHRODER: To get to the
24 underlying question, I don't think it's an

1 issue of fraud or anything like that.

2 It's just cleaning up the voter rolls.

3 MS. PETREE: Mr. Chairman, I
4 move that the Board grant the Challenge of
5 Right to Vote and Correction of
6 Registration List filed by Patricia Snyder
7 of 1319 Mansfield Drive against Stacy W.
8 Starr, purportedly of 1319 Mansfield
9 Drive, and order that the voter's
10 registration be immediately cancelled in
11 Franklin County and the voter's name
12 stricken from the Registration List.

13 I also move that the Board grant
14 the Challenge of Right to Vote and
15 Correction of Registration List filed by
16 Richard E. Asher, Jr., of 1609 Ann Street
17 against James Abdon, purportedly of 1609
18 Ann Street, and order that the voter's
19 registration be immediately cancelled in
20 Franklin County and the voter's name
21 stricken from the Registration List.

22 CHAIRMAN ANTHONY: Is there a
23 second?

24 MS. MARINELLO: Second.

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

3 (Unanimous aye)

4 MR. DAMSCHRODER: The motion
5 carries.

6 Next on the agenda is a policy
7 that we are recommending to govern the
8 withdrawal of candidates from the ballot
9 after the ballots have been set. The only
10 statutory provisions right now govern
11 primary elections. And that statute says
12 that after the 60th day before a primary
13 election or the 45th day before a
14 presidential primary election that if a
15 candidate withdraws after that time frame,
16 the person cannot be removed from the
17 ballot.

18 The statute is silent when it
19 comes to general elections, and we have
20 always had the practice of removing
21 candidates as much as practical for us due
22 to ballot printing; but I think given the
23 current environment, it is better for the
24 Board to have a written policy on this

1 matter and it makes sense to have the
2 policy for general elections match the
3 statutory requirement for primary
4 elections. That is what this policy sets
5 forth.

6 In addition it requires us to --
7 it says we are going to post a notice. If
8 the candidate withdraws and we are not
9 able to take the name off the ballot, we
10 will post a notice in each of the voting
11 machines in the precincts on election day
12 and put a notice in any of the absentee
13 ballots that go out after the candidate
14 withdraws effective.

15 I think this is a good policy
16 that's solid and manages expectations well
17 for the Board and candidates.

18 MR. WHITE: It keeps you from
19 the position of not having a policy with
20 candidates or anyone questioning a
21 decision of the Board during that process
22 if someone wants to be withdrawn. You
23 kind of get the horse before the cart.

24 There were problems we had with

1 this last issue in the last fall election
2 as everyone knows. For a petitioner to
3 run for office if you miss out on the
4 deadline date, now there will be a written
5 policy for everyone.

6 CHAIRMAN ANTHONY: That makes
7 sense as that did create some confusion.

8 MR. WHITE: They won't be able
9 to do that at this point, as you will now
10 have a written policy here in effect until
11 the Board decides to change it.

12 CHAIRMAN ANTHONY: I think it
13 stops folks from thinking we can
14 automatically go and change it and people
15 think they have time to change.

16 MR. DAMSCHRODER: That's exactly
17 right.

18 CHAIRMAN ANTHONY: Any
19 questions?

20 MR. DAMSCHRODER: I would just
21 say that we don't have to read the policy
22 verbatim into the record. We'll just
23 attach it as an exhibit. You can just
24 read the motion.

1 MS. PETREE: I have a comment.

2 MR. DAMSCHRODER: Yes, ma'am.

3 MS. PETREE: I think it's good
4 that you are posting it in the machines
5 and not just on the wall for people to
6 see.

7 MR. DAMSCHRODER: And that will
8 be one of the the nice things about the
9 electronic machines compared with the old
10 machines or the ones we have now. There
11 is some space on those doors that we can
12 post that notice if a candidate does
13 withdraw, so we don't have to worry about
14 a candidate or some other entity saying it
15 wasn't sufficiently prominently displayed.
16 We don't have to worry about hanging it on
17 the door or the poll book table. When we
18 start, the poll workers can put it right
19 there on the machine and it will be right
20 there for everyone to see and no one can
21 say it wasn't there.

22 MR. WHITE: The only suggestion
23 I have that the Board might consider is if
24 you get a lot of candidates withdrawing,

1 maybe a list of a dozen names withdrawing,
2 you might consider actually amending that
3 to also say the candidate's name and the
4 office which he seeks or she seeks.

5 What do you think, Matt?

6 MR. DAMSCHRODER: That's fine.

7 MR. WHITE: It would be clearer
8 if you get several.

9 MR. DAMSCHRODER: The way the
10 notice has read in the past, it's 'Matt
11 Damschroder for Dog Catcher', that kind of
12 thing. We can certainly be more explicit
13 in the policy.

14 MS. PETREE: Could we just add
15 right after withdrawing candidate from the
16 ballot and add the position they were
17 running for?

18 MR. DAMSCHRODER: I think it
19 might be best just to add an entire
20 sentence that the notice shall include the
21 name of the candidate, the name of the
22 withdrawing candidate, and the office that
23 candidate was seeking or had sought, the
24 office for which the candidate had

1 filed.

2 So we will add a sentence that
3 reads: The notice shall include the name
4 of the withdrawing candidate and the
5 office for which the candidate had filed.

6 And Denny and I will amend the
7 printed policy and attach it as an exhibit
8 to the minutes of the Board, assuming you
9 pass a resolution now approving that
10 policy.

11 CHAIRMAN ANTHONY: Any other
12 questions?

13 (No audible response)

14 CHAIRMAN ANTHONY: The Board
15 will entertain a motion.

16 MS. MARINELLO: I move that the
17 Board adopt the policy submitted by the
18 Director and Deputy Director governing
19 removal of withdrawn candidates from the
20 ballot.

21 CHAIRMAN ANTHONY: Is there a
22 second?

23 MR. COLLEY: Second.

24 CHAIRMAN ANTHONY: All in favor,

1 say aye.

2 (Unanimous aye)

3 MR. DAMSCHRODER: The motion
4 carries.

5 The next item, we have done this
6 in the past. And that is to permit
7 employees to buy back or cash out up to 40
8 hours of accumulated comp time. There are
9 funds in the fiscal year 2007 budget to do
10 this.

11 We have already arranged for the
12 auditor to do a special payroll this
13 Friday. We will have employees complete a
14 form, indicating that they will be --
15 whether or not they elect to take
16 advantage of this.

17 We would ask for your permission
18 to do this.

19 CHAIRMAN ANTHONY: Any
20 questions?

21 (No audible response)

22 CHAIRMAN ANTHONY: This is like
23 an award for keeping a high balance.

24 MR. DAMSCHRODER: It is. At the

1 next Board meeting -- we have been
2 reviewing some of our personnel policies
3 with the Prosecuting Attorney. They are
4 going to be recommending some additional
5 changes that we will bring to you at
6 probably the next meeting.

7 We will address a couple of
8 those issues relative to compensation and
9 employee classification. This is the
10 first step.

11 CHAIRMAN ANTHONY: The Board
12 will entertain a motion.

13 MS. PETREE: Mr. Chairman, I
14 move that the Board give all full-time
15 employees the option to cash out up to 40
16 hours of their accumulated leave balances
17 for a special December 14th, 2007 payroll.

18 CHAIRMAN ANTHONY: Is there a
19 second?

20 MR. COLLEY: Second.

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

23 MS. MARINELLO: I have to
24 abstain.

1 (Majority aye)

2 CHAIRMAN ANTHONY: We had one
3 abstention.

4 MR. DAMSCHRODER: And then the
5 last item is when the General Assembly
6 passed the budget bill earlier this year,
7 our Association of Elections Officials
8 worked with them to allow boards of
9 elections and county commissioners to
10 agree to create a special revenue fund for
11 the purpose of accumulating chargeback
12 revenue.

13 What happens is primarily in
14 odd-year elections the Board charges local
15 jurisdictions for the cost of certain
16 aspects of running their local elections.
17 The Auditor withholds those funds from
18 their property tax receipts.

19 In the past that's been
20 deposited into the County General Fund.
21 What this allows the commissioners and
22 Board of Elections to do is accumulate
23 those monies into a special fund that can
24 be used for special expenditures.

1 What we would contemplate using
2 this for is at the beginning of 2009 or
3 2010 -- I can't remember which -- we have
4 to begin paying ES and S, our maintenance
5 and software license fees, which in the
6 first year is about \$550,000. If we begin
7 accumulating those funds now in that
8 special account, that won't be as
9 significant a hit on the General Fund.

10 This is the first step in asking
11 the commissioners to create that account.
12 There is a supplement to the list of
13 resolutions that has the statutorily
14 correct language for that account.

15 CHAIRMAN ANTHONY: Any
16 questions?

17 (No audible response)

18 CHAIRMAN ANTHONY: Then I will
19 entertain a motion.

20 MS. MARINELLO: Mr. Chairman, I
21 move that the Board petition the Franklin
22 County Board of Commissioners to create an
23 elections revenue fund pursuant to Section
24 3501.17(I) of the Ohio Revised Code for

1 the purpose of accumulating chargeback
2 receipts for election-related
3 expenditures.

4 CHAIRMAN ANTHONY: Is there a
5 second?

6 MR. COLLEY: Second.

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

9 (Unanimous aye)

10 CHAIRMAN ANTHONY: The motion
11 carries.

12 MR. DAMSCHRODER: That is the
13 conclusion of our prepared agenda.

14 Are there any other questions?

15 (No audible response)

16 CHAIRMAN ANTHONY: Is there a
17 motion to adjourn?

18 MS. MARINELLO: I so move.

19 MS. PETREE: Second.

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

22 (Unanimous aye)

23 MR. DAMSCHRODER: The motion
24 carries.

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Thereupon, the proceeding was
concluded at 4:20 o'clock p.m.

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CERTIFICATE

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I, Patricia W. White, Court Reporter and Notary Public in and for the State of Ohio, do hereby certify that I reported the foregoing proceedings and that the foregoing transcript of such proceedings is a full, true and correct transcript of my stenotypy notes as so taken.

I do further certify that I was called there in the capacity of a Court Reporter, and am not otherwise interested in this proceeding.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 20th day of December, 2007.

Patricia W. White

PATRICIA W. WHITE, Notary Public - State of Ohio.

My commission expires May 30, 2012.