

1 BEFORE THE BOARD OF ELECTIONS

2 OF FRANKLIN COUNTY, OHIO

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4 IN RE: :

5 Board Meeting :

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7 Proceedings before Chairman William
8 A. Anthony, Jr., and Board members Michael
9 F. Colley, Kimberly E. Marinello, and
10 Carolyn C. Petree with Director Matthew
11 Damschroder and Deputy Director Dennis L.
12 White, taken at the Franklin County Board
13 of Elections, 280 East Broad Street,
14 Columbus, Ohio, on Monday, February 4,
15 2008, at 3:20 o'clock p.m.

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1 APPEARANCES:

2 Office of the Franklin County
3 Prosecuting Attorney
4 373 South High Street
5 Columbus, Ohio 43215
6 By Mr. Nick A. Soulas,
7
8 On behalf of the Board
9 of Elections.

10 ALSO PRESENT:

11
12 Ms. Mary Hackett
13 Mr. Jason Parry
14 Mr. Stuart Wright
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1	INDEX	
2	Board Exhibit No.	Page No.
3	A - Spread Sheets	30
4		
5	Witness	Page No.
6	Mr. Jason Parry	
	Mr. White - Examination	12
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

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P R O C E E D I N G S
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CHAIRMAN ANTHONY: I move that
the Franklin County Board of Elections
meeting come to order.

Roll call.

MR. DAMSCHRODER: Mr. Colley?

MR. COLLEY: Here.

MR. DAMSCHRODER: Ms. Marinello?

MS. MARINELLO: Here.

MR. DAMSCHRODER: Ms. Petree?

MS. PETREE: Here.

MR. DAMSCHRODER: And Chairman
Anthony?

CHAIRMAN ANTHONY: Here.

MR. DAMSCHRODER: All members
are present.

The first item on the agenda
today is the approval of minutes of
several previous board meetings.

CHAIRMAN ANTHONY: I will
entertain a motion.

MS. MARINELLO: Mr. Chairman, I

1 move that the minutes of the meetings of
2 the Franklin County Board of Elections
3 December 1st, 2007; December 27th,
4 2007; January 11th, 2008; January 18th,
5 2008 and January 23rd, 2008 be approved as
6 submitted.

7 CHAIRMAN ANTHONY: Is there a
8 second?

9 MS. PETREE: Second.

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

12 (Unanimous aye)

13 MR. DAMSCHRODER: The motion
14 carries.

15 The next is challenge of right
16 to vote and Correction of Voter
17 Registration List that was filed by
18 Jeanette Roberta Jones against Gloria A.
19 Drewery. As we have in the past with all
20 these challenges we sent a notice to the
21 party being challenged, notifying them of
22 their opportunity of the right to appear
23 here today, call witnesses, and be
24 represented by council, et cetera.

1 I don't believe that Ms. Drewery
2 is here today, so we would recommend the
3 approval of the challenge.

4 CHAIRMAN ANTHONY: Is Ms.
5 Drewery in the audience or any
6 representative from her?

7 (No audible response)

8 CHAIRMAN ANTHONY: I will
9 entertain a motion.

10 MS. PETREE: Mr. Chairman, I
11 move that the Board grant the Challenge of
12 Right to Vote and Correction of
13 Registration List filed by Jeanette
14 Roberta Jones of 494 South Hamilton Road
15 against Gloria A. Drewery purportedly of
16 494 South Hamilton Road and order that
17 Gloria A. Drewery's registration be
18 immediately cancelled in Franklin County
19 and the voter's name stricken from the
20 Registration List.

21 CHAIRMAN ANTHONY: Is there a
22 second?

23 MS. MARINELLO: Second.

24 CHAIRMAN ANTHONY: All in favor,

1 say aye.

2 (Unanimous aye)

3 MR. DAMSCHRODER: The motion
4 carries.

5 The next item on the agenda is
6 to approve the plan for implementing the
7 Secretary of State's Directive that the
8 Board provide paper ballots in all
9 precincts on election day so that voters
10 who choose to vote paper ballots as
11 opposed to voting their ballot
12 electronically can have that opportunity.

13 The plan is put forward before
14 you in this large packet. We also posted
15 it to the Internet to the Board's web site
16 last Wednesday and sent a press release,
17 inviting the public to comment. We have
18 not received any comments via electronic
19 mail, regular mail, or phone call that I
20 am aware of.

21 However, I do believe there are
22 some folks perhaps in the audience who may
23 want to speak to that matter.

24 CHAIRMAN ANTHONY: Is there

1 anyone in the audience who would like to
2 speak to this?

3 Sir, do you want to go first?
4 Go to the podium and give your name. And
5 you have to be sworn in.

6 - - - - -

7 STUART WRIGHT

8 by me first duly sworn, as hereinafter
9 certified, testifies and says as follows:

10 - - - - -

11 CHAIRMAN ANTHONY: Go ahead,
12 sir.

13 MR. WRIGHT: My name is Stuart,
14 S-t-u-a-r-t, Wright. I appreciate having
15 that spread sheet on the web site, but I
16 think it would be a lot better for people
17 to understand it if the two sheets in the
18 workbook were linked by precinct rather
19 than by location, because when you try to
20 figure out which precincts are affected,
21 which precincts have splits, it can't be
22 done just in that table because all the
23 precincts at one location are mixed
24 together and do have different ballot

1 types. We are aware that each ballot type
2 goes with a precinct but there's nothing
3 in the spread sheet that shows which
4 ballot type goes with which precinct.

5 I do commend the Board for
6 trying to have enough paper ballots to
7 meet the needs, but if I were to check
8 what you have, it would be very much
9 easier if the precinct needs were in
10 there.

11 Should I talk on a related
12 matter or wait until the time?

13 CHAIRMAN ANTHONY: Let's address
14 your first concern.

15 Do you have a response to him
16 for that?

17 MR. DAMSCHRODER: We can pull
18 one together. Because of the way we are
19 doing things with the single precinct
20 location and multi-precinct locations,
21 which are combining the voting machines
22 for all precincts in a location, that
23 creates the issue. But we can in this
24 instance -- what is most important is

1 ballot style as opposed to precinct.

2 We can try to provide Mr. Wright
3 with additional information after the
4 meeting.

5 CHAIRMAN ANTHONY: All right.

6 What was your other topic you
7 wanted to talk about?

8 MR. WRIGHT: I know you will
9 have complaints from some people who like
10 the ES and S touch screen machines. I
11 have a report here from a year ago that
12 down in Sarasota County Florida a lot of
13 votes disappeared. There were tremendous
14 numbers of under votes in that county and
15 various explanations put forth. A
16 year-long investigation was conducted,
17 showing that not only in Sarasota County
18 but other counties also had under-vote
19 problems.

20 What they found is that most of
21 the evidence seemed to point to problems
22 with the ES and S machines. Of course,
23 those machines in Florida are not the same
24 ones we have here in Franklin County.

1 They were made earlier. They are older.

2 Some of the problems, it seems,
3 were due to low batteries or possibly
4 defective batteries or the way the
5 machines were chained together. They
6 seemed to work individually.

7 It's hard to tell how comparable
8 our electronic machines are because they
9 have different model numbers. Although we
10 know that the ones used in Florida did not
11 have paper trails, we here have paper
12 trails and this also covers some kinds in
13 Florida that had 12-inch speeds and some
14 that had 15-inch speeds.

15 The whole report is 98 pages,
16 and I don't expect all of you to read all
17 of it. But I want to give it to one of
18 you and you could pass it around and see
19 what interests you about it. There are
20 valid reasons for going to paper rather
21 than using the touch screen machines.

22 CHAIRMAN ANTHONY: Thank you.

23 Have you shared that with the
24 Secretary of State?

1 MR. WRIGHT: I don't know that I
2 have. I will.

3 CHAIRMAN ANTHONY: I would
4 suggest that you give her a copy as well.
5 She is the determining factor.

6 MR. WRIGHT: She has already
7 been convinced, I think, by her own study
8 of the Ohio machines. But I think this
9 also speaks to reliability of testimony
10 from the ES and S representatives. And
11 also in Florida some of the elections
12 officials that insist that the machines
13 were working exactly as they were designed
14 to work, even though there were well
15 documented problems reported by voters and
16 poll workers about speeds not showing up
17 properly on these machines.

18 CHAIRMAN ANTHONY: You can leave
19 me a copy.

20 MR. WHITE: May I ask Mr. Wright
21 a question?

22 CHAIRMAN ANTHONY: Sure.

23 - - - - -

24 EXAMINATION

1 BY MR. WHITE:

2 Q. I have seen you around here a
3 lot, involved with recounts, elections
4 monitoring. You probably have spent a
5 little more time around here than I have
6 when we changed from the old system to the
7 new system about two and a half years
8 ago. You mentioned about Florida having
9 votes disappear.

10 Earlier you said Florida had
11 votes disappear? You testified under
12 oath.

13 A. That made the national news.

14 Q. Have you witnessed votes
15 disappearing here in Franklin County on
16 our ES and S machines?

17 A. It is impossible to witness
18 disappearance of the votes. What we see
19 on the screen is not what is reported in
20 memory.

21 Q. Did you witness any votes
22 disappearing in the recounts?

23 A. The recount that I felt
24 qualified to testify on was one of the

1 paper ballots counted by your high speed
2 M650s. I found that very satisfactory.
3 There were multiple tables of teams
4 counting all absentee ballots from 2005.

5 MR. DAMSCHRODER: From absentee
6 ballots in 2005?

7 BY MR. WHITE:

8 Q. I don't want to put words in
9 your mouth, but have you witnessed votes
10 disappearing here with our ES and S
11 machines?

12 A. What we are saying is the way
13 these machines are designed is that it is
14 impossible to witness disappearance of
15 votes. They were using black box voting
16 machines, touch screen with no paper
17 trail. There was nothing they could do,
18 although they could have used the same
19 machines that people complained about and
20 tested them.

21 I really need to read more
22 reports to know exactly what they did. I
23 think instead of testing those machines
24 that were failing, they tested other

1 similar machines and assumed that all
2 machines worked like the machines tested.

3 Q. Here in Franklin County where
4 you have had your personal experiences and
5 involvement, have you seen what you read
6 about in Florida happen here?

7 A. No.

8 CHAIRMAN ANTHONY: Any other
9 questions for Mr. Wright?

10 MS. PETREE: No, but I would
11 like to make a comment.

12 CHAIRMAN ANTHONY: Yes, ma'am.

13 MS. PETREE: I just came back
14 from Florida and I attended with my
15 daughter and son-in-law when they went to
16 vote in Collier County. They were using
17 the Ivatronic machines. It's not the same
18 that we have and it doesn't have a paper
19 trail.

20 This is the last year they are
21 using that machine. They are going to the
22 same style machine only with a paper
23 trail. Evidently, they are not having
24 that much of a problem.

1 I know that at the end of the
2 voting down there the Secretary of State
3 was very favorable with the results of the
4 election down there and there were no
5 problems with their machine. That was
6 just my observation.

7 CHAIRMAN ANTHONY: I will take a
8 copy of your report, sir, if you would
9 like.

10 MR. WHITE: I want to be clear.
11 I am not defending any type of electronic
12 or paper, but I think it is important that
13 our board knows that what happened in
14 Florida didn't happen here in Franklin
15 County.

16 MR. WRIGHT: Right.

17 MR. WHITE: If you witness
18 anything that they said happened in
19 Florida that we all read about here, I
20 want to know about it because we want to
21 do something about it if we have those
22 types of problems here. And I am looking
23 forward to anybody coming in here and
24 telling us that we have these similar

1 problems like they had in Florida, because
2 then we know about that.

3 But my board can't do anything
4 about Florida. All we can do is something
5 about here in Franklin County. We are all
6 concerned to make sure that there be
7 competence in the system here in whatever
8 system we use.

9 So if you ever see something or
10 find something here that you think is a
11 concern, please bring it to us. I
12 appreciate your concern and I appreciate
13 your involvement. I know you have spent a
14 lot of hours doing this.

15 But also appreciate if you find
16 something that is concrete that we have a
17 problem here that needs to be looked at,
18 please bring it to us.

19 And thank you for your time that
20 you spent, because it is important.

21 CHAIRMAN ANTHONY: Mr. Wright,
22 thank you so much.

23 Any other questions on this
24 issue?

1 Yes, sir. For the record would
2 you give us your name and be sworn in.

3 - - - - -

4 JASON PARRY

5 by me first duly sworn, as hereinafter
6 certified, testifies and says as follows:

7 - - - - -

8 MR. PARRY: My name is Jason
9 Parry, P-a-r-r-y. I just have a few
10 comments about the paper ballot
11 allocation.

12 Have you considered any rules
13 regarding the 17-year-old voters, whether
14 they will be allowed to access a paper
15 ballot and whether you have poll worker
16 training material on the different way you
17 have to handle 17-year-old ballots?

18 Typically they voted in the past.

19 The question is, does the
20 printers directive apply to 17-year-old
21 voters or have poll worker information?

22 MR. DAMSCHRODER: Yes. Mary
23 Hackett, who is head of our poll worker
24 recruitment and training department, is

1 here and can speak to it as well if need
2 be. We will be handling the 17-year-olds
3 just as we did in the past with the punch
4 cards, if I am not mistaken, Mary, where
5 they will be paper and put in an envelope
6 and marked with a sticker for the
7 17-year-old voter. And once those ballots
8 come back here as we deal with the punch
9 cards, we will make sure we don't count
10 any votes for state or county Central
11 Committee or any issues that are on the
12 ballot.

13 Also along with that I think, if
14 I remember correctly, there were only
15 about 200 or so 17-year-olds at last run
16 that were registered in time and who will
17 we turning 18 on or before election day
18 this fall and would be 18 for the general.

19 What we do is we actually run a
20 list of all those individuals and we give
21 it to the presiding judge and mark in the
22 poll book in the signature box that this
23 is a 17-year-old voter; turn to page X in
24 the training manual for instructions on

1 this because they have to go to a paper
2 ballot, put it in the envelope, and put a
3 sticker on it.

4 Is that correct, Mary?

5 MS. HACKETT: Yes.

6 MR. PARRY: That will be a
7 separate ballot order?

8 MR. DAMSCHRODER: It is the
9 exact same paper ballot as would be
10 presented to a regular voter. We put it
11 in the envelope and mark it as a
12 17-year-old ballot so that here at the
13 office before we count those we can make
14 sure that if the issue was voted or if the
15 state or county Central Committee was
16 voted, those votes are covered up.

17 MR. PARRY: Also, is there a
18 breakdown of how many ballots will be
19 reserved for provisional ballots to
20 guarantee that the provisional voter will
21 have a paper ballot, or will the stack of
22 paper ballots at a precinct be first come
23 first serve?

24 And will that disenfranchise

1 provisional voters that will have no other
2 option?

3 MR. DAMSCHRODER: They will be
4 the same ballots. The only thing that
5 will make a provisional ballot a
6 provisional ballot is the act of putting
7 that marked paper ballot inside the
8 provisional envelope. So the poll workers
9 will draw from the same stack of election
10 day paper ballots for an individual who
11 wants a provisional ballot and for that
12 individual who wants an election day paper
13 ballot pursuant to directive 2008-01.

14 MR. PARRY: Hypothetically,
15 what is a provisional voter going to do in
16 that situation?

17 MR. DAMSCHRODER: What we have
18 instructed our poll workers to do is if in
19 any particular ballot style they begin to
20 run low, to call the Board of Elections on
21 a special number reserved just for poll
22 workers to let us know so we can make
23 arrangements to either identify if we have
24 any available absentee ballots that we can

1 have a runner take out to that precinct or
2 to begin printing ballots on demand.

3 MR. WHITE: We are also putting
4 together a system where we are calling
5 around noon to see what type of demand has
6 has been put on each voting location as
7 far as paper ballots. That way we can be
8 proactive instead of reactive.

9 So if it looks like there is
10 great demand say in the university area or
11 in a certain area where there is high
12 interest -- Matt and I had a meeting with
13 the Secretary of State last week. She is
14 also going to give us the authority during
15 emergency situations for excess absentee
16 ballots to be printed, which we have
17 plenty of. We can use those for the
18 emergency supply on election day. We are
19 close to almost 300,000 paper ballots,
20 counting the absentee, provisionals, and
21 ballots at the precinct locations. We
22 feel pretty comfortable where that number
23 is now.

24 Mary Hackett has done a good

