

1 APPEARANCES:

2 Franklin County Prosecuting Attorney
3 373 South High Street
4 13th Floor
5 Columbus, Ohio 43215
6 By Mr. Patrick J. Piccininni,
7 Assistant County Prosecutor,

8 On behalf of the Board of Elections.

9 ALSO PRESENT:

10 Mr. Dennis L. White, Director
11 Mr. Matthew Damschroder, Deputy Director
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P R O C E E D I N G S
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BOARD MEMBER ANTHONY: Mr. Chair, upon review and inspection, it appears the intent of the voter was to vote for Mike Huckabee.

I move that the following ballots be remade to evidence that vote. And it would be Ballot No. 365, 358, 332, 299, 287, 274, 487, 530, 529, 472, 468, 467, 514, 509, 423, 392, 386, 411, 407, and 405.

CHAIRMAN PREISSE: And I second the motion.

DIRECTOR WHITE: All in favor?
(Board votes aye unanimously.)

DIRECTOR WHITE: Any nay's?
(No response.)

DIRECTOR WHITE: Motion carries.

DEPUTY DIRECTOR DAMSCHRODER: The next stack. Again, president overvoted contest would be a recommendation for John McCain. The first ballot is the person just X'd through all the contests, which is what's causing it to be kicked out. But it's clearly a vote for McCain.

1 BOARD MEMBER ANTHONY: For McCain?

2 DEPUTY DIRECTOR DAMSCHRODER: Yeah.

3 CHAIRMAN PREISSE: Michael, do you
4 want to pass them down as you look at them one by
5 one and --

6 BOARD MEMBER COLLEY: Sure.

7 CHAIRMAN PREISSE: I think it might go
8 faster.

9 BOARD MEMBER COLLEY: Do you think it
10 would?

11 CHAIRMAN PREISSE: As long as you keep
12 us categorically segregated, I think we can
13 be -- we can still do it quicker and just as
14 effectively here. And, of course, I've got to
15 follow my own suggestion for it to work.

16 BOARD MEMBER ANTHONY: Mr. Chairman,
17 upon review and inspection, it appears the intent
18 of the voter was to vote for John McCain.

19 I move that the following ballots be
20 remade to evidence that vote: Ballot No. 286,
21 283, 277, 455, 276, 289, 301, 303, 304, 318, 314,
22 309, 305, 351, 359, 322, 336, 327, 408, 403, 379,
23 363, 373, 397, 395, 391, 418, 413, 431, 428, 401,
24 400, 502, 499, 494, 510, 508, 457, 454, 459, 512,

1 515, 461, 516, 517, 519, 522, 470, 524, 473, 477,
2 484, 488, and 490.

3 CHAIRMAN PREISSE: And I second the
4 motion.

5 All in favor, say aye.

6 (Board votes aye unanimously.)

7 DEPUTY DIRECTOR DAMSCHRODER: Motion
8 carries.

9 DIRECTOR WHITE: Motion carries.

10 MR. DAMSCHRODER: The next one is
11 Rankin.

12 BOARD MEMBER ANTHONY: Mr. Chair, upon
13 review and inspection, it appears the intent of
14 the voter was to vote for Kim Rankin for State
15 Representative of the 24th District. I move that
16 the following ballot be remade to evidence that
17 vote. That would be Ballot No. 417.

18 CHAIRMAN PREISSE: Second.

19 DIRECTOR WHITE: All in favor?

20 (Board votes aye unanimously.)

21 DIRECTOR WHITE: Any nay's?

22 (No response.)

23 DIRECTOR WHITE: Motion carries.

24 DEPUTY DIRECTOR DAMSCHRODER: The next

1 big stack are all ballots that have to be remade
2 either because they're cut, torn, watermarked,
3 taped, too light. But in each of the cases, the
4 voters' intent is exceptionally clear, and there
5 is not a question about that. So I can read the
6 numbers in the resolution or you can.

7 BOARD MEMBER ANTHONY: It doesn't
8 matter to me, Matt. So we should just make a
9 motion?

10 DEPUTY DIRECTOR DAMSCHRODER: Yep.

11 BOARD MEMBER ANTHONY: Mr. Chair, I
12 move -- upon review and inspection, it appears
13 that the intent of the voter --

14 CHAIRMAN PREISSE: Do you want me to
15 do it and give you a break?

16 BOARD MEMBER ANTHONY: No. It's the
17 intent of the -- to remake these entire ballots
18 to reflect the intent of the voter. I'm okay for
19 now.

20 419, 399, 495, 496, 497, 500, 446,
21 445, 444, 443, 441, 440, 439, 438, 437, 436, 435,
22 434, 433, 432, 425, 424, 422, 389, 280, 275, 378,
23 282, 285, 291, 297, 320, 324, 333, 334, 340, 342,
24 344, 346, 347, 348, 353, 313, 354, 355, 356, 362,

1 364, 367, 368, 369, 374, 380, 381, 410, 290, 284,
2 412, 382, 384, 416, 504, 483, 452, 506, 507, 453,
3 511, 518, 465, 421, 523, 469, 471, 528, 479, 480,
4 481, 404, 531, 533, 485, 489, 312, 311, 310, 308,
5 394, 448, 526, 442, and 341.

6 CHAIRMAN PREISSE: And I second the
7 motion.

8 DIRECTOR WHITE: All in favor?
9 (Board votes aye unanimously.)

10 DIRECTOR WHITE: Any nay's?
11 (No response.)

12 DIRECTOR WHITE: The motion carries.

13 DEPUTY DIRECTOR DAMSCHRODER: The next
14 set are overvoted contests, is county -- oh, I'm
15 sorry -- Clerk of Courts. These appear to be for
16 Phil Harmon.

17 They're a little bit difficult
18 because, in some of -- on some of these ballots,
19 it's on the front; and other times, it's on the
20 back. So you might have to flip back and forth
21 if it looks a little bit weird to you.

22 BOARD MEMBER ANTHONY: Mr. Chair, upon
23 review and inspection, it appears the intent of
24 the voter was to vote for Phil Harmon for Clerk

1 of Common Pleas.

2 I move that the following ballots be
3 remade to evidence that vote. That would be
4 Ballot No. 462, 394, 458, 352, 493, 503, and 350.

5 CHAIRMAN PREISSE: I second the
6 motion.

7 DIRECTOR WHITE: All in favor?

8 (Board votes aye unanimously.)

9 DIRECTOR WHITE: Any nay's?

10 (No response.)

11 DIRECTOR WHITE: So moved.

12 DEPUTY DIRECTOR DAMSCHRODER: The next
13 section are for Representative Congress, 15th
14 Congressional District. They appear to be votes
15 for Stivers.

16 BOARD MEMBER ANTHONY: Mr. Chair --

17 CHAIRMAN PREISSE: Yes.

18 BOARD MEMBER ANTHONY: -- upon review
19 and inspection, it appears the intent of the
20 voter was to vote for Steve Stivers for
21 Representative to Congress, the 15th District.

22 I move that the following ballots be
23 remade to evidence that vote: Ballot No. 534,
24 335, 464, and 482.

1 CHAIRMAN PREISSE: Second the motion.

2 DIRECTOR WHITE: All in favor?

3 (Board votes aye unanimously.)

4 DIRECTOR WHITE: Nay?

5 (No response.)

6 DIRECTOR WHITE: Motion carries.

7 DEPUTY DIRECTOR DAMSCHRODER: Again,
8 15th Congressional District, votes that appear to
9 be for Wagner, W-a-g-n-e-r.

10 BOARD MEMBER ANTHONY: Mr. Chair, upon
11 review and inspection, it appears the intent of
12 the voter was to vote for Robert Wagner for
13 Representative to the 15th District.

14 I move that the Board remake the
15 following ballots to evidence that vote: No. 501,
16 366, 373, 271, 269 --

17 DEPUTY DIRECTOR DAMSCHRODER: Hold on.
18 I think that --

19 MR. PICCININNI: No. Sorry.

20 BOARD MEMBER ANTHONY: And 269 -- no,
21 no. And what was the last one?

22 MR. PICCININNI: 271 was the last one.

23 BOARD MEMBER ANTHONY: And 271 was the
24 last one.

1 DEPUTY DIRECTOR DAMSCHRODER: I'm
2 sorry. I got ahead of you.

3 BOARD MEMBER ANTHONY: Mr. Chair, upon
4 review --

5 MR. PICCININNI: Wait. There's a
6 motion on the --

7 CHAIRMAN PREISSE: Second.

8 DIRECTOR WHITE: All in favor?
9 (Board votes aye unanimously.)

10 DIRECTOR WHITE: Any nay's?
11 (No response.)

12 DIRECTOR WHITE: So moved.

13 DEPUTY DIRECTOR DAMSCHRODER: The next
14 one is 12th Congressional District for Tiberi,
15 T-i-b-e-r-i.

16 BOARD MEMBER ANTHONY: Mr. Chair, upon
17 review and inspection, it appears the intent of
18 the voter was to vote to Pat Tiberi for
19 Representative to Congress, the 12th District.

20 I move that the following ballots be
21 remade to evidence that vote: No. 269, 317, and
22 385.

23 CHAIRMAN PREISSE: Second.

24 DIRECTOR WHITE: All in favor?

1 (Board votes aye unanimously.)

2 DIRECTOR WHITE: Any nay's?

3 (No response.)

4 DIRECTOR WHITE: Motion carries.

5 DEPUTY DIRECTOR DAMSCHRODER: Also,
6 12th Congressional District appears to be for
7 David Ryon, R-y-o-n.

8 BOARD MEMBER ANTHONY: Mr. Chair, upon
9 review and inspection, it appears the intent of
10 the voter was to vote for David Ryon, R-y-o-n,
11 for the 12th Representative to Congress, the 12th
12 District. I move that the Board remake Ballot
13 No. 420 to evidence that vote.

14 CHAIRMAN PREISSE: Second.

15 DIRECTOR WHITE: All in favor?

16 (Board votes aye unanimously.)

17 DIRECTOR WHITE: Any nay's?

18 (No response.)

19 DIRECTOR WHITE: And the motion
20 carries.

21 DEPUTY DIRECTOR DAMSCHRODER: The next
22 set is for Clerk of the Court of Common Pleas,
23 appear to be votes for Dorothy Teater.

24 BOARD MEMBER ANTHONY: Mr. Chair, upon

1 review and inspection, it appears the intent of
2 the voter was to vote for Ms. Dorothy S. Teater
3 for Clerk of Common Pleas.

4 I move that the Board remake the
5 following ballots to evidence that vote: No. 292,
6 293, 270, 329, 426, and 491.

7 CHAIRMAN PREISSE: Second.

8 DIRECTOR WHITE: All in favor?

9 (Board votes aye unanimously.)

10 DIRECTOR WHITE: Any nay's?

11 (No response.)

12 DIRECTOR WHITE: Motion carries.

13 DEPUTY DIRECTOR DAMSCHRODER: The next
14 contest is Member of State Central Committee,
15 Male, 15th District. They appear to be a vote
16 for Preisse.

17 BOARD MEMBER ANTHONY: Oh, one?

18 BOARD MEMBER MARINELLO: Yeah, it's
19 Preisse.

20 DEPUTY DIRECTOR DAMSCHRODER:

21 P-r-e-i-s-s-e.

22 BOARD MEMBER ANTHONY: Mr. Chair, upon
23 review and inspection, it appears that the intent
24 of the voter was to vote for Doug Preisse. I

1 move that the following Ballot No. 307 be remade
2 to reflect the voter's intent.

3 BOARD MEMBER MARINELLO: Second.

4 DIRECTOR WHITE: All in favor?

5 (Board members in favor of the motion
6 so indicated.)

7 DIRECTOR WHITE: Any nay's?

8 CHAIRMAN PREISSE: I'm going to have
9 to abstain.

10 DIRECTOR WHITE: And one abstains.

11 The motion carries.

12 DEPUTY DIRECTOR DAMSCHRODER: The next
13 little set are also the same contest where the
14 vote appeared to be votes for Regan, R-e-g-a-n.
15 Or Regan.

16 BOARD MEMBER ANTHONY: Mr. Chair, upon
17 review and inspection, it appears the intent of
18 the voter was to vote for Joseph Regan for member
19 of the State Central Committee, Man, 15th
20 District.

21 I move that the Board remake the
22 following ballots -- remake the following ballots
23 to evidence that vote: 315, 409, and 272.

24 BOARD MEMBER MARINELLO: Second.

1 DIRECTOR WHITE: All in favor?

2 (Board members in favor of the motion
3 so indicated.)

4 DIRECTOR WHITE: Any nay's?

5 CHAIRMAN PREISSE: And I'll abstain
6 again.

7 DIRECTOR WHITE: Another abstention
8 from the Chairman. The motion carries.

9 DEPUTY DIRECTOR DAMSCHRODER: All
10 right. Next, County Commissioner between Troper
11 and Miller. Overvoted. These are for -- that
12 appear to be for Troper.

13 BOARD MEMBER ANTHONY: Mr. Chair, upon
14 review and inspection, it appears the intent of
15 the voter was to vote for Michael C. Troper for
16 County Commissioner, a full term commencing
17 1/3/29.

18 I move that the Board remake the
19 following ballots to evidence that vote: No. 371,
20 319, 338, 343, 402, and 532.

21 DIRECTOR WHITE: Looking for a second.

22 CHAIRMAN PREISSE: Second.

23 BOARD MEMBER MARINELLO: Second.

24 DIRECTOR WHITE: All in favor?

1 (Board votes aye unanimously.)

2 DIRECTOR WHITE: Any nay's?

3 (No response.)

4 DIRECTOR WHITE: Motion carries.

5 DEPUTY DIRECTOR DAMSCHRODER: Next one
6 is same contest but appear to be votes for
7 Jeffrey J. Miller.

8 BOARD MEMBER ANTHONY: Mr. Chair, upon
9 review and inspection, it appears that the intent
10 of the voter was to vote for Jeffrey J. Miller
11 for County Commissioner, a full term commencing
12 1/3 of 2009.

13 I move that the following ballots be
14 remade to evidence that vote: Ballot 281, 288,
15 279, 339, 345, 388, 430, 447, 450, 513, and 474.

16 CHAIRMAN PREISSE: I second the
17 motion.

18 DIRECTOR WHITE: All in favor?

19 (Board votes aye unanimously.)

20 DIRECTOR WHITE: Any nay's?

21 (No response.)

22 DIRECTOR WHITE: Motion carries.

23 DEPUTY DIRECTOR DAMSCHRODER: All
24 right. Now we have -- before we finish up with

1 absentee, I have four little stray ballots here
2 that will only fit into a category.

3 This first one that we'll send around,
4 the voter did not make any marks in any ovals,
5 but just put some miscellaneous marks that,
6 perhaps, could be -- one could be led to believe
7 it was a vote for Tiberi and McCain, but maybe
8 not. It's your call. It's certainly within the
9 purview of the Board to say that there's no
10 legible votes to be read and declare it a blank
11 ballot.

12 DIRECTOR WHITE: They put their mark
13 over there in the timing marks.

14 BOARD MEMBER MARINELLO: That's crazy.

15 DIRECTOR WHITE: See where they put it
16 in the timing marks?

17 BOARD MEMBER MARINELLO: Yeah.
18 That's --

19 DIRECTOR WHITE: But on the back, do
20 you see where the levy was? Instead of filling
21 out the circle in the top -- because the circles
22 go to the top -- they just put an X there.

23 Well, I think it looks like they tried
24 to vote for those particular races and that

1 issue. But it's you guys' call.

2 BOARD MEMBER MARINELLO: Get them down
3 here.

4 CHAIRMAN PREISSE: I don't want to
5 bias your opinion with mine, but it looks awfully
6 sketchy.

7 DIRECTOR WHITE: That's a Republican
8 pink ballot. Was that yours?

9 CHAIRMAN PREISSE: Thank you,
10 Mr. Director.

11 DIRECTOR WHITE: See, the green's
12 Democrat, and the pink are --

13 BOARD MEMBER ANTHONY: I don't get
14 this one.

15 CHAIRMAN PREISSE: Crossover vote. It
16 looks hard to count.

17 BOARD MEMBER ANTHONY: Mr. Chair, I
18 move that the Board don't count this ballot for
19 the lack of not knowing the intent of the voter.

20 CHAIRMAN PREISSE: Second.

21 DEPUTY DIRECTOR DAMSCHRODER: For the
22 record, the ballot number is --

23 MR. PICCININNI: 300.

24 BOARD MEMBER ANTHONY: Thank you.

1 DIRECTOR WHITE: All in favor?

2 (Board votes aye unanimously.)

3 DIRECTOR WHITE: Any nay's?

4 (No response.)

5 DIRECTOR WHITE: Motion carries.

6 DEPUTY DIRECTOR DAMSCHRODER: The next
7 one, the voter overvoted the district contest for
8 president, but it appears to have, perhaps, voted
9 for Romney for at large delegate.

10 MR. PICCININNI: And you're not making
11 a recommendation either way?

12 DEPUTY DIRECTOR DAMSCHRODER: My
13 recommendation would be for Mitt Romney.

14 BOARD MEMBER MARINELLO: Looks like it
15 to me.

16 BOARD MEMBER ANTHONY: Mr. Chair, upon
17 review and inspection, it appears the intent of
18 the voter was to vote for Mitt Romney.

19 CHAIRMAN PREISSE: Yeah, second.

20 MR. PICCININNI: This needs to be
21 separated because there's two issues here.

22 DEPUTY DIRECTOR DAMSCHRODER: There's
23 just one. The other one --

24 MR. PICCININNI: Just one? The other

1 one is not going to count.

2 DEPUTY DIRECTOR DAMSCHRODER: The one
3 is overvoted and it's just --

4 MR. PICCININNI: Okay. You're right.

5 DEPUTY DIRECTOR DAMSCHRODER: Yeah.
6 it's just -- it's just overvoted, so. It's an at
7 large delegate.

8 MR. PICCININNI: Got you.

9 CHAIRMAN PREISSE: I'll second that.

10 DIRECTOR WHITE: All in favor?

11 (Board votes aye unanimously.)

12 MR. PICCININNI: He hasn't made a
13 motion yet.

14 BOARD MEMBER ANTHONY: I ain't
15 finished my motion yet, guys. I got stopped.

16 MR. PICCININNI: I'm sorry.

17 BOARD MEMBER ANTHONY: Anyway, I move
18 that Ballot No. 390 be remade to evidence that
19 vote.

20 DIRECTOR WHITE: And it has been
21 seconded by the Chairman.

22 CHAIRMAN PREISSE: Second and --

23 DIRECTOR WHITE: All in favor.

24 (Board votes aye unanimously.)

1 DIRECTOR WHITE: Hearing no
2 opposition, the motion carries.

3 DEPUTY DIRECTOR DAMSCHRODER: All
4 right. These last two are unique.

5 BOARD MEMBER MARINELLO: Don't tease
6 us with the phrase, last two.

7 BOARD MEMBER ANTHONY: Now, when you
8 say last two, what do you mean?

9 DEPUTY DIRECTOR DAMSCHRODER: The last
10 two for absentee. We've still got provisional
11 and election-day ballots to go.

12 The voter appears to have, in some
13 cases, used checkmarks; in other cases, used
14 filling in the ovals; in other cases, using
15 checkmarks and ovals. There does not appear to
16 be any consistent manner of marking a ballot.

17 My recommendation would be that the
18 Board just run it through the machines with the
19 overvote detection off and just let the machine
20 count the contests that have some kind of mark.
21 That's my personal recommendation.

22 CHAIRMAN PREISSE: And, under those
23 circumstances, the machine would still detect an
24 overvote. It would count neither, right, or

1 would it count both?

2 DEPUTY DIRECTOR DAMSCHRODER: That's
3 correct. It would count neither. So the only
4 ones that would get voted, essentially, are going
5 to be the contest where there is no opposition or
6 the handful of contests where there is opposition
7 they only marked one oval.

8 But for the contest, like, for
9 instance -- you'll see, like, for David Payne for
10 State Central Committee. They filled in the oval
11 for Payne, checkmarked for Bill Todd. In that
12 case, the machine will just say, that contest is
13 an overvote and not count anything.

14 BOARD MEMBER ANTHONY: Mr. Chair, upon
15 review -- upon the advice of staff, I move that
16 we run these Ballots No. 406 and 527 back through
17 the machine and let it -- with the overvote
18 detection off and let it count as it is
19 programmed to count.

20 CHAIRMAN PREISSE: Second.

21 DIRECTOR WHITE: All in favor?

22 (Board votes aye unanimously.)

23 DIRECTOR WHITE: Any nay's?

24 (No response.)

