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BEFORE THE BOARD OF ELECTIONS  
OF FRANKLIN COUNTY, OHIO

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IN RE:   :  
Special Board Meeting :  
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Proceedings before Board Chairman Douglas  
J. Preisse and Board Members, William A.  
Anthony, Jr., Michael F. Colley, Kimberly E.  
Marinello, with Director Dennis L. White and  
Deputy Director Matthew M. Damschroder, taken  
at Board of Elections, 280 East Broad Street,  
Columbus, Ohio, on Friday, April 4, 2008, at  
3:12 o'clock p.m.

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P R O C E E D I N G S

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CHAIRMAN PREISSE: Let's call the meeting to order.

DIRECTOR WHITE: Mr. Colley?

MR. COLLEY: Here.

DIRECTOR WHITE: Mr. Chairman?

CHAIRMAN PREISSE: Here.

DIRECTOR WHITE: Mr. Anthony?

MR. ANTHONY: Here.

DIRECTOR WHITE: Ms. Marinello?

MS. MARINELLO: Here.

DIRECTOR WHITE: All present.

MR. DAMSCHRODER: The first item on the agenda is the certification of the election results. In your packet the first set of stapled results are the Franklin County only results. The second packet includes the overlap counties.

So you'll be able to see the -- for instance, the 15th Congressional District, you'll actually be able to see the full district results. And the second packet all

1 were -- the first packet is Franklin County  
2 only.

3 MR. ANTHONY: How can you tell the  
4 difference?

5 MR. DAMSCHRODER: The best way is on  
6 the -- on what's labeled page 2, the second  
7 page in. When you see, like, for the 12th  
8 Congressional District, 372 of 374 precincts,  
9 that's the -- that shows that -- okay. And  
10 there's also --

11 CHAIRMAN PREISSE: The bottom of the  
12 left page? Bottom of the left --

13 MR. DAMSCHRODER: Top right is  
14 labeled "Official, Franklin County Only" and  
15 then "Official, All."

16 DIRECTOR WHITE: Do you see that?

17 MR. ANTHONY: No. Oh, I see it now.  
18 It's on the top right.

19 MR. DAMSCHRODER: Top right.

20 MR. ANTHONY: Oh, I see. But, man,  
21 I was looking at this and I just thought it  
22 had the same thing.

23 MR. DAMSCHRODER: This will be  
24 posted to the web -- actually, I think it is

1 being posted to the web as we speak. Also,  
2 it will be posted to the web in an Excel  
3 spreadsheet so the folks can sort the data in  
4 different ways based on their --

5 MR. ANTHONY: After we approve?

6 MR. DAMSCHRODER: And then there's  
7 also a single sheet that shows the  
8 provisional ballot report, number of ballots  
9 -- provisional ballots that were cast, that  
10 were ballot and counted and also the numbers  
11 by category that were not counted.

12 All in all, there were 19,963  
13 provisional ballots cast of which we were  
14 able to validate 82 percent, which were 3,614  
15 provisional ballots cast that were not  
16 counted.

17 CHAIRMAN PREISSE: Okay. I was  
18 about to ask you the question, but you've  
19 enumerated it here. Most of them were not  
20 registered or voted in the wrong precinct.

21 MR. DAMSCHRODER: That's correct.  
22 And that is -- this percentage of 82 percent  
23 valid tracks with what we've had  
24 historically. And this election is

1 consistent with past elections in that the  
2 two categories that have the largest number  
3 of invalid provisionals are because they are  
4 not registered or cast their ballot in the  
5 wrong precinct.

6 CHAIRMAN PREISSE: If a voter shows  
7 up, isn't listed in the roll, and is given a  
8 provisional ballot and they're in the wrong  
9 precinct, they're not -- is it not in some  
10 cases evident that they are trying to vote in  
11 the wrong precinct based on their address,  
12 registration address?

13 MR. DAMSCHRODER: Yes. And what we  
14 do is when a person comes in who is not in  
15 the poll book, the first thing we try to  
16 determine is, is the address that they  
17 presently live at an address that's in that  
18 precinct.

19 Because it's possible that they've  
20 gone to the correct place but they're just  
21 not in the poll book. So if they're in the  
22 correct place, they'll be able to vote a  
23 provisional ballot there. If their current  
24 address is not in the list of streets for

1 that precinct, then the poll workers use a  
2 large document that has all the block ranges  
3 for the entire county, they look up their  
4 correct address, and send them to the correct  
5 polling place.

6           There are some situations where the  
7 poll worker just says, you know -- it's 7:25  
8 and I'm in the wrong place but I'm not  
9 driving to the right place, just let me vote  
10 provisional here. And that does sometimes  
11 happen.

12           But, again, our valid percentage is  
13 about the same as we've had in the past in  
14 the two categories for invalid. The largest  
15 categories are the same as always, not  
16 registered and out of precinct.

17           CHAIRMAN PREISSE: And 222 people --  
18 purposefully, or we would -- or accidentally  
19 tried to vote twice?

20           MR. DAMSCHRODER: Yeah. And usually  
21 most of these are folks who either forgot  
22 that they returned their absentee ballot or  
23 were unsure whether or not their absentee  
24 ballot was going to be timely received by the

1 Board of Elections.

2           So they mail it Monday morning,  
3 Tuesday they're freaking out, I wonder if the  
4 Board of Elections got it, so they go to vote  
5 provisionally anyway. And all of those are  
6 barcoded so we know and we make a notation in  
7 the poll book who's requested an absentee  
8 ballot. And what we do is we don't count the  
9 provisional ballot if their absentee ballot  
10 was timely received.

11           So these are people whose absentee  
12 ballots were counted but their provisionals  
13 -- they're just-in-case provisional ballot  
14 did not. And that is a qualifying reason for  
15 voting a provisional ballot under Ohio law.

16           Any other questions?

17           (No audible response.)

18           There's several motions that are set  
19 out so that Board members can abstain from  
20 the appropriate contest that they either were  
21 involved in personally as candidates or  
22 members of their immediate family or business  
23 associates.

24           CHAIRMAN PREISSE: Are you proposing

1 anywhere in here that -- I see you've got  
2 Michael abstaining on his Central State  
3 Committee race?

4 MR. DAMSCHRODER: Correct.

5 CHAIRMAN PREISSE: And same for --  
6 oh, okay, and you've included my sister  
7 there. That's what my question was going to  
8 be.

9 MR. DAMSCHRODER: And we have Bill  
10 abstaining on three of his family members who  
11 were running for Democrat County Central  
12 Committee and Kim abstaining from herself,  
13 Denny, and Joy Fielder.

14 CHAIRMAN PREISSE: Three members of  
15 his family, that's a self-preservation  
16 political policy?

17 MR. ANTHONY: It's called smart,  
18 man.

19 MR. COLLEY: What?

20 CHAIRMAN PREISSE: A bunch of  
21 members of Bill's family ran for the County  
22 Democrat Central Committee.

23 DIRECTOR WHITE: It's a lesson  
24 Michael Colley taught us a long time ago.



1           CHAIRMAN PREISSE: Denny said you  
2 taught him how to count.

3           DIRECTOR WHITE: A long time ago.  
4 He says number one rule in politics is know  
5 how to count.

6           MR. COLLEY: To two.

7           MR. DAMSCHRODER: So the appropriate  
8 fashion would be to take each one of these  
9 motions individually so that everyone can be  
10 on the record as abstaining for the correct  
11 things. And then the --

12          MR. ANTHONY: Got to make sure I got  
13 my relatives on here, man.

14          MR. DAMSCHRODER: We took it off of  
15 the list of people that you voted to certify  
16 petitions for so, hopefully, that was correct  
17 at the time.

18          MR. ANTHONY: Yeah. I -- so far it  
19 looks good.

20          DIRECTOR WHITE: So, Doug, do you  
21 want to make the first motion there?

22          CHAIRMAN PREISSE: And we'll talk  
23 about the audit when we get to it, right?

24          MR. DAMSCHRODER: Yes.

1           CHAIRMAN PREISSE: I will move that  
2 the Board certify the results of the official  
3 canvas of votes cast during the March 4, 2008  
4 Primary and Special Election for Member of  
5 the Republican Party State Central Committee,  
6 Man, for the 16th State Senate District.

7           MS. MARINELLO: Second.

8           DIRECTOR WHITE: We'll do a roll  
9 call vote. Ms. Marinello?

10          MS. MARINELLO: Yes.

11          DIRECTOR WHITE: Mr. Anthony?

12          MR. ANTHONY: Yes.

13          DIRECTOR WHITE: Chairman Preisse?

14          CHAIRMAN PREISSE: Yes.

15          DIRECTOR WHITE: Mr. Colley?

16          MR. COLLEY: Yes.

17          CHAIRMAN PREISSE: You're supposed  
18 to abstain.

19          MR. COLLEY: I abstain there.  
20 That's me.

21          DIRECTOR WHITE: Reflect that Mr.  
22 Colley abstained. Motion is carried.

23          MR. DAMSCHRODER: Next motion.  
24 Michael?

1 MR. COLLEY: I move the Board  
2 certify the results of the official canvas of  
3 votes cast during the March 4, 2008 Primary  
4 and Special Election for Member of the State  
5 Central Committee, Man, for the 15th State  
6 Senate District and Republican nomination for  
7 Judge of the Franklin County Court of Common  
8 Pleas, Juvenile and Domestic Relations  
9 Division, for the full term commencing  
10 January 2, 2009.

11 MS. MARINELLO: Second.

12 DIRECTOR WHITE: We'll do another  
13 roll call vote. Mr. Anthony?

14 MR. ANTHONY: Yes.

15 DIRECTOR WHITE: Ms. Marinello?

16 MS. MARINELLO: Yes.

17 DIRECTOR WHITE: Chairman Preisse?

18 CHAIRMAN PREISSE: Abstain.

19 DIRECTOR WHITE: Mr. Colley?

20 MR. COLLEY: Yes.

21 DIRECTOR WHITE: Motion is carried.

22 CHAIRMAN PREISSE: Thank you. And  
23 thank you for giving my sister her start in  
24 her judicial career which she continues to

1 enjoy. And I even hear good things from  
2 people who don't even know I'm her brother.

3 MR. COLLEY: Good things, what?

4 CHAIRMAN PREISSE: People say nice  
5 things even though they don't know I'm  
6 listening, so thanks again.

7 MR. ANTHONY: Mr. Chair?

8 CHAIRMAN PREISSE: Yes, sir.

9 MR. ANTHONY: I move that the Board  
10 certify the results of the official canvas of  
11 votes cast during the March 4, 2008 Primary  
12 and Special Election for Member of the  
13 Franklin County Democratic Party Central  
14 Committee for Madison Township and Columbus  
15 Wards 29 and 48.

16 MR. COLLEY: Second.

17 DIRECTOR WHITE: Another roll call  
18 vote. Mr. Anthony?

19 MR. ANTHONY: Yes.

20 DIRECTOR WHITE: Ms. Marinello?

21 MS. MARINELLO: Abstain.

22 DIRECTOR WHITE: Chairman Preisse?

23 CHAIRMAN PREISSE: Yes.

24 DIRECTOR WHITE: Mr. Colley?

1 MR. COLLEY: Yes.

2 DIRECTOR WHITE: Motion is carried.

3 MS. MARINELLO: Question. It should  
4 be 29 and 49.

5 DIRECTOR WHITE: There's a  
6 correction on that. That's Ward 49, not 48.

7 MR. DAMSCHRODER: Okay. Can we make  
8 a note of that in the record? Thank you.

9 MS. MARINELLO: Mr. Chairman, I move  
10 that the Board certify the results of the  
11 official canvas of votes cast during the  
12 March 4, 2008 Primary and Special Election  
13 for Member of the Franklin County Democratic  
14 Party Central Committee for Columbus Wards 3,  
15 4, and 51.

16 DIRECTOR WHITE: We need a second on  
17 that.

18 CHAIRMAN PREISSE: Second.

19 DIRECTOR WHITE: Do a roll call  
20 vote. Ms. Marinello?

21 MS. MARINELLO: Yes.

22 DIRECTOR WHITE: Mr. Anthony?

23 MR. ANTHONY: I abstain.

24 DIRECTOR WHITE: Chairman Preisse?

1 CHAIRMAN PREISSE: Yes.

2 DIRECTOR WHITE: Mr. Colley?

3 MR. COLLEY: Yes.

4 DIRECTOR WHITE: Motion is carried.

5 MS. MARINELLO: Mr. Chairman, I move  
6 that the balance of the results of the  
7 official canvas of votes cast during the  
8 March 4, 2008 Primary and Special Election be  
9 certified as submitted.

10 CHAIRMAN PREISSE: It is suggested  
11 that you second it, Michael.

12 MR. COLLEY: Yes.

13 DIRECTOR WHITE: We'll do a voice  
14 vote on this.

15 MR. COLLEY: Second.

16 DIRECTOR WHITE: All in favor?

17 (All say aye.)

18 DIRECTOR WHITE: Any nays?

19 (No audible response.)

20 DIRECTOR WHITE: Motion carries.

21 CHAIRMAN PREISSE: Will you walk us  
22 through your audit proposal?

23 MR. DAMSCHRODER: Yeah. There are  
24 three sets of stapled documents that are

1 under the election results. The first is the  
2 proposal from the group, Verified Voting  
3 Foundation, Brennan Center for Justice, and  
4 the CSU Center for Election Integrity. The  
5 bottom line is that they propose, for a cost  
6 of \$12,975, to oversee the post-election  
7 audit.

8           Their proposal goes, I think, beyond  
9 the minimum expectations of the Secretary of  
10 State. They would propose counting  
11 additional contests beyond just President. I  
12 think they want to do, like, three or four,  
13 maybe another county-wide or two contest and  
14 maybe a state legislative contest just to get  
15 a broad sample of contests at different  
16 points of the ballot.

17           They view this beyond just the  
18 purpose of an audit, but also as a means for  
19 assisting us with continued staff training  
20 and public education, which I think is --  
21 particularly the area of public education is  
22 a significant and important function.

23           They would work with us to either  
24 hire poll workers or students from Ohio State

1 or other local institutions of higher  
2 education to actually come in and do the  
3 counting under the supervision of this team  
4 of auditors. All that would be done under  
5 the observation and with the support of  
6 actual Board staff.

7           So we'll still be the ones going in  
8 and pulling the ballots out of the secure  
9 area, but these individuals would be handling  
10 and auditing and doing the counting. And  
11 then this also then would include them coming  
12 back to the Board and providing kind of a  
13 debriefing report and summary of their  
14 experience and the results of their findings.

15           It would be my recommendation that  
16 we engage this group of partners to do it.  
17 As we've talked before, I think there's a  
18 tremendous value in having outside entities  
19 come in and conduct those audits instead of  
20 just us auditing ourselves.

21           So that would be, I think, Denny and  
22 my recommendation. I don't know, Denny, if  
23 you have any other comments?

24           DIRECTOR WHITE: Other than, you



1 know, it's pretty much standard what the  
2 Secretary of State is doing other than the  
3 difference we're going, we're asking for an  
4 independent group to actually do the audit,  
5 where the Secretary of State's audits are  
6 actually done by the Board of Elections  
7 officials who handle the election and certify  
8 the election.

9 Which I like this way much better,  
10 because I've always questioned being able to  
11 audit your own audit. And I just think with  
12 all the concerns and the controversy about  
13 elections and election systems that taking  
14 the additional step of having an outside  
15 source that will actually do the audit --

16 MS. MARINELLO: Will this count with  
17 her though? I mean --

18 DIRECTOR WHITE: We're not really  
19 doing this to count with her. I think we're  
20 doing this just to make sure that everything  
21 functions properly here. And who we really  
22 want it to count with is the public, the  
23 general public. That's who counts in the  
24 end.

1 MR. DAMSCHRODER: I don't think it's  
2 -- it's consistent with the intent and the  
3 spirit of the Secretary of State's request  
4 for counties to participate in a voluntary  
5 audit.

6 She already has the eleven counties  
7 that she wanted to participate in it, so she  
8 has the number of counties that -- so I think  
9 this just adds additional counties to share  
10 experience with the Secretary of State about  
11 how we did it, what we did, what was the  
12 cost, what was the impact, those kinds of  
13 things.

14 CHAIRMAN PREISSE: And do I recall,  
15 Matthew, that you have worked with one or all  
16 of these -- it's three entities, right?

17 MR. DAMSCHRODER: That's correct.  
18 And I have worked closely with all three of  
19 them in the past, either on collaborative  
20 recommendations for legislation. We also all  
21 three provided testimony to the U.S. House of  
22 Representatives last year. They're all three  
23 very credible and reputable leaders in  
24 election reform across the country.

1           CHAIRMAN PREISSE: And have they  
2 done this kind of post-election audit before  
3 in concert with each other?

4           MR. DAMSCHRODER: Yes. The folks  
5 from Cleveland State University have -- were  
6 under contract with the Cleve -- the Cuyahoga  
7 County Board of Elections to conduct some  
8 even more intensive levels of auditing than  
9 they're proposing here.

10           The three organizations have worked  
11 closely together and the Brennan Center for  
12 Justice and the Verified Voting Foundation is  
13 the leading advocacy organizations before  
14 Congress trying to get federal mandated  
15 audits of federal election results. So all  
16 widely respected and have experience working  
17 together with each other.

18           CHAIRMAN PREISSE: And do you have a  
19 sense of who or what type of person or  
20 staffer or titled position from each of these  
21 entities that would be hands-on?

22           MR. DAMSCHRODER: It's going to be  
23 -- all three of these individuals will be  
24 here on-site for the period that we'll be

1 doing the audit. So Larry Norden will be  
2 coming in from NYU; Pam Smith will be coming  
3 in for Verified Voting, I think she lives in  
4 California; and Candice Hoke will be coming  
5 down from Cleveland. And they will be  
6 on-site for the period of time that we're  
7 doing the audit.

8 CHAIRMAN PREISSE: And walk us  
9 through the cost here.

10 MR. DAMSCHRODER: It's -- the way  
11 it's set up is that the total is a  
12 not-to-exceed total, 12,975. It's about  
13 \$6,000 for travel; the actual time for the  
14 individuals, 5475; and then 1500 for  
15 management and overhead to Verified Voting  
16 Foundation.

17 DIRECTOR WHITE: Which I think is  
18 well-spent money.

19 MR. DAMSCHRODER: Absolutely.

20 CHAIRMAN PREISSE: How does that  
21 impact the budget and what part of the  
22 Board's budget is that drawn from?

23 DIRECTOR WHITE: We're taking that  
24 out of the Board members' --

1           CHAIRMAN PREISSE: Board members'  
2 salary? Is that going to be split out?

3           DIRECTOR WHITE: Just kidding.

4           MR. DAMSCHRODER: We do have a  
5 professional services line item that this  
6 will be coming out of. This is -- while it's  
7 an unbudgeted specific expense, that is, we  
8 didn't put specific money in the budget for  
9 this, there -- we do overbudget in several of  
10 our categories including professional  
11 services to accommodate things that will come  
12 along during the year that we want to do. So  
13 there is money in the budget for this  
14 expense.

15           MR. ANTHONY: Mr. Chair, so you say  
16 we don't have to the Board of Commissioners  
17 for additional appropriations?

18           MR. DAMSCHRODER: We won't have to  
19 go to the Commissioners for additional  
20 appropriations for this.

21           CHAIRMAN PREISSE: And that much or  
22 more money still resides in the professional  
23 services line item?

24           MR. DAMSCHRODER: That's correct.

