

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

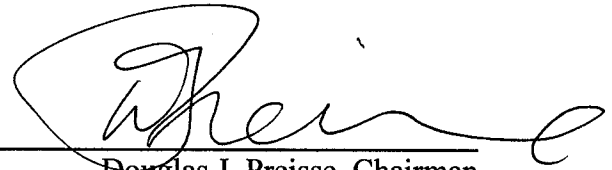
MINUTES OF THE MEETING ON

10/6/08

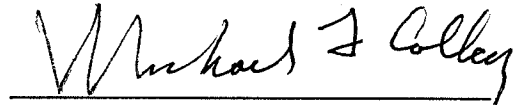
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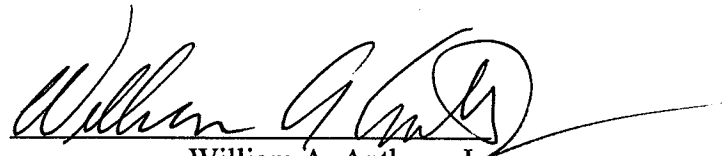
Douglas J. Preisse, Chairman



Michael F. Colley, Esq.

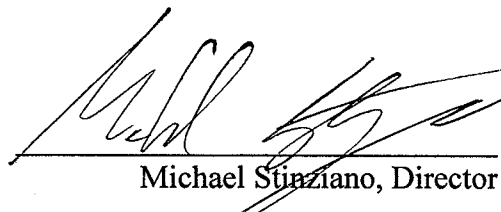


Kimberly E. Marinello



William A. Anthony Jr.

ATTEST:



Michael Stanziano, Director

1 ORIGINAL

2 HEARING IN RE: Regular Meeting

3 DATE OF DELIVERY:

4 Franklin County Board of Elections
5 280 East Broad Street
6 Columbus, Ohio 43215

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7 _____
8 MATT DAMSCHRODER

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1 APPEARANCES:

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

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P R O C E E D I N G S
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CHAIRMAN PREISSE: Why don't we call the meeting to order.

MR. STINZIANO: Roll call. Mr. Colley.

MR. COLLEY: Here.

MR. STINZIANO: Chairman Preisse.

CHAIRMAN PREISSE: Here.

MR. STINZIANO: Mr. Anthony.

MR. ANTHONY: Here.

MR. STINZIANO: Ms. Marinello.

MS. MARINELLO: Here.

MR. STINZIANO: There are no minutes to approve, so the first item for the general meeting is the 2009 employee contribution amounts for health benefits. This was brought to the Deputy Director and Director's attention regarding adopting the policy. It's been past practice to use the Commissioners' procedures, and we're recommending that we again follow the Commissioners' policy and that's what the Board adopt.

1 Any questions?

2 CHAIRMAN PREISSE: This is something
3 the Commissioners know, expect, and will not
4 be surprised by?

5 MR. DAMSCHRODER: That is correct.
6 They are requesting it.

7 CHAIRMAN PREISSE: Always happy to
8 comply with Commissioners' wishes, whenever
9 possible, right?

10 MR. DAMSCHRODER: Indeed.

11 CHAIRMAN PREISSE: Well, any other
12 discussion or questions?

13 MR. ANTHONY: No, sir, I have none.

14 MS. MARINELLO: Mr. Chairman?

15 CHAIRMAN PREISSE: Yes.

16 MS. MARINELLO: I move that the
17 Board charge employees for health insurance
18 coverage at the same rate as the rest of the
19 county employees.

20 MR. COLLEY: Second.

21 MR. STINZIANO: All in favor?

22 MEMBERS: Aye.

23 MR. STINZIANO: None opposed.

24 The next item on the agenda is the

1 Challenge of Right to Vote and Correction of
2 Registration Lists. We have two challenges.

3 The first one was filed by Maryanna
4 Moxley against Rumuirial Arthur Street. She
5 stated that Rumuirial does not live at that
6 address, never has. And so we sent the
7 letters, and nobody showed up to challenge or
8 to question the challenge. So it's our
9 recommendation that the challenge is upheld
10 and we immediately cancel Rumuirial from the
11 registration list.

12 MS. MARINELLO: Mr. Chairman, I move
13 that the Board grant the Challenge of Right to
14 Vote and Correction of Registration List filed
15 by Maryanna Moxley of 1740 Kenmore Road,
16 Columbus, Ohio, 43219, against Rumuirial
17 Arthur Street, purportedly of 1740 Kenmore
18 Road, Columbus, Ohio, 43219, and order that
19 Rumuirial Arthur Street registration be
20 immediately canceled in Franklin County
21 and his name stricken from the registration
22 list.

23 MR. COLLEY: Second.

24 MR. STINZIANO: Vote. All in favor?

1 MEMBERS: Aye.

2 MR. STINZIANO: None opposed.

3 The next is a challenge filed by Mr.
4 Frank Kremer challenging what our staff found
5 to be an ACORN registration that was filed by
6 a Frank Kramer. So we've got Kremer and
7 Kramer. And Mr. Kremer is saying that the
8 Kramer address used is his business address,
9 and he filed the challenge, and nothing came
10 back with the documents that we sent that
11 provided notice.

12 CHAIRMAN PREISSE: So what is it
13 that appears to have --

14 MR. STINZIANO: Frank Kremer,
15 K-r-e-m-e-r, Jr., is challenging the
16 registration of Frank Kramer, K-r-a-m-e-r, and
17 the address of Mr. Kramer being Mr. Kremer's
18 work address.

19 CHAIRMAN PREISSE: And what is the
20 association --

21 MR. STINZIANO: This was a
22 registration that was submitted to our office
23 through ACORN.

24 CHAIRMAN PREISSE: Okay.

1 MR. STINZIANO: So it is the Board's
2 recommendation that we uphold the -- or it's
3 the staff's recommendation that the Board
4 uphold the challenge.

5 CHAIRMAN PREISSE: Any thoughts? It
6 looks like a little funny business by our
7 friends at ACORN here, we hope in an isolated
8 capacity, but a little name trading.

9 MS. MARINELLO: I move that the
10 Board grant the Challenge of Right to Vote and
11 Correction of Registration List filed by Frank
12 Kremer, Jr., of 1993 Schrive Drive, Hilliard,
13 Ohio, against Frank Kramer, purportedly of 560
14 East Town Street, and order that Frank Kremer
15 Jr. resignation be immediately canceled in
16 Franklin County and his name stricken from the
17 registration list.

18 MR. PICCININNI: Wait a second.
19 It's Kramer that we want removed, not Kremer.
20 It's the second one.

21 MS. MARINELLO: Oh, okay.

22 CHAIRMAN PREISSE: Will you redraw
23 your motion and reword the motion?

24 MS. MARINELLO: I withdraw that

1 motion, Mr. Chairman, and I'll make a new
2 motion.

3 I move that the Board grant the
4 Challenge of Right to Vote and Correction of
5 the Registration List filed by Frank Kremer,
6 Jr., of 1993 Schrive Drive, Hilliard, Ohio,
7 against Frank Kramer, purportedly of 560 East
8 Town Street, and order that Frank Kramer
9 registration would be immediately canceled in
10 Franklin County and his name stricken from the
11 registration list.

12 MR. STINZIANO: Thank you, counsel.

13 MR. PICCININNI: Not a problem. We
14 don't want Mr. Kremer's registration to be
15 inadvertently cancelled.

16 MR. STINZIANO: Right, good catch.

17 MR. COLLEY: Second.

18 MR. STINZIANO: And we have a
19 second.

20 MR. STINZIANO: All in favor.

21 MEMBERS: Aye.

22 MR. STINZIANO: None opposed.

23 The next item we have is the
24 Security and Risk Mitigation Plan. The

1 Secretary of State's Office has asked that we
2 put one together and have the Board vote on
3 the plan. Before you is what the staff is
4 recommending should be the makeup of that
5 Security and Risk Mitigation Plan.

6 MR. ANTHONY: Mr. Chair, I've got a
7 question. As I'm reading this plan, I'm on
8 page 4 now, it's a pretty deep, thick plan.
9 For the Board members, since it looks like
10 we're really getting serious about this stuff
11 -- I mean, not that we haven't. Let me
12 rephrase that. Don't put that in there.

13 Since we now are putting this in
14 writing, is there any kind of ability to get
15 the Board some passes so that as we walk
16 through, we'll be in compliance with this?

17 MR. DAMSCHRODER: Yes, we can do
18 that.

19 MR. ANTHONY: Okay.

20 MR. STINZIANO: I think it's fair to
21 say, more than ninety of what it's in here,
22 it's what the Board already knows. There's
23 just a couple things.

24 MR. ANTHONY: I understand. That's

1 why I changed what I was saying.

2 MR. STINZIANO: We can definitely
3 get the Board identification badges.

4 MR. ANTHONY: All right. I think we
5 would need some, particularly in light of what
6 we're doing over at the Vets and what we're
7 going to be doing Election Day. Because not
8 everybody knows me and Doug and --

9 CHAIRMAN PREISSE: That's right;
10 I've had to explain my presence on several
11 occasions to the hard-working staff and
12 citizens. It's all been fine.

13 MR. ANTHONY: But it would be
14 helpful if we had some identification

15 MR. PICCININNI: Do they already
16 have ID cards in the county?

17 MR. ANTHONY: No. I don't.

18 CHAIRMAN PREISSE: They give a
19 member of the Board a card.

20 MR. ANTHONY: Yeah, but nobody is
21 going to believe that.

22 CHAIRMAN PREISSE: Stick it to
23 your --

24 MR. ANTHONY: Nobody is going to

1 believe that. I could make that at home.

2 MR. DAMSCHRODER: We can make
3 arrangements to have everybody go down into
4 the depths of 373 to have their picture taken
5 and get the cards made. We can do that.
6 We'll have Suzanne schedule that.

7 MR. ANTHONY: Okay, because I think
8 that would help us. Thank you.

9 Other than that, I'm going to move
10 to page 5 now. No, I'm just joking. You
11 don't have to turn to page 5.

12 CHAIRMAN PREISSE: You want to
13 describe -- the Secretary of State is asking
14 all boards to codify Security Plans, Risk
15 Mitigation Plans. Staff has been kind enough
16 to walk me through the procedures at the
17 warehouse, which appeared to me to be well
18 thought through, as well as the redundancies
19 and the security over at Vets, which was
20 impressive to me. And do you want to comment
21 on that?

22 MR. DAMSCHRODER: The only thing I
23 would add is that, Mr. Chairman, as you noted,
24 this plan was put together at the direction of

1 the Secretary of State, who issued a Directive
2 requiring to us adopt a formal plan. As the
3 Director mentioned, most everything in the
4 document, most everything are things that we
5 already do; we're just formalizing that with
6 the written policy.

7 Other aspects of it are boilerplate
8 from the previous Directives of the Secretary
9 of State in terms of what we should and should
10 not be doing, that we just adopt formally into
11 it as a part of this plan. So again, largely
12 procedures that are already in place or that
13 we're already following.

14 MR. PICCININNI: And have been for
15 the last four or five years.

16 MR. DAMSCHRODER: Yes.

17 MR. ANTHONY: Longer.

18 CHAIRMAN PREISSE: Good.

19 MR. ANTHONY: I took that Evelyn
20 Woods speed-reading course.

21 CHAIRMAN PREISSE: Did you?

22 MR. ANTHONY: Yeah, so I'm through
23 reading it now.

24 CHAIRMAN PREISSE: Well, if it meets

1 with your satisfaction, the suggested motion
2 is for a colleague of yours.

3 MS. MARINELLO: Mr. Chairman, as
4 outlined in Secretary of State Directive
5 2008-74, I move that the Board approve the
6 Security and Risk Mitigation Plan presented by
7 the Director and Deputy Director.

8 MR. COLLEY: Second.

9 MR. STINZIANO: All those in favor?

10 MEMBERS: Aye.

11 MR. STINZIANO: None opposed.

12 The next item that we have on our
13 agenda is addressing or discussing observers
14 during in-person absentee voting and whether
15 or not the Board would like to have the staff
16 create and develop a policy for observers
17 during the in-person voting period.

18 CHAIRMAN PREISSE: Right. And in
19 our ongoing effort and concern to provide the
20 appearance and reality of transparency, while
21 I'm impressed by the bipartisan effort going
22 on over at Vets, the fact of the matter is,
23 there continues to be a desire and concern by
24 third parties wishing to provide observers at

1 the location where voting is going on.

2 Indeed, we had observers from both
3 parties for one day who were assigned to
4 remain on or near the stage or on or about the
5 ballot boxes, I think. Isn't that correct?

6 MR. STINZIANO: Correct.

7 CHAIRMAN PREISSE: I happened to
8 have been there when they were there and did
9 not find their presence intrusive at all.
10 Having the opportunity for third parties to
11 provide, if they should wish, in an organized,
12 controlled fashion, observers at the on-site
13 polling place does add that additional level
14 of oversight by community groups or parties
15 that may wish to engage in that.

16 We have turned away, by following
17 the Secretary of State's current
18 interpretation and directives, small "d,"
19 perhaps; we've turned away observers from, it
20 would appear, several interested third
21 parties, who then have been for most part
22 relegated to the parking lot where they're
23 able to observe electioneering but not voting
24 activity.

1 So I do bring this issue up and
2 forward. So the staff has compiled --

3 MR. STINZIANO: We have drafted a
4 policy. I believe the Deputy Director is
5 retrieving that drafted policy.

6 CHAIRMAN PREISSE: Before I make
7 that motion, would anyone else like to comment
8 on the matter?

9 MR. ANTHONY: I guess I could,
10 couldn't I?

11 CHAIRMAN PREISSE: I know you can,
12 and I know you could, but I question whether
13 you really want to.

14 MR. ANTHONY: Well, Mr. Chairman,
15 the Secretary of State did issue a Directive,
16 and part of that Directive said that we could
17 or we could not put observers in the polling
18 locations during this early voting period.

19 I think that we have enough
20 bipartisanship within our staff and everybody
21 else, within our staff that's working up
22 there, that I don't think there's any fear
23 that anything would go wrong up there at the
24 Vets. And I would be so inclined not to put

1 the observers in there, because I just don't
2 think that they're needed right now. I think
3 we're doing a good enough job without having
4 them in there.

5 CHAIRMAN PREISSE: Well, at the risk
6 of not being misinterpreted, and I don't imply
7 that my words were, by you, Mr. Chairman, but
8 I would just reiterate, I share your
9 confidence in the professionalism and the
10 bipartisan oversight that has been built into
11 the procedures over at Vets.

12 However, sharing this rather
13 internal confidence of the Board and our staff
14 still does not allow and might assume that
15 shared confidence among outside and third
16 parties who may wish to properly observe
17 the procedure. So my concern does not
18 lie with any procedures established or
19 the, so-far, smooth going, but with the
20 desire to accommodate observers from
21 organizations, third parties, that might have
22 an interest.

23 But that's enough discussion unless
24 anybody unless anybody else has some.

1 MR. ANTHONY: No, I don't have any
2 more. And I wasn't implying that you --

3 CHAIRMAN PREISSE: I didn't
4 interpret it that you did.

5 MR. STINZIANO: And the Secretary of
6 State was an Advisory, not a Directive.

7 CHAIRMAN PREISSE: It was an
8 Advisory.

9 MR. STINZIANO: It was an Advisory
10 stating that there's nothing in law to account
11 for observers during the 35-day in-person
12 absentee period.

13 MR. ANTHONY: That's a Directive.

14 MR. STINZIANO: Yes.

15 CHAIRMAN PREISSE: I said directive,
16 small "d," because I couldn't remember if it
17 was a --

18 MR. ANTHONY: It should have been
19 Advisory.

20 CHAIRMAN PREISSE: In any event, her
21 instructions, small "i" --

22 MR. ANTHONY: What's this, right
23 here?

24 MR. STINZIANO: This is the drafted

1 policy.

2 CHAIRMAN PREISSE: This mimics
3 previous procedures.

4 MR. DAMSCHRODER: Yes, it's
5 basically the same kind of things that we
6 asked observers to follow on Election Day.

7 CHAIRMAN PREISSE: Oh, okay.

8 MR. DAMSCHRODER: That they can, and
9 it kind of maps out a process.

10 MR. ANTHONY: If we agree with this,
11 this would be the process we would follow.

12 CHAIRMAN PREISSE: Yes. I just
13 thought you ought to have it in front of you
14 since we're about to vote on it.

15 MR. DAMSCHRODER: My apologies.

16 CHAIRMAN PREISSE: That's all right.

17 MR. ANTHONY: That's okay.

18 CHAIRMAN PREISSE: Then I'm going to
19 move that the Board adopt the observer policy
20 for in-person absentee voting at Veterans
21 Memorial presented by the Director and
22 Deputy Director. And I would appreciate a
23 second.

24 MR. COLLEY: Second.

1 CHAIRMAN PREISSE: Thank you.

2 MR. STINZIANO: We'll do a roll call
3 vote.

4 Mr. Colley?

5 MR. COLLEY: Yes.

6 MR. STINZIANO: Chairman Preisse?

7 CHAIRMAN PREISSE: Yes.

8 MR. STINZIANO: Mr. Anthony?

9 MR. ANTHONY: No.

10 MR. STINZIANO: Ms. Marinello?

11 MS. MARINELLO: No.

12 MR. STINZIANO: We have a tie.

13 CHAIRMAN PREISSE: Okay. The motion
14 regarding observers during in-person absentee
15 voting having resulted in a tie vote, it shall
16 be submitted to the Ohio Secretary of State
17 pursuant to Section 3501.11, paragraph X, of
18 the Ohio Revised Code.

19 The Chairman asks that both sides of
20 the issue submit their rationale for voting
21 for or against the motion to lay the question
22 on the table to the Director no later than
23 noon on Wednesday, October 8, 2008, so that
24 the Director may submit the matter in

1 controversy to the Ohio Secretary of State on
2 Wednesday, October 8, 2008.

3 MR. ANTHONY: Yes, sir.

4 CHAIRMAN PREISSE: And?

5 MR. STINZIANO: The last item we
6 have on our agenda is discussion of the
7 Brunner/Perez machines that were under
8 investigation.

9 We were notified through the
10 Secretary of State's office that the Attorney
11 General's office no longer were conducting an
12 investigation and that we could use those
13 machines. We've asked for further
14 clarification as to what their findings were
15 before we reallocate those 23 machines into
16 our population or inventory, because all we've
17 been told is they're no longer under
18 investigation, but we don't know or haven't
19 heard what they tested, if everything is back
20 to where they were, what was found, if
21 anything.

22 CHAIRMAN PREISSE: Does anybody wish
23 to reintroduce these machines into the process
24 at this time?

1 MS. MARINELLO: No way.

2 CHAIRMAN PREISSE: "No way" is the
3 comment.

4 MR. ANTHONY: No way what?

5 MS. MARINELLO: I wouldn't introduce
6 them back into the population.

7 MR. ANTHONY: Why not?

8 MR. PICCININNI: I wouldn't
9 introduce them back in until you get what the
10 results of the findings were.

11 MR. ANTHONY: A clean bill of
12 health.

13 MR. STINZIANO: And we have
14 requested those results and have not gotten
15 anything back yet.

16 MR. ANTHONY: From the Attorney
17 General?

18 MR. STINZIANO: What department is
19 it?

20 MR. DAMSCHRODER: BCI was doing the
21 investigation, and as the Director mentioned,
22 the letter came back and said that the
23 machines were no longer needed for the
24 investigation, and we asked the Secretary of

