

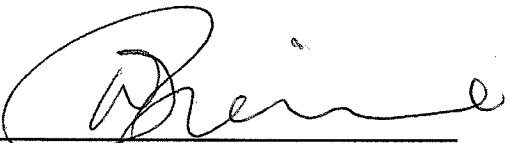
FRANKLIN COUNTY BOARD OF ELECTIONS
280 EAST BROAD STREET
COLUMBUS, OHIO 43215
(614) 462-3100

MINUTES OF THE MEETING ON

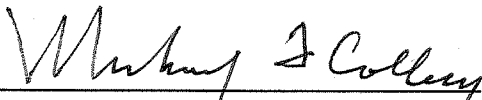
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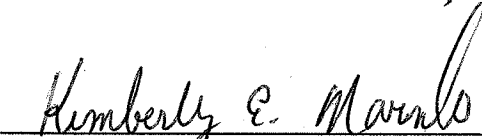
BY:



Douglas J. Preisse, Chairman



Michael F. Colley, Esq.

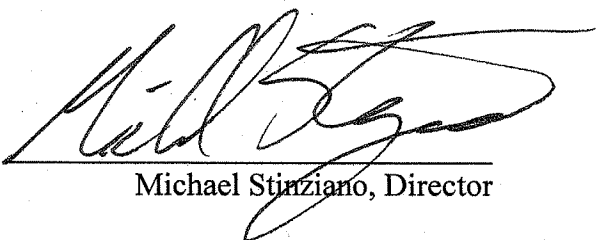


Kimberly E. Marinello

Not Present

William A. Anthony Jr.

ATTEST:



Michael Stinziano, Director

1 ORIGINAL

2 HEARING IN RE: SPECIAL BOARD MEETING

3 DATE OF DELIVERY:

4 Board of Elections
5 280 East Broad Street
6 Columbus, Ohio 43215
7 By Ms. Suzanne Brown

8

SUZANNE BROWN

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1 BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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3 IN RE: :

4 Special Board Meeting :

5 :

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7 Proceedings before Chairman Douglas J.
8 Preisse, Board Member William A. Anthony, Jr.,
9 Board Member Kimberly E. Marinello, and Board
10 Member Michael F. Colley, taken at the Franklin
11 County Board of Elections, 280 East Broad Street,
12 Columbus, Ohio, on Friday, October 24, 2008,
13 at 3:11 o'clock p.m.

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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 Prosecuting Attorney,
8
9 On behalf of the Board of Elections.
10

11 ALSO PRESENT:

12 Mr. Michael Stinziano, Director
13 Mr. Matthew Damschroder, Deputy Director
14 Mr. Eric Nickolas, Regional Liaison
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2 P R O C E E D I N G S

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4 CHAIRMAN PREISSE: Mr. Director and
5 deputy director, are we all ready?

6 MR. DAMSCHRODER: I think we're ready
7 to begin.

8 CHAIRMAN PREISSE: Okay. And I think
9 we should call roll, as long as you're ready.

10 MR. STINZIANO: Mr. Colley?

11 MR. COLLEY: Here.

12 MR. STINZIANO: Chairman Preisse.

13 CHAIRMAN PREISSE: Here.

14 MR. STINZIANO: Mr. Anthony?

15 MR. ANTHONY: Here.

16 MR. STINZIANO: Ms. Marinello.

17 MS. MARINELLO: Here.

18 MR. STINZIANO: First item on our
19 agenda for the special meeting Friday, October
20 24th, is voting machine allocation for November
21 4th, 2008.

22 Before you all is the director and
23 deputy director's recommendation for updating the
24 allocation. The Board had previously approved a

1 draft allocation that took into effect the
2 Secretary of State's directive and the Board's
3 waiting line study.

4 This, as promised at the previous
5 approval, took into a better effect the final
6 registration numbers, less absentee requests that
7 we had, as well as better captures the ballot and
8 line.

9 The waiting line study candidate
10 generalities, now we know specifically how large
11 each precinct's ballot length is, so this is an
12 update of the allocation and the director and
13 deputy director's final recommendation.

14 CHAIRMAN PREISSE: What are the four
15 factors listed in the Secretary of State's
16 directive again?

17 MR. STINZIANO: Ballot length,
18 registration numbers, problems at previous
19 elections.

20 MR. DAMSCHRODER: And was absentee the
21 other one? I think it was.

22 MR. STINZIANO: Absentee sounds
23 right. I don't know if Mr. Nickolas has a -- do
24 you remember the fourth?

1 MR. NICKOLAS: I don't have a copy of
2 that with me.

3 CHAIRMAN PREISSE: What are
4 represented here in terms of the significant
5 changes?

6 MR. STINZIANO: And it just depends
7 what precinct you're looking at. But if you look
8 at the last three past the black line where you
9 have current registration and ballot length above
10 base, 1.0 represents a baseline ballot length.

11 And so where there were additional
12 issues, questions, that extended the ballot
13 line. It's captured in there. And so in certain
14 precincts gained additional machines and other
15 precincts had some removed.

16 And it just kind of depends where it's
17 located and how many people voted absentee -- not
18 voted absentee, requested absentee ballots.

19 MR. ANTHONY: Mr. Chair, this doesn't
20 cover in-person votes?

21 MR. STINZIANO: It does.

22 MR. ANTHONY: It does? Is that part
23 of the absentee numbers, then?

24 MR. STINZIANO: Yes. Absolutely.

1 MR. ANTHONY: Okay. All right.

2 MR. STINZIANO: And so, for example,
3 we had one precinct that normally had, I think,
4 1200 people in it; and after absentee numbers
5 were factored in, it was down to 400.

6 So that was a precinct that went from
7 14 to four. There was just no reason to have 14
8 machines at a place with only 400 voters plus.

9 MR. ANTHONY: So they could actually
10 train even more --

11 MR. STINZIANO: This would be the
12 final snapshot. In order for us to be able to
13 get all the machines out and in place on election
14 day, this would be the final snapshot.

15 Numbers could increase more. Our
16 history has been 85 percent absentee ballot
17 return rate, so we feel this is a good
18 representation in terms of what we can actually
19 capture as close to the election as possible.

20 MR. ANTHONY: So the date of this
21 capture was what?

22 MR. DAMSCHRODER: I think it was
23 Sunday night. I think.

24 MR. ANTHONY: Sunday night?

1 MR. DAMSCHRODER: I think it was
2 through Sunday night.

3 MR. STINZIANO: And we did go back
4 with the academics, who did the original waiting
5 time study, to have them crunch all of these
6 numbers in. So it's based on their formula.

7 MR. ANTHONY: Mr. Chair, I had another
8 question.

9 CHAIRMAN PREISSE: Um-hmm.

10 MR. ANTHONY: This ballot length above
11 base, what is that exactly?

12 MR. DAMSCHRODER: It's based -- the
13 baseline is the five state issues plus all of the
14 obviously presidential, Congressional,
15 legislative and county-wide candidate contests;
16 although, we didn't include the Hughes Blue state
17 Senate contest only because it's only a third of
18 the county. It's just one contest.

19 So baseline is all those contests plus
20 the five state issues. Then it increases from
21 there on that percentage basis as a result of
22 additional questions that appear on the ballot.

23 So the six Columbus bond issues, a
24 school district question, a charter amendment,

1 like in White Hall. Or in the case of in
2 Columbus, 45(H). And two precincts in
3 Clintonville. All of that plus four or six local
4 liquor options.

5 MR. ANTHONY: Okay. I was wondering.
6 Because I saw one on page 6 that had 1.923. That
7 was a highest.

8 MR. DAMSCHRODER: That's probably
9 45(H).

10 MR. ANTHONY: Yeah. It said, park
11 trails, apartment, clubhouse.

12 MR. DAMSCHRODER: I think that's
13 45(H).

14 MR. ANTHONY: Yeah. That's a big one,
15 huh?

16 MR. DAMSCHRODER: But it says also one
17 of the longer ones because they have a charter
18 commission question where voters, I think, can
19 select up to 15 candidates, so.

20 MR. ANTHONY: Okay.

21 CHAIRMAN PREISSE: Any other thoughts
22 or questions on this?

23 MR. ANTHONY: No, sir.

24 CHAIRMAN PREISSE: Well, it's a bit

1 science and a bit art, right?

2 MR. DAMSCHRODER: I think the good
3 news for this election is that it's more science
4 than art, and I think that Dr. Ted Allen and his
5 team from Ohio State and Sagata feel very
6 confident that the methodology is defensible from
7 a scientific standpoint, and they feel very
8 comfortable about that, based on their experience
9 in queuing, theory, and studies in arrival on
10 service times.

11 CHAIRMAN PREISSE: I'm going to look
12 at my precinct and see what you did to me. It
13 looks satisfactory. I waited for three hours
14 last time, exactly three hours.

15 Did you look yours up?

16 MR. ANTHONY: I don't know how.

17 CHAIRMAN PREISSE: You don't know
18 where you vote?

19 MR. ANTHONY: I don't know where I
20 vote.

21 MR. DAMSCHRODER: He's so used to
22 voting absentee.

23 MR. ANTHONY: No, I vote at Vets
24 Memorial.

1 CHAIRMAN PREISSE: Do you?

2 MR. DAMSCHRODER: 25,000 every closest
3 race?

4 MR. ANTHONY: Yeah.

5 CHAIRMAN PREISSE: Mr. Colley, any
6 thoughts or questions?

7 MR. COLLEY: No.

8 CHAIRMAN PREISSE: All right. I think
9 you're ready.

10 MS. MARINELLO: Mr. Chairman, I move
11 that the Board approve the recommendation of the
12 deputy director and director to allocate the
13 entire Franklin County Board of Elections
14 iVotronic inventory of 4,639 ES&S DRE iVotronic
15 machines for election day based on the proposed
16 allotment before us.

17 MR. COLLEY: Mr. Chairman, I second
18 Ms. Marinello's motion.

19 CHAIRMAN PREISSE: Okay.

20 MR. STINZIANO: All in favor?

21 (Board members in favor of the motion
22 so indicated.)

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 list.

3 We have a number of challenges, the
4 first of which was filed by Jerry L. McAfee
5 against Timothy Moody.

6 The background is that Timothy Moody
7 registered in 2004 with a federal postcard. He
8 voted from Canada since then -- or in '04. And
9 everything that we've received since or mailed to
10 that address has been returned.

11 Mr. McAfee's claim is that Timothy
12 Moody does not live at that address, and it's the
13 staff's recommendation that we uphold the
14 challenge.

15 CHAIRMAN PREISSE: All right. Any
16 thoughts? Sounds well done.

17 MS. MARINELLO: Mr. Chairman, I move
18 that the Board grant the challenge of right to
19 vote and correction of registration list filed by
20 Jerry L. McAfee of 2145 Keltonshire Avenue,
21 Columbus, Ohio, 43229, against Timothy Moody,
22 purportedly of 2145 Keltonshire Avenue, Columbus,
23 Ohio, 43229, and order that Timothy Moody's
24 registration be immediately cancelled in Franklin

1 County and his name stricken from the
2 registration list.

3 MR. COLLEY: Second.

4 MR. STINZIANO: All in favor?

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

7 MR. STINZIANO: None opposed.

8 The second one we have is a challenge
9 of right to vote and correction registration
10 filed by Peggy Hull against German Cabrera.
11 Mr. Cabrera registered this year, and we have no
12 records or any voting history.

13 It's the staff's recommendation that
14 we not cancel but move Mr. Cabrera to pending
15 status. Because if we remove him from the poll
16 votes, it's going to require a provisional ballot
17 to be passed on election day.

18 And that way we can then do an
19 additional search if, indeed, someone does cast a
20 provisional ballot.

21 CHAIRMAN PREISSE: And he registered
22 this --

23 MR. STINZIANO: In 2008.

24 CHAIRMAN PREISSE: And do we know the

1 methodology by which he registered?

2 MR. STINZIANO: He registered through
3 the Secretary of State, which I think just means
4 that the card was submitted through the Secretary
5 of State's Office and then came to us. He has
6 never wrote in, in Franklin County.

7 CHAIRMAN PREISSE: All right.

8 MS. MARINELLO: I move that the Board
9 deny the challenge of right to vote and
10 correction of registration list filed by Peggy
11 Hull of 1150 Trentwood Road, Columbus, Ohio,
12 43221, against German Cabrera, purportedly of
13 1150 Trentwood Road, Columbus, Ohio, 43221, and
14 order that German Cabrera's registration be
15 placed in pending status for the registration
16 list.

17 MR. COLLEY: Second.

18 MR. STINZIANO: All in favor?

19 (Board members in favor of the motion
20 so indicated.)

21 MR. STINZIANO: None opposed.

22 The next one is filed by Gary L. Jones
23 against Gary Jones. This was an ACORN
24 registration. The address of the challenged is

1 Gary L. Jones' work address and office location.
2 It's the staff's recommendation that we do cancel
3 that registration and remove from our rolls.

4 CHAIRMAN PREISSE: And this is not the
5 first one of these we've seen where an ACORN
6 submitted registration with somebody's name or
7 substantially similar but a work address was
8 listed.

9 MR. STINZIANO: And it won't be the
10 last one we see today.

11 MR. PICCININNI: Do we have any idea
12 of who submitted this on behalf of ACORN? Does
13 ACORN know who submitted this one?

14 MR. DAMSCHRODER: No, they do not.
15 And as you recall, after the problems that the
16 State experienced in 2004 with ACORN, that the
17 General Assembly passed a law requiring
18 individuals who are receiving compensation to
19 conduct voter registration, that those
20 individuals also sign the registration card.

21 That statute was struck down by the
22 Northern District Federal Court here in Ohio in
23 2006, and so there is not a requirement for a
24 paid or any other registrar to also sign the card

1 of the applicant.

2 MR. PICCININNI: And ACORN doesn't
3 keep any of these records. They don't keep an
4 internal check as part of their procedures?

5 MR. DAMSCHRODER: That would be a
6 question for ACORN.

7 MR. PICCININNI: But they have not
8 told us who submitted this.

9 MR. DAMSCHRODER: Correct.

10 MS. MARINELLO: Mr. Chairman, I move
11 that the Board grant the challenge of right to
12 vote and correction of registration list filed by
13 Gary L. Jones of 1503 Commonwealth Drive,
14 Blacklick, Ohio, 43004, against Gary Jones,
15 purportedly of 175 South Third Street, Columbus,
16 Ohio, 43215, and order that Gary Jones'
17 registration be immediately cancelled in Franklin
18 County and his name stricken from the
19 registration list.

20 MR. COLLEY: Second.

21 MR. STINZIANO: All in favor?

22 (Board members in favor of the motion
23 so indicated.)

24 MR. STINZIANO: None opposed.

1 The next one is also an ACORN
2 registration challenged -- submitted by Eric Dean
3 Ostrem against Eric D. Ostrem, which also is a
4 work address that was provided. And it's staff
5 recommendation that we grant the challenge and
6 uphold and remove Eric D. Ostrem from the
7 registration.

8 CHAIRMAN PREISSE: And what was the
9 origin of this one?

10 MR. STINZIANO: It was filed by Eric
11 D. Ostrem. It came challenging Eric D., and Eric
12 D. was an ACORN registration.

13 CHAIRMAN PREISSE: It was an ACORN
14 registration? Okay.

15 MR. STINZIANO: That is Mr. Ostrem's
16 medical building and office for the address
17 used.

18 CHAIRMAN PREISSE: All right. Anybody
19 seeing a pattern develop here?

20 MS. MARINELLO: I move that the Board
21 grant the challenge of right to vote and
22 correction of registration list filed by Eric
23 Dean Ostrem of 2607 Welsford Road, Columbus,
24 Ohio, 43221, against Eric D. Ostrem, purportedly

