


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


MINUTES OF THE MEETING ON
7/1/09

APPROVED ON 8/3/09

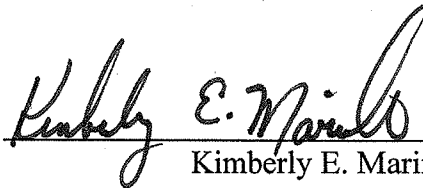
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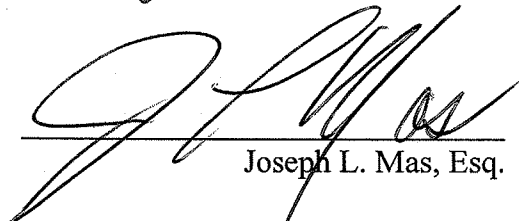
Douglas J. Preisse, Chairman



Michael F. Colley, Esq.



Kimberly E. Marinello



Joseph L. Mas, Esq.

ATTEST:



Michael Stinziano, Director

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FRANKLIN COUNTY BOARD OF ELECTIONS

FRANKLIN COUNTY, OHIO

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IN RE: :

Special Meeting :

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Proceedings before Chairman Douglas Preisse,
Director Michael Stinziano, Deputy Director Matthew
Damschroder, Secretary Suzanne Brown, Regional Liaison
Eric Nicholas, and Members Michael Colley, Joseph Mas,
and Kimberly Marinello, taken at The Board of
Elections, 280 East Broad Street, Columbus, Ohio, on
Wednesday, July 1st, 2009, at 1:00 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 On behalf of the Board.
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2 P R O C E E D I N G S

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4 DIRECTOR STINZIANO: Call to order the
5 Franklin County Board of Elections Special
6 Meeting, July 1st, 2009. Roll call.

7 Mr. Colley?

8 MR. COLLEY: Here.

9 DIRECTOR STINZIANO: Chairman Preisse?

10 CHAIRMAN PREISSE: Here.

11 DIRECTOR STINZIANO: Mr. Mas?

12 MR. MAS: Here.

13 DIRECTOR STINZIANO: Ms. Marinello?

14 MS. MARINELLO: Here.

15 DIRECTOR STINZIANO: First item is
16 approval of the minutes. We have the Board's
17 minutes for the meeting held on May 21st, 2009, to
18 be approved.

19 MS. MARINELLO: Mr. Chairman, I move
20 the minutes of the meeting of the Board held on
21 May 21st, 2009, be approved as submitted.

22 MR. COLLEY: Second.

23 DIRECTOR STINZIANO: All in favor.

24 BOARD MEMBERS: Aye.

1 DIRECTOR STINZIANO: We will circulate
2 the acknowledgment.

3 The second item on the agenda, we have
4 a challenge of right to vote/correction of
5 registration lists. The challenge was submitted
6 by Brian Smith against a Dian Williams. It is the
7 same address as Mr. Smith. Our records show Dian
8 Williams has never voted. It is not an ACORN, and
9 there just has been no recommendation. So it is
10 the staff's recommendation that we cancel Dian
11 Williams' registration at that 1793 Franklin
12 Avenue address.

13 MS. MARINELLO: I move that the Board
14 grant the challenge of right to vote and
15 correction of registration list filed by Mr. Brian
16 Smith at 1793 Franklin Avenue, Columbus, Ohio,
17 43205, against Dian Williams of 1793 Franklin
18 Avenue, Columbus, Ohio, 43205, and order that Dian
19 Williams' registration be immediately canceled in
20 Franklin County and the name stricken from the
21 registration list.

22 MR. COLLEY: Second.

23 DIRECTOR STINZIANO: All in favor.

24 BOARD MEMBERS: Aye.

1 DIRECTOR STINZIANO: The third item on
2 the agenda is referral of possible voter fraud
3 cases to the prosecuting attorney. There are four
4 referrals that we are recommending the Board
5 approve for referral. They range from a variety
6 of elections. One is from 2004 when we were doing
7 the do checklists in our voter registration
8 department, there is concern about double voting.
9 To the best of our knowledge, there is no statute
10 of limitations, so this would be an '04 case that
11 we would still -- we would be referring.

12 Another case is from March of '08,
13 another double voting that the circumstances
14 appeared to have some concerns.

15 And then we also had an incident from
16 this most recent general election that we would
17 suggest referring where we had an individual, we
18 questioned if they were properly registered prior
19 to casting the ballot at Vets.

20 MR. COLLEY: Mr. Chairman, I move that
21 the Board, based on the recommendation of the
22 director and deputy director, refer the most
23 recent possible voter registration and/or fraud
24 cases to the prosecuting attorney for further

1 action.

2 MS. MARINELLO: Second.

3 DIRECTOR STINZIANO: All in favor.

4 BOARD MEMBERS: Aye.

5 DIRECTOR STINZIANO: Next is the
6 procurement policy. As you are all aware, the
7 Board adopted a procurement policy on May 21st.
8 In consultation with the prosecutor's office, the
9 threshold amount for competitive bidding was too
10 high, so they have asked -- or we're recommending
11 that we amend the policy to reflect the lower
12 threshold of \$10,000 and to make the policy
13 effective today.

14 MR. MAS: Mr. Chairman, I move that the
15 Board implement the procurement policy adopted on
16 May 21st, 2009, effective July 1st, and that the
17 reference to the amount of \$25,000 in Section 1,
18 Paragraph C, triggering a competitive bid be
19 amended to \$10,000, pursuant to Revised Code
20 3501.301.

21 MR. COLLEY: Mr. Chairman, I second the
22 motion.

23 DIRECTOR STINZIANO: All in favor.

24 BOARD MEMBERS: Aye.

1 DIRECTOR STINZIANO: The next item in
2 your packet is correspondence with FirstCall
3 Solutions. We have been working on the terms of
4 the contract on whether or not their services are
5 required. Based on the recommendation of the
6 Prosecuting Attorney's Office, the letter is the
7 current status; and it is our recommendation, at
8 least for the Board to memorialize, proceeding
9 with this termination of the service agreement.

10 If there are any questions, I will be
11 more than happy to address this.

12 CHAIRMAN PREISSE: Could you tell us a
13 little bit about this, William.

14 MR. DAMSCHRODER: These were two
15 contracts going back to, actually, when Barb Cash
16 was the director of the Board of Elections. One
17 was for an automated outbound calling system to
18 deliver automated messages to poll workers.

19 The other was an automated attendant
20 system and voting location lookup system that was
21 made obsolete by the procurement by the County
22 Commissioners last year of a newer, faster,
23 updated system that has a great deal more
24 capabilities.

1 So the Prosecutor's Office, we asked
2 them to assist in the negotiation of the
3 termination of the contracts of these two service
4 items that are no longer needed by the Board.

5 CHAIRMAN PREISSE: All right. Very
6 well.

7 MS. MARINELLO: I move the Board
8 authorize the director and deputy director to
9 terminate all service agreements with FirstCall
10 Solutions for the terms advised by the Prosecuting
11 Attorney's office.

12 MR. COLLEY: Second the motion?

13 DIRECTOR STINZIANO: All in favor.

14 BOARD MEMBERS: Aye.

15 DIRECTOR STINZIANO: The next item on
16 the agenda is the voting machine allocation for
17 August 4th, 2009. Given the success with the
18 allocation formula we had for the primary of this
19 year, we are suggesting and recommending we
20 allocate the same amount for single precincts,
21 which is a minimum of three; and then based on the
22 amount of precincts at that location we increase,
23 we are adding additional machines for
24 South-Western City School Districts that we saw a

1 higher turnout and activity rate from -- in the
2 May primary.

3 So it is our staff's recommendation
4 that we allocate 1,270 machines for the primary --
5 or for the special.

6 MR. MAS: Mr. Chairman, I move that the
7 Board approve the recommendation of the director
8 and deputy director to allocate 1,270 ES&S DRE
9 iVotronic machines for the August 4th special
10 election.

11 MR. COLLEY: Mr. Chairman, I second the
12 motion.

13 DIRECTOR STINZIANO: All in favor.

14 BOARD MEMBERS: Aye.

15 DIRECTOR STINZIANO: Next item is in
16 reference to Pickaway County voters for the August
17 4th, 2009, special. We wanted the Board to be
18 aware and to memorialize in the record that
19 Pickaway County voters for the special have been
20 temporarily assigned to Franklin County precinct
21 for the special, and they have the South-Western
22 City School issue on their ballot. It is one
23 precinct. Rather than have Pickaway open
24 everything, it is not uncommon that we absorb, for

1 a certain election, voters. So we have worked
2 with the Secretary of State's office and Pickaway
3 County's Board of Elections to make this happen.

4 Next, in your packet you will find
5 Directive 2009-08 from Secretary of State's Office
6 regarding poll worker compensation.

7 Given the dialogue and some of the
8 confusion, the deputy director and I encouraged
9 the Board to enter into agreement with a
10 memorandum of understanding or resolution with the
11 Board of Commissioners about increasing the poll
12 worker pay. It has been the practice of the Board
13 of Elections to pay the highest per diem allowed
14 as provided in Secretary of State directives, so
15 that would increase to \$133.72.

16 MS. MARINELLO: I move that we instruct
17 the Director and Deputy Director to notify the
18 Franklin County Board of Commissioners pursuant to
19 Revised Code 3501.28(E) that the Franklin County
20 Board of Elections intends to increase per diem
21 poll worker pay effective January 1st, 2010, from
22 \$120.82 per election day to \$133.72 per election
23 day, as provided in the Secretary of State
24 Directive 2009-08.

1 MR. COLLEY: Second.

2 DIRECTOR STINZIANO: All in favor.

3 BOARD MEMBERS: Aye.

4 DIRECTOR STINZIANO: The next item, we
5 have two grant agreements that have been
6 prescribed by the Secretary of State's Office.
7 The first is for online poll worker training in
8 the amount of \$15,000. That is for those poll
9 workers that will be working for the special
10 election to go online or receive the \$10 extra
11 dollars on top of their fee. It is something we
12 did in the primary. We had success. We are
13 actually the county with the most participation
14 with the Secretary of State's online program.

15 The other grant is for grant money for
16 in-person poll worker training, and that is to
17 address ADA issues during the training, and that
18 grant is in the amount of \$7,700, and we're
19 seeking the Board's approval, since you all get
20 the pleasure of signing the grants, as well.

21 MR. MAS: Yes. And, Mr. Chairman, I
22 have had the pleasure of learning about how these
23 grants work a couple of weeks ago in the Secretary
24 of State's training.

1 Mr. Chairman, at this time I'd move
2 that the Board adopt as submitted the grant
3 agreements drafted by the Ohio Secretary of
4 State's Office for '09 poll worker training and
5 in-person poll worker training.

6 MR. COLLEY: Second.

7 DIRECTOR STINZIANO: All in favor.

8 BOARD MEMBERS: Aye.

9 DIRECTOR STINZIANO: The next item is
10 to seek the necessary and proper supplemental
11 appropriations for the special election. We still
12 currently are going forth digging into our monies
13 that were allocated for the general election of
14 this year and seeking authorization to petition
15 the Commissioners for the supplemental funds to
16 cover this expense so it is on their plate now and
17 not later.

18 MR. MAS: Indeed. And on that topic,
19 Mr. Chairman, I move that the Board authorize the
20 Director and Deputy Director to petition the
21 Franklin County Board of Commissioners for
22 supplemental funding to cover the necessary and
23 proper expenses of the Board of Elections.

24 MS. MARINELLO: Second.

1 MR. DAMSCHRODER: As the Board will
2 remember at the previous meeting, we tied on two
3 different resolutions. One was for kind of a
4 minimal absolute rock of bare-bones election
5 budget of about \$725,000 covering most of the poll
6 worker pay for the August election, seasonal
7 employees, delivery of the voting machines, and
8 the like.

9 The other resolution was for that
10 amount plus a mailing to all active registered
11 voters in the City of Columbus with an unsolicited
12 absentee ballot application similar to what we did
13 in the primary and general elections in 2008.

14 The Secretary of State broke those tie
15 votes by rejecting both resolutions, and
16 particularly as it related to the resolution to
17 mail absentee ballot applications. The Secretary
18 cited equal protection concerns for the couple
19 thousand Columbus voters that live in Delaware and
20 Fairfield Counties.

21 Interestingly enough, the Secretary of
22 State did not raise those equal protection
23 concerns last year when she broke a tie vote
24 telling Franklin County we open extra hours on

1 weekends, but didn't tell overlapping counties --
2 Delaware, Union, Fairfield, Lincoln, Madison and
3 the entirety of the Seventh Congressional District
4 -- to also be open those same hours. So it was a
5 concern this year, but not a concern last year.

6 But be that as it may, the Secretary of
7 State did direct Michael and I to talk to our
8 colleagues in Delaware and Fairfield County on the
9 subject of mailing absentee ballot applications in
10 order to eliminate the equal protection concern,
11 in the event that this Board revisited the issue
12 and wanted to do the mailing for the August
13 election consistent with our request for the
14 Commissioners in the past for funding that they
15 rejected and that we have done in 2008 and the
16 general election of '06.

17 So we did have those conversations,
18 Michael and I drove to Delaware and drove down to
19 Fairfield County. The Board in Delaware County
20 voted three to zero, and one board member
21 abstaining, to do the mailing, if Franklin County
22 did the mailing so that the Delaware County voters
23 in the City of Columbus would be properly
24 protected, equally protected.

1 We had the same conversation in
2 Fairfield County, and that board voted four to
3 zero to do the mailing if Franklin County did it
4 in order to equally protect their voters. So
5 that's kind of just a quick reminder of the status
6 of that. And Michael and I are prepared to do
7 whatever the Board asks us to do.

8 CHAIRMAN PREISSE: Very nice. All
9 right. The -- well, on this side of the -- the
10 parties were divided by bipartisan board, we tried
11 and failed to -- having tied on the matter of
12 sending absentee ballot applications to all
13 eligible Columbus voters.

14 And inasmuch as the hour grows late,
15 and in the interest of allowing the professional
16 staff here and all of the workers to proceed in
17 conducting an effective election, special election
18 brought to us by our friends down at City Hall,
19 and inasmuch as the County Commissioners have
20 twice rejected our requests for supplemental
21 funding to extend the absentee ballot
22 applications, and the pressure from City Hall,
23 which is perhaps unofficial, but still felt in
24 various parts of the community, in having been

1 rejected by the Secretary of State, I am going to
2 not push the issue further at this point so that
3 we can proceed.

4 In anticipation of another series of
5 perhaps disagreements and delays, let's -- I am
6 not going to bring up the issue, and I don't think
7 Michael is going to either. So those are my
8 thoughts on the matter.

9 DIRECTOR STINZIANO: There is a motion
10 and a second.

11 CHAIRMAN PREISSE: Any more discussion?

12 DIRECTOR STINZIANO: Take a vote. All
13 in favor?

14 BOARD MEMBERS: Aye.

15 DIRECTOR STINZIANO: Next, the staff
16 recommends that the Board move into executive
17 session to consider the appointment, employment,
18 and/or compensation of a public employee.

19 MR. MAS: Mr. Chairman, I move that the
20 Board adjourn into executive session to consider
21 the appointment, employment, and/or compensation
22 of a public employee.

23 MS. MARINELLO: Second.

24 CHAIRMAN PREISSE: We will go into

1 executive session.

2 DIRECTOR STINZIANO: Roll call vote.
3 Mr. Colley?

4 MR. COLLEY: Yes.

5 DIRECTOR STINZIANO: Chairman Preisse?

6 CHAIRMAN PREISSE: Yes.

7 DIRECTOR STINZIANO: Mr. Mas?

8 MR. MAS: Yes.

9 DIRECTOR STINZIANO: Ms. Marinello?

10 MS. MARINELLO: Yes.

11 DIRECTOR STINZIANO: In executive
12 session.

13 (Board went into executive session.)

14 CHAIRMAN PREISSE: We will come back
15 into public session. And for the record, I would
16 like to state that no motions were made, nor votes
17 taken, during our executive session.

18 DIRECTOR STINZIANO: Roll call vote.
19 Mr. Colley?

20 MR. COLLEY: Yes.

21 DIRECTOR STINZIANO: Chairman Preisse?

22 CHAIRMAN PREISSE: Yes.

23 DIRECTOR STINZIANO: Mr. Mas?

24 MR. MAS: Yes.

1 DIRECTOR STINZIANO: Ms. Marinello?

2 MS. MARINELLO: Yes.

3 DIRECTOR STINZIANO: Next item is the
4 hiring of the -- for the IT position. It is the
5 staff's recommendation to hire Dennis Landuyt for
6 the IT vacancy.

7 MS. MARINELLO: Mr. Chairman, I move
8 the Board hire Dennis Landuyt as the assistant
9 database manager, effective July 13th, 2009, at
10 the hourly rate of \$29.

11 MR. COLLEY: Second.

12 DIRECTOR STINZIANO: All in favor.

13 BOARD MEMBERS: Aye.

14 DIRECTOR STINZIANO: It is also the
15 staff's recommendation that we provide courtesy
16 temporary parking for handicapped spots out in the
17 Memorial Hall parking lot to Peggy Howell and
18 Darlene Tompkins.

19 MS. MARINELLO: Mr. Chairman, I move
20 the Board pay for the temporary parking of Peggy
21 Howell and Darlene Tompkins in the Memorial Hall
22 parking lot.

23 MR. COLLEY: Second.

24 DIRECTOR STINZIANO: All in favor.

1 BOARD MEMBERS: Aye.

2 DIRECTOR STINZIANO: Second-to-last
3 item, I believe in all of your packets were the
4 current mission statement and a couple of
5 alternatives. The internal staff committee that
6 is reviewing the mission statements and employee
7 handbook asked that these be circulated to you all
8 and for any input that you may have.

9 Not looking to a recommendation at this
10 point in time, but wanted any Board input that
11 could be there, so you are all aware of it.

12 And then the final issue is it is the
13 staff's recommendation to cancel the meeting --
14 regularly scheduled meeting for July 6th, since we
15 have met on July 1st. Are there any questions?

16 CHAIRMAN PREISSE: Not very patriotic
17 of you.

18 DIRECTOR STINZIANO: We are meeting in
19 July.

20 CHAIRMAN PREISSE: That's true.

21 MR. COLLEY: Will be happy to meet on
22 the 4th, if you would prefer.

23 CHAIRMAN PREISSE: I won't push it any
24 farther.

1 MR. MAS: Mr. Chairman, I move that the
2 Board cancel this regularly scheduled meeting of
3 Monday, July 6th, 2009. The Board would hold its
4 next meeting at either at the call of the Chairman
5 or two Board members or August 3rd, 2009.

6 MR. COLLEY: Second.

7 DIRECTOR STINZIANO: All in favor.

8 BOARD MEMBERS: Aye.

9 DIRECTOR STINZIANO: At that, there are
10 no items from the staff.

11 CHAIRMAN PREISSE: Okay. Then we will
12 be adjourned.

13 DIRECTOR STINZIANO: Motion to adjourn.

14 CHAIRMAN PREISSE: Move we be
15 adjourned.

16 MS. MARINELLO: Second.

17 DIRECTOR STINZIANO: All in favor.

18 BOARD MEMBERS: Aye.

19 DIRECTOR STINZIANO: We are adjourned.

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21 Thereupon, the proceedings were
22 concluded at 2:15 p.m.

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CERTIFICATE

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The undersigned do hereby certify that the foregoing proceedings were digitally recorded, electronically transmitted, and transcribed via audible playback, and that the foregoing transcript of such proceedings is a full, true and correct transcript of the proceedings as so recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 22nd day of July, 2009.


MICHELLE K. SALINAS
Certified Digital Reporter
Notary Public - State of Ohio
My commission expires July 10th, 2013


LISA A. BALKOWSKI
Certified Digital Transcriber