

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

MINUTES OF THE MEETING ON

9-3-09

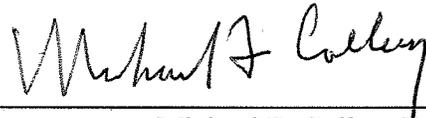
APPROVED ON

10-5-09

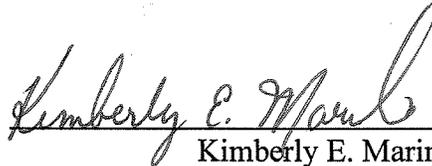
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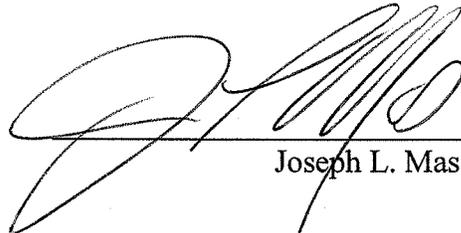
Douglas J. Puisse, Chairman



Michael F. Colley, Esq.



Kimberly E. Marinello



Joseph L. Mas, Esq.

ATTEST:



Michael Stinziano, Director



Page 2

1 APPEARANCES:  
 2 Office of Franklin County  
 Prosecuting Attorney  
 3 373 South High Street  
 Columbus, Ohio 43215  
 4 By Mr. Patrick J. Piccininni,  
 Assistant Prosecuting Attorney,  
 5 Civil Division,  
 6 On behalf of the Board.  
 7 Schottenstein, Zox & Dunn  
 Company, LPA  
 8 250 West Broad Street  
 Columbus, Ohio 43215  
 9 By Mr. Stephen Smith,  
 10 On behalf of the City  
 of Grove City, Ohio.  
 11  
 Office of Donald McTigue  
 12 550 E. Walnut Street  
 Columbus, Ohio 43215  
 13 By Mr. Donald McTigue,  
 14 On behalf of  
 Melissa Albright.  
 15  
 Isaac, Brandt, Ledman  
 16 & Teetor, LLP  
 250 East Broad Street  
 17 Columbus, Ohio 43215  
 By Mr. Mark Weaver,  
 18  
 On behalf of Michael Uhrin.  
 19  
 Office of Richard Williams  
 20 (Address unknown)  
 By Mr. Richard Williams,  
 21  
 On behalf of Joanne Williams.  
 22  
 ALSO PRESENT:  
 23 Ms. Karen Cotton  
 24 Ms. Elizabeth Whiting

Page 3

1 ALSO PRESENT (cont.):  
 2 Mr. Robert Hawk  
 Mr. Dick Rutherford  
 3 Ms. Melissa Albright  
 Mr. Michael Uhrin  
 4 Mr. Doug Smith  
 Mr. Andy Andrews, II  
 5 Ms. Diane Cade  
 Ms. Jennifer Waterman  
 6 Ms. Naomi Sealey  
 Ms. Joy Chapin  
 7 Mr. Anthony Benedetti  
 Ms. Sharon Bierman  
 8 Mr. Kenneth Strickland  
 Mr. Segovia  
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Page 4

1 -----  
 2 PROCEEDINGS  
 3 -----  
 4 MR. STINZIANO: This is the  
 5 September 3rd special meeting of the Board  
 6 of Elections. We will begin with roll  
 7 call.  
 8 Mr. Colley?  
 9 MR. COLLEY: Here.  
 10 MR. STINZIANO: Chairman  
 11 Preisse?  
 12 CHAIRMAN PREISSE: Here.  
 13 MR. STINZIANO: Mr. Mas?  
 14 MR. MAS: Here.  
 15 MR. STINZIANO: Ms. Marinello?  
 16 MS. MARINELLO: Here.  
 17 MR. STINZIANO: The first item  
 18 on the agenda, we have received a number  
 19 of petitions for reconsideration of the  
 20 Board's actions last week. We have  
 21 advised those individuals that submitted a  
 22 request for consideration that this would  
 23 be the opportunity to come before the  
 24 Board and present whatever arguments,

Page 5

1 discovery, and facts they would like and  
 2 let the Board make any additional  
 3 determinations they so desire.  
 4 CHAIRMAN PREISSE: Thank you,  
 5 and thank you to all the individuals who  
 6 have filed a request for reconsideration  
 7 to the Board's action last week and are  
 8 present to address us today. The Board  
 9 will take into consideration your appeal  
 10 and will allow you or your representative  
 11 to address the merits of your request.  
 12 In order to be fair and  
 13 respectful of all and of all the others  
 14 who have made appeals, we will hold all  
 15 presentations of evidence, arguments,  
 16 questions, and other aspects of your  
 17 appeal or presentation to a five-minute  
 18 time limit.  
 19 During your presentation you may  
 20 call witnesses. Your witnesses must take  
 21 an oath administered by the court  
 22 reporter. Members of the Board may ask  
 23 you or your witnesses questions after your  
 24 five-minute presentation is completed.

Page 6

1 MR. STINZIANO: As the Board  
 2 will see, there are a list of individuals  
 3 based on Staff recommendations when  
 4 requests for reconsideration were filed.  
 5 So we are not sure if all individuals are  
 6 here.  
 7 If they are not, we will move to  
 8 the next individual. If the Board wants  
 9 to address them when the name comes up, we  
 10 will address them at that time.  
 11 The first request for  
 12 reconsideration is Elizabeth Whiting.  
 13 Ms. Whiting, if you would like  
 14 to come up and make your presentation.  
 15 MS. WHITING: I was under the  
 16 understanding that the Staff would present  
 17 my information.  
 18 MR. STINZIANO: We do not.  
 19 Ms. Whiting came expressly concerned that  
 20 when we did her review we were holding her  
 21 name to be Elizabeth Whiting. Standard in  
 22 our poll books is how we do a normal  
 23 review.  
 24 She had submitted the petition

Page 7

1 under Lisa Whiting. Based on the  
 2 recommendation of the Staff, you were to  
 3 list your name as you wanted it to appear  
 4 on the ballot.  
 5 Karen may speak more to that  
 6 process if she wants, but the Staff  
 7 recommendation is that the Board should  
 8 reverse its determination of last week and  
 9 certify Ms. Whiting to the ballot.  
 10 MS. COTTON: We did examine the  
 11 petition and it did have enough valid  
 12 signatures to qualify for the ballot.  
 13 There was only the question as to whether  
 14 Elizabeth A. Whiting and Lisa A. Whiting  
 15 were one and the same person. We could  
 16 not make that determination without  
 17 additional information from the  
 18 candidate.  
 19 MS. MARINELLO: Mr. Chairman, I  
 20 move that the Board certify Ms. Whiting to  
 21 the November 3rd, 2009 General Election  
 22 ballot as a candidate for the Hilliard  
 23 School District Board of Education.  
 24 MR. COLLEY: Second.

Page 8

1 CHAIRMAN PREISSE: All in favor?  
 2 (Unanimous aye)  
 3 MR. STINZIANO: All in favor.  
 4 None opposed.  
 5 The next candidate is Robert  
 6 Hawk. Ms. Cotton has been in contact with  
 7 Mr. Hawk and presents the circumstances of  
 8 why the Staff would recommend that  
 9 Mr. Hawk's petition was not certified to  
 10 the ballot.  
 11 MS. COTTON: After additional  
 12 review of Mr. Hawk's two-part petitions  
 13 that were submitted for review, we were  
 14 able to validate only 17 of the 19  
 15 signatures we needed for certification to  
 16 the ballot. Since then I have talked with  
 17 Mr. Hawk and we have identified two  
 18 additional persons who had signed the  
 19 petition.  
 20 I went back to older poll book  
 21 signings and was able to find newer  
 22 signatures than we had on the signature  
 23 file for those two individuals, which more  
 24 closely match the signatures as were

Page 9

1 written on the petition. So we did find  
 2 an additional two valid signatures.  
 3 And that puts him at 19, which  
 4 is the minimum he needs to run for the  
 5 office of Canal Winchester City Council.  
 6 MR. STINZIANO: Based on that  
 7 determination, it is the Staff's  
 8 recommendation that the Board certify the  
 9 ballot for Mr. Hawk as a candidate.  
 10 MR. MAS: In that case, Mr.  
 11 Chairman, I move that the Board certify  
 12 Robert Hawk to the November 3rd, 2009  
 13 General Election ballot as a candidate for  
 14 Village of Canal Winchester Member of  
 15 Council.  
 16 MR. COLLEY: Second.  
 17 CHAIRMAN PREISSE: All in favor?  
 18 (Unanimous aye)  
 19 MS. MARINELLO: Mr. Chairman, I  
 20 would just like to say we appreciate  
 21 Karen's doing due diligence to get him  
 22 certified on the ballot.  
 23 MR. STINZIANO: The next  
 24 individual is William Griffith.

Page 10	Page 12
<p>1 I don't think we are expecting 2 Mr. Griffith. But, again, Karen has 3 evidence or additional information to 4 present to the Board. 5 MS. COTTON: Mr. Griffith 6 circulated his petition in that section of 7 the county that fringes upon Franklin 8 County, Fairfield County, and Pickaway 9 County, Winchester-Southern Road, 10 sometimes also known as Canal 11 Winchester/South Road. The petitions 12 during their initial review, those persons 13 who had signed their address as 14 Winchester-Southern Road had been marked 15 as out of county, because those who 16 commonly use Winchester-Southern are in 17 the Fairfield County portion of that 18 petition. 19 This is a multi-county 20 jurisdiction, so it gets a little tricky. 21 I understand this is a major problem for 22 the dispatch for 911 also at this 23 particular area of the county, but we were 24 able to locate those persons who had</p>	<p>1 Prior to Mr. Rutherford's 2 presentation Mr. Smith is here 3 representing the City of Grove City. So 4 the Board knows, Mr. Rutherford is 5 here, if you would like to address the 6 Board. 7 I am Dick Rutherford of Grove 8 City. My initial intent was to run for 9 Ward 3 for City Council. I presented 83 10 signatures from my ward, and I learned 11 that I was certified for Councilman at 12 Large. I maintain that I am qualified for 13 either case, and I presented that in my 14 brief. 15 There was a question of clarity 16 on my application for the petition, 17 regarding ambiguity. 18 MR. SMITH: I believe your brief 19 addresses the wording of the charter. 20 MR. RUTHERFORD: No. What it 21 amounts to is that on the petitions in 22 certain places they give you exactly a 23 definition of what they are looking for in 24 the way of answers in small type</p>
Page 11	Page 13
<p>1 previously been marked out of county and 2 communicated with Fairfield County and got 3 them to check the petitions that were 4 submitted from Fairfield County. 5 He now has 31 valid signatures 6 and needs 25 to run for the office Canal 7 Winchester Local School District Board of 8 Education. 9 MR. STINZIANO: It is the 10 Staff's recommendation to the Board to 11 certify Mr. Griffith for the November 3rd 12 ballot. 13 MS. MARINELLO: Mr. Chairman, I 14 move the Board certify William Griffith to 15 the November 3rd, 2009 general Election 16 ballot as a candidate for Canal Winchester 17 Local School District Board of Education. 18 MR. COLLEY: Mr. Chairman, I 19 second the motion. 20 CHAIRMAN PREISSE: All in favor? 21 (Unanimous aye) 22 MR. STINZIANO: The next request 23 for reconsideration that we are addressing 24 is Dick Rutherford.</p>	<p>1 underneath the line. That happens in 2 several places throughout the application 3 where it says what office are you 4 seeking. 5 It doesn't have anything, so I 6 put City Council, which is true. And I 7 identify exactly and I maintain that in 8 that particular case that the petition 9 form is inconsistent, vague, and has a 10 lack of clarity. 11 If they had been more specific 12 on what they wanted there, I certainly 13 would have added that to council. Also I 14 wanted to point out that I had 83 15 signatures all from Ward 3. 16 And, of course, you have to have 17 all your signatures to run for that 18 particular ward. Of course, I could have 19 all signatures from my ward and run at 20 large also. 21 I maintain that I am eligible to 22 run for Ward 3 due to the facts that I 23 have discussed. Every piece of paper I 24 have has Ward 3 on it.</p>

Page 14

1 MR. MAS: Thank you.  
 2 MR. DAMSCHRODER: Do we need to  
 3 hear from the law director of Grove City  
 4 on the matter of the charter of whether or  
 5 not there is anything in the charter that  
 6 requires that Patrick has a court case  
 7 that requires the ward designation? I  
 8 think there is also a question that has  
 9 come to light as a result of our review  
 10 since the appeal about whether or not the  
 11 petition should have been rejected in the  
 12 first instance because it appears under  
 13 the rules of the charter to have submitted  
 14 more signatures than the maximum allowed  
 15 by the charter. I don't know whether we  
 16 should bring that forward now.  
 17 MR. PICCININNI: Mr. Chairman, I  
 18 think the appropriate matter would be to  
 19 let the Grove City Law Director support  
 20 traditional past practices and that we  
 21 defer to the law director in the  
 22 municipality for interpretation of the  
 23 charter.  
 24 I have some additional comments

Page 15

1 regarding general rules of election law to  
 2 further advise the Board to make a  
 3 well-reasoned thought-out decision.  
 4 CHAIRMAN PREISSE: Go ahead, Mr.  
 5 Smith.  
 6 MR. SMITH: Good afternoon,  
 7 ladies and gentlemen. My name is Stephen  
 8 Smith. I am the Law Director for the City  
 9 of Grove City.  
 10 I have been asked by the county  
 11 today to offer a charter interpretation  
 12 and answer any questions you have on the  
 13 Grove City Charter.  
 14 I know that from what I heard,  
 15 you just raised two issues; the first with  
 16 regard to the sufficiency of what position  
 17 Mr. Rutherford is going to fill.  
 18 I don't know of any provision in  
 19 the charter that's directly on point with  
 20 that. There is no provision in the  
 21 charter that specifically states that  
 22 nominations for ward councilman shall be  
 23 signed by a petition of not less than 25  
 24 nor more than 50 registered voters.

Page 16

1 I did go back today to try to  
 2 pull a history of our charter. This  
 3 particular one dates back to 1958 and  
 4 there are no changes since then.  
 5 I don't know the rationale on  
 6 putting a cap as to number of signatures  
 7 that have been submitted. However, the  
 8 provision is in our charter.  
 9 MR. PICCININNI: In this  
 10 particular instance I previously advised  
 11 the Board when this issue first came up.  
 12 I did not believe and I still maintain  
 13 that the Board was not required to slate  
 14 the candidate in a particular ward due to  
 15 the omission of what they were running  
 16 for.  
 17 In this particular situation  
 18 upon further research subsequent to our  
 19 meeting in preparation for today, I came  
 20 across a case from 1948, Limerick versus  
 21 Board of Elections of Muskingum County,  
 22 where an individual was running for the  
 23 central committee of a peripheral party  
 24 and did not designate the precinct of the

Page 17

1 ward that they were running for.  
 2 The Court found that that was  
 3 fatal to the petition and the Board of  
 4 Election abused its discretion when it  
 5 arbitrarily inserted those facts into the  
 6 petition and allowed the candidate to  
 7 run.  
 8 In this particular situation in  
 9 reviewing some of the petitions if you are  
 10 running for an office and specifically in  
 11 a ward or at large, you have the  
 12 obligation to designate those particular  
 13 facts to the people who are signing the  
 14 petition.  
 15 The Grove City charter has  
 16 peculiar provisions in that it has  
 17 different signature requirements for the  
 18 ward seats, candidates desiring to run for  
 19 ward council seats as opposed to at large.  
 20 The at-large positions, you submit 50 for  
 21 at large and no more than 100.  
 22 If you are running for a ward  
 23 it's 25 and no more than 50. Those  
 24 petitions, if he was running for a ward,

Page 18

1 should not have been accepted by our board  
 2 in that case. The fact that they were  
 3 accepted, that in and of itself is not  
 4 fatal.  
 5 The fact that he did not  
 6 designate what he was running for is  
 7 fatal. I think the Board needs to take  
 8 this opportunity to reconsider its entire  
 9 decision in considering how this applies  
 10 to the law both in case law and statutory  
 11 law and not substitute its judgment.  
 12 These are documents that are  
 13 filed by the candidates. There is a  
 14 certain responsibility to fill them out  
 15 correctly to let the voters know what you  
 16 are running for.  
 17 I don't believe that the form is  
 18 vague. It has been used for many years by  
 19 many different municipalities, and all of  
 20 our petitions have what you are running  
 21 for, what the term is. And it's incumbent  
 22 upon the candidate to fill those out.  
 23 In this case it wasn't. And as  
 24 I stated, voters were nominating a person

Page 19

1 to run for a blank line. There was  
 2 nothing there.  
 3 I believe that is a fatal defect  
 4 of the petition. It is not in substantial  
 5 compliance or no compliance or direct  
 6 compliance. Please take that into  
 7 consideration in making your decision.  
 8 MR. MAS: If I may ask a  
 9 question, Mr. Chairman.  
 10 If we consider the petition as a  
 11 petition for an at-large decision, do we  
 12 have a problem because of the number of  
 13 signatures?  
 14 MR. PICCININNI: No, you don't.  
 15 I don't think you have the authority to  
 16 consider for an at large, because nothing  
 17 is designated.  
 18 Had he submitted it for an at  
 19 large for 50 or 100 signatures is no  
 20 problem. I am saying your decision should  
 21 not be based on the fact that more  
 22 signatures were filed for a ward. You  
 23 don't get to reject it for that.  
 24 The statutory law provides the

Page 20

1 guidance in that if you submit more, if  
 2 you have already accepted, you don't  
 3 reject for that reason. But it should not  
 4 have been accepted in the first instance.  
 5 I think the critical issue is  
 6 that nothing was there. I think that's  
 7 what the Board should focus on.  
 8 MR. RUTHERFORD: I think that is  
 9 a bit far fetched. I was running for City  
 10 Council. I got the appropriate number of  
 11 signatures and my signatures were from  
 12 Ward 3.  
 13 I qualified to run. I had a  
 14 record qualified signators to run for  
 15 council. You certified me as an at  
 16 large. I believe that's the case. It's  
 17 nothing less.  
 18 CHAIRMAN PREISSE: Any other  
 19 questions for Mr. Rutherford or thoughts?  
 20 Matt, do you have anything?  
 21 MR. DAMSCHRODER: I think given  
 22 that the Board -- last week when the Board  
 23 acted to certify Mr. Rutherford for the  
 24 at-large seat, it was acting on a position

Page 21

1 that the Board took in 2005, and it was  
 2 Gahanna in a similar instance, although a  
 3 different charter occurred.  
 4 So even if the Prosecuting  
 5 Attorney's Office urged the Board not to  
 6 certify Mr. Rutherford, I would  
 7 particularly urge the Board to act on its  
 8 past practices and at least certify Mr.  
 9 Rutherford for an at-large seat. I think  
 10 the action that the Board took in 2005 and  
 11 last Thursday was absent the information  
 12 that has now been brought forward from the  
 13 Limerick case from a very long time ago  
 14 where the Court clearly said the board did  
 15 not abuse its discretion when rejecting a  
 16 candidate who failed to put on the  
 17 petition the ward designation of the  
 18 office they were seeking when there was  
 19 multiple different seats that could have  
 20 been sought in other broad categories.  
 21 So from that standpoint I think  
 22 it would be appropriate for the Board to  
 23 reverse its decision from last week and  
 24 remove Mr. Rutherford completely given the

<p style="text-align: right;">Page 22</p> <p>1 information from Limerick.  2 As to the -- I understand  3 completely Mr. Rutherford's viewpoint that  4 he put on his petition City Council for  5 the full term, which is an accurate  6 statement. The problem for us in the  7 ministerial capacity we have to perform is  8 that we use those petitions to create  9 ballots and to create offices. With that  10 information alone just City Council for a  11 full term when there are two different  12 offices is similar to if we had a judicial  13 candidate who was running as judge of the  14 Court of Common Pleas full term but there  15 are six different offices.  16 There are two different offices  17 here. The information on the petition is  18 not in and of itself sufficient to make  19 the determination.  20 We made a determination last  21 week. The Board made a determination in  22 an effort to provide deference toward  23 ballot access, but in light of Limerick,  24 the courts are saying that deference is</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. COLLEY: I second.  2 CHAIRMAN PREISSE: All in favor?  3 (Unanimous aye)  4 MR. STINZIANO: None opposed.  5 The next request for  6 consideration is from Melissa Albright.  7 Ms. Albright is represented by Don  8 McTigue. Mr. Smith is here to represent  9 the City of Grove City if there are any  10 questions.  11 CHAIRMAN PREISSE: Mr. McTigue?  12 MR. MCTIGUE: Good afternoon,  13 Mr. Chairman and members of the Board.  14 I'm Don McTigue here representing Melissa  15 Albright. Ms. Albright is seated behind  16 me.  17 You should have received a two  18 and a half page memo that I submitted this  19 morning. It was e-mailed to Board  20 members. It was also sent to Mr.  21 Piccininni and also to the law director of  22 the City.  23 Ms. Albright filed two original  24 part petitions for the office of Council</p>
<p style="text-align: right;">Page 23</p> <p>1 not available to the Board.  2 MR. PICCININNI: It's not your  3 obligation to select the candidates.  4 MR. MAS: Mr. Chairman, I think  5 that -- I remember making the comment  6 last week concerning this specific issue  7 as to whether we would have an opportunity  8 to have a response from the candidate as  9 to whether he wanted to advance to the  10 at-large position, or if there was  11 additional needed legal research.  12 We do have additional  13 information today that can influence our  14 decision.  15 CHAIRMAN PREISSE: Anything else  16 for Mr. Rutherford?  17 MR. MAS: If I may then, Mr.  18 Chairman, based on the explanation of the  19 City Attorney for Grove City and our  20 Prosecuting Attorney, I move that the  21 Board reverse the August 27th, 2009  22 decision and not certify Mr. Rutherford to  23 the November 3rd, 2009 general Election  24 ballot.</p>	<p style="text-align: right;">Page 25</p> <p>1 Member, Ward 3 in Grove City. Both of the  2 part petitions are originals. They are  3 duly filled out. Neither one is a copy of  4 the other.  5 The issue here relates to the  6 fact that on one of the part petitions she  7 filled in the five names of a committee to  8 represent her. On the second original  9 part petition she did not fill in those  10 spaces for the committee names.  11 The reason that this has come up  12 as an issue is because of a provision in  13 the charter of the city, which says that  14 each candidate shall have a sponsoring  15 committee of five registered voters, whose  16 names and addresses shall appear on each  17 copy of his petition.  18 Aside from the fact that she is  19 not a him and if we assume this actually  20 applies to female candidates, the fact of  21 the matter is that it is the way the  22 charter is written. It is written in  23 ambiguous language by referring to each  24 copy of the petition.</p>

Page 26

1 In fact there is no copy of a  
 2 petition that was filed. I distinguished  
 3 this. For example, under state law you  
 4 have a license to have a master petition,  
 5 which is your original part petition, and  
 6 then state law allows you to photocopy  
 7 including your signature as a candidate.  
 8 You can submit those. Those are copies  
 9 of the original.

10 Here we just have two  
 11 originals. I have provided in my legal  
 12 memo the dictionary definition of the word  
 13 copy, which is defined in everyday English  
 14 to mean making something so that it  
 15 resembles an existing thing or a suggested  
 16 duplication of the original to be as  
 17 nearly the same as possible.

18 Again, these two originals are  
 19 just that. They are not copies.

20 Based on that ambiguity -- and I  
 21 believe after we hear from the Law  
 22 Director, he may even bolster the argument  
 23 about the ambiguity of what the charter  
 24 provision means.

Page 27

1 Where you have an ambiguity,  
 2 Ohio law is very clear. What the Court  
 3 has said is election laws are to be  
 4 strictly applied where the requirements  
 5 are clear. Where the requirements are  
 6 subject to more than one interpretation,  
 7 then you are to favor the interpretation  
 8 that guarantees access to the ballot.

9 And, again, here the charter, I  
 10 believe, introduces an element of  
 11 ambiguity that must be resolved in favor  
 12 of ballot access. In that regard I would  
 13 note that the Court's concern has always  
 14 been where possible, where the law permits  
 15 some interpretation, where there is a  
 16 little room for interpreting, as opposed  
 17 to applying clear unambiguous language.

18 Where there is little room, the  
 19 Court favors access to the ballot, because  
 20 the Court has said public policy for the  
 21 State of Ohio is to have free and  
 22 competitive elections.

23 In that regard currently there  
 24 are no candidates on the ballot. No

Page 28

1 candidates have qualified for Ward 3 for  
 2 the City of Grove City as a factor to take  
 3 into consideration.

4 I would also like to note that  
 5 the charter doesn't actually say what the  
 6 purpose of the sponsoring committee is.  
 7 Even if we assume that they can enforce  
 8 this requirement of having the committee  
 9 and having it on multiples on every  
 10 version of the petition, whether it's  
 11 every copy or every original part of the  
 12 petition. Even if we assume all that,  
 13 the fact of the matter is, the charter  
 14 doesn't specify any role, any job for this  
 15 committee at all.

16 State law, on the other hand,  
 17 does have something similar on nominating  
 18 petitions. The Revised Code section  
 19 3513.261 prescribes the form for  
 20 nonpartisan and independent candidates in  
 21 a nominating petition. In that it  
 22 prescribes naming a committee of three to  
 23 five members.

24 However, the Ohio Supreme Court

Page 29

1 in a 1991 case, the Phillips case, which I  
 2 have cited in the memo, has said that is  
 3 not a mandatory requirement. In other  
 4 words if a candidate leaves it completely  
 5 blank, doesn't name any committee members  
 6 on any of the part petitions, that does  
 7 not disqualify the candidate. The reason  
 8 is the only apparent role under state law  
 9 for this committee is to name a  
 10 replacement candidate in the event that  
 11 the candidate dies or withdraws in a  
 12 timely fashion.

13 But the Court has said -- and  
 14 we have quoted -- that the right of the  
 15 committee to name a replacement candidate  
 16 is actually not mandatory. And because  
 17 the right to do that isn't mandatory, the  
 18 requirement to name a committee isn't  
 19 mandatory is what the Court has said.

20 This is, of course, assuming  
 21 that the charter provision is intended to  
 22 follow state law. As I said, we don't  
 23 know what the charter provision means, why  
 24 it is there.

Page 30

1 It uses the term sponsoring  
 2 committee, which is a little bit  
 3 different. The state law only calls it a  
 4 committee representing the candidate.  
 5 Lastly, I would like to point  
 6 out that in order for a requirement to  
 7 have a sponsoring committee, for that to  
 8 be constitutional it has to do two things.  
 9 It has to serve an important governmental  
 10 interest. You just can't have election  
 11 requirements without them serving a  
 12 governmental purpose.  
 13 And, second, the legal  
 14 requirement that serves a designated or  
 15 specified government purpose must then be  
 16 narrowly tailored to assume that purpose.  
 17 If we assume that the government purpose  
 18 here is to have a committee that can in  
 19 case of the death of a candidate name a  
 20 replacement if they so choose, that  
 21 purpose would be narrowly served by simply  
 22 having -- you could submit the candidate a  
 23 list on one petition. You could submit it  
 24 in a letter.

Page 31

1 The point is the committee has  
 2 been submitted. The committee is part of  
 3 the petition.  
 4 There are two parts. But as you  
 5 know, the petition is the whole. It is  
 6 filed as one instrument, and we have a  
 7 committee there.  
 8 So in the event, hopefully the  
 9 unlikely event, that the candidate were to  
 10 pass away before the election, the  
 11 committee would be there to serve its  
 12 government interest in nominating a  
 13 replacement candidate to further having  
 14 competitive elections.  
 15 But by requiring her to have  
 16 that on each petition, you are actually  
 17 undermining the ultimate governmental  
 18 purpose.  
 19 MR. DAMSCHRODER: Mr. McTigue,  
 20 your time has expired.  
 21 Are you ready to wrap up?  
 22 MR. MCTIGUE: Yes. For all  
 23 those reasons I would request that you  
 24 reverse your earlier decision and certify

Page 32

1 Ms. Albright to the ballot. Thank you.  
 2 MR. MAS: I do have a question.  
 3 I am sympathetic to your argument  
 4 concerning providing the list of the five  
 5 electors. That may be labeled replacement  
 6 in case of death.  
 7 Have you addressed the fact that  
 8 that appears on the charter itself, that  
 9 it tells us to have it on the petition?  
 10 It doesn't say in a letter.  
 11 My second question is at the  
 12 same time are we in agreement that perhaps  
 13 it was inartfully written or chosen, the  
 14 term copy here? But in effect what the  
 15 framers of the charter intended to say was  
 16 each page perhaps or each part of the  
 17 petition? You may address those.  
 18 MR. MCTIGUE: Mr. Mas, I believe  
 19 that you are right. The charter does say  
 20 that is to be on each copy of the  
 21 petition. We can speculate about whether  
 22 this was inartful or not. Who knows. We  
 23 are going to hear that it's been in the  
 24 charter from 1951, I believe.

Page 33

1 MR. MAS: Chances are he didn't  
 2 write it.  
 3 MR. MCTIGUE: No, he didn't  
 4 write it. So basically, it's like you and  
 5 me and him; we are all speculating as to  
 6 what the intent was.  
 7 I think that that actually goes  
 8 to my very core argument, which is if we  
 9 have to speculate about the intent, that  
 10 means the intent was not clear. That  
 11 means it is open to more than one  
 12 interpretation. Therefore, by court  
 13 precedent we are supposed to choose an  
 14 interpretation that favors access to the  
 15 ballot.  
 16 MR. MAS: Is there any use for a  
 17 copy as the term copy is commonly used, in  
 18 other words a xeroxed copy in this  
 19 process?  
 20 MR. MCTIGUE: There is to the  
 21 extent, for example, under state law. As  
 22 I said before, state law allows you to  
 23 fill out one original part petition and  
 24 photocopy everything would be the same

Page 34

1 except the individual electors signing and  
 2 the circulator.  
 3 Obviously, I think that state  
 4 law is designed to facilitate the process  
 5 of becoming a candidate. I don't know if  
 6 that's what in 1951 the framers of the  
 7 charter were thinking about, a copy of  
 8 that nature, or if they meant to say every  
 9 part petition.  
 10 I dare say I have read the  
 11 general code and I have read the Revised  
 12 Code back to 1954, which is when we had  
 13 the current revised code. The part  
 14 petition has always been used for election  
 15 code.  
 16 CHAIRMAN PREISSE: If there is  
 17 nothing else for Mr. McTigue, do we want  
 18 to hear from Mr. Smith?  
 19 MR. SMITH: It was 1958 and I  
 20 still didn't do it. The one thing I would  
 21 like to add just to address one of the  
 22 issues Mr. McTigue raised in his  
 23 memorandum, is he said that whether this  
 24 requirement is valid, it doesn't state the

Page 35

1 purpose for which this requirement is set  
 2 forth. The City of Grove City as a whole  
 3 municipality has powers under its  
 4 constitution.  
 5 One of the powers we have as a  
 6 city is to establish qualifications for  
 7 nominations. I do not believe that in  
 8 doing so we have to specify the purpose  
 9 for which we are doing so. I would guess  
 10 in 1958 when the charter was originally  
 11 adopted there was a purpose for that.  
 12 I do not know what exactly it  
 13 is, but I do feel confident that the City  
 14 has the ability to establish these  
 15 requirements. That being said, I think  
 16 it's very clear if you read the charter it  
 17 specifically states each candidate shall  
 18 have a mandatory obligation to have a  
 19 sponsoring committee of five registered  
 20 voters whose names and addresses appear on  
 21 each copy of the petition.  
 22 Mr. McTigue is correct that in  
 23 that sense we used the word copy. It also  
 24 used the word copy in the next sentence

Page 36

1 where it says the signature of candidate  
 2 must appear on each copy.  
 3 The last sentence, you may  
 4 already know it does talk about part  
 5 petition. I do not know why they  
 6 differentiate the word copy and part.  
 7 Once again I did research and tried to  
 8 find information about the one included in  
 9 the charter of 1958.  
 10 There was no explanation, but I  
 11 think it is clear that there is required a  
 12 committee of five registered voters whose  
 13 names must appear on each copy of the  
 14 petition. I can answer any questions you  
 15 may have.  
 16 MR. MAS: You are suggesting or  
 17 perhaps speculating that the word copy  
 18 here is being used to mean a piece of  
 19 paper?  
 20 MR. SMITH: First of all, I will  
 21 not tell you that I am an expert with  
 22 regard to election law. But in terms of  
 23 when I read the charter, I am unaware of  
 24 what else copy could mean when they

Page 37

1 phrased it this way.  
 2 I was not able to find any  
 3 distinction between copy and parts. I  
 4 don't know what the distinction there is.  
 5 Now, if you believe the charter  
 6 doesn't address this issue fully, we do  
 7 have a provision that would relate back to  
 8 state law in that circumstance. I don't  
 9 know if that helps in your determination  
 10 or not. But then I need someone else to  
 11 talk and answer the rest of your  
 12 questions.  
 13 CHAIRMAN PREISSE: Does Staff or  
 14 counsel have anything you wish to add?  
 15 MR. PICCININNI: There are a  
 16 couple of points. We are dealing with a  
 17 charter. We are not dealing with state  
 18 law on this particular matter.  
 19 But to the extent that we are  
 20 using part petitions, those all need to be  
 21 filed as one instrument and they need to  
 22 be filed in an identical manner. You  
 23 cannot have a part petition if a candidate  
 24 -- by way of example, if a candidate

Page 38

1 chooses to individually sign each part  
 2 petition on a declaration of candidacy as  
 3 opposed to making one master and  
 4 photocopying it, if they miss one, that  
 5 part petition is out. And if that part  
 6 petition causes them to fall below the  
 7 requisite number of signatures, they don't  
 8 make the ballot. That is a material,  
 9 fundamental portion of the part petition.  
 10 There was a case from 1960 --  
 11 parts were overruled that Mr. McTigue in  
 12 subsequent cases, but by virtue of the  
 13 fact that they were dealing with a  
 14 situation -- the reason it was overruled  
 15 is that the candidate had a declaration of  
 16 candidacy notarized by two different  
 17 people. The Supreme Court said, you know,  
 18 there is no misleading; it was notarized.  
 19 Yes, it was not notarized by the same  
 20 person; that's a technical defect. We  
 21 will overrule the previous case to the  
 22 extent that it's not inconsistent with  
 23 this opinion. That's when we come up with  
 24 the distinctions between material and

Page 39

1 technical.  
 2 If you find that the failure to  
 3 have the nominating committee is material,  
 4 then your answer is clear. If you find  
 5 that it is technical and she has complied  
 6 with the technical aspects of this, then  
 7 you are free to come to the interpretation  
 8 that Mr. McTigue advances.  
 9 That being said, there are in  
 10 addition to -- and Mr. McTigue did not  
 11 mention -- there are reasons these  
 12 nominating committees do exist. In some  
 13 cases it is to bring new people on to the  
 14 ballot in the event that someone withdraws  
 15 or dies.  
 16 However, in the cases of  
 17 townships the committees also serve a  
 18 useful purpose that if the office holder  
 19 resigns in the middle of a term, the  
 20 nominating committee gets to name a  
 21 successor as opposed to township trustees.  
 22 There are distinctions in the  
 23 law and reasons we have these nominating  
 24 committees. It's not just to replace the

Page 40

1 person on the ballot. In some cases like  
 2 township trustee it is to actually name a  
 3 new township trustee.  
 4 In this particular situation we  
 5 have a petition filed that is different in  
 6 several respects. One part of the  
 7 petition has the nominating committee on  
 8 it. Another part does not. Is that a  
 9 technical defect? I am leaving that for  
 10 your deliberations and for you to decide.  
 11 However, if you find that it is  
 12 material, then I think the answer is clear  
 13 and the person does not make the ballot.  
 14 Ohio law does require that it be one  
 15 uniform document not different in material  
 16 respects. That's why I grant to give you  
 17 that advice to use in your deliberations.  
 18 MR. STINZIANO: Does the Board  
 19 have a motion to discuss?  
 20 MS. MARINELLO: Mr. Chairman, I  
 21 would like to make a motion.  
 22 I move that the Board certify  
 23 Melissa Albright as a candidate for the  
 24 November 3rd general Election as a

Page 41

1 candidate for Grove City Council.  
 2 CHAIRMAN PREISSE: Do we have a  
 3 second?  
 4 MR. MAS: Grove City Council,  
 5 Ward 3.  
 6 MS. MARINELLO: Grove City  
 7 Council, Ward 3.  
 8 MR. COLLEY: I second.  
 9 CHAIRMAN PREISSE: Do we have a  
 10 reverse of our previous action?  
 11 MR. PICCININNI: The motion does  
 12 reverse the previous action. She is  
 13 moving to certify the individual to the  
 14 ballot for Ward 3. That's an affirmative  
 15 motion that would reverse the previous  
 16 decision.  
 17 CHAIRMAN PREISSE: Do we have a  
 18 second?  
 19 MR. COLLEY: Yes, I second.  
 20 MR. STINZIANO: All in favor?  
 21 (Unanimous aye)  
 22 MR. STINZIANO: Seeing no  
 23 opposition we will move to the next  
 24 request for consideration, Michael Uhrin.

Page 42

1 MR. WEAVER: Good afternoon,  
 2 Chairman Preisse. And good afternoon,  
 3 members of the Board.  
 4 I am Mark Weaver from the law  
 5 firm of Isaac, Brandt, Teetor. I  
 6 represent Michael Uhrin, who is here with  
 7 me in the front row.  
 8 This is, I think, your last  
 9 Grove City case. It's different from the  
 10 other cases, and here's why.  
 11 In the other Grove City cases  
 12 you have heard so far, the alleged defects  
 13 all occurred on the part of the petition  
 14 that potential signers would read before  
 15 they chose to sign the petition.  
 16 The reason we are here today for  
 17 Mr. Uhrin is the part of the petition in  
 18 question is the part on the back near the  
 19 bottom that occurs after all the signers  
 20 have signed. This is important.  
 21 You will see that all the  
 22 signers signed in June of this year. The  
 23 part in question was executed in July of  
 24 this year, so we know the signers had

Page 43

1 already affixed their signatures to this  
 2 petition.  
 3 What happened was -- and Mr.  
 4 Uhrin is available to testify to this  
 5 under oath. I won't ask him to do it  
 6 today.  
 7 He went to see his banker's  
 8 notary -- and they know him, of course.  
 9 He said would you notarize that this is my  
 10 signature and this is me.  
 11 What we are going to tell you  
 12 under oath is while he was writing his  
 13 name -- and we can presume he knows his  
 14 name, which is U-h-r-i-n, pronounced  
 15 Uhrin. He wrote U-h-r -- and the pen ran  
 16 out of ink.  
 17 The notary, leaving the room,  
 18 said don't write anything else. She said  
 19 let me go get another pen.  
 20 By the time she came back, they  
 21 had moved on with the signature and the  
 22 notary stamp, leaving U-h-r under the  
 23 portion of the petition saying who the  
 24 candidate was.

Page 44

1 Nobody has suggested that there  
 2 is some Michael U-h-r running around  
 3 anywhere in Grove City. In fact Mr. Uhrin  
 4 has never heard of the name, U-h-r. Uhrin  
 5 itself is odd.  
 6 So what we have in this case is  
 7 we have a sworn notary saying the person  
 8 who wrote his name here, we know as  
 9 Michael Uhrin. The fact that it was done  
 10 after all the signators had already signed  
 11 is important.  
 12 The Supreme Court in a case  
 13 called Green versus Casey said the  
 14 standard for reviewing technical defects  
 15 in petitions is whether the defect causes  
 16 the signer to be deceived or misled.  
 17 In this case no signer was  
 18 deceived or misled, because everywhere the  
 19 name Uhrin appears on the petition it is  
 20 spelled just as it is supposed to be  
 21 spelled, which is U-h-r-i-n. It is only  
 22 later after all the signers had signed on,  
 23 there was the problem of the ink pen at  
 24 the bank did he write U-h-r.

Page 45

1 Perhaps if that one issue wasn't  
 2 on this petition, the Board would have  
 3 certified Mr. Uhrin to the ballot in Grove  
 4 City. But if you don't, there are not  
 5 enough signatures to do so.  
 6 We would respectfully ask you to  
 7 apply the Supreme Court's precedent wholly  
 8 using the effects that mislead or deceive  
 9 voters. It's not like the other two Grove  
 10 City cases.  
 11 We would be happy to put Mr.  
 12 Uhrin under oath if the Board thinks it's  
 13 necessary. We would respectfully ask you  
 14 to reverse your decision and place  
 15 Mr. Uhrin on the ballot.  
 16 CHAIRMAN PREISSE: Thank you,  
 17 Mr. Weaver.  
 18 Any questions from the Board?  
 19 MR. PICCININNI: The only thing  
 20 I have is I would dispute that the  
 21 circulator statement is a technical  
 22 requirement. That goes to the integrity  
 23 of the petition.  
 24 What distinguishes this case

Page 46

1 from some of the other cases is we do have  
 2 a notary on it. It is not just the  
 3 circulator attesting to the fact that I  
 4 signed my name.  
 5 The situation we had several  
 6 years ago, Nancy Ferguson failed to fill  
 7 out the address portion, but it was on the  
 8 front of the petition.  
 9 In this particular case we have  
 10 him swearing under oath and have a notary  
 11 attesting that I watched. Mr. Uhrin then  
 12 signed it in front of a notary, which is  
 13 something unusual that we do not get in  
 14 many cases.  
 15 We know he signed the petition.  
 16 We have a notary attesting that she  
 17 observed him signing the petition.  
 18 I would let the Board in its  
 19 corporate wisdom decide the issue. But I  
 20 will say it has never been a technical  
 21 requirement on the circulator statement.  
 22 It goes to the integrity of the  
 23 petitions. They are not technical. The  
 24 Board should keep that in mind.

Page 47

1 MR. MAS: Are you not moved by  
 2 the compelling story?  
 3 CHAIRMAN PREISSE: Any other  
 4 questions for Mr. Weaver from the Board at  
 5 this time?  
 6 MR. MAS: Mr. Chairman, I move  
 7 that the Board certify Mr. Uhrin as a  
 8 candidate for the November 3rd general  
 9 Election as a candidate for Grove City  
 10 Council, Ward 3.  
 11 MR. COLLEY: Second.  
 12 MR. STINZIANO: All in favor?  
 13 (Unanimous aye)  
 14 MR. STINZIANO: None opposed.  
 15 The next request for  
 16 consideration is Joanne Williams.  
 17 Richard Williams is here  
 18 representing Ms. Williams.  
 19 MR. WILLIAMS: My name is  
 20 Richard Williams. I am the husband and  
 21 and an attorney at law. My wife is a  
 22 mother of six, who has never run for  
 23 elective office.  
 24 I am a member of New Albany

Page 48

1 Plain Township Joint Parks Board. This is  
 2 an appointment and not an elected  
 3 position.  
 4 As I understand it, my wife's  
 5 petition has two flaws. We will address  
 6 them separately.  
 7 She did it well. She had one  
 8 error of omission and one error of  
 9 commission. Her error of omission was  
 10 failure to sign the circulator petition.  
 11 This Board should know that  
 12 Joanne was the circulator. She wrote this  
 13 petition herself and obtained these  
 14 documented signatures.  
 15 The statutory requirement for  
 16 the circulators petition under 3501:38(E)  
 17 requires the number of signators on a  
 18 petition, all signers being qualified to  
 19 sign, and every signature is the signature  
 20 it purports to be.  
 21 These requirements were met.  
 22 And I give information and support to  
 23 that, because we discussed this each and  
 24 every night around the dinner table as to

Page 49

1 who my wife would see in our local  
 2 community to get these various signatures.  
 3 It was a badge and privilege as  
 4 to who we would get versus those who may  
 5 have asked or wanted to know that she was  
 6 running for the Board that she did not  
 7 obtain.  
 8 Case law I found to reiterate  
 9 Mr. Weaver's statement, but under this  
 10 particular statute the one case I found  
 11 that I thought was appropriate was Green  
 12 versus Casey, a 1990 Ohio Supreme Court  
 13 Decision, which stands for the proposition  
 14 that the standard for reviewing technical  
 15 defects in a declaration of candidacy in  
 16 the petition papers is whether the defect  
 17 could cause a signer to be deceived or  
 18 misled.  
 19 I submit to this Board  
 20 respectfully that no signer of this  
 21 petition was deceived or misled about the  
 22 position she was applying for.  
 23 In the Green versus Casey  
 24 decision Justice Douglas wrote that we

Page 50	Page 52
<p>1 should be encouraging the interested 2 citizens to participate in the political 3 process. We should not use inappropriate 4 technicalities to prohibit or discourage 5 those who choose to be of service. 6 I respectfully submit that that 7 case is supportive of finding her in 8 substantial compliance on the circulator 9 petition. 10 As to her other flaw in terms of 11 dating the document correctly, I thought 12 long and hard about this and I came up 13 with no honest answer. This was her 14 mistake. 15 The form says the candidate must 16 sign a dated statement before these 17 petitions are circulated. She dated it 18 August 4th after the signatures were 19 obtained in July. 20 However, the nominating petition 21 with her name and position running for the 22 position of New Albany Board of Elections 23 was filled out before she got the 24 supporting signatures. Therefore, once</p>	<p>1 Regardless of how this board 2 votes, I think that Mrs. Williams should 3 be grateful for having such competent 4 counsel. 5 MR. WILLIAMS: I will tell you 6 this; just by chance it happens to be her 7 birthday today. I will take that message 8 to her. 9 CHAIRMAN PREISSE: I would like 10 to hear from our counsel. 11 MR. PICCININNI: 3501:38(E)(1) 12 does not have a birthday exception, 13 unfortunately. 14 To the issue of the circulator 15 signing the petition, this provision of 16 the Revised Code is crystal clear. It is 17 on each petition paper. The circulator 18 shall indicate the number of signatures 19 contained on it, shall sign the statement 20 under penalty of election falsification 21 that the circulator witnessed the affixing 22 of every signature, and all signers were 23 to the best of the circulator's knowledge 24 signed and to the best of their knowledge</p>
Page 51	Page 53
<p>1 again I would tell you no that one could 2 have or was deceived as to who she was and 3 what position she was running for. 4 Based on that, although there 5 are two errors, I think neither of these 6 errors were designed to deceive 7 individuals from understanding her 8 position and the position she was running 9 for. The fact that she has been 10 encouraged by a number of people in our 11 local community to run for the Board of 12 Elections, I would submit to you honestly 13 there is no evidence or intent for her to 14 commit election falsification. 15 Based on the foregoing I would 16 respectfully request that you allow her to 17 be certified for the November ballot. 18 Thank you. 19 CHAIRMAN PREISSE: Thank you, 20 Mr. Williams. 21 Do the Board members have any 22 questions? 23 MR. MAS: I just have a comment, 24 Mr. Chairman.</p>	<p>1 believe that the persons whose signatures 2 appear are who they are and who they say 3 they are. 4 That is not a technical 5 requirement. Again, as I stated earlier, 6 the circulator statement goes to the 7 integrity of the petition. 8 The current Secretary has held 9 that in dealing with a statewide issue 10 petition several years ago that she 11 presided over with this particular board 12 of elections: In re: Essee, where 13 several arguments were advanced both for 14 and against Issue 1 regarding the number 15 of signatures. Her ruling was that the 16 circulator statement and that information 17 contained therein goes to the integrity of 18 the petition process. 19 I do not think the Board has any 20 leeway in this matter. The issue, the 21 directives that come out of the Secretary 22 of State's Office regarding the other 23 issue, is that the dating of the 24 declaration of candidacy must be before</p>

Page 54

1 you circulate the petition. That, I don't  
 2 believe, is a technical defect either;  
 3 that's material.  
 4 You need to declare you are a  
 5 candidate before someone signs the  
 6 petition. We understand, and I know it's  
 7 a legal fine line, but by the same token  
 8 this requirement is not there to be overly  
 9 technical. It's just common sense.  
 10 You declare your candidacy, then  
 11 you circulate the petition. The dates  
 12 have to match.  
 13 The instructions that this Board  
 14 of Elections receives time after time from  
 15 the Secretary of State's Office indicate  
 16 that the circulator statement must be  
 17 signed, that the declaration of candidacy  
 18 must be dated prior to the petitions being  
 19 circulated. That's our opinion as to what  
 20 3501:38(E)(1) means.  
 21 MR. MAS: Tell us how you really  
 22 feel about this.  
 23 MR. PICCININNI: That's what it  
 24 is. I have argued this issue many, many

Page 55

1 times. I have lost some and won some but  
 2 always lose the circulator one.  
 3 CHAIRMAN PREISSE: Any other  
 4 questions?  
 5 (No audible response)  
 6 CHAIRMAN PREISSE: I just want  
 7 to say to both Williams's that we are  
 8 called upon sometimes here to make  
 9 decisions that do disappoint. I have  
 10 pointed out to some of my colleagues  
 11 before that as someone who once filed for  
 12 an elected position, I was overruled off  
 13 the ballot. Because of petition  
 14 inefficiency many years ago I share the  
 15 sentiment of the disappointment.  
 16 I have read Mrs. Williams'  
 17 statement here and I encourage you. And  
 18 in your statement you express the fact  
 19 that you are learning.  
 20 These are complicated issues  
 21 sometimes. I encourage you to continue  
 22 your interest in seeking public office and  
 23 serving your community.  
 24 However, at this point I wonder

Page 56

1 if we have a motion.  
 2 MS. MARINELLO: Yes, Mr.  
 3 Chairman. I move that the Board uphold  
 4 our previous determination.  
 5 MR. COLLEY: I second.  
 6 MR. STINZIANO: Mr. Williams, do  
 7 you want to address the Board with  
 8 anything else? You are welcome to.  
 9 MR. WILLIAMS: No, thank you.  
 10 MR. STINZIANO: A motion has  
 11 been made and seconded.  
 12 All in favor?  
 13 (Unanimous aye)  
 14 MR. STINZIANO: None opposed.  
 15 The next request for  
 16 reconsideration is Mr. Doug Smith.  
 17 MR. SMITH: Good afternoon, Mr.  
 18 Chairman and Board. Thank you for hearing  
 19 my appeal. I am unfortunately not an  
 20 attorney.  
 21 I would like to get to the  
 22 point. I have three, maybe four, points I  
 23 would like to address. Hopefully you will  
 24 see that I should be certified for the

Page 57

1 ballot.  
 2 The first point being that I  
 3 believe you received copies of signatures  
 4 that I made today and dropped off before  
 5 noon.  
 6 Are those in front of you?  
 7 MS. COTTON: They are here.  
 8 MR. SMITH: Part of the reason I  
 9 was denied certification was because of  
 10 the print and non-genuine signatures that  
 11 were on my petition. And I would like to  
 12 address that.  
 13 Three of those signatures were  
 14 print signatures and one was a non-genuine  
 15 signature. I did yesterday go to two of  
 16 those people, the electors in my district  
 17 in my city, and I obtained their  
 18 signatures, stating that they did in fact  
 19 sign the petition and that I did turn in  
 20 the file appropriately.  
 21 With those two people, the  
 22 electors signing the statement that said I  
 23 signed and dated my name to the nominating  
 24 petition to allow Doug Smith to appear on

Page 58	Page 60
<p>1 the November 3rd, 2009 ballot -- with 2 those two signatures that would take me 3 over the required 50 signatures needed. 4 My second point would be that on 5 the nominating petition there are several 6 codes from the Ohio Revised Code that are 7 mentioned. Obviously, they are in front 8 of us; Section 3501.38, Section 3513.261, 9 and Section 3513.263. All of those codes 10 were obliged by me before I filed the 11 petition and submitted for the Board's 12 nomination. 13 If you need additional copies, I 14 have some. 15 CHAIRMAN PREISSE: We have it. 16 If you want to proceed, Mr. Smith. 17 MR. SMITH: Regarding these two 18 signatures on the petition, they did meet 19 the requirements of the Ohio Revised Code 20 on the nominating petition, as I stated, 21 Ohio Revised Code Section 3501.38, Section 22 3513.261, and Section 3513.263. 23 Section 3501.011 in the Ohio 24 Revised Code states about actual</p>	<p>1 date comes back to haunt me. For whatever 2 reason, on August 6th -- maybe it was July 3 6th. That is only significant for four of 4 the signatures in question. 5 The other four signatures, I 6 already spoke to. With that said, that 7 rounds out my appeal. 8 CHAIRMAN PREISSE: Are there any 9 questions? 10 (No audible response) 11 CHAIRMAN PREISSE: Any comments 12 or questions from counsel? 13 MR. PICCININNI: Yes. As this 14 board is more than painfully aware, we 15 spent the better part of six weeks in 16 December arguing what a signature was and 17 what printing was, dealing with multiple 18 Saturday mornings and multiple late 19 evening trips down to the Federal 20 Courthouse to argue the issue of what a 21 signature is and what a signature needs to 22 be. 23 The statute 3501.011 is clear, 24 as we discussed several months ago, when</p>
Page 59	Page 61
<p>1 signatures versus print signatures and 2 that is not indicated on the petition 3 itself. 4 Any questions on that 5 specifically? 6 (No audible response) 7 MR. SMITH: My next point, being 8 a little more obvious to me, would be that 9 I did file four petitions or five 10 petitions altogether by the deadline. 11 Three of those petitions were filed on the 12 appropriate date being before August 5th. 13 August 5th is significant in the 14 sense that four of the signatures on my 15 petition -- on one of my petitions were 16 signed August 5th; and yet I signed one of 17 those nominating petitions on August 6th, 18 whether this for lack of a better phrase 19 would be a brain fart or whatever. 20 I did sign a petition. I did 21 designate the Treasurer. I did request 22 the nomination back in April. 23 I signed the other three 24 petitions in July, and this August 5th</p>	<p>1 dealing with this issue before the 2 primary. A signature is what we have on 3 file. If printing is what we have, that's 4 the person's mark and that we can accept. 5 If we have a signature on file, that's 6 what the staff has. 7 It's not the Staff's position to 8 discern whether this person is the person 9 or not. If they see the signatures match, 10 then they check the validity and 11 sufficiency of the petitions. The printed 12 signatures, I think, in this case are 13 out. 14 The issue is, if I am not 15 mistaken, were all the part petitions 16 filed the same day? 17 MR. SMITH: On the 5th. 18 MR. PICCININNI: Then we have a 19 dating issue. 20 MS. COTTON: They were filed on 21 the 19th. 22 MR. PICCININNI: They were 23 obtained on the 5th. And one was obtained 24 on the 6th.</p>

<p style="text-align: right;">Page 62</p> <p>1 Did other signatures appear 2 before that? 3 MR. SMITH: One was signed by me 4 on the 6th of August. 5 MR. PICCININNI: That's the 6 declaration of candidacy. That goes to 7 the case that we dealt with earlier. 8 That's a material difference in the 9 petitions. 10 That is almost identical to the 11 example. I said if a candidate chooses 12 not to photocopy the petition to make 13 separate sub parts and chooses an original 14 or makes a mistake on one, that could 15 invalidate that part petition. That is a 16 defect. 17 The statute contemplates that 18 the document is filed as one instrument. 19 Everything needs to match up. Most 20 candidates don't sign individual -- have 21 individual originals. They have one 22 original and photocopy that and circulate 23 the photocopies. 24 In this particular situation the</p>	<p style="text-align: right;">Page 64</p> <p>1 and parcel together. Even though it may 2 not be listed on a particular part 3 petition doesn't mean we can ignore it. 4 MR. SMITH: If that's the case, 5 then I hope there is still time for a 6 second petition that I submitted today 7 that was found in my wife's stack of 8 recycled paper from months ago that had 9 five signatures, which I hope will be 10 verified and valid. 11 CHAIRMAN PREISSE: I am going to 12 give you credit for creativity, unless you 13 have anything else you want to express. 14 MR. SMITH: I think that's it. 15 CHAIRMAN PREISSE: We appreciate 16 your coming down. 17 We need at this time to take a 18 motion. 19 MR. MAS: Mr. Chairman, I move 20 that the Board uphold the other previous 21 determination. 22 MR. COLLEY: I second. 23 MR. STINZIANO: All in favor? 24 (Unanimous aye)</p>
<p style="text-align: right;">Page 63</p> <p>1 Board needs to analyze this in light of 2 the statutory provisions what a signature 3 is, what printing is. 4 MR. SMITH: Could I readdress? 5 Could I speak to that and 6 understand that the dates only affect four 7 of the signatures? And four are affected 8 by the signatures themselves being in 9 print. Three are print, one being 10 non-genuine. 11 The signatures that I turned in 12 yesterday that you have in front of you, 13 one was a non-genuine signature, which is 14 what matches up with what you guys have on 15 record. The other one also matches up to 16 what you have on record at the Board of 17 Elections as a print signature. 18 Readdressing what you were 19 saying about 3501.011, that's not -- 20 unless I am mistaken, that is not on the 21 petition. 22 MR. PICCININNI: You can't pick 23 and choose what portions of the Revised 24 Code you choose to follow. It's all part</p>	<p style="text-align: right;">Page 65</p> <p>1 MR. STINZIANO: None opposed. 2 The next request for 3 reconsideration is Mr. Ronnie Rock. 4 Is Mr. Rock in attendance? 5 (No audible response) 6 MR. STINZIANO: I don't know if 7 Karen had a discussion with Mr. Rock. He 8 had provided his initial appeal that's all 9 in your packets. 10 I don't know if Karen would like 11 to present any additional circumstances. 12 MS. COTTON: The only thing I 13 have is the supplemental appeal that Mr. 14 Rock submitted on his original part 15 petitions. The circulator statements on 16 both part petitions were totally left 17 blank. 18 Mr. Piccininni can fill you in. 19 MR. PICCININNI: I think we'll 20 have the court reporter read back what I 21 previously said. 22 CHAIRMAN PREISSE: Is there a 23 motion? 24 MS. MARINELLO: Mr. Chairman, I</p>

Page 66

1 move that the Board uphold our previous  
 2 determination.  
 3 MR. COLLEY: Second.  
 4 MR. STINZIANO: All in favor?  
 5 (Unanimous aye)  
 6 MR. STINZIANO: None opposed.  
 7 The next request for  
 8 reconsideration is from Andy Andrews.  
 9 Is Mr. Andrews here?  
 10 MR. ANDREWS: Yes. It's Andy  
 11 Andrews, II.  
 12 MR. STINZIANO: Andy Andrews,  
 13 II.  
 14 MR. ANDREWS: Thanks. I didn't  
 15 sign. I was the only one.  
 16 It was a last-minute thing  
 17 people asked me to do. As a matter of  
 18 fact I did miss it when I was going door  
 19 to door.  
 20 I didn't fold the paper right.  
 21 I was seeing it this way. When I turned  
 22 it over, I saw Board of Elections on it.  
 23 I thought that's what you filled  
 24 out. I am being honest. I know there is

Page 67

1 not much leeway when it comes to the law.  
 2 I talked with Patrick and I  
 3 understand that.  
 4 But I would like you to  
 5 reconsider and give me a chance in our  
 6 community. We only have one guy on the  
 7 ballot and two other write-ins that came  
 8 in. We need some different people in our  
 9 area.  
 10 MR. PICCININNI: These  
 11 requirements are there for a reason. It's  
 12 great this is new enthusiasm for the  
 13 process that we have seen from the  
 14 electorate, but at the same time the  
 15 provisions of Title 35 are there to  
 16 provide order and structure to the  
 17 process. We don't get the luxury of  
 18 picking and choosing. The Board doesn't  
 19 get that luxury to decide.  
 20 MS. MARINELLO: It's a learning  
 21 process.  
 22 MR. MAS: Sir, we appreciate  
 23 your desire to serve. I think that's  
 24 admirable.

Page 68

1 CHAIRMAN PREISSE: I don't think  
 2 we need more information.  
 3 MR. MAS: Mr. Chairman, in that  
 4 case I move the Board to uphold our  
 5 previous determination.  
 6 MR. COLLEY: Second.  
 7 MR. STINZIANO: All in favor?  
 8 (Unanimous aye)  
 9 MR. STINZIANO: None opposed.  
 10 The next request for  
 11 reconsideration is Diane Cade.  
 12 Ms. Cade?  
 13 MS. CADE: My name is Diane  
 14 Cade. I am running for City of  
 15 Lockbourne.  
 16 I filled out all my paperwork.  
 17 Unfortunately, in filling out the  
 18 paperwork I also read that what I was  
 19 submitting was certified to the best of my  
 20 knowledge.  
 21 While I took my petition my  
 22 name, address -- everything was on it. I  
 23 unfortunately dated it when I was sure  
 24 that all my information was accurate.

Page 69

1 And so I have talked to several  
 2 people. Everyone saw the paperwork. I  
 3 actually have a witness that signed my  
 4 petition.  
 5 I am just asking for  
 6 reconsideration and asking you to allow me  
 7 to be on the ballot in November. I am  
 8 active in my community.  
 9 I did look up Revised Code 3513,  
 10 that permits substantial compliance, and I  
 11 was hoping mine would fall into that  
 12 nominating statement of candidacy.  
 13 I work in the medical field. I  
 14 read the papers and could not find  
 15 anything in the requirements stating  
 16 exactly how you were to date this. That  
 17 was my confusion.  
 18 CHAIRMAN PREISSE: Any questions  
 19 for Ms. Cade?  
 20 (No audible response)  
 21 CHAIRMAN PREISSE: Comments from  
 22 our learned staff or lawyer?  
 23 MR. PICCININNI: It's a similar  
 24 issue as before.

Page 70

1 CHAIRMAN PREISSE: I wish we had  
 2 more leeway.  
 3 MR. MAS: I just wanted to get  
 4 clear.  
 5 What was missing?  
 6 MS. COTTON: On the top portion  
 7 of the petition where the candidate  
 8 declares himself to be a candidate, there  
 9 is a line here that says, "I hereby  
 10 declare that if elected to this office or  
 11 position that I will qualify, therefore,  
 12 dating this --" blank date of whatever.  
 13 And that needs to be dated. You  
 14 need to declare yourself to be a candidate  
 15 prior to getting all of your signatures.  
 16 In this case all of the  
 17 signatures were obtained prior to the date  
 18 of the declaration of candidacy. These  
 19 are beginning 8/1/2009.  
 20 MS. CADE: I checked all my  
 21 signatures. I did look and I filled out  
 22 everything; I checked all signatures. I  
 23 did look and thoroughly went through  
 24 everything. I tried to understand and

Page 71

1 tried to be as thorough and do it as  
 2 correctly as possible.  
 3 Everything was there other than  
 4 I dated it incorrectly.  
 5 MR. MAS: Mr. Chairman, I move  
 6 that the Board uphold our previous  
 7 determination.  
 8 MR. COLLEY: Second.  
 9 MR. STINZIANO: All in favor?  
 10 (Unanimous aye)  
 11 MR. STINZIANO: The next request  
 12 for reconsideration is from Michelle  
 13 Kusma.  
 14 Is Ms. Kusma here?  
 15 (No audible response)  
 16 MR. DAMSCHRODER: Ms. Kusma did  
 17 not sign her circulator statement.  
 18 MS. COTTON: This is a  
 19 three-part petition. One was circulated  
 20 by a friend and two are supposedly  
 21 circulated by her.  
 22 However, on two of the  
 23 three-part petitions the circulator  
 24 statements are totally blank. On the

Page 72

1 three-part petition circulated by the  
 2 friend, it is filled out.  
 3 MS. MARINELLO: I move that the  
 4 Board uphold the other previous  
 5 determination.  
 6 MR. COLLEY: Second.  
 7 MR. STINZIANO: All in favor?  
 8 (Unanimous aye)  
 9 MR. STINZIANO: No opposition.  
 10 The next request for  
 11 reconsideration is submitted from Jennifer  
 12 Waterman.  
 13 Ms. Waterman is in attendance.  
 14 MS. WATERMAN: I want to talk  
 15 about craziness in trying to get this  
 16 petition done. I first went to the Ohio  
 17 School Board Association meeting to talk  
 18 about how to become a candidate.  
 19 They spent about 30 seconds on  
 20 the ballot. I wish they had spent more  
 21 time on how to get a petition.  
 22 All they said is you go to the  
 23 Board of Elections or Secretary of State.  
 24 I did both on both websites.

Page 73

1 Both websites referred me to the  
 2 Secretary of State, which I found a  
 3 version of the petition under the Revised  
 4 Code 3513.261; and that is what I used to  
 5 make my petition.  
 6 To the best of my knowledge I  
 7 substantially put everything in there and  
 8 did all the signatures, qualified  
 9 signatures. To the best of my knowledge I  
 10 thought I had everything filled out the  
 11 way it was supposed to be.  
 12 Also in the booklet on page 18  
 13 that they give candidates, rules governing  
 14 petitions, there is nothing on there that  
 15 says except one line that says how many  
 16 petitions are on each page and it has to  
 17 be filled out. Somehow I left out one  
 18 section but overall, I think I did  
 19 substantially qualify for the petition.  
 20 One of the things -- there is  
 21 more than one interpretation. Obviously,  
 22 is the one from --  
 23 MR. PICCININNI: Patrick.  
 24 MS. WATERMAN: --Patrick.

Page 74

1 Obviously, the Revised Code that I read  
 2 and rules governing petitions is quite a  
 3 variation from his that he has read. There  
 4 is definitely more than one  
 5 interpretation.  
 6 And I think the law definitely  
 7 favors the access of the ballot to  
 8 candidates at the Bexley School Board.  
 9 There are three openings, and only two  
 10 people have actually been validated or  
 11 certified. I would love to be that third  
 12 person.  
 13 There is one other thing too.  
 14 Confusion kept going. Once I found out my  
 15 petition might have some flaws, then we  
 16 discussed about becoming a write-in  
 17 candidate. That looked like that was a  
 18 good possibility until this morning. We  
 19 found out that was not going to happen.  
 20 I wish I had known that  
 21 yesterday, because originally months and  
 22 months ago my husband and I were talking  
 23 about that one of us should run, and we  
 24 decided that it should be me because I am

Page 75

1 a lifetime Bexley resident. If I had  
 2 known this was going to happen, he would  
 3 have gone in yesterday and put his name  
 4 in.  
 5 Both of us very much wanted to  
 6 be on the board, but a husband and wife  
 7 cannot be on the board together. The  
 8 confusion of whether I could be a write-in  
 9 was confusing too. I think that's about  
 10 it.  
 11 CHAIRMAN PREISSE: Questions for  
 12 Ms. Waterman?  
 13 (No audible response)  
 14 MR. STINZIANO: Ms. Waterman  
 15 did submit a non-traditional form from the  
 16 Secretary of State. I think the Board saw  
 17 that last week when they made their  
 18 determination.  
 19 To speak to this there was some  
 20 guidance given from this office based on  
 21 our understanding of school board members  
 22 possibly having an exception. That  
 23 guidance was changed early this morning.  
 24 We made contact with the four

Page 76

1 individuals that were impacted. Again, we  
 2 did not mean any deviant act.  
 3 I apologize to Ms. Waterman for  
 4 having given that false hope.  
 5 MR. PICCININNI: It did warrant  
 6 an interpretation based on a previous  
 7 Supreme Court decision.  
 8 MR. MAS: So the recommendation  
 9 then is to --  
 10 MR. DAMSCHRODER: The Staff  
 11 recommendation on the petition is to  
 12 uphold the Board's previous decision.  
 13 MS. WATERMAN: I believe the  
 14 reason is the number is missing on the  
 15 petition. Yesterday I came in to put it  
 16 in as a write-in candidate.  
 17 You check one box saying full  
 18 term commencing, and then there is a blank  
 19 to put when it commences. I was also  
 20 told -- and this tells me there are  
 21 variations.  
 22 One minute you want everything  
 23 filled out, and the next minute it is  
 24 okay. I can't remember when it came in.

Page 77

1 I thought January 1st but not sure. I  
 2 wanted that filled out.  
 3 They told me you don't have to;  
 4 it is not necessary. After what I went  
 5 through I said, no, I want it to be filled  
 6 out. We found out it was January 10th.  
 7 But I could easily let that one go too.  
 8 There needs to be some  
 9 continuity and there needs to be  
 10 continuity on the websites. I went to  
 11 some other county websites and it says  
 12 petition.  
 13 It's so easy on these other  
 14 counties. This county made it very  
 15 difficult to try to jump through hoops to  
 16 make it the way it should be.  
 17 MR. MAS: We appreciate that  
 18 recommendation. We want to make those  
 19 things easier rather than harder.  
 20 MS. WATERMAN: People that like  
 21 to volunteer their time to become a public  
 22 figure, it makes it difficult that some  
 23 people got locked out.  
 24 CHAIRMAN PREISSE: We appreciate

Page 78

1 your sincerity and your willingness to  
 2 serve.  
 3 MR. MAS: Mr. Chairman, I move  
 4 that the Board uphold the previous  
 5 determination.  
 6 MR. COLLEY: Second.  
 7 MR. STINZIANO: All in favor?  
 8 (Unanimous aye)  
 9 MS. WATERMAN: Thank you.  
 10 MR. STINZIANO: The next request  
 11 for reconsideration is submitted from Jean  
 12 Hines.  
 13 Is Ms. Hines here?  
 14 (No audible response)  
 15 MR. STINZIANO: Does Karen want  
 16 to speak to any conversations?  
 17 MS. COTTON: Again, circulator  
 18 statements were totally left blank on the  
 19 Jean Hines part petition. There is one  
 20 part petition filed. It's a village  
 21 office minimum of ten signatures needed  
 22 but blank.  
 23 MS. MARINELLO: Mr. Chairman, I  
 24 move to uphold the other previous

Page 79

1 decision.  
 2 MR. COLLEY: Second.  
 3 MR. STINZIANO: All in favor?  
 4 (Unanimous aye)  
 5 MR. STINZIANO: The next request  
 6 for reconsideration is from Naomi Sealey.  
 7 Is Ms. Sealey here?  
 8 MS. SEALEY: Good afternoon. I  
 9 believe you have received my letter of  
 10 appeal for the Board. On the front of the  
 11 petition it clearly states name of  
 12 candidate, signature of candidate.  
 13 Nowhere on the back of the  
 14 petition do the words signature of  
 15 candidate appear. I did not neglect to  
 16 sign the circulator statement. I went  
 17 over it several times.  
 18 I made a conscious decision. I  
 19 looked at it, and I did not think I needed  
 20 to sign it because I signed the front  
 21 where it said signature of candidate.  
 22 On the back of the petition  
 23 states signature of circulator, not  
 24 signature of candidate. Am I to assume

Page 80

1 that I'm considered to be the circulator?  
 2 If so, shouldn't the back of the  
 3 petition clearly indicate signature of  
 4 candidate and/or circulator? That would  
 5 surely clear up some of this ambiguity  
 6 that I have been hearing all day.  
 7 It isn't clear, obviously. This  
 8 form does not give clear instruction to  
 9 the candidate for determining that the  
 10 candidate must also sign as the  
 11 circulator.  
 12 I also noticed this form is  
 13 dated March, 2009. It is a new form.  
 14 This suggests to me that it may have been  
 15 revised.  
 16 I wonder if it has changed. I  
 17 did not have trouble following it four  
 18 years ago when I ran for Groveport Madison  
 19 School Board.  
 20 Thus, I respectfully request you  
 21 to reconsider your decision not to certify  
 22 my candidacy, because the form is at least  
 23 ambiguous and does not offer clear  
 24 instruction as to whether the back of the

Page 81

1 petition is for the candidate or for the  
 2 circulator of the ward only, or if the  
 3 candidate must also be considered a  
 4 circulator for signature purposes.  
 5 The Ohio Revised Code says  
 6 nothing about the candidate. It only says  
 7 circulator.  
 8 I looked in an instruction  
 9 booklet. There is nothing about the  
 10 circulator and candidate considered the  
 11 same person.  
 12 MS. MARINELLO: Were you the  
 13 circulator?  
 14 MS. SEALEY: I am aware. I have  
 15 a form here, and I looked at the form.  
 16 When I see this signature of candidate, I  
 17 looked at this several times and I signed  
 18 it. And I looked at the back, and I said  
 19 it is someone circulating this for me; I  
 20 don't need to sign that.  
 21 There are so many individuals  
 22 that come before this board and they don't  
 23 sign this document.  
 24 Doesn't this at least suggest in

Page 82

1 your mind that this form is at least  
 2 unclear and ambiguous?  
 3 Is this board just not  
 4 certifying people to run who truly want to  
 5 serve? You know, the Supreme Court  
 6 decision cited by that other attorney, Don  
 7 McTigue, ambiguity must be in favor of  
 8 ballot access.  
 9 Shouldn't that be a preference,  
 10 or shouldn't we not use technicalities? I  
 11 really feel that this form could stand to  
 12 be revised and say on the back of it,  
 13 signature of circulator and/or  
 14 candidate.  
 15 Don't you think that would make  
 16 your job easier throughout the years that  
 17 come? You wouldn't have individuals after  
 18 individuals saying, well, I didn't think I  
 19 needed to sign, or it is unclear. Let's  
 20 give it some clarity.  
 21 I know there is the law. We're  
 22 talking about the Ohio Revised Code.  
 23 Again, in the Ohio Revised Code it doesn't  
 24 say anything about the candidate.

Page 83

1 But aren't we here to make sure  
 2 we have good candidates to serve? Let's  
 3 clear this law up.  
 4 If this form is going to be  
 5 revised, maybe it should say signature of  
 6 candidate and/or circulator. And I grant  
 7 you at the next election you will not have  
 8 that many ballots you have to throw out.  
 9 I pray you will take my words into  
 10 consideration.  
 11 CHAIRMAN PREISSE: Any  
 12 questions?  
 13 MR. MAS: Dr. Sealey, in looking  
 14 at this issue have you found any  
 15 candidates that we have certified that did  
 16 not have a circulator signature on them?  
 17 MS. SEALEY: Did I find any  
 18 candidates?  
 19 MR. MAS: Yes, looking at other  
 20 petitions.  
 21 MS. SEALEY: I did not look at  
 22 any petitions from other candidates. I  
 23 circulated mine. I did everything due  
 24 diligence. I looked at it and made a

Page 84

1 conscious decision.  
 2 There was one point I hadn't  
 3 dated it. I don't know the date of the  
 4 election and someone told me. I said,  
 5 well, everything is signed. I looked at  
 6 this form for an hour. I could have  
 7 easily signed that.  
 8 I believe the form is at least  
 9 ambiguous. If not, you wouldn't have this  
 10 many people coming before you.  
 11 MR. STINZIANO: If you want to  
 12 take that recommendation back to the  
 13 Secretary of State's Office.  
 14 MR. MAS: Mr. Chairman, I move  
 15 that the Board uphold its previous  
 16 determination.  
 17 MR. COLLEY: I second.  
 18 MR. STINZIANO: All in favor?  
 19 (Unanimous aye)  
 20 MR. STINZIANO: The next request  
 21 for reconsideration is from Joy Chapin.  
 22 Is Ms. Chapin here?  
 23 MS. CHAPIN: Good afternoon to  
 24 the Board and members of the Staff. I

Page 85

1 appreciate your time in reviewing my  
 2 appeal to be reconsidered as a township  
 3 trustee.  
 4 I would like to state first of  
 5 all I did sign my circulator petition.  
 6 That is not of concern. At no point was  
 7 my omission of leaving the address, city,  
 8 state, and zip code deceiving to any  
 9 voters.  
 10 As I am right now, I was very  
 11 excited and in high anticipation in  
 12 turning in my petitions for this township  
 13 trustee. I have received excellent  
 14 assistance from the staff and board here  
 15 all the way along the process.  
 16 On Friday April 14th I drove  
 17 Downtown and came in, and I realized I had  
 18 left my reading glasses in my car. I was  
 19 reviewing my documentation before I turned  
 20 them in and I noticed there were two lines  
 21 at the bottom of the page.  
 22 I asked the clerk which one I  
 23 was supposed to sign on and which one I  
 24 was supposed to print on. She correctly

<p style="text-align: right;">Page 86</p> <p>1 said she could not assist me, so I 2 guessed. 3 I did sign on the line. I did 4 sign my circulator petition. 5 Unfortunately, the address, city, and 6 state was not in bold enough print for me 7 to see to sign that. 8 When the circulator was another 9 individual, I did have her sign the city, 10 state, and zip. 11 I would like to ask your 12 approval of my candidacy, because I did 13 sign the circulator petition. The 14 omission was just in the address. 15 MR. PICCININNI: Mr. Chairman, I 16 just have a quick question. 17 Ms. Chapin, you were the 18 circulator of the petition? 19 MS. CHAPIN: Yes, sir. 20 MR. PICCININNI: You signed it 21 and your address was on the front side of 22 the petition? 23 MS. CHAPIN: Yes, my address was 24 on the petition.</p>	<p style="text-align: right;">Page 88</p> <p>1 and it was Staff's recommendation that the 2 provisions of the Ohio Revised Code were 3 not complied with, specifically 38(E). 4 The argument as presented deals 5 with statewide candidacies in that case. 6 Now, the circulator statement still needs 7 to be signed, but in this particular 8 situation since Ms. Chapin was the 9 circulator and her name appears on the 10 petition as much as Mayor Ferguson's did 11 on the flip side in the declaration of 12 candidacy, the voter knew who was signing 13 it and it was easy to ascertain who the 14 circulator was in the event you would get 15 somebody down here, if there was an issue 16 with the petitions where the circulator's 17 testimony would be required. 18 In this particular situation I 19 think in light of the Board's past 20 precedent in dealing with that particular 21 issue, the Board can consider however it 22 does. I think the statute has been 23 complied with. 24 She signed it. We know who she</p>
<p style="text-align: right;">Page 87</p> <p>1 MR. PICCININNI: I understand 2 that. Thank you. That does make a 3 difference based on previous issues we 4 have had at the Board. 5 MR. MAS: Out of curiosity what 6 time of day was this that you came down? 7 MS. CHAPIN: That I came down? 8 MR. PICCININNI: Yes. 9 MS. CHAPIN: About 3:30. 10 MR. MAS: We weren't about to 11 close or anything? 12 MS. CHAPIN: I thought you 13 were. I was just excited about it, as I 14 am right now. 15 MR. DAMSCHRODER: I think the 16 Board should hear from Mr. Piccininni. 17 There was a similar situation two years 18 ago of Nancy Ferguson in New Albany. Mr. 19 Goodman came forward and apologized. 20 MR. PICCININNI: That is 21 correct. Sometimes the institutional 22 history is important. 23 In this particular situation 24 Mayor Ferguson did not put her address on,</p>	<p style="text-align: right;">Page 89</p> <p>1 is. It is where there is no signature 2 that the distinction is there. 3 MR. MAS: This is not a 4 material -- 5 MR. PICCININNI: It's not like I 6 didn't address the circulator statement 7 for Ms. Chapin and you don't know where to 8 find me. It's Ms. Chapin. The signatures 9 match. 10 If I need to come down and say 11 did you witness this person to sign, I 12 know we could get it, which is part of the 13 rationale for having all this information 14 on the circulator statement in case 15 testimony is needed later on. 16 I think the purposes of the 17 statute are advanced and furthered in this 18 particular situation by virtue of the fact 19 she was the same person. It's not a 20 different person being addressed. 21 MR. MAS: We have decided in 22 favor in the past? 23 MR. PICCININNI: Yes. The 24 statewide stuff doesn't deal with the</p>

Page 90

1 local stuff.  
 2 MS. MARINELLO: Mr. Chairman, I  
 3 move the Board to certify Joy Chapin for  
 4 the November 3rd, 2009 general Election as  
 5 a candidate for Brown Township Trustee.  
 6 MR. COLLEY: I second.  
 7 MR. STINZIANO: We have a motion  
 8 and a second.  
 9 All in favor?  
 10 (Unanimous aye)  
 11 MR. STINZIANO: The next request  
 12 for reconsideration is Ms. Amy Evans.  
 13 Is Ms. Evans in the room?  
 14 (No audible response)  
 15 MR. STINZIANO: It appears she  
 16 is not.  
 17 Karen, can you speak to this  
 18 issue?  
 19 MS. COTTON: I have been in  
 20 communication with Amy Evans, trying to  
 21 verify that she is a registered elector in  
 22 Franklin County. In talking to her she  
 23 indicated that on the 29th of July she was  
 24 here at the Board of Elections and changed

Page 91

1 her address.  
 2 In going back through the  
 3 records all I could find was an  
 4 application for an absentee ballot from  
 5 the 6033 Refugee Road address, which she  
 6 claims to be her previous address, which  
 7 she voted on the 29th of July.  
 8 She has since come down to file  
 9 her application for appeal and filed a  
 10 change of address form with us also. In  
 11 her appeal she also says she has lived at  
 12 this address for a couple of years.  
 13 CHAIRMAN PREISSE: At the new  
 14 address?  
 15 MS. COTTON: At the new address,  
 16 but she voted from the old address in July  
 17 for the August 4th special election.  
 18 MR. MAS: While living at the  
 19 other address?  
 20 MR. DAMSCHRODER: According to  
 21 the statement she submitted.  
 22 MS. COTTON: I contend that at  
 23 the time she submitted her petition she  
 24 was not properly registered at the address

Page 92

1 of 3090 High Street in Brice, because  
 2 that's not where we had -- the only  
 3 documents I was able to find she had  
 4 completed was her application for absentee  
 5 ballot on the 29th. She didn't file a  
 6 petition until the 19th of August.  
 7 MS. MARINELLO: Mr. Chairman, I  
 8 move that the Board uphold the previous  
 9 determination.  
 10 MR. COLLEY: Second.  
 11 MR. STINZIANO: The motion has  
 12 been made and seconded.  
 13 All in favor?  
 14 (Unanimous aye)  
 15 MR. STINZIANO: The next request  
 16 for reconsideration is from Larry Heiser.  
 17 Is Mr. Heiser here?  
 18 (No audible response)  
 19 MR. STINZIANO: Karen, would you  
 20 speak to the merits? This appeal is in  
 21 the board packet.  
 22 MS. COTTON: I only have the  
 23 appeal. Basically, it's the same problem  
 24 we have been dealing with all

Page 93

1 afternoon. None of the circulator  
 2 statements on part petitions are signed.  
 3 You have the various appeal documents.  
 4 MR. PICCININNI: I just need to  
 5 make one comment. I want to address it  
 6 quickly.  
 7 Some of the individuals are  
 8 referencing Section 3517 of the Revised  
 9 Code, I presume 01. That is Campaign  
 10 Finance.  
 11 The petition requirements 3501  
 12 and 3513 do not allow for amendments after  
 13 filing. Any relation that they are making  
 14 to 3517 deal with Campaign Finance reports  
 15 that we allow attempts to correct defects  
 16 and omissions. Those same protections do  
 17 not exist in 3513 or 3501 as relate to  
 18 nominating petitions and declarations of  
 19 candidacy.  
 20 I would urge the Board to view  
 21 those arguments as inapplicable.  
 22 MS. MARINELLO: Mr. Chairman, I  
 23 move that the board uphold the previous  
 24 determination.

Page 94

1 MR. COLLEY: Second.  
 2 MR. STINZIANO: The motion has  
 3 been made and seconded.  
 4 All in favor?  
 5 (Unanimous aye)  
 6 MR. STINZIANO: The next request  
 7 for reconsideration is Mr. Anthony  
 8 Benedetti.  
 9 Is Mr. Benedetti here?  
 10 MR. BENEDETTI: Thanks for your  
 11 time. I am Anthony Benedetti.  
 12 I was hoping to run for Council  
 13 in the Village of Minerva Park. Like many  
 14 people here today I have the same problem  
 15 with the date of declaring candidacy. I  
 16 turned in two petitions.  
 17 The first one I filled out that  
 18 was passed along by another circulator was  
 19 dated August 14th. Then the second  
 20 petition that I filled out in error put  
 21 down the date of August 18th, which was  
 22 the date after everyone had signed.  
 23 The petitions were on the 17th,  
 24 the petition I had circulated. I am

Page 95

1 hoping you will consider the defect of my  
 2 petition was a technical mistake and not a  
 3 material mistake.  
 4 I had, as it said on one  
 5 petition, declared my candidacy on the  
 6 14th. And as I said before, I made a  
 7 mistake and put the wrong date on the  
 8 petition that I filled out.  
 9 To make a long story short, I  
 10 made a mistake and hope you will  
 11 reconsider my petition. Thank you.  
 12 CHAIRMAN PREISSE: Any questions  
 13 for Mr. Benedetti?  
 14 MR. DAMSCHRODER: Karen  
 15 mentioned, there is someone here from  
 16 Minerva Park who wishes to speak on the  
 17 merits of reconsidering Mr. Benedetti.  
 18 CHAIRMAN PREISSE: Okay.  
 19 MS. BIERMAN: My name is Sharon  
 20 Bierman, B-i-e-r-m-a-n.  
 21 Mr. Benedetti filled out two.  
 22 He submitted two petitions. One, his  
 23 circulating date preceded the three  
 24 signatures of the folks who signed on his

Page 96

1 behalf, thereby negating those three  
 2 signatures in their totality.  
 3 The second petition was sent  
 4 around by a canvasser on his behalf,  
 5 signed by Blaine Allen, who stated his  
 6 first name as B-l-a-i-n-e. He, I  
 7 understand, is legally registered as  
 8 B-l-a-y-n-e.  
 9 On his petition he received nine  
 10 signatures, but one of them was his own.  
 11 Inasmuch as you cannot witness your own  
 12 signature, that petition fell to eight  
 13 signatures.  
 14 Of the original 12 received by  
 15 Mr. Benedetti there are truly eight valid  
 16 signatures according to state law.  
 17 I ask you to uphold those forms.  
 18 CHAIRMAN PREISSE: Let me hear  
 19 from Ms. Cotton. Tell us again the  
 20 description of the part petitions.  
 21 MS. COTTON: There were two part  
 22 petitions filed at the time Mr. Benedetti  
 23 filed them on the 18th of August at 9:41  
 24 a.m. And during the Staff review we did

Page 97

1 note that we did not count the number  
 2 three signature as a valid signature. We  
 3 actually marked it as not registered,  
 4 because the person who registered as  
 5 B-l-a-y-n-e, that's also who the  
 6 circulator is on the part petition.  
 7 We did find eight valid  
 8 signatures. The three signatures on the  
 9 other part petition we declared to be bad  
 10 dates, because the date he declared  
 11 himself to be the candidate was the 18th.  
 12 And all these signatures were gathered on  
 13 the 17th.  
 14 CHAIRMAN PREISSE: How many  
 15 signatures did he need?  
 16 MS. COTTON: He needed ten. We  
 17 had eight.  
 18 CHAIRMAN PREISSE: Any other  
 19 questions?  
 20 MR. PICCININNI: He needed ten  
 21 and got eight. You need to declare  
 22 yourself a candidate before circulating a  
 23 petition. You have to sign and date it  
 24 beforehand with 261 and 262.

Page 98	Page 100
<p>1 MS. MAS: Mr. Chairman, I move 2 that the Board uphold its previous 3 determination. 4 MR. COLLEY: Second. 5 MR. STINZIANO: All in favor? 6 (Unanimous aye) 7 MR. STINZIANO: None opposed. 8 CHAIRMAN PREISSE: Thank you for 9 coming down. 10 MR. STINZIANO: The next request 11 for reconsideration is from Kenneth 12 Strickland. 13 MR. STRICKLAND: Good afternoon. 14 I am flattered that you saved the best for 15 last. 16 I am running for the ESC of 17 Central Ohio, which just recently merged. 18 It used to be Franklin County, but I am 19 running for Delaware Union Subdistrict. I 20 point that out because the merger, I 21 believe, has some validity as to why some 22 my signatures were invalidated. 23 I turned in 90 signatures. I 24 was told it could be from Franklin,</p>	<p>1 As a result of the merger they no longer 2 have their own county board now. 3 I want to ask you to include at 4 least 17 of the 22 signatures. I found 5 out this information. I do have a 6 separate reason also for being here. 7 Do you want to know that now? 8 CHAIRMAN PREISSE: Go for it. 9 MR. STRICKLAND: When I found 10 out that my petition was invalid, I also 11 at the same time found out there was a 12 write-in petition for a separate seat. 13 It's my understanding that what 14 I have done is added a position. I am a 15 candidate for a four-year term, but I am 16 asking to be a write-in for a two-year 17 term. 18 It was explained to me that the 19 reason this is illegal, it prevents a 20 person from biting twice on the same 21 apple. My argument to that is I am not 22 biting the same apple. I am a write-in 23 candidate for a two-year position and I 24 was not invalidated for a four-year seat.</p>
Page 99	Page 101
<p>1 Delaware, and Union counties. 2 While speaking with Ms. Cotton, 3 she told me that early on -- I turned in 4 90 and 52 were rejected. 30 were Franklin 5 County. 6 I understand because the 7 signatures weren't in the district that 8 the ESC serves, which leads me to 22 9 signatures from Delaware City that I did 10 receive. 11 These signatures were valid 12 signatures. They are registered voters 13 who live within the city. Some of the 14 signatures even have students or children 15 who attend the ESC. 16 I am being told that these 17 signatures are invalid. I want to 18 challenge that based on the fact that it's 19 the merger. 20 It's my understanding, and I can 21 be corrected, that state law 3311:01 22 states that some districts are exempt. In 23 this case Delaware City would be exempt, 24 because they have a county school on ESC.</p>	<p>1 The only reason I am writing in 2 for a two year is I found out this is 3 invalid. So I quickly filed the write-in 4 position so I could argue this position as 5 well. 6 What I am asking is that you 7 reverse your decision and allow at least 8 17 of these 22 Delaware City voters to be 9 able to vote on an ESC board member for 10 Central Ohio. 11 MS. COTTON: The Educational 12 Service Center is basically a governmental 13 entity that all of the local school 14 districts fall under. In the case of 15 Franklin County Educational Service Center 16 it was the Franklin County Educational 17 Service Center. 18 The only districts eligible to 19 sign a petition or vote on candidates for 20 the Franklin County Educational Service 21 Center were those that had local in their 22 name; Groveport Madison Local, Canal 23 Winchester Local, New Albany Plain Local, 24 those local school districts. None of the</p>

Page 102	Page 104
<p>1 other districts; Worthington,                  2 Southwestern, Columbus ever got to vote on                  3 the candidacies of those people serving on                  4 the Educational Service Center.                  5 By the merger of the Educational                  6 Service Center of Franklin County and the                  7 Delaware Union Educational Service Center                  8 they are still only governing local school                  9 districts, so you have to garner your                  10 signatures of qualified electors from that                  11 district.                  12 In the case of Delaware Union it                  13 has to be a local school district in                  14 Delaware or Union County. We do have a                  15 small portion of the Olentangy Local                  16 School District that affects part of                  17 Franklin County's voters, about 25 to 30                  18 voters, off of Lazelle Road that would                  19 have been eligible to sign.                  20 But as a result of Mr.                  21 Strickland thinking he could receive votes                  22 from any voter in Franklin County, the                  23 majority of his voters of the Franklin                  24 County portion were from districts other</p>	<p>1 When do we have to submit names                  2 to the Secretary?                  3 MR. DAMSCHRODER: We don't have                  4 to submit names to the Secretary until we                  5 provide them with the sample ballots                  6 around 35 or 40 days before the general                  7 election. This is an appeal, not a                  8 protest. There is not a drop-dead date by                  9 which the Board is statutorily required to                  10 render a decision.                  11 MR. PICCININNI: Are we meeting                  12 again?                  13 MR. DAMSCHRODER: We do need to                  14 meet next week to handle some challenges.                  15 MR. PICCININNI: Would that                  16 provide the Board with enough time to look                  17 at this?                  18 MR. DAMSCHRODER: That is, A, if                  19 the Board feels it needs more information                  20 and, B, whether there is more information                  21 to be garnered.                  22 MR. PICCININNI: I am trying to                  23 get my head around everything with the                  24 issue.</p>
Page 103	Page 105
<p>1 than local school districts.                  2 I am thinking that's what they                  3 are also telling him in Delaware County,                  4 that the Delaware City School District                  5 wouldn't fall under the governing body of                  6 the Educational Service Center.                  7 CHAIRMAN PREISSE: What was the                  8 point you were trying to make and I didn't                  9 get as to folks who signed your petition,                  10 who claim they can vote for you?                  11 MR. STRICKLAND: They can't vote                  12 for me, but they have students that                  13 receive services from the ESC. So if you                  14 were a parent in Delaware City and you had                  15 an autistic student who had services from                  16 that district, they have no voice in who                  17 can govern. I feel that's wrong.                  18 MR. PICCININNI: That's not a                  19 call for the Board to make, but I think                  20 some of the other issues may merit.                  21 How much time -- to refresh my                  22 recollection with this entire process, how                  23 much time do we have for this type                  24 process?</p>	<p>1 MR. STRICKLAND: I just want to                  2 point out so it is clear. When the ESCs                  3 were established in 1914, there was one                  4 for every county. Now, that there isn't a                  5 Delaware County ESC, they have an option                  6 to go anywhere they want to get services.                  7 MR. PICCININNI: That issue, I                  8 understand that issue. I am just trying                  9 to wrap around the rest of it on who is                  10 eligible to sign, specifically.                  11 I understand your argument                  12 there, but I am not convinced.                  13 CHAIRMAN PREISSE: I am going                  14 to -- with the Board's consent let's defer                  15 this.                  16 I will caution you, Mr.                  17 Strickland, not to assume or misread that                  18 that is much of a positive indication that                  19 counsel wants to take a closer look at it.                  20 MR. STRICKLAND: I understand.                  21 CHAIRMAN PREISSE: My gut                  22 experience tells me and with professional                  23 staff that this doesn't sound optimistic                  24 to me.</p>

Page 106

1 I hope you prevail in all your  
 2 endeavors to seek public office, but I  
 3 think we will put this off until the next  
 4 Board meeting.  
 5 MR. DAMSCHRODER: This needs a  
 6 vote.  
 7 MR. MAS: Mr. Chairman, I move  
 8 to table the issues related to Mr.  
 9 Strickland until the next meeting.  
 10 MR. DAMSCHRODER: Which will be  
 11 determined at the end of the meeting.  
 12 MR. COLLEY: Second.  
 13 MR. STRICKLAND: What about the  
 14 write-in issue?  
 15 MR. PICCININNI: I understand  
 16 where you are coming from. The write-in  
 17 issue, I will address that with the Board.  
 18 There is a specific statute.  
 19 MR. STINZIANO: All in favor?  
 20 (Unanimous aye)  
 21 MR. DAMSCHRODER: That motion is  
 22 tabled, and we will pick back up at the  
 23 next meeting.  
 24 MR. STINZIANO: Mr. Segovia

Page 107

1 submitted a request for reconsideration  
 2 immediately before the meeting. He is  
 3 here to address the Board.  
 4 MR. SEGOVIA: I guess you denied  
 5 my petition due to the fact that the  
 6 circulation column was not filled out  
 7 correctly. One was the number of people  
 8 who signed the part petition. I don't  
 9 remember what the other one was.  
 10 You have heard this many times  
 11 as I have sat here, so I don't know if it  
 12 would be redundant to go through the  
 13 process, but I would ask that you to  
 14 reconsider.  
 15 CHAIRMAN PREISSE: It looks  
 16 pretty much the same as the deficiencies  
 17 we have been looking at and upholding on  
 18 previous decisions, I think, if you have  
 19 heard what counsel said.  
 20 I think if you heard what  
 21 counsel said about Minerva Park, who is  
 22 going to run the city.  
 23 MS. BIERMAN: There are four  
 24 vacancies. And of the seven who applied

Page 108

1 for a seat there are four who were  
 2 properly certified by this board because  
 3 their petitions were in good order and had  
 4 no fatal flaws.  
 5 CHAIRMAN PREISSE: Thank you for  
 6 your patience for staying.  
 7 Is there a motion?  
 8 MR. MAS: Mr. Chairman, I move  
 9 that the Board uphold the previous  
 10 determination in this case.  
 11 MR. COLLEY: Second.  
 12 MR. STINZIANO: All in favor?  
 13 (Unanimous aye)  
 14 MR. STINZIANO: At this time we  
 15 have heard the cause for reconsideration  
 16 of all individuals from whom we had  
 17 received a request.  
 18 If there is any other individual  
 19 present who wishes to appeal, this would  
 20 be the opportunity to acknowledge yourself  
 21 and come forward.  
 22 (No audible response)  
 23 MR. STINZIANO: I see no other  
 24 appeals before us.

Page 109

1 The next item on the Board's  
 2 agenda is the certification of write-in  
 3 candidates for November 3rd, 2009.  
 4 Karen prepared Exhibit J, which  
 5 will be added to the minutes in the record  
 6 of the meeting. These are the candidates  
 7 that petitions were found to be valid and  
 8 sufficient.  
 9 CHAIRMAN PREISSE: Do we have  
 10 that?  
 11 MR. STINZIANO: Yes.  
 12 MS. COTTON: You should have  
 13 Exhibits J and K. We will address Exhibit  
 14 J first.  
 15 MS. MARINELLO: Mr. Chairman, I  
 16 move that the write-in candidates listed  
 17 on Exhibit J be certified for the November  
 18 3rd, 2009 ballot.  
 19 CHAIRMAN PREISSE: Is there a  
 20 second?  
 21 MR. COLLEY: Second.  
 22 MR. STINZIANO: All in favor?  
 23 (Unanimous aye)  
 24 MR. STINZIANO: Before you is

Page 110

1 also Exhibit K, which will be added to the  
 2 record. These are write-in candidates  
 3 found to be invalid.  
 4 Do you recognize some of the  
 5 names on Exhibit K, who are individuals  
 6 that have filed? The only one that is not  
 7 an individual that filed a request for  
 8 reconsideration is -- the Board already  
 9 determined the petition was invalid was  
 10 Steven Johnson.  
 11 Karen can speak to the rationale  
 12 for that.  
 13 MS. COTTON: Mr. Steven L.  
 14 Johnson filed his declaration of intent to  
 15 be a write-in candidate on the 21st of  
 16 August. He also filed a change of address  
 17 on that date, changing his address to 1520  
 18 Worthington Road, 43235.  
 19 The address of 1540 Worthington  
 20 Road is in the Worthington City School  
 21 District. Thus he is not eligible to  
 22 serve on the Columbus Board of  
 23 Education.  
 24 I am recommending that he not be

Page 111

1 certified as a write-in candidate for  
 2 Columbus Public Schools.  
 3 MR. MAS: Mr. Chairman, I move  
 4 that the write-in candidates listed in  
 5 Exhibit K not be certified on the November  
 6 3rd, 2009 general Election.  
 7 CHAIRMAN PREISSE: Is there a  
 8 second?  
 9 MR. COLLEY: Second.  
 10 MR. STINZIANO: May I remind the  
 11 Board that motions have to be made in the  
 12 positive. A positive would put the  
 13 individuals on the ballot, and a no vote  
 14 would restrict or uphold the petition to  
 15 be found invalid.  
 16 All in favor?  
 17 MS. MARINELLO: No.  
 18 MR. COLLEY: No.  
 19 CHAIRMAN PREISSE: No.  
 20 MR. STINZIANO: The next item on  
 21 the agenda is the Challenge of Right to  
 22 Vote/Correction of Registration. The  
 23 Staff received 54 challenges from an  
 24 individual in Urbancrest.

Page 112

1 Rather than going through a  
 2 normal process we coordinated the voter  
 3 registration to create exhibits. Of those  
 4 54 challenges 20 of which, as you will  
 5 see, in Exhibit A we read that person  
 6 passed away or they had moved. So there  
 7 is no reason to bring those before the  
 8 Board.  
 9 Exhibit B are 12 individuals  
 10 that are currently in the process of being  
 11 purged under Ohio Revised Code.  
 12 And so the recommendation of the  
 13 Board regarding those challenges is to  
 14 deny the challenge and to maintain those  
 15 12 individuals in their purge status. If  
 16 they attempt to vote, they will be  
 17 required to vote provisionally. That is a  
 18 continued opportunity for the Board to  
 19 scrutinize that registration even more.  
 20 MR. MAS: Mr. Chairman, I move  
 21 that the Board deny the Challenge of Right  
 22 to Vote and Correction of Registration  
 23 list found by Joseph L. Barnes, Sr., of  
 24 3718 Second Avenue, Urbancrest, against

Page 113

1 the 12 individuals listed in Challenge  
 2 Exhibit C and order that those  
 3 individuals' registrations remain in to be  
 4 purged status.  
 5 MR. COLLEY: Second.  
 6 MR. STINZIANO: All in favor?  
 7 (Unanimous aye)  
 8 MR. STINZIANO: The final group,  
 9 which is in Exhibit B, are four  
 10 individuals who we have not received any  
 11 return mail from.  
 12 It's our recommendation that we  
 13 send them confirmation cards, which would  
 14 put them in pending status.  
 15 As you will see in Exhibit C the  
 16 Staff recommends the Board take no action  
 17 to these challenges, because they voted or  
 18 have been able to verify that they are  
 19 living at that address or that there isn't  
 20 conclusive evidence that we will need the  
 21 Staff to recommend those individuals be  
 22 removed.  
 23 MS. MARINELLO: Mr. Chairman, I  
 24 move the Board deny the Challenge of Right

Page 114

1 to Vote to Correction of Registration List  
 2 filed by Joseph L. Barnes, Sr., of 3718  
 3 Second Avenue, Urbancrest against the 16  
 4 individuals listed on Challenge Exhibit C  
 5 and order that those individuals'  
 6 registrations remain.  
 7 MR. COLLEY: I second.  
 8 MR. STINZIANO: All in favor?  
 9 (Unanimous aye)  
 10 MR. STINZIANO: Exhibit D are  
 11 four individuals who we have not received  
 12 any return mail from.  
 13 It is our recommendation to send  
 14 confirmation cards, which would put them  
 15 in the pending status in our normal  
 16 procedures.  
 17 MR. MAS: Mr. Chairman, I move  
 18 that the Board deny Challenge of Right to  
 19 Vote and Correction of Registration List  
 20 filed by Joseph L. Barnes, Sr., 3718  
 21 Second Avenue, Urbancrest, against the  
 22 four individuals listed on Challenge  
 23 Exhibit D in order that those individuals  
 24 be sent confirmation cards.

Page 115

1 MR. COLLEY: Second.  
 2 MR. STINZIANO: All in favor?  
 3 (Unanimous aye)  
 4 MR. STINZIANO: Of the 54  
 5 received there were two that the Staff is  
 6 recommending the Board to uphold the  
 7 challenge.  
 8 The first was -- all these were  
 9 submitted by Mr. Barnes. The claim was  
 10 that he does not reside there. The Staff  
 11 said the property is owned by another  
 12 individual.  
 13 Even though we have had no  
 14 return mail, it is Staff's recommendation  
 15 to cancel that registration.  
 16 MS. MARINELLO: Mr. Chairman, I  
 17 move that the Board grant the Challenge of  
 18 Right to Vote and Correction of  
 19 Registration List filed by Joseph L.  
 20 Barnes, Sr., of 3718 Second Avenue,  
 21 Urbancrest, against Kenneth W. Kemper of  
 22 3378 Central Avenue, Urbancrest, and order  
 23 that Kenneth W. Kemper's registration be  
 24 immediately cancelled in Franklin County

Page 116

1 and his name stricken from the  
 2 registration list.  
 3 MR. COLLEY: Second.  
 4 MR. STINZIANO: All in favor?  
 5 (Unanimous aye)  
 6 MR. STINZIANO: The  
 7 circumstances of Correction of  
 8 Registration List of Alee S. Toles.  
 9 MS. MARINELLO: I move the Board  
 10 grant the Challenge of Right to Vote and  
 11 Correction of Registration List filed by  
 12 Joseph L. Barnes, Sr., 3718 Second Avenue,  
 13 Urbancrest, against Alee S. Toles of 3527  
 14 Fourth Avenue in Urbancrest for the  
 15 registration to be immediately cancelled  
 16 and his name stricken from the  
 17 Registration List.  
 18 MR. COLLEY: Second.  
 19 MR. STINZIANO: All in favor?  
 20 (Unanimous aye)  
 21 MR. STINZIANO: The last item is  
 22 regarding the polling location. It's the  
 23 Staff's request that the Board authorize  
 24 the Director and Deputy Director to

Page 117

1 arrange with the Prosecutor's Office in  
 2 addressing their specific questions in  
 3 terms of our obligation on Election Day?  
 4 MS. MARINELLO: Mr. Chairman, I  
 5 move that the Board instruct the Director  
 6 and Deputy Director to submit questions  
 7 through the Prosecuting Attorney regarding  
 8 ADA compliance questions that would  
 9 provide further guidance as to the Board's  
 10 Election Day obligations.  
 11 MR. COLLEY: Second.  
 12 MR. STINZIANO: All in favor?  
 13 (Unanimous aye)  
 14 MR. STINZIANO: There are no  
 15 other items before the Board.  
 16 MR. DAMSCHRODER: We have a  
 17 Board meeting next week triggered by final  
 18 challenges that have to be dealt in within  
 19 ten days.  
 20 MR. STINZIANO: Voter  
 21 registration challenges are not petition  
 22 challenges.  
 23 MR. DAMSCHRODER: We also have  
 24 to revisit Strickland after the

Page 118

1 Prosecutor's Office does a review.  
 2 What is the Board's pleasure for  
 3 next week for a meeting?  
 4 MR. MAS: My only open day is  
 5 Thursday.  
 6 CHAIRMAN PREISSE: What are we  
 7 looking at.  
 8 Did you have a preference today?  
 9 Do you need more time to get  
 10 things ready?  
 11 MR. DAMSCHRODER: I think we  
 12 will be ready as early as Tuesday.  
 13 MR. DAMSCHRODER: How about  
 14 Friday, September 11th?  
 15 CHAIRMAN PREISSE: Wednesday?  
 16 MR. DAMSCHRODER: Wednesday at  
 17 3:00.  
 18 MR. PICCININNI: Wednesday at  
 19 2:00 or 3:00 is fine for me.  
 20 CHAIRMAN PREISSE: Wednesday at  
 21 3:00.  
 22 MR. DAMSCHRODER: Wednesday at  
 23 3:00.  
 24 MR. STINZIANO: Is there a

Page 119

1 motion to adjourn?  
 2 MR. MAS: I so move.  
 3 MR. STINZIANO: Is there a  
 4 second?  
 5 MS. MARINELLO: Second.  
 6 MR. STINZIANO: All in favor?  
 7 (Unanimous aye)  
 8 CHAIRMAN PREISSE: This meeting  
 9 is adjourned.  
 10 -----  
 11 Thereupon, the proceeding was  
 12 concluded at 5:30 o'clock p.m.  
 13 -----  
 14  
 15  
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 20  
 21  
 22  
 23  
 24

Page 120

1 CERTIFICATE  
 2 I, Patricia W. White, Court Reporter  
 3 and Notary Public in and for the State of  
 4 Ohio, do hereby certify that I reported  
 5 the foregoing proceedings and that the  
 6 foregoing transcript of such proceedings  
 7 is a full, true and correct transcript of  
 8 my stenotypy notes as so taken.  
 9 I do further certify that I was  
 10 called there in the capacity of a Court  
 11 Reporter, and am not otherwise interested  
 12 in this proceeding.  
 13 IN WITNESS WHEREOF, I have hereunto  
 14 set my hand and affixed my seal of office  
 15 at Columbus, Ohio, on this 21st day of  
 16 September, 2009.  
 17 \_\_\_\_\_  
 18 PATRICIA W. WHITE, Notary Public -  
 State of Ohio.  
 19  
 20 My commission expires May 30, 2012.  
 21  
 22  
 23  
 24