

FRANKLIN COUNTY BOARD OF ELECTIONS
280 EAST BROAD STREET
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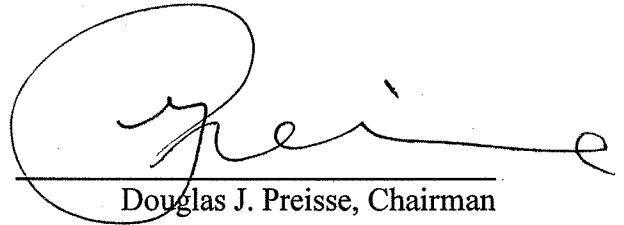
MINUTES OF THE MEETING ON

9-9-09

APPROVED ON

10-5-09

BY:




Douglas J. Preisse, Chairman



Michael F. Colley, Esq.




Kimberly E. Marinello



Joseph L. Mas, Esq.

ATTEST:



Michael Stinziano, Director

1 APPEARANCES:

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

8 On behalf of Franklin County
9 Board of Elections.

10 ALSO PRESENT:

11 Ms. Karen Cotton

12 Ms. Brenna Umbstaetter on behalf of
13 the Board of Elections.

14 Eric Nicholas, Liason to Secretary
15 of State Jennifer Brunner's
16 office.

17 Ben Piscitelli, Public Information
18 Officer.

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1	INDEX	
2	Agenda Item	Page No.
3	Call to Order/Roll Call	4
4	Approval of Minutes	4
5	Old Business - Petitions for Reconsideration of Board Action	
6	From August 27, 2009, meeting	5
7	Challenge of Right to Vote/ Correction of Registration List	15
8		
9	Monthly Fiscal Report/Procurement Policy - Fiscal	16
10	Executive Session	23
11	Adjournment	27
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

1 MR. STINZIANO: All in favor?

2 MEMBERS: Aye.

3 MR. STINZIANO: The next item is per
4 the discussion at the last Board meeting,
5 Mr. Strickland's appeal. The prosecutor had
6 requested the opportunity to do additional
7 research. And so I present --

8 MR. PICCININNI: That needs to be
9 taken from the table. That needs to be a
10 motion taken from the table. It needs to be
11 a motion taken from the table.

12 MR. STINZIANO: I believe we tabled
13 the discussion last week, and so we are
14 looking for a motion to untable
15 Mr. Strickland's appeal.

16 MR. MAS: Mr. Chairman, I move that
17 the consideration of Mr. Strickland's
18 petition be placed back on the table.

19 MR. COLLEY: Second.

20 MR. STINZIANO: All in favor?

21 MEMBERS: Aye.

22 MR. STINZIANO: Okay.

23 MR. PICCININNI: Now we can talk
24 about it.

1 MR. STINZIANO: Now we can talk
2 about it as our prosecutor said.

3 MR. PICCININNI: I just did a little
4 bit of research on this just to find out
5 exactly what the parameters were -- are for
6 the elector of an educational service
7 district. Unfortunately it has to be a
8 person who the educational service district
9 is in so the statute on educational service
10 districts takes out city schools. It only
11 deals with locals and unincorporated school
12 systems, so a person who is in a city school
13 district would not be a qualified person to
14 sign a petition.

15 And that's where we are coming from.
16 Even though they do receive the services, you
17 can't live in the city school district to be
18 -- the city school district can -- I am
19 trying to explain this right.

20 The city school district may
21 contract with an educational service center
22 to provide services. I know that one of your
23 points was that, Mr. Strickland made the
24 point that some of these people receive

1 services from the educational service center.
2 Yes, they may receive the services through
3 them, but those are contracts done by the
4 city school system and the service center.

5 For the purposes of deciding how you
6 elect members to the governing boards of an
7 Educational Service Center, it is a person
8 who lives in -- basically the locals of the
9 area that are served by it or some districts,
10 however it is set up. I am not -- and that's
11 why -- the signatures we kicked off that
12 would disqualify from individuals who resided
13 in city school districts was appropriate.

14 MR. MAS: So it is strictly
15 geographic?

16 MR. PICCININNI: It is geographic,
17 and -- it is geographic and it depends on
18 what school district you live in. Like a
19 person who lives in Plain Local School
20 District can sign a petition for a person,
21 but a person who lives in Columbus City
22 Schools cannot sign the petition because a
23 city school district is not part of an
24 Educational Service Center by statutes.

1 MR. MAS: Even though that
2 individual may live in the geographic
3 district?

4 MR. PICCININNI: Yes.

5 MR. MAS: So they are excluded --

6 MR. PICCININNI: Well, they wouldn't
7 be living in the geographic district of the
8 service center, they live in the geographic
9 district of the city school system.

10 MR. MAS: That is what I meant.

11 MR. PICCININNI: Yeah, okay.

12 MR. MAS: Well, in that case it is
13 geographic.

14 MR. PICCININNI: Yeah, it is
15 geographic. Okay. Yes.

16 MR. MAS: And the signatures, I am
17 just repeating what you said, the signatures
18 that were omitted were outside of the
19 geographic?

20 MR. PICCININNI: That is correct.
21 It was my understanding that they were from
22 city school district residents, from
23 Delaware, from Westerville, from --

24 MR. STRICKLAND: Specifically

1 speaking of the City of Delaware, where there
2 was 22 that was thrown out and 17 of which
3 were residents, the geographic is the word I
4 am confused on. Is it -- because
5 geographically, it is the center of Delaware.

6 MR. PICCININNI: Right.

7 MR. STRICKLAND: They received
8 services.

9 MR. PICCININNI: Right. It is the
10 fact that they reside in the Delaware City
11 School District makes them not qualified to
12 sign the petition for the Educational Service
13 Center. If they lived in a local school
14 district as opposed to a city school
15 district, then they would be eligible.

16 MR. STRICKLAND: Okay. I understand
17 that part, but because of the merger, they --
18 that is what I am saying --

19 MR. PICCININNI: But it is still --
20 the city school district is still exempted.
21 They are not permitted to be part of the
22 Educational Service Center regardless of the
23 merger. It is still the local school
24 districts that are permitted to create the

1 Educational Service Center. I know that's a
2 little bit bizarre.

3 MR. STRICKLAND: I am glad you
4 understand it.

5 MR. PICCININNI: It took me a little
6 bit to get my -- wrap my hands around it.

7 MR. MAS: Mr. Chairman and
8 Mr. Strickland, just out of curiosity, in
9 getting the signatures, were you inquiring
10 like who sent their children there and that
11 kind of a thing, or what was your criteria?

12 MR. STRICKLAND: Well, I was asking
13 people if they knew about the ESCs and most
14 of the time they did not, but then there were
15 the occasion where someone would say, yeah,
16 my child received services. So my thought
17 was, well, if you received services, you
18 should be able to vote.

19 MR. MAS: Must be.

20 MR. STINZIANO: Yeah.

21 MR. MAS: And obviously we were not
22 sure ourselves.

23 MR. STRICKLAND: I understand.

24 MR. MAS: Which is the reason that

1 Mr. Piccininni did that.

2 MR. PICCININNI: And I hate to be
3 the bearer of bad news sometimes, but
4 unfortunately, in this particular situation,
5 if all of your signatures were from people in
6 Delaware County that lived within a local
7 school district, I don't know, Olentangy
8 Local, is it Olentangy Local?

9 MR. STRICKLAND: Yeah, I had 30 of
10 those approved.

11 MR. PICCININNI: -- those people are
12 okay, but the people that live in Delaware
13 City Schools, that is the city school
14 district as opposed to a local school
15 district.

16 MR. STRICKLAND: Well, that was my
17 entire argument there is that I feel that,
18 you know, if they live and receive services,
19 they should have a voice.

20 MR. PICCININNI: And that is very
21 similar, and we have these similar
22 situations.

23 MR. DAMSCHRODER: Columbus income
24 tax is a good example.

1 MR. PICCININNI: Columbus income tax
2 is a good example. You work in the city, but
3 if you live in another municipality, even
4 though you got to pay, you don't get to vote
5 on it. And I understand where you are coming
6 from. It's similar to the people that have
7 houses up Marble Head or up on the lake and
8 they live there for part of the year, but
9 their principal residence is somewhere else.

10 They don't get to vote on the tax
11 issues up there, but they will have to pay
12 the property taxes up there because the
13 residents vote on it. Because they get to
14 vote here, they don't -- that is part of the
15 distinction as well.

16 Bottom line is I looked at it and
17 the decision to not qualify -- my
18 recommendation would be to sustain the
19 Board's previous decision.

20 I apologize, Mr. Strickland.

21 MR. STRICKLAND: That is your job to
22 do that. I can't say that I am happy with
23 your decision, but --

24 MR. PICCININNI: My job is to get

1 the proper advice.

2 MR. STRICKLAND: Well, I made my
3 argument. I appreciate your consideration.

4 CHAIRMAN PREISSE: We appreciate
5 your twice coming down and making your case.
6 You are concerned about your community. I
7 would hope, as I said before, that you will
8 find another outlet, maybe the same one, in a
9 year or two and the opportunity presents
10 itself once again.

11 MR. STRICKLAND: Thank you.

12 CHAIRMAN PREISSE: Thank you.

13 MR. MAS: Mr. Chairman, in that
14 case, I think it is my sad duty to move that
15 the Board uphold our previous determination.

16 MR. COLLEY: Second.

17 MR. STINZIANO: All in favor?

18 MEMBERS: Aye.

19 MR. STINZIANO: The next individual
20 that was on our meeting notice does not
21 appear to be here, so I don't think the Board
22 needs to address the appeal. He never
23 submitted anything formally. Apparently he
24 did attend the last meeting. I have been

1 informed that since his name was not listed,
2 since we did not receive a formal appeal by
3 letter, he has been told by someone in the
4 audience, we were not going to hear it.
5 Obviously it's the Board (inaudible). We
6 opened the room up to anyone that was
7 available, he had already left. He was
8 informed of the meeting today. He does not
9 appear to be here.

10 Unless the Board wants to hear the
11 appeal, it would be my recommendation that we
12 keep moving.

13 MR. MAS: Did he appeal or not
14 appeal?

15 MR. STINZIANO: He did not present
16 any formal letter. He just called and said
17 that he would like to address the Board as
18 part of an appeal.

19 CHAIRMAN PREISSE: We have no
20 internal reason to believe that
21 reconsideration is warranted based on the --

22 MS. COTTON: Mr. Brian Lozier's
23 petition, he has submitted that he lives at
24 141 Commerce Street in Lockbourne and our

1 voter registration files as well as his
2 record where he is voting from on a regular
3 basis is 112 Commerce Street. So he does not
4 live at the address. He had other problems
5 with these petitions. On one part of the
6 petition, he did not list the number of
7 signatures on that part of the petition. On
8 the other part of the petition, he
9 over-listed his number of signatures, but he
10 did not have enough signatures either.

11 MR. PICCININNI: But it wasn't his
12 birthday.

13 MR. DAMSCHRODER: So even if the
14 Board found that the address wasn't an issue,
15 there still wasn't a sufficient number of
16 signatures?

17 MS. COTTON: No.

18 CHAIRMAN PREISSE: Okay. So we
19 don't need to do anything there?

20 MR. STINZIANO: That would be my
21 recommendation.

22 The next item is we received a
23 Challenge of Right to Vote, Correction of
24 Registration List. The challenge is filed by

1 Valerie Herd against Miguel Johnston.

2 Ms. Herd says she is the owner of
3 the property and transferred her residency
4 requirements to that property and is a 2006
5 ACORN registration. And Miguel Johnston has
6 never voted at the address, so it is the
7 staff's recommendation that we cancel the
8 registration.

9 MS. MARINELLO: Mr. Chairman, I move
10 that the Board grant the Challenge of Right
11 to Vote and Correction of Registration List
12 filed by Valerie L. Herd of 1332 Roberts
13 Place, Columbus, Ohio, 43207, against Miguel
14 Johnston of 1332 Roberts Place, Columbus,
15 Ohio, 43207, and order that Miguel Johnston's
16 registration be immediately cancelled in
17 Franklin County and his name stricken from
18 the Registration List.

19 MR. COLLEY: Second.

20 MR. STINZIANO: All in favor?

21 MEMBERS: Aye.

22 MR. STINZIANO: Next item per the
23 procurement policy is a monthly fiscal
24 report. We have Brenna here for the next

1 September fiscal report.

2 MS. UMBSTAETTER: Hello. We have a
3 small binder for budget reports which now
4 include reports for July and August. Our
5 activity through August 31st reflects the
6 majority expenses incurred --

7 CHAIRMAN PREISSE: I am sorry. Can
8 you speak up? I can't hear you. I am not
9 sure -- I can't hear you. It sounds like you
10 have a sore throat --

11 MR. MAS: I am having trouble
12 hearing myself.

13 MS. UMBSTAETTER: The small binder
14 that you each have with the budget reports
15 now contain reports for the months of July
16 and August. Through August 31st, our
17 activity reflects the majority of the
18 expenses incurred for the August special
19 election. There are a handful of invoices
20 that came in too late for processing to be
21 reflected on August's financial reports.

22 You will note that the transfer in
23 adjustment column for the month of August now
24 reflects the supplemental appropriation

1 amount that was approved by the commissioners
2 for the August election expenses and raises
3 our total appropriation for the year to just
4 under 8.6 million.

5 And our expenditures through August
6 are currently at 4.6 million. We will be
7 continuing to monitor our expenses relative
8 to the appropriations for the various expense
9 line items. And as we are moving into the
10 election activity for November, we will have
11 a better idea of where these appropriation
12 surpluses and shortages are by line item, and
13 what opportunities we have to reallocate any
14 appropriated dollars for whatever our
15 necessary expenses are for the November
16 activity.

17 The summary report on top is
18 followed by some detail by department, if you
19 are interested in seeing those breakdowns,
20 and you have the usual graphs that will show
21 you visually and by a percentage calculation
22 where we are for the year.

23 Your large binder has also been
24 updated for procurement reports per policy

1 and that is also now complete through August
2 and that is the detail for both our
3 encumbered funds in the budget and the
4 expenditures that we have paid through the
5 auditor's office.

6 As always, I am available any time
7 that you have questions or if you would like
8 to review more of the in detail documents
9 from the accounting system.

10 CHAIRMAN PREISSE: What do our
11 director and deputy director have to say
12 about where you think we are and ought to be
13 and how comfortable we are?

14 MR. DAMSCHRODER: From my
15 perspective, I think the two areas that I
16 think are of particular note, the two
17 categories being personal services and the
18 other being services and materials, from a
19 personal services compensation, I think if we
20 did not have -- if we had not done as good of
21 a job in May of this year and August in terms
22 of recruiting the bare minimum number of poll
23 workers, we would probably have some concern
24 in our personal services because the way the

1 county budget works, it considers full-time
2 employee compensation, part-time employee
3 compensation, and poll worker compensation as
4 a personal service rollup. So that if --
5 let's say, if we spent \$1,000 more in
6 seasonal employment compensation than we had
7 budgeted, but we spent \$1,000 less in poll
8 worker compensation, we would be considered
9 whole for purposes of the personal service
10 rollup so they kind of all net together.

11 And I think even with the additional
12 appropriation from the commissioners for
13 seasonal compensation as a result of the
14 August special election, I think the
15 remaining appropriation of 262,000 for the
16 fall is going to be a little bit touch and go
17 partly or primarily because we don't really
18 know what turnout is going to be specifically
19 for absentee as a result of the three
20 state-wide issues.

21 If the proponents or opponents
22 particularly of issue 3 really push absentee
23 this fall, that could drive our part-time
24 seasonal employment compensation number

1 pretty high. But the good news is because we
2 were super frugal in terms of precinct
3 election official recruitment for May and
4 August, we will probably have enough left
5 over in poll worker compensation to take care
6 of the net of anything we go over in terms of
7 seasonals for this fall.

8 The other category of materials and
9 services is always, is one that always comes
10 up and bites us because we can't always
11 accurately forecast absentee turnout and late
12 decisions from courts or the Secretary of
13 State, so if we get some late-breaking
14 requirements, perhaps election day paper
15 ballots or something of that nature, we might
16 end up needing supplemental appropriations
17 for materials and services.

18 But I would say overall, I think we
19 feel pretty comfortable where we are at right
20 now, that barring something unknown, we will
21 probably have sufficient current
22 appropriations to cover our expenditures for
23 the balance of the year. That is probably
24 more information than you necessarily wanted,

1 but --

2 CHAIRMAN PREISSE: I wanted to hear
3 if you see any red flags on the horizon or --

4 MR. STINZIANO: Everything we know
5 about, we do not. It is always the unknown
6 that causes the red flag.

7 CHAIRMAN PREISSE: There is the
8 known unknowns and the unknown unknowns.

9 MR. STINZIANO: Correct.

10 CHAIRMAN PREISSE: Thank you. So as
11 far as the known unknowns are concerned --

12 MR. DAMSCHRODER: We feel pretty
13 good that we are in a good position.

14 CHAIRMAN PREISSE: No further
15 questions.

16 MR. STINZIANO: The next item then
17 is fiscal related (inaudible) policy. As you
18 are aware, we have awarded the contract for
19 ballot printing for the fall election to
20 Election Systems and Software, and now per
21 the procurement policy, we need to open a
22 purchase order. And it is staff's
23 recommendation that we open the purchase
24 order for \$150,000 which would cover both

1 absentee paper ballots, and election day
2 paper ballots.

3 MR. MAS: Mr. Chairman, I move that
4 the Board -- I am sorry, I move that the
5 Board authorize the Director and Deputy
6 Director to open a purchase order for ballot
7 printing for the November 3rd, 2009, general
8 election with Election Systems and Software
9 for \$150,000.

10 MR. COLLEY: Second.

11 MR. STINZIANO: All in favor?

12 MEMBERS: Aye.

13 MR. STINZIANO: The next item is
14 going into executive session.

15 MR. MAS: And still being a request,
16 Mr. Chairman, I move that the Board adjourn
17 into executive session to consider the
18 appointment, employment, and/or compensation
19 of a public employee.

20 MS. MARINELLO: Second.

21 MR. STINZIANO: All in favor?

22 MEMBERS: Aye.

23 CHAIRMAN PREISSE: Roll call.

24 MR. STINZIANO: Mr. Colley?

1 MR. COLLEY: Yes.

2 MR. STINZIANO: Chairman Preisse?

3 CHAIRMAN PREISSE: Yes.

4 MR. STINZIANO: Mr. Mas?

5 CHAIRMAN PREISSE: Yes.

6 MR. STINZIANO: Ms. Marinello?

7 MS. MARINELLO: Yes.

8 MR. STINZIANO: We are now in
9 executive session.

10 - - - - -

11 Thereupon, the Board entered into
12 executive session at 3:29 o'clock p.m.

13 - - - - -

14 MR. STINZIANO: Can you make an
15 announcement about being back out of
16 executive session?

17 CHAIRMAN PREISSE: We are back out
18 of executive session, and for the record, in
19 executive session, no motions were made nor
20 votes were taken, and seems to me without
21 further business, that may conclude the
22 meeting.

23 MR. STINZIANO: We can either
24 discuss on the record the next meeting time

1 or wait until we adjourn.

2 MR. DAMSCHRODER: Do we have a
3 proposed meeting date?

4 MR. STINZIANO: The 28th or 29th.
5 We by Secretary of State directive have to
6 have the Board members sign an administration
7 policy that is pretty much the A to Z of
8 everything we do at the Board of Elections
9 and so the staff is currently drafting that.
10 And so it is our recommendation that we have
11 a meeting either the Monday or Tuesday before
12 it is due so you all can sign it.

13 MR. MAS: Is it not possible to do
14 it on the Wednesday?

15 MR. STINZIANO: We could do it on
16 the 30th, the day of.

17 MR. MAS: That is the day of?

18 MR. STINZIANO: That is the day it
19 is due, but I believe it is due by close of
20 business, Mr. Nichols.

21 MR. NICHOLS: I'll find out the
22 exact drop dead date if you need that.

23 MR. MAS: The 29th, I am trying to
24 leave the first couple of days of that week

1 kind of open, I might go out of town. But
2 the 29th or later would be okay.

3 MR. STINZIANO: That would be fine,
4 or we could do it earlier, the Friday before.
5 If the staff knows when the Board would like
6 to see it, that would help motivate getting
7 it completed.

8 MR. DAMSCHRODER: We can do it now
9 or next week.

10 MS. MARINELLO: Can we do it now?

11 CHAIRMAN PREISSE: Friday the 25th
12 works for me in the afternoon. Would it put
13 us under any constraints?

14 MR. MAS: It would work for me if we
15 can do it just a little bit earlier, two-ish
16 on that Friday.

17 CHAIRMAN PREISSE: I thought you
18 preferred the Friday?

19 MR. MAS: Friday the 25th would be
20 fine, if we can do it just a little bit
21 earlier. I think we are taking off --

22 CHAIRMAN PREISSE: 2:00.

23 MR. MAS: Fine, if we can do it just
24 a little bit earlier.

1 MR. DAMSCHRODER: Friday, the 25th
2 at 2:00, much earlier than 2:00 is the
3 problem for Michael.

4 MR. STINZIANO: Because we have had
5 the meeting today, it is the staff's
6 recommendation that we cancel the regularly
7 scheduled meeting due to Labor Day. That has
8 been pushed back. That was on the 14th at
9 3:00.

10 And we would need a motion to cancel
11 the regularly scheduled meeting, the general
12 meeting of the Board for September.

13 MR. MAS: Mr. Chairman, I move that
14 we cancel the regularly scheduled meeting for
15 September.

16 MS. MARINELLO: Second.

17 MR. STINZIANO: All in favor?

18 MEMBERS: Aye.

19 MR. STINZIANO: At this time, we can
20 entertain a motion to adjourn.

21 MR. MAS: So moved.

22 MS. MARINELLO: Second.

23 MR. STINZIANO: All in favor?

24 MEMBERS: Aye.

1 MR. STINZIANO: Thank you very much.

2 Meeting adjourned.

3 - - - - -

4 Thereupon, the proceedings were

5 concluded at 4:07 o'clock p.m.

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CERTIFICATE

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 28th day of September 2009.

Jennifer L. Koontz
Jennifer L. Koontz
Certified Digital Reporter
Notary Public - State of Ohio
My commission expires 9/15/2013

Lisa A. Balkowski
LISA A. BALKOWSKI
Certified Digital Transcriber