

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


MINUTES OF THE MEETING ON

1-14-10

APPROVED ON

2/1/10

BY:



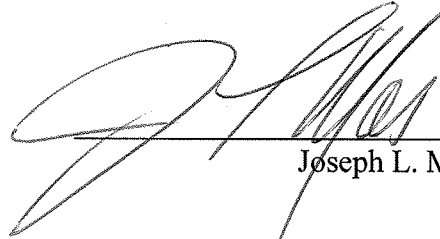
Douglas J. Preisse, Chairman



Michael F. Colley, Esq.

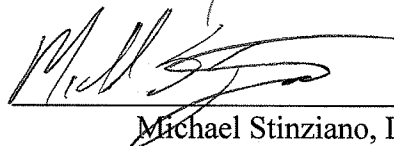


Kimberly E. Marinello



Joseph L. Mas, Esq.

ATTEST:



Michael Stinziano, Director

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BEFORE THE  
FRANKLIN COUNTY BOARD OF ELECTIONS

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IN RE:   :  
Special Meeting                                 :

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Proceedings before Chairman Douglas J. Preisse, Board Members Michael F. Colley, Kimberly E. Marinello, and Joseph L. Mas, Esq., Director Michael Stinziano, and Deputy Director Matt Damschroder, taken at the offices of the Franklin County Board of Elections, 280 East Broad Street, Columbus, Ohio on Thursday, January 14, 2010, at 4:36 o'clock p.m.

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1 APPEARANCES:

2 Franklin County Prosecuting Attorney  
3 373 South High Street  
4 13th Floor  
5 Columbus, Ohio 43215  
6 By Mr. Patrick J. Piccinnini,  
7 Assistant Prosecuting Attorney,

8  
9 On behalf of the Board.

10 ALSO PRESENT:

11 Ms. Brenna Umbstaetter, Fiscal Officer

12 Ms. Karen Cotton, Manager of Elections  
13 Operations

14 Ms. Suzanne Brown, Executive Assistant to the  
15 Board

16 Mr. Ben Piscitelli, Media Relations  
17  
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p R O C E E D I N G S  
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MR. STINZIANO: We will begin the Thursday, January 14th, 2010 special meeting of the Franklin County Board of Elections with a roll call.

Mr. Colley.

MR. COLLEY: Here.

MR. STINZIANO: Chairman Preisse.

CHAIRMAN PREISSE: Here.

MR. STINZIANO: Mr. Mas.

MR. MAS: Here.

MR. STINZIANO: Ms. Marinello.

MS. MARINELLO: Here.

MR. STINZIANO: The first item is the approval of minutes. We have for the Board minutes from November 24th, November 30th, and December 7th.

MS. MARINELLO: Mr. Chairman, I move that the minutes of the meeting of the Board held on November 24th; November 30th, 2009; December 7th, 2009, be approved as submitted.

MR. COLLEY: Second.

1 MR. STINZIANO: All in favor?

2 MEMBERS: Aye.

3 MR. DAMSCHRODER: The next item on the  
4 agenda is a request for legal opinion from the  
5 Prosecuting Attorney's Office. This stems from a  
6 matter of a little bit of confusion from 2008.

7 It has been the practice of this office,  
8 on Election Day for a partisan primary election,  
9 to put the voter's previous party affiliation, as  
10 defined as the most recent party affiliation of a  
11 primary election in the last two calendar years,  
12 to print that in the three part list that hangs on  
13 the wall. It gets changed at opening of the  
14 polls, 11:00 and 4:00 p.m. in the afternoon.

15 We have not, in the last several years,  
16 put party affiliation in the signature poll book  
17 that the voter signs, and then also makes a note  
18 at that election which party's ballot they want.

19 The way our office has interpreted the  
20 statute, that if a voter comes in who has a  
21 different party affiliation, say I voted in the  
22 democrat primary in 2008 and I want to vote a  
23 republican ballot in 2010, as a voter, I just  
24 simply come in, whether it's absentee or Election

1 Day, and just make that preface known to the poll  
2 workers or the election officials, and I get that  
3 ballot.

4 In 2008, there was a question about  
5 whether the Board should be instructing its poll  
6 workers to challenge every voter that comes in, as  
7 to party affiliation, if that voter's changing  
8 political parties.

9 The Secretary of State's Office sent out  
10 an email mid-day Election Day in '08 that was a  
11 little bit, I think, towards our interpretation,  
12 but there was still some questions.

13 And so given that we have a big partisan  
14 primary election coming up in just a few months,  
15 it's my recommendation that we get a written  
16 opinion from the prosecuting attorney as to what  
17 is the law, as to what is required to be in the  
18 poll books, what's required to be on the three  
19 part list on the wall, and what is the poll  
20 worker's duty as it relates to verifying party  
21 affiliation expressed by the voter.

22 MR. MAS: Mr. Chairman, Matt, so this  
23 isn't really a change in the law, but it's just  
24 the fact that we need to look at it?

1 MR. DAMSCHRODER: We just want to make  
2 sure that we're following the law as it's written.

3 MR. MAS: Following the law. So it's  
4 not a change?

5 MR. DAMSCHRODER: That's correct.

6 MR. MAS: Mr. Chairman, in that case, I  
7 move that the Board request, through the Director  
8 and Deputy Director, a legal opinion from the  
9 Prosecuting Attorney regarding party affiliation  
10 changes on Election Day.

11 MR. COLLEY: Second.

12 MR. STINZIANO: All in favor?

13 MEMBERS: Aye.

14 MR. STINZIANO: Next we will have Brenda  
15 present the monthly fiscal report.

16 MS. UMBSTAETTER: All right. These are  
17 the standard report format that you're used to  
18 seeing. On top you have the summary of December,  
19 so this is your year-end summary report for all of  
20 the expenditures.

21 Really the only thing of note that I  
22 want to highlight is that if you look at the far,  
23 right-hand column, "Remaining Appropriations,"  
24 those are unexpended appropriations, money we had



1 left over from the budget. And we talked before  
2 about that being due to some unforeseen changes in  
3 budget, that expenses we anticipated, did not come  
4 to fruition.

5 The net effect is that we have  
6 reimbursed the Commissioners and general fund for  
7 the supplemental appropriation we had in August  
8 for the special election. It was 293,000, and we  
9 were able to economize to the point of turning  
10 back in 255,000 to the County. So that puts us in  
11 a very good light for the year as a whole.

12 CHAIRMAN PREISSE: Somebody ought to run  
13 for office.

14 MS. UMBSTAETTER: Not me.

15 (Laughter.)

16 MR. STINZIANO: Umbstaetter for  
17 Auditor.

18 MS. UMBSTAETTER: I've also included for  
19 you the "Service and Materials" line item showing  
20 a 2009 total of 1,182,000. Below this report with  
21 graphs I've also included for you a second report  
22 that splits out those materials and services, as  
23 well as some detail, by line item that corresponds  
24 more closely to those funds.

1           And the final page in your packet is the  
2 monthly reconciliation encumbrances with the  
3 purchase orders open and the expenses.

4           And the only thing that's different with  
5 that report for the month of December is that one  
6 of the final transactions in the Auditor's Office  
7 at the end of the month is to zero out any  
8 balances on open purchase orders and close all of  
9 those for the year. They do not carry over from  
10 one calendar year to the next. So you'll see the  
11 ending balance as of December 31st for  
12 encumbrances is zero. And the auditor's  
13 transactions listed, as well, on the report for  
14 you.

15           That's all I have. Any questions?

16           MR. STINZIANO: No questions? Then we  
17 will move --

18           MR. DAMSCHRODER: If I could just make  
19 one note so that the Board is aware. For the  
20 fiscal year 2010, the Commissioners did not award  
21 funding to any agencies for employee pay  
22 increases, other than for in what's allowed in  
23 bargaining unit contracts.

24           So later on this year -- normally in

1 reappointment years, at reappointment we come back  
2 and do pay raises, cost of living, and merit for  
3 employees. That will not be an option for this  
4 year.

5 I think it's probably a good decision on  
6 the part of the commissioners, given the economic  
7 situation and making sure that -- making sure that  
8 the County's funds are being well spent.

9 So I just wanted to let you all know  
10 that, as you hear from employees on that matter.

11 MS. MARINELLO: Thank you.

12 MR. STINZIANO: The next item are fiscal  
13 matters consistent with our procurement policy.

14 The first is it is the Director, Deputy  
15 Director's recommendation that the Board enter  
16 into a contract and purchase order with Election  
17 Management Consulting Services.

18 EMCS is the organization that has been  
19 working with the Franklin County Board to support  
20 our voter registration programming. They do all  
21 the support originally. An individual at EMCS  
22 actually built it with Sequoia.

23 As you're all aware, we did buy the  
24 rights or the data from Sequoia, so we are

1 currently self-running that. And this was a piece  
2 of that purchase, that we were going to keep EMCS  
3 to train our staff so that we can take it on  
4 eventually all by ourselves.

5 MS. MARINELLO: Mr. Chairman, I move  
6 that the Board enter into contract and authorize  
7 the Director and Deputy Director to open a  
8 purchase order in support of the contract with  
9 Election Management Consulting Services LLC  
10 (EMCS), for support of the Franklin County Board  
11 of Elections Sequoia Voter Maintenance Program.

12 MR. DAMSCHRODER: Second the motion,  
13 Michael?

14 MR. COLLEY: Second.

15 MR. STINZIANO: All in favor?

16 MEMBERS: Aye.

17 MR. STINZIANO: The next item is that in  
18 our budget we did receive a \$25,000 grant to be  
19 distributed to Kids Voting Central Ohio. And  
20 given that it's a new year, I think they would  
21 appreciate receiving the grants immediately, and  
22 so it's our recommendation that we open a purchase  
23 order and distribute the grant as soon as  
24 possible.

1                   And just so the Board remembers, Kids  
2                   Voting, we had more Kids Voting at the 2010  
3                   election than we've had before. The kids have  
4                   done a terrific job, and we've got a great  
5                   relationship with Kids Voting Central Ohio to date  
6                   and continue to build on that relationship.

7                   MR. MAS: Very good. Mr. Chairman, I  
8                   move that the Board open a purchase order to  
9                   distribute a \$25,000 grant to Kids Voting Central  
10                  Ohio.

11                  MR. DAMSCHRODER: Second?

12                  MR. COLLEY: Second.

13                  MR. STINZIANO: All in favor?

14                  MEMBERS: Aye.

15                  MR. STINZIANO: And the last procurement  
16                  matter is consistent with procurement policy, we  
17                  need to open purchase orders for anything over  
18                  \$10,000. One of those expenses is our Pitney  
19                  Bowes absentee ballot mail processing machine.  
20                  That amount is \$295,510.08. That's for the entire  
21                  year.

22                  Given that the 2010 election cycle is so  
23                  big and we have the opportunity to be mailing,  
24                  potentially, county-wide absentee ballot

1 applications both for the primary, potentially,  
2 and for the general, the sooner we get this  
3 purchase order consistent with the procurement  
4 policy, the better.

5 MS. MARINELLO: Mr. Chairman, I move the  
6 Board authorize the Director and Deputy Director  
7 to open a purchase order for absentee ballot mail  
8 processing for the 2010 elections with Pitney  
9 Bowes for \$295,510.08.

10 MR. COLLEY: Second.

11 CHAIRMAN PREISSE: Got a second.

12 MR. STINZIANO: All in favor?

13 MEMBERS: Aye.

14 MR. STINZIANO: Next the Director  
15 recommends that the Board move into executive  
16 session to discuss the dismissal, employment,  
17 promotion, demotion, appointment, or compensation  
18 of a public employee.

19 MR. MAS: In that case, Mr. Chairman, I  
20 move that the Board adjourn into executive session  
21 to consider the appointment, employment,  
22 dismissal, discipline, promotion, demotion, or  
23 compensation of a public employee.

24 MR. STINZIANO: Do a roll call vote --

1 MS. MARINELLO: Second.

2 MR. STINZIANO: Sorry. There's been a  
3 motion and a second. We'll do a roll call vote.

4 Mr. Colley.

5 MR. COLLEY: Yes.

6 MR. STINZIANO: Chairman Preisse.

7 MR. PREISSE: Yes.

8 MR. STINZIANO: Mr. Mas.

9 MR. MAS: Yes.

10 MR. STINZIANO: Ms. Marinello.

11 MS. MARINELLO: Yes.

12 MR. STINZIANO: Okay. Executive  
13 session.

14 (Board members went into executive  
15 session.)

16 MR. STINZIANO: We'll return back to  
17 public session with a roll call vote.

18 Mr. Colley.

19 MR. COLLEY: Yes.

20 MR. STINZIANO: Chairman Preisse.

21 CHAIRMAN PREISSE: Yes.

22 MR. STINZIANO: Mr. Mas.

23 MR. MAS: Yes.

24 MR. STINZIANO: Ms. Marinello.

1 MS. MARINELLO: Yes.

2 CHAIRMAN PREISSE: And I'd like to state  
3 for the record that in executive session, no  
4 motions were made and no votes were taken. And we  
5 can proceed.

6 MR. COLLEY: Mr. Chairman, I move that  
7 Barcy McNeal be reassigned to the position of poll  
8 worker training coordinator within the PEO  
9 division and her hourly rate be increased to \$27  
10 per hour effective January 18, 2010.

11 CHAIRMAN PREISSE: And I'll second the  
12 motion.

13 MR. STINZIANO: All in favor?

14 MEMBERS: Aye.

15 MR. STINZIANO: Another personnel  
16 matter.

17 MR. COLLEY: Mr. Chairman, I move that  
18 the Board appoint Jeffery O. Mackey to the  
19 position of Petition and Campaign Finance Clerk  
20 within the Operations division and that his hourly  
21 rate be established at \$19.71 per hour effective  
22 January 18, 2010.

23 CHAIRMAN PREISSE: And I'll second the  
24 motion.



1 MR. STINZIANO: All in favor?

2 MEMBERS: Aye.

3 MS. MARINELLO: Mr. Chairman, I move the  
4 Board hire Stacie Baker as a Voter Services Clerk  
5 effective January 18th, 2010 at the hourly rate of  
6 pay of \$15.07.

7 MR. MAS: Second.

8 MR. STINZIANO: All in favor?

9 MEMBERS: Aye.

10 MS. MARINELLO: And, Mr. Chairman, I  
11 also move that the Board hire Karen White as a  
12 Voter Services Clerk effective January 18th, 2010  
13 at the hourly rate of pay of 14.30 per hour.

14 MR. MAS: Second.

15 MR. STINZIANO: All in favor?

16 MEMBERS: Aye.

17 MR. DAMSCHRODER: And if I could just  
18 let the record reflect that I was -- as for the  
19 reasons discussed in executive session, I was not  
20 in favor of the latter two of those hires.

21 MR. STINZIANO: The last item on the  
22 agenda is the alternative holiday schedule,  
23 similar to what we did this past fall. It's our  
24 recommendation that we remain open on October 11th

1 and switch that holiday for the day after  
2 Thanksgiving. And then also -- that will be the  
3 first recommendation.

4 MS. MARINELLO: Mr. Chairman, I move  
5 that the Board of Elections join other county  
6 agencies in being closed to the public on October  
7 11th, but consider it a regular workday for  
8 full-time employees of the Board, and that the  
9 offices be closed to the public in formal  
10 observance of Columbus Day as a paid holiday on  
11 Friday, November 26th, 2010.

12 MR. COLLEY: Second.

13 MR. STINZIANO: All in favor?

14 MEMBERS: Aye.

15 MR. STINZIANO: And then the other  
16 holiday switch was Veteran's Day. This would be  
17 open to the public on November 11th, but closed on  
18 Thursday, December 23rd.

19 MS. MARINELLO: Mr. Chairman, I move  
20 that the Board remain open to the public on  
21 November 11th and consider it a regular workday  
22 for full-time employees of the Board, and that the  
23 offices be closed to the public in formal  
24 observance of Veteran's Day as a paid holiday on

1 Thursday, December 23rd, 2010.

2 MR. COLLEY: Second.

3 MR. STINZIANO: All in favor?

4 MEMBERS: Aye.

5 MR. STINZIANO: No other items before  
6 the Board to discuss today. There a motion to  
7 adjourn?

8 MR. MAS: So moved.

9 MR. STINZIANO: Second?

10 MS. MARINELLO: Second.

11 MR. STINZIANO: Motion is seconded.  
12 All in favor?

13 MEMBERS: Aye.

14 MR. STINZIANO: We are adjourned.

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16 Thereupon, the proceedings were  
17 concluded at 5:20 o'clock p.m.

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