

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


MINUTES OF THE MEETING ON

2/1/10

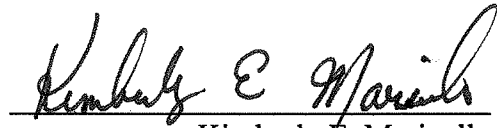
APPROVED ON


2/25/10

BY:

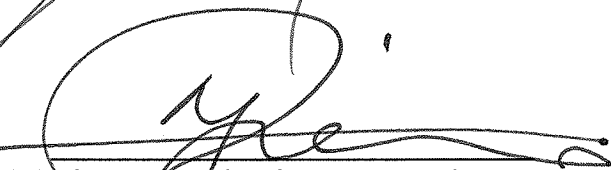

Douglas J. Preisse, Chairman


Michael F. Colley, Esq.


Kimberly E. Marinello


Joseph L. Mas, Esq.

ATTEST:


Matthew Damschroder, Deputy Director



1 ORIGINAL

2 HEARING IN RE: Franklin Country Board of
3 Elections - Board Meeting

4 DATE OF DELIVERY:

5 Board of Elections
6 280 East Board Street
7 Columbus, Ohio 43215
8 By Suzanne Brown

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Suzanne Brown

1 FRANKLIN COUNTY BOARD OF ELECTIONS

2 FRANKLIN COUNTY, OHIO

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4 IN RE: :

5 Board Meeting :

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8 Proceedings before Chairman Douglas J.
9 Preisse, Director Michael Stinziano, Deputy
10 Director Matt M. Damschroder, and Board
11 Members Michael F. Colley, Joseph L. Mas,
12 and Kimberly E. Marinello, taken at the
13 Franklin County Board of Elections, 280 East
14 Broad Street, Columbus, Ohio, on Monday,
15 February 1, 2010, at 3:14 o'clock p.m.

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1 APPEARANCES:

2 Franklin County Board of Elections
3 373 South High Street
4 Thirteenth Floor
5 Columbus, Ohio 43215
6 By Mr. Patrick J. Piccininni
7 Franklin County Prosecuting
8 Attorney/Civil,

9 On behalf of the Department.

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11 ALSO PRESENT:

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13 Brenna Umbstaetter,
14 Finance

15 Suzanne Brown,
16 Secretary

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P R O C E E D I N G S
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DIRECTOR STINZIANO: We will begin the Franklin County Board of Elections regular meeting for Monday, February 1st, 2010 with a roll call.

Mr. Colley?

BOARD MEMBER COLLEY: Here.

DIRECTOR STINZIANO: Chairman Preisse?

CHAIRMAN PREISSE: Here.

DIRECTOR STINZIANO: Mr. Mas?

BOARD MEMBER MAS: Here.

DIRECTOR STINZIANO: Ms. Marinello?

BOARD MEMBER MARINELLO: Here.

DIRECTOR STINZIANO: First item is we have minutes for approval from January 14th.

BOARD MEMBER MARINELLO: Mr. Chairman, I move that the minutes of the meeting of the Board held on January 14th, 2010, be approved as submitted.

BOARD MEMBER COLLEY: Second.

DIRECTOR STINZIANO: All in favor?

BOARD MEMBERS: Aye.

DIRECTOR STINZIANO: The motion passes.

1 As Matt and I sent to you late last
2 week, we presented a supplemental appropriation
3 request memo outlining three areas where we feel --
4 we know we're going to need supplemental
5 appropriations. They were from directives and
6 other information we've learned from Secretary of
7 State's Office and from the Secretary of State's
8 Conference that were unfunded that we did not have
9 knowledge of prior to our budget request to the
10 commissioners.

11 So just wanting to share that -- raise
12 the memo again and ask if there's any questions of
13 the three items. Only one we're suggesting action
14 upon, which is doing an absentee ballot mailing and
15 petitioning the Board of Commissioners for the
16 supplemental appropriations for that mailing.

17 BOARD MEMBER MAS: Okay. And to that
18 end, Mr. Chairman, I move that the Board authorize
19 the director and deputy director to petition the
20 Franklin County Board of Commissioners for
21 supplemental funding in the estimated amount of
22 \$717,995 to cover the necessary and proper expenses
23 of the Board of Elections for an absentee ballot
24 application mailing for the May 4th primary and

1 special election.

2 BOARD MEMBER COLLEY: Second.

3 DIRECTOR STINZIANO: All in favor?

4 BOARD MEMBERS: Aye.

5 DIRECTOR STINZIANO: The motion passes.

6 The next item is one that was brought
7 today, and when the staff was doing their duplicate
8 reports, they identified an individual that looked
9 like they double voted both in Franklin and Stark
10 County. They own property in both, and so it's our
11 recommendation that we refer this potential case of
12 voter fraud and double voting to the Prosecutor's
13 Office for further action.

14 CHAIRMAN PREISSE: What did it look
15 like? They voted in the -- in the --

16 DEPUTY DIRECTOR DAMSCHRODER: They
17 signed the poll book here in Franklin County on
18 election day last -- in '08 and the poll book in
19 Stark County.

20 CHAIRMAN PREISSE: For which election?

21 DEPUTY DIRECTOR DAMSCHRODER: The '08
22 general election.

23 BOARD MEMBER MARINELLO: Mr. Chairman,
24 I move that the Board, per the recommendation of

1 the director and deputy director refer the most
2 recent possible voter fraud cases to the
3 prosecuting attorney for further action.

4 BOARD MEMBER COLLEY: I second it.

5 DIRECTOR STINZIANO: All in favor?

6 BOARD MEMBERS: Aye.

7 DIRECTOR STINZIANO: We're going to
8 move down next to the contract for the polling
9 locations. We have worked with the Prosecutor's
10 Office in drafting a language for contracts for
11 both public and private entities. And it's our
12 recommendation that we provide authorization to the
13 logistics manager to send out those contracts and
14 enter into those agreements so we have locations
15 for the rest of this year.

16 BOARD MEMBER MAS: Mr. Chairman, I move
17 that the Board authorize the logistics division
18 manager to enter into contracts and memoranda of
19 understanding with such facilities as may be needed
20 to provide an adequate number of voting locations.

21 CHAIRMAN PREISSE: Do you agree with
22 that, Michael?

23 BOARD MEMBER COLLEY: I do.

24 CHAIRMAN PREISSE: Okay.

1 DIRECTOR STINZIANO: A motion to
2 second.

3 All in favor?

4 BOARD MEMBERS: Aye.

5 DIRECTOR STINZIANO: The next item
6 regards the petition module that we have put up and
7 made to provide additional accessibility for
8 candidates that are pulling petitions from our
9 office. It was brought to our attention that there
10 is some discrepancy about the term commencing date
11 for certain offices, in particular for the State
12 Rep or State Senate, the module lists January 3rd,
13 2011, instead of January 1st.

14 The 3rd was reached by the petition
15 staff when we created the module because that would
16 be the first opportunity for the General Assembly
17 to convene, and so that was the rationale for the
18 3rd, while the Ohio Constitution provides the 1st
19 as the term commencing date.

20 At the end of the day, neither date
21 makes all that big of a difference. There's case
22 law saying as long as the full-term box is properly
23 checked, that's what's sufficient, and that is what
24 makes it clear that that person is running for that

1 office. So it's our recommendation, Matt and I's,
2 that the Board adopt a policy that those dates
3 fits -- anything that says full-term commencing is
4 what the Board accepts when we start receiving
5 filed petitions.

6 It's a mouthful. Is there any
7 questions?

8 BOARD MEMBER MARINELLO: So in doing
9 this, there can't be any lawsuits, like, if
10 somebody has --

11 DIRECTOR STINZIANO: There can always
12 be a lawsuit, but I think we're trying to provide
13 clarification in an area that's currently grey so
14 that anyone that is going to be filing any
15 challenges knows the Board's position prior to them
16 filing those challenges.

17 BOARD MEMBER MAS: And how will they
18 know that this is our position?

19 DIRECTOR STINZIANO: If a challenge is
20 filed, we'll say the Board took action on February
21 1st --

22 BOARD MEMBER MAS: Once that the
23 challenge is filed?

24 DIRECTOR STINZIANO: -- saying that

1 full-term commencing is all that matters. The
2 Board will not -- the staff, when we review, will
3 not disqualify any petitions because the date after
4 the term-commencing box is either the 1st or the
5 3rd.

6 BOARD MEMBER MAS: Okay. And, we'll
7 pick --

8 MR. PICCININNI: I mean, we just looked
9 at it by virtue of the fact of dealing with issues
10 of voter confusion. Those -- there is some
11 confusion with the way the owner's manual is
12 written that the term starts on the 1st, but the
13 legislature doesn't convene and swear everybody in
14 until the 3rd -- or until the first Monday. The
15 3rd?

16 DEPUTY DIRECTOR DAMSCHRODER: The 3rd
17 this year.

18 MR. PICCININNI: Yeah, the 3rd this
19 year. You know I -- I -- we've -- the only case
20 that we found that dealt with a clerk of court said
21 I'm running for county clerk of court, but then the
22 only clerk of court position that was on was the --
23 you know, the common pleas clerk and the Court said
24 that's substantial compliance listing clerk of --

1 or county clerk, because that was the only clerk
2 position on. You really weren't confusing the
3 voter.

4 The only time it becomes critical is
5 when you have two commissioners on the ballot that
6 you need to put the term down or judgeship where
7 you have multiple judges.

8 DEPUTY DIRECTOR DAMSCHRODER: Yeah.

9 DIRECTOR STINZIANO: School board?

10 MR. PICCININNI: School board. Well,
11 no, school board all starts on the 1st.

12 DEPUTY DIRECTOR DAMSCHRODER: Unexpired
13 term or --

14 MR. PICCININNI: If it's the unexpired
15 term just that it will be -- right, but you have to
16 note that it's an unexpired term. That's a
17 different -- a whole different subsection, a whole
18 different statute that you're dealing with, with
19 following the unexpired terms.

20 CHAIRMAN PREISSE: So we're just
21 focusing on what's substantially clear and --

22 MR. PICCININNI: Well, with State --
23 you know, I mean, we know all that -- I -- I think
24 the position -- I think the position that Michael

1 and Matthew are taking is that everybody has --
2 everybody is -- knows that they're only going to
3 come in at the beginning of the year. We're not
4 dealing with an unexpired term. I think that the
5 only time that you would have a legitimate
6 challenge is if you're dealing with an unexpired
7 term for State Senate. I think that's the only
8 time, because the entire House is up for
9 re-election every two years anyway. So I think the
10 only -- it would only affect, what, a third of the
11 Senate?

12 DEPUTY DIRECTOR DAMSCHRODER: Right.

13 MR. PICCININNI: Yeah, a third of the
14 Senate.

15 DEPUTY DIRECTOR DAMSCHRODER: And they
16 would have had to have already resigned and a new
17 person be appointed.

18 MR. PICCININNI: Appointed -- so they'd
19 be running for the unexpired term ending. And it
20 wouldn't be this year, it would be the unexpired
21 term ending three years from now -- would be the
22 unexpired term ending in '12.

23 DEPUTY DIRECTOR DAMSCHRODER: Jim
24 Hughes resigned to that.

1 MR. PICCININNI: Jim -- yeah, Jim
2 Hughes resigned to -- somebody like that.

3 BOARD MEMBER MAS: Mr. Chairman, in
4 that case, I move that the Board adopt the policy
5 that declarations of candidacy and nominating
6 petitions for candidates for the full term for
7 State Representative and State Senate be accepted
8 as valid regardless of the date that appears on the
9 petition, so long as the full-term commencing box
10 is checked and the date contains the proper term
11 commencing year, and that declarations of candidacy
12 and nominating petitions for the county central
13 committee be accepted as valid when the ward,
14 village, or township is provided in the middle
15 portion of the printed form rather than within the
16 sentence structure of the legal blank form.

17 BOARD MEMBER COLLEY: Second.

18 DIRECTOR STINZIANO: All in favor?

19 BOARD MEMBERS: Aye.

20 DIRECTOR STINZIANO: We'll jump back to
21 Brenna for the procurement policy and the list of
22 purchase orders.

23 MS. UMBSTAETTER: Yes. I have -- I
24 notice we have a monthly fiscal report item, but

1 that is not available this month due to my system's
2 schedule in MUNIX, and that will be produced later
3 this week for the month of January.

4 According to the general guidelines in
5 our procurement policy, we are to present to the
6 Board members a list of all of the purchase orders
7 we anticipate for the year. So you'll each see a
8 legal-sized report that I've prepared for you.
9 What I have done is go through all of the expense
10 line items and give you what the budget amount for
11 the year is, and then some additional detail broken
12 down by vendors where we can anticipate vendors.

13 This pretty well mirrors our process
14 when we put the budget figures together when we
15 know either what the expenditure needs to be with a
16 vendor to be determined later, or if we have
17 existing vendors that satisfy our needs, I've
18 included those for you.

19 And you'll see a notation that some of
20 them we break down and we may issue the POs
21 quarterly or twice a year, some are by election,
22 some are once a year for the line item if it's a
23 small dollar amount, things like courier and
24 publications. And a number of them are on an as

1 needed basis, so you'll see that both under the
2 vendor listings and the purpose for the expenditure
3 where it may be something that we've encountered
4 for that expense in a previous year and we're not
5 able to determine whether it would recur in 2010.
6 So if it's built into the budget, you see the
7 dollars here, but wherever you see a note as
8 needed, those are discretionary funds within the
9 amounts we've budgeted.

10 DIRECTOR STINZIANO: Are there any
11 questions?

12 CHAIRMAN PREISSE: What is Obetz,
13 Martin, Ferrel?

14 MS. UMBSTAETTER: Those are -- it's
15 Obetz Hardware, Martin Carpet Cleaning and Ferrel
16 Gas.

17 CHAIRMAN PREISSE: I thought it was a
18 law firm.

19 MS. UMBSTAETTER: No, they should
20 probably have the semi-colons instead of commas.
21 Those are vendors that the warehouse uses for some
22 of their ordinary supply items.

23 CHAIRMAN PREISSE: I didn't know why a
24 law firm was under office materials, but it is not

1 a law firm.

2 MS. UMBSTAETTER: Those are doormats
3 and propane for the forklift. That's a far cry
4 from a law firm.

5 CHAIRMAN PREISSE: Yeah.

6 DIRECTOR STINZIANO: If there are no
7 questions, Matt made a recommendation that the
8 Board move into executive session to consider the
9 employment, appointment, dismissal, demotion,
10 compensation of a public employee.

11 BOARD MEMBER MAS: Okay. Mr. Chairman,
12 I move that the Board adjourn into executive
13 session to consider the appointment, employment,
14 dismissal, discipline, promotion, demotion or
15 compensation of a public employee.

16 BOARD MEMBER MARINELLO: Second.

17 DIRECTOR STINZIANO: We'll do a roll
18 call vote.

19 Mr. Colley?

20 BOARD MEMBER COLLEY: Yes.

21 DIRECTOR STINZIANO: Chairman Preisse?

22 CHAIRMAN PREISSE: Yes.

23 DIRECTOR STINZIANO: Mr. Mas?

24 BOARD MEMBER MAS: Yes.

1 DIRECTOR STINZIANO: Ms. Marinello?

2 BOARD MEMBER MARINELLO: Yes.

3 DIRECTOR STINZIANO: We are in
4 executive session.

5 (Executive session begins.)

6 DIRECTOR STINZIANO: We'll do a roll
7 call vote to return to public session.

8 Mr. Colley?

9 BOARD MEMBER COLLEY: Yes.

10 DIRECTOR STINZIANO: Chairman Preisse?

11 CHAIRMAN PREISSE: Yes.

12 DIRECTOR STINZIANO: Mr. Mas?

13 BOARD MEMBER MAS: Yes.

14 DIRECTOR STINZIANO: Ms. Marinello?

15 BOARD MEMBER MARINELLO: Yes.

16 CHAIRMAN PREISSE: Well, I'd like to
17 state for the record that while in executive
18 session no motions were made and no votes taken.

19 So where are we on the agenda?

20 BOARD MEMBER MARINELLO: Mr. Chairman,
21 I move that Melinda M. Davies be hired as a
22 part-time seasonal in the Voter Services Division
23 at the rate of compensation of 10.13 per hour
24 effective upon her start date with the agency.

1 BOARD MEMBER MAS: Second.

2 DIRECTOR STINZIANO: All in favor?

3 BOARD MEMBERS: Aye.

4 DIRECTOR STINZIANO: No other matters
5 to present to the Board.

6 BOARD MEMBER MAS: Mr. Chairman, I move
7 we adjourn.

8 BOARD MEMBER MARINELLO: Second.

9 DIRECTOR STINZIANO: All in favor?

10 BOARD MEMBERS: Aye.

11 DIRECTOR STINZIANO: We are adjourned.

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13 Thereupon, the proceedings were
14 concluded at 3:46 o'clock p.m.

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