

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

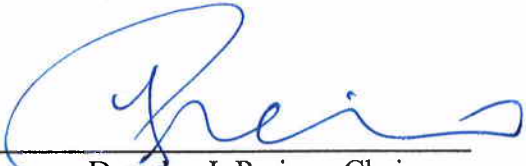
MINUTES OF THE MEETING ON

2/14/2011

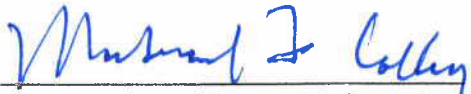
APPROVED ON

3/10/2011

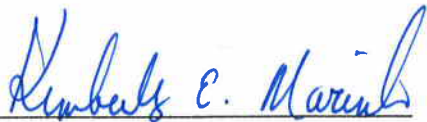
BY:




Douglas J. Preisse, Chairman



Michael F. Colley, Esq.




Kimberly E. Marinello



Zachary Manifold

ATTEST:



William A. Anthony, Jr., Director

1 APPEARANCES:

2 Franklin County Prosecutor's Office
3 13th Floor
4 373 South High Street
5 Columbus, Ohio 43215
6 By Mr. Patrick Piccininni,
7 On behalf of the Board.

8 ALSO PRESENT:

9 Ms. Suzanne Brown
10 Mr. Ben Piscitelli - Media Relations
11 Ms. Karen Cotton - Operations Mgr
12 Ms. Renee Klco - Board of Elections
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2 P R O C E E D I N G S

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4 DIRECTOR ANTHONY: Good afternoon,
5 everyone. Excuse our tardiness. We would
6 like to convene the Franklin County Board of
7 Elections. I'll do the roll call. Kimberly
8 Marinello?

9 MS. MARINELLO: Here.

10 DIRECTOR ANTHONY: Zach Manifold?

11 MR. MANIFOLD: Here.

12 DIRECTOR ANTHONY: Douglas Preisse?

13 CHAIRMAN PREISSE: Here.

14 DIRECTOR ANTHONY: Michael Colley?

15 MR. COLLEY: Here.

16 DIRECTOR ANTHONY: All are here and
17 accounted for. The first item on the agenda
18 is the Candidate and Issue Certification. I
19 guess you have in your documents all the
20 candidates that we recommend for the Board
21 certification. Are there any questions on
22 any of those? I guess a motion will be in
23 order then.

24 MS. MARINELLO: Mr. Chairman, I move

1 that the Board of Elections certify to the
2 May 3, 2011 primary election ballot those
3 candidates appearing on Exhibit A as having
4 been timely filed declarations of candidacy
5 and nominating petitions found by staff to be
6 sufficient and valid.

7 MR. COLLEY: Second.

8 DIRECTOR ANTHONY: All those voting
9 in favor of that say aye.

10 (All say aye.)

11 DIRECTOR ANTHONY: Nay votes?

12 (No audible response.)

13 DIRECTOR ANTHONY: Those are done.
14 Exhibit B are the candidates not recommended
15 by the Board to certify on the ballot. Are
16 there any questions about those? That would
17 be Exhibit B. If there's no question on
18 those, then we will entertain a motion.

19 MR. COLLEY: Mr. Chairman, I move
20 that the Board of Elections deny
21 certification to the May 3, 2011 primary
22 election ballot to the candidates appearing
23 on Exhibit B on the basis that their
24 nominating petitions were either not timely

1 filed or found by staff to be invalid or
2 insufficient.

3 DIRECTOR ANTHONY: Is there a
4 second?

5 MS. MARINELLO: Second.

6 DIRECTOR ANTHONY: All those in
7 favor say aye.

8 (All say aye.)

9 DIRECTOR ANTHONY: Motion carries.
10 The next item on the agenda would be we have
11 a lot of local options and issues that the
12 Board recommends to be certified to the
13 ballot. Those would be on Exhibit C. Are
14 there any questions on Exhibit C?

15 (No audible response.)

16 DIRECTOR ANTHONY: Hearing none,
17 we'll take a motion.

18 MR. MANIFOLD: Mr. Chairman, I move
19 that the Board of Elections certify to the
20 May 3, 2011 primary ballot the issues and
21 options appearing on Exhibit C, which were
22 timely filed and found by staff to be
23 sufficient and valid.

24 DIRECTOR ANTHONY: Is there a

1 second?

2 MR. COLLEY: Second.

3 DIRECTOR ANTHONY: All those in
4 favor say aye.

5 (All say aye.)

6 DIRECTOR ANTHONY: Opposed same
7 sign.

8 (No audible response.)

9 DIRECTOR ANTHONY: Now we have some
10 local options and issues that the Board
11 recommends -- that we do not recommend to the
12 Board to certify to the ballot, and those
13 would be Exhibit D. If there are no
14 questions or concerns, we'll accept a motion.

15 MS. MARINELLO: Mr. Chairman, I move
16 that the Board of Elections deny
17 certification to the May 3, 2011 ballot the
18 local options appearing on Exhibit D, which
19 was found by staff to be insufficient and
20 invalid.

21 DIRECTOR ANTHONY: Is there a
22 second?

23 MR. MANIFOLD: I'll second.

24 DIRECTOR ANTHONY: All those in

1 favor say aye.

2 (All say aye.)

3 DIRECTOR ANTHONY: Opposed same
4 sign.

5 (No audible response.)

6 DIRECTOR ANTHONY: We have a
7 situation where we would like to refer to the
8 prosecutor's office, a situation with the
9 petitions. We had a circulator that we felt
10 did some things that would need to have the
11 prosecutor look at a little more deeply.
12 Karen can give us a little more detail. Ms.
13 Cotton, would you like to give us some more
14 detail on that?

15 MS. COTTON: During the process of
16 checking the petitions done in the current
17 election, I myself checked the petitions
18 filed by Carol Perkins. I noticed that on
19 several of the part petitions that there
20 appeared to be several non-genuine signatures
21 on these part petitions.

22 I was able to lay the petitions that
23 had been circulated by that particular
24 circulator to the side and use additional

1 petitions that Carol Perkins had submitted
2 and get enough ballot signatures. Later that
3 day or early the next day Barcy McNeil was
4 checking one of the other candidate
5 petitions, came to me and indicated that she
6 was finding several signatures on the part
7 petitions she was checking for Mr. Baker to
8 be non-genuine signatures.

9 Is it by chance the circulator
10 so-and-so and she did admit that it was and
11 we started comparing two sets of part
12 petitions and found that this circulator had
13 circulated petitions for both Mr. Baker and
14 Carol Perkins.

15 However, with Ms. Perkins' filing
16 there were enough signatures to get enough
17 ballot signatures. In the case of Mr. Baker,
18 he fell short of having enough ballot
19 signatures because of the actions of this
20 circulator which will hold part petitions to
21 be invalid because there were so many
22 non-genuine signatures on each of the part
23 petitions.

24 Once you start finding a number of

1 non-genuine signatures on a part petition,
2 you have to rule the whole part petition
3 invalid because it makes the circulator's
4 statement invalid, because the circulator
5 does, in fact, say on that circulator's
6 statement that they witnessed the affixing of
7 each of those signatures and to the best of
8 your knowledge that it was, in fact, the
9 signature of the person it's purported to be.

10 So that would make the circulator's
11 statement invalid so the whole part petition
12 then becomes invalid. So we're recommending
13 that the Board submit the petitions
14 circulated by Mr. Smith, Ronald Smith on
15 Fairwood Avenue, to the prosecuting
16 attorney's office for further research and/or
17 prosecution.

18 DIRECTOR ANTHONY: Are there any
19 questions for Ms. Cotton?

20 (No audible response.)

21 MS. COTTON: In the copies that you
22 were provided you were also provided some
23 copies of signatures on file for various
24 candidates or various signers. And it's

1 cross-referenced as to what part petition and
2 what line that signature appears on so that
3 you can actually compare the signature on
4 file to the signature which we have on file
5 -- on the petition.

6 DIRECTOR ANTHONY: It's clear to
7 us -- I just found one that is really funny.
8 I probably shouldn't -- Miranda Neighbors. I
9 also see my -- well, anyway, there's -- it's
10 clear that this circulator signed a bunch of
11 names to the petition that the electors never
12 signed.

13 So we felt that we should bring this
14 to the attention of the Board and then refer
15 to the prosecutor's office for further
16 looking at or to determine what all that
17 happened. Would that be correct?

18 MR. PICCININNI: Under 3501.11J it's
19 the Board's duty to conduct the
20 investigation. As a result of the past voter
21 registration issues or voter fraud cases that
22 we've dealt with over the last several years,
23 a protocol was developed last year which
24 should have been forwarded by -- one of the

1 members of our office should have forwarded
2 -- we will send another copy of it. That
3 process needs to be followed before it's sent
4 over.

5 It's my understanding that you can
6 vote to refer it, but it has to be pending
7 the completion and the following of the
8 protocol. We have everything we need to take
9 it right to the Grand Jury so there's not
10 going to be a whole lot of lag time. It's
11 not referred to us though.

12 This all basic stuff was done and
13 this protocol then allows you to comply with
14 the Board's statutory duties under 3501.11J
15 to insure that should there be some issues
16 here that they're properly dealt with because
17 we are setting a precedent.

18 And it's been our position that
19 we're not going to tolerate this type of
20 conduct in Franklin County in regards to
21 voting and especially with the petition
22 process, especially the heart of our
23 democracy and to our republic.

24 And as a result we need to insure

