

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

MINUTES OF THE MEETING ON

2/24/2011


APPROVED ON

3/10/2011

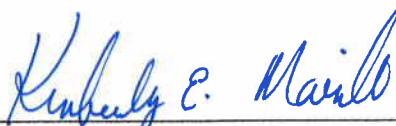
BY:



Douglas J. Preisse, Chairman



Michael F. Colley, Esq.



Kimberly E. Marinello



Zachary Manifold

ATTEST:



William A. Anthony, Jr., Director

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BEFORE THE BOARD OF ELECTIONS
OF FRANKLIN COUNTY, OHIO

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IN RE:
Board Meeting

Proceedings before Chairman Douglas J. Preisse, Board Members Michael F. Colley, Kimberly E. Marinello, and Zachary E. Manifold, with Director William A. Anthony, Jr., and Deputy Director Nathan Burd, taken at the Franklin County Board of Elections, 280 East Broad Street, Columbus, Ohio, on Thursday, February 24, 2011 at 3:08 o'clock p.m.

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1 APPEARANCES:

2 Franklin County Prosecutor's Office
3 13th Floor
4 373 South High Street
5 Columbus, Ohio 43215
6 By Mr. Ron O'Brien and
7 Mr. Nick Soulas,
8
9 On behalf of the Board.

10 ALSO PRESENT:

11 Ms. Suzanne Brown - Exec Assistant
12 Mr. Ben Piscitelli - Media Relations
13 Ms. Karen Cotton - Operations Mgr
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15 Mr. Dauryce Bruce Sowell -
16 Reynoldsburg Ward 4 Appeal
17 Presenter
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P R O C E E D I N G S

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DIRECTOR ANTHONY: I'd like to call the Franklin County Board of Elections meeting to order. I'll do the roll call. Kimberly Marinello?

MS. MARINELLO: Here.

DIRECTOR ANTHONY: Zachary Manifold?

MR. MANIFOLD: Here.

DIRECTOR ANTHONY: Douglas Preisse?

CHAIRMAN PREISSE: Yes, here.

DIRECTOR ANTHONY: And Michael Colley?

MR. COLLEY: Here.

DIRECTOR ANTHONY: We're all here and accounted for, sir. The first item on the agenda, Mr. Chair, is an appeal from Mr. Sowell. Is that you, sir?

MR. SOWELL: Yes, it is.

CHAIRMAN PREISSE: Okay. I think we're aware of Mr. Sowell's presence and thank him for coming. I'm going to suggest that it will be helpful to the Board to have

1 Karen Cotton refresh our collective memory
2 about the staff's recommendation and
3 recitation of the facts here as we understand
4 them and where we are today and then
5 certainly invite Mr. Sowell to present as I
6 think is his desire.

7 MS. COTTON: Mr. Sowell filed a
8 petition to run for City Council in Ward 4,
9 City of Reynoldsburg. I had four part
10 petitions including 44 signatures. Staff was
11 instructed to check all of the signatures per
12 our guidelines as provided by the Secretary
13 of State's office in compliance with the Ohio
14 Revised Code as to the various types of
15 coding that we use to determine validity or
16 non-validity of a signature.

17 Of the 44 signatures we found 23 to
18 be valid signatures of registered electors
19 within the district of Ward 4, City of
20 Reynoldsburg. We found nine persons not
21 registered, four persons not registered at
22 the address they listed, two printed
23 signatures, two signatures which had
24 incomplete addresses, a couple of

1 out-of-district signatures coming from other
2 wards other than the ward in question, and
3 two of the opposite political parties.

4 Since it is a partisan primary, the
5 signers of the petition do need to be of the
6 same political party or not have voted in the
7 opposite party's primary within the last two
8 years. Staff completed the initial review of
9 the petition and put it into a bin to have a
10 second review done.

11 I completed the second review of the
12 petition and was not able to find any
13 additional signatures. So the protest has
14 been filed inasmuch as the protestor is
15 requesting that we give him the printed
16 signatures because it is the intent of the
17 signer to support him in his campaign. And
18 I'll let him speak to the additional
19 comments.

20 We did, in fact, prepare a document
21 for you as well as copies of the petition
22 forms. The document on the top of that
23 handout that we have for you includes the
24 section of the code that says "a signature in

1 order to be valid requires it to be similar
2 of the same signature as we have on file."
3 Which in this case, on both these
4 individuals, it is a cursive signature we
5 have on file and you have a sample of that
6 signature attached to the document also
7 cross-referenced by line and petition number.

8 CHAIRMAN PREISSE: Okay. If there
9 are no questions of Karen at this point --
10 and she's not going far away so we can get
11 her again if we need her -- we'll invite Mr.
12 Sowell to address the Board. And, please, I
13 think we ask you to state your name for our
14 stenographer.

15 MR. SOWELL: My name is Dauryce
16 Bruce Sowell. You can call me Bruce. My
17 name always gets twisted, my first name. The
18 reason why I'm here today is because for
19 almost a quarter of a century I've been what
20 you call basically an officer of the court.
21 I've been in law enforcement for all these
22 many years.

23 And during that time I've been in
24 law enforcement we cite individuals. We also

1 ask them on a traffic citation to sign the
2 traffic citation. A number of times they've
3 either printed them or written them or
4 whatever has been acceptable because at that
5 time we don't have the time to be on the
6 street to determine whose signature and what.

7 Now, when I went out and circulated
8 my petitions, again, I mentioned my
9 background as being an officer of the court,
10 having to come in and testify under oath. On
11 the petition itself it says that whoever
12 commits election falsification is guilty of a
13 felony of the fifth degree.

14 Being an officer of the court and
15 somebody who is a certified peace officer for
16 over 25 years, I have a lot to lose as being
17 an officer of the court. When I'm called in
18 to testify I'm compelled to tell the truth.

19 Now, when I circulate these
20 petitions the only thing I can go on is that
21 the individual that signed it told me that
22 they were a registered voter and this is
23 where they lived and everything was accurate.
24 Now, I can't tell whether somebody printed

1 their signature and I don't think when they
2 written down -- and a number of these
3 signatures are similar and I have to go on
4 the attempt that that's what they were
5 preparing to do.

6 The area in which I seek to
7 represent which is Ward 4 is an area of the
8 city that's in some trouble and this area of
9 the city is fixable at this point. Now, I'll
10 have to say that the council person that
11 currently serves that ward has been there for
12 a long time.

13 When I first moved in Ward 4 you
14 could walk the streets at night. There were
15 people jogging at night, they had their dogs
16 walking at night. As I watched it
17 deteriorate, we encouraged people to get
18 involved and this year I decided to get
19 involved.

20 Now, once again, the person that
21 represents that area has been there for quite
22 some time, some 30, maybe 40 years, I don't
23 know. But sometimes now it becomes a
24 situation where you have to put a fresh set

1 of eyes on it. I decided to get involved. I
2 looked at everything, I thought I had enough
3 -- 44 signatures, only needed 25.

4 I was confident when I went out and
5 got these petitions. I don't believe that
6 the persons that put their names on this
7 petition, and it indicates here that they
8 live at these addresses, were intending to
9 defraud this election process in any way. I
10 believe their intent was to go ahead and to
11 support me in getting on the ballot to
12 possibly represent this area.

13 Now, this area of the city has a
14 high concentration of democratic voters along
15 with a lot of minority voters. Being two
16 signatures short because a couple individuals
17 either printed illegibly -- and I will say
18 that, I don't know what their was -- but I
19 believe their intent was honorable. I
20 believe their intent was to support me.

21 Once again, this area of the city is
22 fixable. I believe it's fixable. Sometimes
23 you have to come up with new ideas, but we
24 encourage a lot of people to get involved

1 with the system and then if it had said --
2 the two signatures had of said, well, they're
3 not registered or they didn't live at the
4 current address I could go with that.

5 But seeing that being an officer of
6 the court and I didn't print the signatures
7 and that I legally witnessed the persons
8 signing the petitions themselves, then I have
9 to assume what their intent is. So what I'm
10 saying is that I'm asking you to give those
11 citizens that live in Ward 4 an opportunity
12 to decide for themselves whether I'm capable
13 enough or strong enough to make the necessary
14 changes.

15 The area of the city I know of
16 Reynoldsburg now is called Ghettoburg.
17 That's exactly what they referred to. I
18 don't like that -- didn't like that
19 connotation being reserved to an area of the
20 city that I live in. I still live in that
21 area. I didn't go anywhere, I didn't run,
22 and I don't intend to run.

23 Personally, whenever I see anything
24 that can help my city, I always bring it

1 forth to council. I attend a lot of council
2 meetings, I try to get involved as a citizen.
3 And as someone who has also taken an oath to
4 defend this constitution and the laws of the
5 state of Ohio I have a lot to say.

6 Now, I'm asking the Board to give
7 those citizens an opportunity to either
8 choose myself or the other person. Maybe
9 they're satisfied with the other person. But
10 at this particular time when we have an
11 uncontested election that's going on, we
12 don't give the citizens an opportunity to
13 speak and I'm just as concerned as the
14 individuals on my petition that signed my
15 petition.

16 I believe their intention was
17 honorable. I didn't sign it, I didn't print
18 their names on there. Once again, I will
19 state I have a lot to lose. So I'm asking
20 the Board to give me the opportunity to
21 represent those citizens or not to represent
22 those citizens but let the citizens decide if
23 anything. That's all I have to say.

24 CHAIRMAN PREISSE: Thank you, Mr.