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APPEARANCES:

Franklin County Prosecutor's Office
By Mr. Harold J. Anderson III
Assistant Prosecuting Attorney
373 South High Street, 13th Floor
Columbus, Ohio 43215

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown,
Executive Assistant to the Board

Mr. Ben Piscitelli,
Public Information Officer,
Franklin County Board of Elections

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P R O C E E D I N G S

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

Kimberly Marinello?

BOARD MEMBER MARINELLO: Here.

DIRECTOR ANTHONY: Zachary Manifold?

BOARD MEMBER MANIFOLD: Here.

DIRECTOR ANTHONY: Douglas Preisse?

CHAIRMAN PREISSE: Here.

DIRECTOR ANTHONY: And Michael Colley is absent due to illness.

The first item on the agenda, Mr. Chair, is every year the Board pretty much has the staff examine and categorize provisional ballots and then basically bring to the Board those ballots that need further clarification or for your eyes to take a look at them, but we need to have a Board motion to allow the staff to be able to sort of search the provisional ballots out and research and find out what we can't count and what we can count, and we just need to basically codify that for lack of a

1 better word.

2 Any questions?

3 I know we've been doing it this way and
4 I'm quite sure there's minutes somewhere that we did
5 it back in -- I think we did it when I was on the
6 Board back in '08.

7 CHAIRMAN PREISSE: I think so. And then
8 I believe, at that time, some of the questionable
9 envelopes actually came to the full Board for
10 examination.

11 DIRECTOR ANTHONY: Yes.

12 DEPUTY DIRECTOR WALCH: That's correct.

13 DIRECTOR ANTHONY: And now we bring the
14 Board a whole report, a provisional report, and we
15 will bring any ballots the Board thinks that we ought
16 to take a closer examination for. And we follow the
17 prescribed rules set by the Secretary of State for
18 each provisional. Each year they give us a directive
19 on how we're supposed to handle the provisional
20 ballots, so we just need a motion to do that.

21 BOARD MEMBER MANIFOLD: Mr. Chairman, I
22 move that the Board allow the staff to examine and
23 categorize provisional ballot envelopes before
24 bringing them to the Board for final approval. The

1 staff may only begin to count the provisional ballots
2 after the Board officially votes to determine the
3 validity of the ballots.

4 BOARD MEMBER MARINELLO: Second.

5 DIRECTOR ANTHONY: All in favor?

6 BOARD MEMBERS: Aye.

7 DIRECTOR ANTHONY: Also, we're looking at
8 we have to have a reorg meeting to reorganize the
9 Board as prescribed by Revised Code, and we have to
10 do it between March the 2nd and March the 6th.

11 DEPUTY DIRECTOR WALCH: That's correct.

12 DIRECTOR ANTHONY: And so, our regular
13 meeting is scheduled for March the 5th, so we thought
14 that we would have the reorg meeting on March 5th at
15 3:00 p.m., so that will not only be our regular
16 meeting, but it will be our reorganization meeting as
17 well, and that's for your edification.

18 I know we've got some folks in the
19 audience, so I don't know if they want to say a few
20 words or not?

21 (No response.)

22 DIRECTOR ANTHONY: Nobody does? Anybody?

23 BOARD MEMBER MARINELLO: I know Mary has
24 some questions about the website.

1 MS. WOODS: Yeah. I noticed that the
2 website --

3 CHAIRMAN PREISSE: Would you come up and
4 please introduce yourself.

5 MS. WOODS: Okay. Mary Woods, I'm a
6 voter in Franklin County and I'm to become the board
7 chair in Perry Township. The website's been changed.
8 In the part where you look up "Where Do I Vote," it
9 now requires the birthdate and the number of the
10 address which makes it much more difficult, I feel,
11 for voters. And I'm wondering why that was changed,
12 I guess that's my main question. All that
13 information is public record and it should be
14 accessible.

15 DIRECTOR ANTHONY: And it is. The
16 information is still there. We've had a number of
17 complaints, daily complaints from folks who did not
18 want their name, they did not want folks being able
19 to go on the web page, looking up their name and
20 address, and so we decided to make it for the voters.

21 Now, we have made accessible, to
22 political parties and political campaigns, the old
23 look-up ways, so that is still available. We sent
24 that information to both the parties and political

1 campaigns and let them know that you can still look
2 it up the old way and we gave them the website.

3 BOARD MEMBER MARINELLO: Did you know
4 that, Mary?

5 MS. WOODS: So that link can be widely
6 distributed, is that what you're telling me? So if
7 I -- I can get the link and if anybody else who wants
8 it, then I can give them the link? Is this the
9 Secretary of State's decision --

10 DIRECTOR ANTHONY: No.

11 MS. WOODS: -- or is it this Board?

12 DIRECTOR ANTHONY: It's this Board's
13 decision. And, like I said, we gave that link to
14 political parties and we gave it to candidates, and
15 what you all do with it is what you do with it.

16 It was our effort because we had gotten a
17 lot of, daily, folks wanting their name and stuff
18 taken off of our web access. So we decided to just
19 make it so the Board could look up just their
20 addresses. But if you need or if you have a need to
21 look up everybody's address, that link is still
22 available.

23 And that would be something the Board
24 would have to decide if you all want to go back to

1 the old way or keep it the way we currently have it.

2 BOARD MEMBER MARINELLO: Jennifer should
3 have the link.

4 DIRECTOR ANTHONY: Yes, she should. I
5 sent the link to Jennifer and Greg Schultz, three
6 weeks ago.

7 BOARD MEMBER MANIFOLD: And I'd say that
8 we're still having discussions about it because I'm
9 not -- I'm not a huge fan of the new way. I don't --
10 I understand why we were -- I understand that we have
11 voters that are unhappy that their data is there, but
12 in many ways that's call-your-state-legislature, you
13 know. In many ways it's, you know, I think Michael
14 Stinziano has a bill dealing with different people to
15 protect their identity, different, you know, spousal,
16 domestic violence. I think there's actually some
17 bills out there.

18 DIRECTOR ANTHONY: Well, right now
19 they're not there.

20 BOARD MEMBER MANIFOLD: I know. But
21 possibly, maybe our Board --

22 DEPUTY DIRECTOR WALCH: There's different
23 things in different states as to what you can
24 withhold. And just because it isn't as easily

1 searched on our website, it still very much is a
2 public record; you're absolutely right, it very much
3 is.

4 And we looked at some of the different
5 boards around the state and it's done widely
6 different. I mean, some boards do as we once did
7 which is just put a name in there and you can get it;
8 then other boards do it much more like we now have
9 it, where you have to put in --

10 BOARD MEMBER MANIFOLD: A street number.

11 DEPUTY DIRECTOR WALCH: -- either an
12 address or a birthdate. It varies by county.

13 BOARD MEMBER MANIFOLD: And our voter
14 files, I think you can get the actual voter file.

15 DEPUTY DIRECTOR WALCH: Yes, absolutely.
16 You can download the voter file at any time on our
17 website if you wanted to download it.

18 BOARD MEMBER MANIFOLD: So if somebody
19 did want to look something up, they could also
20 download the voter file.

21 DIRECTOR ANTHONY: And we have it so you
22 can do it by precinct, by district, by last name, you
23 can sort alpha, you can sort it all kinds of ways.

24 MS. WOODS: Not everyone has the

1 technological ability to download over 700,000 voters
2 or how to format that.

3 DIRECTOR ANTHONY: You can even narrow it
4 down by precinct too.

5 MS. WOODS: Would it be possible if
6 somebody objects to their address being there that
7 their address could just be taken off? It doesn't
8 have to be there if somebody objects to having their
9 address available.

10 BOARD MEMBER MANIFOLD: No, actually, it
11 would take a legislative -- I believe that's why
12 there's --

13 DEPUTY DIRECTOR WALCH: I believe there
14 are only certain --

15 DIRECTOR ANTHONY: Individuals.

16 DEPUTY DIRECTOR WALCH: -- individual
17 circumstances that can withhold that type of public
18 information.

19 CHAIRMAN PREISSE: Like law enforcement.

20 DEPUTY DIRECTOR WALCH: Law enforcement
21 personnel. And it does vary by state. I mean, some
22 states do have, for example, you know, battered women
23 statutes, I think that's kind of what they're called
24 in some states, where if a court case has determined

1 something like that, then a woman can have that taken
2 off. I do not believe Ohio has that eligibility on
3 our, you know, for our purposes, but it varies by
4 state was my point in saying all of that. And
5 certainly if Ohio were to pass something like that,
6 we, you know, would certainly categorize that however
7 we could.

8 CHAIRMAN PREISSE: So if I wanted to look
9 up, now, Ben Piscitelli. First, I'd have to figure
10 out how to spell his name, one.

11 (Laughter.)

12 CHAIRMAN PREISSE: But, quite seriously,
13 if I only had his name, that's not going to be good
14 enough.

15 DIRECTOR ANTHONY: No.

16 DEPUTY DIRECTOR WALCH: Through our
17 website. Now, if you were to write to us and make a
18 formal records request of a voter registration record
19 or call us or something along those lines, it is a
20 public record. You know, Ben Piscitelli's voter
21 registration record is a public record.

22 Just through the website, we got a lot of
23 complaints from people who felt it was too easy to
24 find their information, as Bill said earlier, and

1 that's what they objected to.

2 DIRECTOR ANTHONY: But we have made the
3 old way available to political parties and whomever
4 they want to make it available to, so we have made it
5 available. Now, again, it's up to you guys. I mean,
6 we could -- it's not that difficult a task to go back
7 to the way it was, you know, if that's what you all
8 want us to do.

9 CHAIRMAN PREISSE: I think somebody in
10 the audience had a question or comment.

11 MS. DEPAOLA: If I wanted to know Ben's
12 birthday, all I have to do is look at his car license
13 plate. I mean, people can find out that information
14 to get in, if that's what people are saying they
15 don't -- if the birthday is what's keeping it
16 private, you know, that's easily found if you know
17 where the person's car is.

18 MS. WOODS: Well, that's --

19 MS. DEPAOLA: I'm just saying --

20 BOARD MEMBER MARINELLO: Yeah, I was
21 going to say an angry husband or something isn't
22 going to get the license plate, you know, and all
23 that stuff.

24 DIRECTOR ANTHONY: Now, to add to this,

1 if you go on the web page now, it has what we call a
2 "Me Page," and it has an ID on there and you put your
3 ID in. We're in the process of mailing to every
4 registered voter in Franklin County their new house,
5 senate, congressional district, so every voter will
6 get that mailing. And on that document you get, it
7 will have your personal "Me ID" on there. And you
8 could use that also to do it or you could use your
9 last name, birthdate, and the first four digits of
10 your address. That's the way it is now. I mean,
11 once again, it's not that hard to go back to the way
12 it was.

13 BOARD MEMBER MARINELLO: Would that link
14 suffice for your guys' needs or --

15 MS. WOODS: I was told the link was not
16 to be distributed if the --

17 BOARD MEMBER MARINELLO: It's up to the
18 party people.

19 MS. WOODS: I still don't feel that
20 really meets people's needs because I frequently tell
21 people to go to that website and look up where they
22 vote or what their district is.

23 CHAIRMAN PRIESSE: For themselves?

24 MS. WOODS: Well, I tell other people. I

1 mean, it is a way to be able to find people, too.

2 BOARD MEMBER MARINELLO: Exactly.

3 MS. WOODS: I think people use it for a
4 lot more than just looking up their own poling place.

5 BOARD MEMBER MARINELLO: Yeah.

6 DIRECTOR ANTHONY: And that's part of the
7 reason we got a lot of complaints.

8 MS. WOODS: And it is public record.
9 That's why I said it is public record. All of it is
10 public record.

11 BOARD MEMBER MARINELLO: Right.

12 DEPUTY DIRECTOR WALCH: And it still very
13 much is. We are not withholding any information
14 whatsoever from anybody. It's just trying to -- I
15 think the reasoning was trying to find that right
16 balance between privacy and public record because we
17 had gotten a great deal number of complaints from
18 people about that.

19 BOARD MEMBER MANIFOLD: I think I'd be
20 open to having further discussions with maybe people
21 that are interested.

22 BOARD MEMBER MARINELLO: Have we always
23 had complaints on that or just now?

24 DIRECTOR ANTHONY: When I sent it to the

1 parties, we asked them to chime in on it and tell us
2 what they thought about it. You're the first person
3 to chime in and give us your thoughts about it. So
4 far, you're it, Mary. Nobody else has chimed in and
5 said they had a problem with it.

6 But, again, guys, it's not -- seriously,
7 it's not, you know, we were getting more e-mails to
8 take people off. Folks were complaining that their
9 name was so easily researchable that we took a step
10 to make it a little bit harder.

11 MS. WOODS: So it was an administrative
12 decision.

13 DIRECTOR ANTHONY: Oh, absolutely.

14 MS. WOODS: It wasn't a vote of this
15 Board.

16 DIRECTOR ANTHONY: And, certainly, the
17 Board has a right to put it back the way it was.

18 DEPUTY DIRECTOR WALCH: If they want it a
19 different way.

20 DIRECTOR ANTHONY: But, again, Mary, we
21 had -- you're complaining on -- you're raising
22 concerns on making it more open.

23 MS. WOODS: Yes.

24 DIRECTOR ANTHONY: We got far more

1 e-mails and calls to make it a little harder.

2 MS. WOODS: Well, you weren't going to
3 get e-mails from people using it, saying keep it that
4 way. You will get the complaints, but not the
5 e-mails saying this is great, I use it all the time,
6 it's very convenient.

7 DIRECTOR ANTHONY: Then do that. That
8 would help us. I did ask the parties to let us know
9 if it was a problem. And if it is a problem and
10 folks want it back, it's not an issue, guys. It
11 could easily, it could be done right now, today. I
12 mean, you all --

13 CHAIRMAN PREISSE: I like Zach's idea
14 that we take a -- I appreciate you coming -- I want
15 to look at it individually, depending on the time,
16 even this afternoon, if not, in the next couple days,
17 and kind of go back and look at the kind of
18 complaints and concerns we've had.

19 If somebody called and said I don't want
20 my information as easily accessible as it had been,
21 we didn't really exercise or contemplate an
22 individual remedy on a case-by-case basis, did we?

23 DIRECTOR ANTHONY: No.

24 CHAIRMAN PREISSE: And that may be

1 impractical, I don't know.

2 DIRECTOR ANTHONY: We basically told them
3 sorry, sorry for your luck, pretty much.

4 BOARD MEMBER MARINELLO: Because you
5 can't just pick out the ones to take out, you know, I
6 don't think that can happen.

7 CHAIRMAN PREISSE: Well, I don't know.
8 I'm mulling that over in my head, as well, like Kim.
9 It didn't strike me as you could, but I think we need
10 to look at those --

11 BOARD MEMBER MARINELLO: Yeah.

12 CHAIRMAN PREISSE: -- issues a little
13 bit.

14 DIRECTOR ANTHONY: And it would help,
15 Mary, if there's more folks like you out there,
16 e-mail us.

17 MS. DEPAOLA: May I say something? I'm
18 the person who gets the general e-mail for the Board
19 of Elections, and I probably get 10 to 15 e-mails a
20 month, and some are from women who have a husband
21 following them, and their only option is to cancel
22 their voter registration, which I think is very sad,
23 and they sometimes elect to cancel it because there
24 was no other way to protect their information.

1 CHAIRMAN PREISSE: That's why I asked the
2 question as to whether there's individual remedies
3 available, and maybe there is and maybe there isn't,
4 or we make for ourselves an unworkable administrative
5 nightmare. But I think, certainly, we want to go
6 back and do some hard thinking about this.

7 DEPUTY DIRECTOR WALCH: Absolutely.

8 CHAIRMAN PREISSE: Because I've had a few
9 telephone concerns, complaints about that.

10 BOARD MEMBER MANIFOLD: And I think I've
11 shared with you --

12 DIRECTOR ANTHONY: Yeah.

13 BOARD MEMBER MANIFOLD: I think a lot
14 of -- and I think that's part of the reason you made
15 it available to the parties and office holders is
16 that -- when I worked for an office holder, we used
17 that as the way to find out where a constituent
18 lived, are you calling the right office, are you
19 calling the right member.

20 DIRECTOR ANTHONY: Right.

21 BOARD MEMBER MANIFOLD: So I think there
22 definitely --

23 DIRECTOR ANTHONY: And you can still do
24 it, you just got to --

1 BOARD MEMBER MANIFOLD: Yeah.

2 DIRECTOR ANTHONY: It's not as easy to do
3 it as it was before.

4 CHAIRMAN PREISSE: All right. Thanks for
5 coming.

6 MS. WOODS: Okay.

7 DIRECTOR ANTHONY: Thank you.

8 Anybody else?

9 THE COURT REPORTER: May I get your name,
10 please?

11 MS. DEPAOLA: Oh, I'm sorry. Carole
12 DePaola. Do you want me to spell it?

13 THE COURT REPORTER: Yes, please.

14 MS. DEPAOLA: D-e-, capital "P" as in
15 Paul, -a-o-l-a. And Carole has an "e" on the end.

16 DIRECTOR ANTHONY: That's all we had. Is
17 there a motion? Unless you guys want to discuss some
18 other stuff, is there a motion to adjourn?

19 CHAIRMAN PREISSE: Let's cut our legal
20 counsel's pay.

21 (Laughter.)

22 MR. ANDERSON: It's hard to cut nothing
23 from nothing.

24 (Laughter.)

1 MS. BROWN: That's random.

2 (Laughter.)

3 DIRECTOR ANTHONY: A motion to adjourn?

4 BOARD MEMBER MARINELLO: Mr. Chairman, I
5 move to adjourn.

6 BOARD MEMBER MANIFOLD: I'll second.

7 DIRECTOR ANTHONY: It's properly moved
8 and seconded to adjourn. All in favor?

9 BOARD MEMBERS: Aye.

10 DIRECTOR ANTHONY: We are adjourned.

11 (Thereupon, the proceedings concluded at
12 3:28 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Monday, February 6, 2012, and carefully compared with my original stenographic notes.

Carolyn M. Burke, Registered Professional Reporter, and Notary Public in and for the State of Ohio.

My commission expires July 17, 2013.

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