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BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

- - -

In Re: :
: :
Special Meeting :

- - -

PROCEEDINGS

before Chairman Douglas J. Preisse, Director William
A. Anthony, Jr., Deputy Director Dana Walch, and
Board Members Michael F. Colley, Zachary E. Manifold,
and Kimberly E. Marinello, at the Franklin County
Board of Elections, 280 East Broad Street, Columbus,
Ohio, called at 3:24 p.m. on Monday, March 19, 2012.

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- - -

1 APPEARANCES:

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

5 On behalf of the Board.

6 ALSO PRESENT:

7 Ms. Suzanne Brown,
 Executive Assistant to the Board

8 Ms. Karen Cotton,
 9 Operations Manager,
 Franklin County Board of Elections

10 Mr. Jeffrey Mackey,
 11 Petitions and Financial Filings Clerk,
 Franklin County Board of Elections

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

14 Ms. Renee Klco,
 15 Manager of Voter Services,
 Franklin County Board of Elections

16 Mr. Todd Wedekind,
 17 Manager of the Absentee Department
 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: Good afternoon. We would like to call the Franklin County Board of Elections meeting to order. I will 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?

BOARD MEMBER COLLEY: Here.

DIRECTOR ANTHONY: Mr. Chair, everyone is here and accounted for.

The first order of business today would be the approval of the minutes for the February 27th, 2012 meeting.

CHAIRMAN PREISSE: Mr. Colley, would you like to move the approval of the minutes?

BOARD MEMBER COLLEY: I would.

Mr. Chairman, I move the approval of the minutes of the February 27th, 2012 meeting of the

1 Franklin County Board of Elections as submitted.

2 BOARD MEMBER MARINELLO: Second.

3 DIRECTOR ANTHONY: Is there a second?

4 BOARD MEMBER MARINELLO: Second.

5 DIRECTOR ANTHONY: All those in favor,
6 say aye.

7 BOARD MEMBERS: Aye.

8 DIRECTOR ANTHONY: I will pass the
9 minutes around so everybody can sign off on them.

10 The second order of business would be the
11 petition of Terri Jamison. We have Karen Cotton and
12 Jeff Mackey to answer any questions the Board may
13 have.

14 We received a communiqué, what was it, a
15 letter from Mrs. Jamison, that's in your packet, it's
16 an affidavit from her, stating some facts.

17 And, Mr. Chair, what we could do is maybe
18 have her come up and speak to the information that
19 she's presented and then maybe have Jeff or Karen
20 talk about what happened. I think that may be a good
21 way to proceed.

22 CHAIRMAN PREISSE: That sounds like a
23 logical and fair way to proceed to me without
24 objection.

1 examined and testified as follows:

2 DIRECT TESTIMONY

3 MS. JAMISON: My name is Terri Jamison.
4 I circulated a nominating petition for the position
5 for the open seat that Bessey is retiring from for
6 the election for November as an independent
7 candidate. I was required to get 3,841 signatures.
8 I did turn in 5,991 signatures toward this
9 nomination.

10 While circulating the petition, I
11 specifically told people that I was running for an
12 open seat, that I would not be running against an
13 incumbent judge.

14 When I turned the petition in, I informed
15 Mr. Mackey that I was turning the petition in for
16 that open seat. I asked him was there anything else
17 that I needed to put on the petition to designate
18 that open seat; he said we go by the date. I then
19 inquired was the date the correct date for the term
20 commencing for that seat; he replied to me that it
21 was.

22 I also introduced myself to Mr. Anthony;
23 he came down that day. I told him I was an
24 independent candidate for the open seat.

1 I also had a conversation with Warren
2 Taylor who was also turning in petitions for the
3 15th Congressional District. I told him what I was
4 running for, we were discussing it.

5 Then I paid my money. There was some
6 forms I had to complete. I asked again was
7 everything correct on that petition for the open
8 seat; I was informed that it was. I filed the
9 petition and I left.

10 On Tuesday morning, I was in the
11 courthouse, in the Domestic Relations courthouse
12 actually, and I was approached by someone and they
13 told me that the date on the petition lined up for
14 the term commencing for Judge Geer, and asked me, you
15 know, "I thought you were applying for the open
16 seat?"

17 That's when I told him, "Yes, that's what
18 my intentions were." And I immediately came back to
19 the Board to try to correct that situation. I
20 contacted the Secretary of State's office and I was
21 told that I would have to come before the Board
22 today, and I received a certified letter to come in
23 today.

24 CHAIRMAN PREISSE: Okay. We have a copy

1 of the part-petition here pertaining to this matter.

2 I think that's a different matter there.

3 I had previously been made to understand
4 that it was upon the taking out of the petitions that
5 you had a conversation with Mr. Mackey and, perhaps,
6 other staff as it related to proper conditions of the
7 opinion. I'm learning from your oral testimony as
8 well as this written material that it was upon filing
9 that those conversations took place.

10 Let's have a word from our Board staff on
11 this, and Counsel, if that's appropriate.

12 DEPUTY DIRECTOR WALCH: The issue that --

13 MS. COTTON: Jeff is going to take it
14 because he took the petition.

15 DEPUTY DIRECTOR WALCH: Go ahead, Jeff.

16 MR. MACKEY: Okay.

17 CHAIRMAN PREISSE: Well, come on up.

18 MR. MACKEY: Jeff Mackey, employee of the
19 Board.

20 MS. JAMISON: Shouldn't he be sworn in?

21 - - -

22 JEFF MACKEY

23 being first duly sworn, as prescribed by law, was
24 examined and testified as follows:

1 DIRECT TESTIMONY

2 MR. MACKEY: I did concur with
3 Ms. Jamison when she asked if the date was for the
4 open seat, and I was mistaken when I said that it
5 was. I had looked it up earlier in that day and my
6 recollection of the date that I looked up was not
7 correct at that point in time.

8 That conversation did, as you indicated,
9 take place at the filing time which wouldn't have
10 affected the filing of the petition anyway. No
11 changes could have been made at that point because
12 they had already been circulated.

13 CHAIRMAN PREISSE: Well, you anticipated
14 my question which was there is no remedy, after a
15 petition has been completed, to alter it in a fashion
16 that would have satisfied Ms. Jamison's desires; is
17 there or isn't there?

18 MR. MACKEY: There is not to my
19 understanding. And I believe in conversation with
20 Counsel --

21 DEPUTY DIRECTOR WALCH: There is not.

22 MR. MACKEY: -- we also established that
23 there is not.

24 MR. ANDERSON: That is correct.

1 MR. MACKEY: So staff's position is that
2 the petition is for that Judge Geer, full-term,
3 commencing date January 5th, and there is no remedy
4 for that, unfortunately.

5 CHAIRMAN PREISSE: Any questions from the
6 Board members while Jeff is up front?

7 I should have asked -- thanks, Jeff.

8 I should have asked if there are any
9 questions for Ms. Jamison before she sat down. She's
10 still under oath, I assume. Are there questions that
11 the Board would --

12 BOARD MEMBER MARINELLO: I would just
13 like to ask: Where did you get your incorrect
14 information on the petition that made you put that
15 date on there?

16 MS. JAMISON: I had looked it up online.
17 Not at the -- I think I was looking at the Common
18 Pleas website, I don't think I was looking at the
19 Board of Elections website, and it said that Judge
20 Bessey's term ended on January the 5th, but it
21 doesn't state whether that's at 11:59 p.m. or
22 12:01 a.m., so I thought that was the -- the 5th was
23 the correct date.

24 BOARD MEMBER MARINELLO: And --

1 MS. JAMISON: And it's my understanding,
2 just speaking to what he said about making
3 corrections to the petition, it said that you could
4 not alter it after it is filed, not "prior to," when
5 I looked at the Administrative Code.

6 CHAIRMAN PREISSE: And I'm going to ask
7 Counsel to speak to that.

8 BOARD MEMBER MARINELLO: So you hadn't
9 actually --

10 MR. ANDERSON: No. The petition, once
11 it's filled out --

12 CHAIRMAN PREISSE: Excuse me, I'm sorry
13 to interrupt you.

14 BOARD MEMBER MARINELLO: No. I'm just
15 saying so it hadn't actually been filed yet?

16 MS. JAMISON: No. He was counting the
17 signatures and counting how many part-petitions I
18 actually had when I was asking those questions.

19 MR. ANDERSON: Once it's in circulation,
20 it cannot be altered.

21 BOARD MEMBER MARINELLO: After the
22 signatures were obtained, you can't alter it.

23 MR. ANDERSON: You can't alter it, that's
24 correct.

