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BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :  
: :  
Special Meeting :

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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                   DIRECTOR ANTHONY: And I believe  
2 Mrs. Jamison is in the -- she's here. Sorry, we  
3 don't have a podium.

4                   CHAIRMAN PREISSE: We do have a podium.  
5 Why don't we roll that up here.

6                   (Podium is repositioned.)

7                   CHAIRMAN PREISSE: State your name for  
8 the record.

9                   MS. JAMISON: My name is Terri Jamison.

10                  CHAIRMAN PREISSE: Okay. Thank you.  
11 Welcome. Please feel free to take the time you need  
12 to --

13                  DEPUTY DIRECTOR WALCH: We probably  
14 should swear her in.

15                  CHAIRMAN PREISSE: Oh, should we?  
16 Counsel?

17                  MR. ANDERSON: (Nods.)

18                  CHAIRMAN PREISSE: Let's do that.

19                  (Witness sworn.)

20                  CHAIRMAN PREISSE: Thank you.  
21 Please proceed.

22   - - -

23   TERRI JAMISON

24 being first duly sworn, as prescribed by law, was

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.

1 BOARD MEMBER MANIFOLD: You can't go back  
2 through and change the date.

3 CHAIRMAN PREISSE: Okay. Any other  
4 questions from the Board?

5 MR. STARLING: Mr. Chairman, my name is  
6 Jason Starling. I'm the treasurer for Ms. Jamison.

7 CHAIRMAN PREISSE: What's your last name?

8 MR. STARLING: Jason Starling.

9 THE COURT REPORTER: Can you spell your  
10 last name?

11 MR. STARLING: S-t-a-r-l-i-n-g.

12 THE COURT REPORTER: Thank you.

13 MR. STARLING: Sure.

14 I just want to say a couple more things  
15 and maybe Ms. Jamison can testify to this, if  
16 necessary.

17 - - -

18 JASON STARLING  
19 being first duly sworn, as prescribed by law, was  
20 examined and testified as follows:

21 DIRECT TESTIMONY

22 MR. STARLING: You know, just a couple  
23 more things we'd like to say.

24 When Ms. Jamison went around and was

1 getting signatures, and also the others who assisted  
2 her in getting the signatures, it was represented to  
3 the people who were signing the petition that this  
4 was for the open seat in the Common Pleas, the  
5 General Division, not the Domestic.

6 So when we're looking at the petition,  
7 we're saying that it can't be altered after the date  
8 is filled out on the petition when it goes out. I  
9 think what we'd ask the Board to focus on, and if  
10 there's any way to look into this further, if there's  
11 any way around that in the particular rule in the  
12 Administrative Code, the intent of the people signing  
13 the petition, as far as we know and to our knowledge,  
14 was to nominate Ms. Jamison for the open seat in the  
15 Common Pleas General Division.

16 So, based upon that, we'd ask the Board  
17 to take that into consideration that when the  
18 petition was circulated to those signing it, we were  
19 representing to them that it was for the General  
20 Division open seat. We'd ask that the Board take  
21 that into consideration.

22 BOARD MEMBER MARINELLO: May I?

23 BOARD MEMBER MANIFOLD: I guess my  
24 question would be, since we have the petitions in

1 front of us and they say January 5th, which is Judge  
2 Geer's; that's that seat, right?

3 DEPUTY DIRECTOR WALCH: That is the  
4 commencement date of Judge Geer's seat, yes.

5 BOARD MEMBER MANIFOLD: So we can't even  
6 -- we can't accept this petition for that office  
7 because from your testimony -- because you've got the  
8 signatures running against Bessey, or they were -- if  
9 you're telling people that you were collecting  
10 signatures for that seat against Judge Bessey, but  
11 this is Judge Geer, we can't accept -- I would assume  
12 we can't accept that.

13 MS. JAMISON: Well, I think you can. And  
14 this has happened before with Mr. Porter. When he  
15 ran against Judge Brandt, he actually got petitions  
16 to run against Judge Glaeden. And Judge Glaeden ran  
17 uncontested and Porter had to run against Judge  
18 Brandt about seven years ago. And the Board, at that  
19 time, would not allow him to change his date to match  
20 Judge Glaeden, so he actually ran against Judge  
21 Brandt.

22 The issue was I did circulate the  
23 petition for the Court of Common Pleas and that's  
24 what -- and, actually, I put "for Judge." It doesn't

1 delineate -- which is probably my fault as well -- it  
2 doesn't delineate General Division, Domestic  
3 Relations Division, it just says "for Judge."

4           And I think this has happened before.  
5 I've spoken to someone else about this. So they were  
6 forced to run against Judge Brandt.

7           I was hoping that there was a remedy that  
8 had been put in place since that misfortune had  
9 happened that would allow me to be able to change my  
10 petitions to meet the date that I wanted to run --  
11 for the seat that I wanted to run for.

12           And also, it doesn't say whether Judge  
13 Bessey's term actually expires at 12:01 a.m. or  
14 whether it expires at 11:59. So, in theory, you have  
15 a day possibly where there's no judge assigned to  
16 that courtroom if you're not allowed to put your  
17 petitions in for that.

18           DIRECTOR ANTHONY: Mr. Chair?

19           CHAIRMAN PREISSE: Yes, sir.

20           DIRECTOR ANTHONY: Speaking on the Brandt  
21 matter -- that you spoke to earlier -- I was a member  
22 of the Board, I believe you were, too, Mr. Chair, and  
23 it's my recall that during that hearing, he never  
24 testified that they had passed the petitions out



1 erroneously.

2 But what came to pass is that they found  
3 out, like you did upon the filing date, that the date  
4 was wrong. And we ruled that the petition had to be  
5 used for the date that was on the petition.

6 So I say to you: You got a choice to  
7 make. We cannot have you run for -- you have to run  
8 for the Bessey seat. There's no way that we can --

9 MR. ANDERSON: Geer.

10 DIRECTOR ANTHONY: -- alter this  
11 petition.

12 MR. ANDERSON: Geer.

13 DIRECTOR ANTHONY: Yeah, you have to run  
14 for the Geer seat, excuse me. You have to run for  
15 the Geer seat. There's no way that we can change  
16 this petition for you to run for the Bessey seat. So  
17 what do you want to do?

18 BOARD MEMBER MARINELLO: But didn't she  
19 testify that she had told everybody that signed the  
20 petition that she was --

21 DIRECTOR ANTHONY: That's the problem,  
22 too.

23 MS. JAMISON: Well, I know that people  
24 were circulating the petition, that is what I asked

1 them. I have talked to some people, they said they  
2 didn't know for certain, when they signed it, what  
3 seat they were signing for, they just knew I was  
4 signing -- running for judge.

5 And because the petition doesn't  
6 specifically say, I'm sure the general public didn't  
7 understand, but maybe a couple of attorneys may have  
8 understood that there is a difference.

9 BOARD MEMBER MARINELLO: Is that a  
10 problem, too, that the specific judge wasn't in the  
11 petition filled out?

12 DIRECTOR ANTHONY: No, that was not a  
13 problem. That was not a problem. The fact that it  
14 just had "Judge" on it, was not a problem.

15 MR. ANDERSON: Right. The Bessey seat  
16 commences January 4th.

17 MS. JAMISON: 6th.

18 DEPUTY DIRECTOR WALCH: 6th, January 6th.

19 MR. ANDERSON: I'm sorry. January 6th.  
20 I'm sorry.

21 CHAIRMAN PREISSE: Well, any other  
22 comments from the Board?

23 I want to make a final comment so I don't  
24 want to cut off the free discussion, but I think

1 everybody who has wanted to have a say, has; unless  
2 Counsel does.

3 Your colleague and you, yourself, have,  
4 in various ways, said there's been confusion and some  
5 people may have known or said something, and you used  
6 the term "as far as we know."

7 One thing is certain and that's the paper  
8 in front of us which was replicated many times as the  
9 receptacle through which you obviously did a whole  
10 lot of hard work, in one way successful hard work,  
11 you filed effectively, but for the wrong seat from  
12 your perspective.

13 And we've talked about this and I think  
14 had a pretty good discussion here.

15 Am I being approached?

16 (Private discussion between Chairman  
17 Preisse and Deputy Director Walch.)

18 CHAIRMAN PREISSE: Okay. Where I was  
19 going with that was that I've been where you are and  
20 so have many others that have had the misfortune of  
21 coming to this Board with similar requests, because  
22 I've filed for office and, in other ways, filed a  
23 deficient petition and was not able to run and came  
24 back and did it right the next time.

1           The burden and responsibility, at the end  
2 of the day, doesn't lie with staff or friends or  
3 campaign officials; it's with you. And I think,  
4 based on what the law says, we're not able to make  
5 the change that you would like us to make.

6           I think that we have perhaps one or two  
7 paths that we could go forward with. The question  
8 before us is, I believe, would we be able to alter  
9 and slate you for the other seat. And the next  
10 question would be we have not, is it true, we have  
11 not certified her.

12           DIRECTOR ANTHONY: We have not started  
13 validating her petitions as of yet -- these petitions  
14 as of yet. We've held off on the process until after  
15 this meeting. So we don't know -- we have not begun  
16 the validation process yet.

17           CHAIRMAN PREISSE: Which is a separate  
18 question from the initial question before us, is it  
19 not, as it relates to granting Ms. Jamison's request  
20 to switch seats as it were.

21           DEPUTY DIRECTOR WALCH: Correct.

22           MR. ANDERSON: Correct.

23           DEPUTY DIRECTOR WALCH: By the facts of  
24 the petition itself, the testimony today and the

1 affidavits by all three folks regarding this  
2 situation, we wanted to bring it before the Board to  
3 determine which avenue we were able to go down, I  
4 guess.

5 CHAIRMAN PREISSE: Okay. It would seem  
6 to me that we should proceed on that vote to perhaps  
7 provide clarity to the prospective candidate and the  
8 Board where we would be, before she has the  
9 opportunity to consider her second option or next  
10 option which would be what to do given where you may  
11 find yourself in a few minutes. Does that make  
12 sense?

13 DIRECTOR ANTHONY: So then the question  
14 before you, then, I would say the question before you  
15 is that the petition you have in front of you for  
16 Ms. Terri B. Jamison is for the judge seat,  
17 full-term, commencing on January the 5th, and that's  
18 what you have before you. Her affidavit is asking  
19 that you change that to allow her to have it for the  
20 open seat which commences on January the 6th. So I  
21 don't know if a motion would be in order to rule one  
22 way or the other or just accept the petitions as they  
23 are.

24 CHAIRMAN PREISSE: Oh, I see what you're

1 saying. Yeah, I needed to read the paragraph a  
2 little more closely.

3 DIRECTOR ANTHONY: So we would have to --  
4 I guess there's only one real thing that you guys can  
5 do is to accept the petition on its face that's  
6 before you for the January -- full-term, commencing  
7 January 5th. That is the only thing you really need  
8 to do at this point. I'm not sure if that takes a  
9 motion or not. Would that take a motion?

10 MR. ANDERSON: No, it does not.

11 DEPUTY DIRECTOR WALCH: That actually  
12 would not.

13 CHAIRMAN PREISSE: Do we need a motion --  
14 do we need a vote to consider Ms. Jamison's request  
15 or not even that?

16 MR. ANDERSON: I don't think that there's  
17 a legal motion that you can make to alter a  
18 legally-submitted petition.

19 CHAIRMAN PREISSE: And we're not in a  
20 position that we need to accept or reject her  
21 request.

22 MR. ANDERSON: Correct.

23 CHAIRMAN PREISSE: Okay. Well then,  
24 maybe it can be summarized in a statement.

1 MR. ANDERSON: Yes.

2 CHAIRMAN PREISSE: I think it's pretty  
3 clear that our hands are tied and we're not able to  
4 alter the race in which you have filed.

5 MS. JAMISON: I thank the Board for its  
6 consideration, Mr. Chairman. Thank you.

7 CHAIRMAN PREISSE: Okay. And I think  
8 separately maybe staff can tell you what's going to  
9 happen next as a matter of course and you can decide  
10 based on that.

11 DIRECTOR ANTHONY: The next approach will  
12 be that they will start validating the signatures for  
13 the date -- for the office of Judge, commencing  
14 January the 5th, 2013. And if, upon that, you have  
15 sufficient valid signatures, you would be on the  
16 ballot for that race unless you withdraw.

17 MS. JAMISON: Thank you.

18 CHAIRMAN PREISSE: Thank you. Thanks for  
19 coming.

20 DIRECTOR ANTHONY: The next item on the  
21 agenda is a Voter Registration Challenge. It's a  
22 Challenge of Right to Vote and Correction of  
23 Registration. Renee Klco, our Manager of Voter  
24 Services will tell you what this is all about.

1 MS. KLCO: The voter in question, I'm  
2 sorry, the two voters in question actually live  
3 overseas and the last residence on file with the  
4 Board of Elections is here in Columbus. You would  
5 call the vote --

6 CHAIRMAN PREISSE: They what, please?

7 MS. KLCO: They vote on an overseas  
8 ballot and they live overseas and we cannot cancel  
9 them based on that fact. So it's our recommendation  
10 that we do nothing to the voters at this time.

11 CHAIRMAN PREISSE: What are the  
12 circumstances?

13 MS. KLCO: They're expats living  
14 overseas.

15 CHAIRMAN PREISSE: And they used to live  
16 at this address?

17 MS. KLCO: They used to live at this  
18 address and, by law, they're allowed to vote from  
19 that address as their last residence in the United  
20 States.

21 BOARD MEMBER MANIFOLD: So I take it that  
22 Mr. Bellay who lives there --

23 MS. KLCO: There's two of them there.

24 BOARD MEMBER MANIFOLD: -- submitted the



1 challenge.

2 MS. KLCO: Yes.

3 CHAIRMAN PREISSE: Probably tired of  
4 receiving all of their mail.

5 MS. KLCO: Probably.

6 DEPUTY DIRECTOR WALCH: I actually spoke  
7 with Mr. Bellay, the other day, and talked to him  
8 specifically about this situation. He was very  
9 understanding.

10 It is somewhat confusing, but Renee is  
11 right that these folks are eligible to vote from this  
12 address as long as they don't move back to the U.S.  
13 and live here and set up a different, you know,  
14 residence somewhere else.

15 CHAIRMAN PREISSE: Okay.

16 DIRECTOR ANTHONY: So a motion --

17 BOARD MEMBER MARINELLO: Mr. Chairman, I  
18 move the Board reject the Challenge of Right to Vote  
19 and Correction of Registration List filed by John  
20 Bellay of 6750 Schreiner Street East, Worthington,  
21 Ohio, against Kevin Connor and Regina Connor, and  
22 that Kevin Connor and Regina Connor remain registered  
23 to vote in Franklin County.

24 DIRECTOR ANTHONY: Is there a second?

1 BOARD MEMBER COLLEY: Second.

2 DIRECTOR ANTHONY: All those in favor,  
3 say aye.

4 BOARD MEMBERS: Aye.

5 DIRECTOR ANTHONY: Motion carries.

6 The next item on the agenda is an  
7 approval. We had to remake some absentee ballots and  
8 Election Day paper ballots. I will let Todd  
9 Wedekind, our Manger of the Absentee Department,  
10 explain what happened.

11 MR. WEDEKIND: Basically, we just have  
12 ballots that we remake for every election: Military  
13 ballots that were e-mailed, have to be put on to  
14 paper; federal write-in ballots, we put them on  
15 paper; or any coffee stains on a ballot where it  
16 won't read through the 650. We have 249, I think.

17 DIRECTOR ANTHONY: Todd, can you explain  
18 how the process works?

19 MR. WEDEKIND: When we have a ballot that  
20 won't read, say it's torn or it's got coffee stains  
21 on it, we sit down with a team of Democrats and  
22 Republicans and we mark -- say if we start at No. 1,  
23 we start on the ballot that needs to be remade, we  
24 put the original ballot and we put "No. 1." And then

1 for the ballot that it's going to be remade on to, we  
2 mark on the ballot "Remade Ballot 1" and on the stub  
3 "Remade Ballot 1" so that we could always go back at  
4 any time and anyone can look at the ballots and see  
5 that we transferred the votes as the voter had  
6 requested, and then we read them for the official  
7 canvass.

8 CHAIRMAN PREISSE: Okay.

9 BOARD MEMBER MARINELLO: How many were  
10 there, Todd, did you say?

11 MR. WEDEKIND: 249. And there was  
12 nothing bizarre for us to bring to you. Maybe next  
13 time.

14 CHAIRMAN PREISSE: All right.

15 DEPUTY DIRECTOR WALCH: We do have  
16 bipartisan teams that look over these so that there's  
17 always that check and balance in place with  
18 everything we do.

19 BOARD MEMBER MANIFOLD: Mr. Chairman, I  
20 move that the Board accept the staff recommendation  
21 for the validation of 249 remade absentee and  
22 Election Day paper ballots and that these remade  
23 ballots shall be tabulated and included in the  
24 official canvass.

1 DIRECTOR ANTHONY: Is there a second?

2 BOARD MEMBER MARINELLO: Second.

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

5 BOARD MEMBERS: Aye.

6 DIRECTOR ANTHONY: And the next item on  
7 the agenda would be the provisional ballots; always a  
8 lot of fun. We bring Renee Klco, our manager, back  
9 up. She has a form that we have to submit to the  
10 Secretary of State's office that's in your packet.  
11 It has all of the ballots that we issued, all of the  
12 provisional ballots that we issued, and then all of  
13 the provisional ballots that we had to reject or  
14 reasons to reject the provisional ballots, and then  
15 it has a summary sheet of both of them.

16 As you can see, we issued a total of 159  
17 -- 154 ballots on Election Day, I mean prior to  
18 Election Day, and 2,182 on Election Day. And then we  
19 counted 2,073 ballots and then 15 of them met the  
20 National -- the NEOCH. I forgot what that stood for;  
21 I had a mental block.

22 MS. KLCO: You asked me too quick.

23 DIRECTOR ANTHONY: Yeah. Anyway --

24 DEPUTY DIRECTOR WALCH: It's the

1 Northeast Ohio Coalition for the Homeless.

2 DIRECTOR ANTHONY: For the Homeless.  
3 That's right. I couldn't think of that. It was a  
4 lawsuit that they filed to be able to count ballots;  
5 that there's other provisions that we would use to  
6 count ballots. Then we had 248 rejected. And the  
7 rest of the sheet, I probably took some of Renee's  
8 thunder. I'm sorry, Renee. You can fill in where I  
9 didn't.

10 MS. KLCO: There are four that I would  
11 like to show the Board members, where the signature  
12 we have on file does not match the signature that is  
13 on the envelope.

14 (Board members reviewing documents.)

15 CHAIRMAN PREISSE: And you're sharing  
16 those with us because?

17 MS. KLCO: It's our recommendation that  
18 they not be counted.

19 CHAIRMAN PREISSE: Based on the  
20 signature.

21 There's quite a difference, to my eyes,  
22 on those two.

23 BOARD MEMBER COLLEY: Mine too.

24 CHAIRMAN PREISSE: Looks significantly

1 different. Looks essentially printed.

2 That's entirely different.

3 (Board members continue to review  
4 documents.)

5 CHAIRMAN PREISSE: And, Renee, those four  
6 are a rather more subjective consideration than these  
7 other silos.

8 MS. KLCO: Correct.

9 DEPUTY DIRECTOR WALCH: The ones that are  
10 in your sheet, there's various reasons as to why the  
11 staff found them deficient and recommends rejection  
12 on those.

13 These were four that sort of fit into  
14 another category that we thought specifically the  
15 Board should take a look at.

16 MS. ANNARINO: Can I ask a question as a  
17 member of the audience and the public? What do you  
18 do to check with the people that signed these ballots  
19 to see whether there's a medical reason or some other  
20 reason for the signature to appear to be different  
21 than what's in your book?

22 MS. KLCO: As Chairman Preisse said, it's  
23 usually a subjective -- lots of times we can find  
24 little bits of the signature that match. We also

1 check with the poll workers to see if they've written  
2 anything, maybe somebody's arm is in a sling or their  
3 arm is broken --

4 MS. ANNARINO: Or had a stroke or  
5 something.

6 MS. KLCO: -- or had a stroke. And they  
7 usually write that down. And there's nothing on any  
8 of these and they're significantly, I mean very  
9 significantly --

10 MS. ANNARINO: I'm not looking at them.  
11 I just was wondering if there was a protocol where  
12 the person was given an opportunity to explain why  
13 the signatures could be different, and that would  
14 happen if the poll worker took the time to make a  
15 note in the summary at the poll.

16 MS. KLCO: Correct.

17 MS. ANNARINO: If they didn't do it, if  
18 they didn't take the time or ask the question, then  
19 there is no follow-up directly to the voter.

20 MS. KLCO: No.

21 MS. ANNARINO: Okay. Thank you.

22 THE COURT REPORTER: Can I have your  
23 name, your first and last name, please?

24 MS. ANNARINO: Louise, L-o-u-i-s-e,

1 Annarino, A-n-n-a-r-i-n-o.

2 DIRECTOR ANTHONY: What you will have to  
3 do is vote to reject those.

4 DEPUTY DIRECTOR WALCH: Well, I think  
5 first we were hoping to get a motion on the staff  
6 recommendation on the 2,336 other ones that the staff  
7 thought were clear-cut, and then do motions on these  
8 extra ones.

9 BOARD MEMBER MANIFOLD: So these four  
10 outside of, they're not on the --

11 DEPUTY DIRECTOR WALCH: That's correct.

12 BOARD MEMBER MANIFOLD: Okay. So once we  
13 reject these, do we have to update this sheet?

14 MS. KLCO: No. They should be on that  
15 sheet. I'm sorry.

16 BOARD MEMBER MARINELLO: They're under  
17 the -- the four are the non-matching voter  
18 signatures.

19 MS. KLCO: Yeah. I'm sorry.

20 DIRECTOR ANTHONY: So we don't have to do  
21 nothing on these.

22 BOARD MEMBER MANIFOLD: We don't have to  
23 do anything.

24 CHAIRMAN PREISSE: Yeah, I didn't follow



1 what you were saying as it relates to the two  
2 motions.

3 It seems to me if the four are --

4 DEPUTY DIRECTOR WALCH: If the four are  
5 included in there, then we only need one.

6 CHAIRMAN PREISSE: Okay. All right. Any  
7 other thoughts or questions?

8 DIRECTOR ANTHONY: And the number that  
9 you have, Renee, that they should be moving to  
10 recommend to validation, is what? What number would  
11 that be?

12 MS. KLCO: To validate?

13 DIRECTOR ANTHONY: Yeah.

14 DEPUTY DIRECTOR WALCH: 2,088.

15 MS. KLCO: 2,088.

16 DIRECTOR ANTHONY: 2,088? Okay.

17 DEPUTY DIRECTOR WALCH: And there were  
18 248 rejections.

19 DIRECTOR ANTHONY: Okay.

20 DEPUTY DIRECTOR WALCH: And those four  
21 are included in the recommendation.

22 MS. KLCO: In 288 there's one that we  
23 would deem as valid, but there's a problem with it  
24 that I wanted to bring to the Board's attention. The

1 poll worker even wrote in their notes that they  
2 issued a candidates and issues to this voter as well  
3 as an issues-only ballot, and the voter voted both,  
4 so we would like to remove the issues only and just  
5 validate the candidates and issues.

6 BOARD MEMBER MARINELLO: Where's that  
7 included in all of this?

8 MS. KLCO: It's in the good.

9 BOARD MEMBER MARINELLO: Oh, okay.

10 MS. KLCO: And on the issues part of it,  
11 they voted the same way on both ballots as opposed to  
12 the sixth problem I have.

13 DEPUTY DIRECTOR WALCH: We're still on  
14 No. 5, first.

15 CHAIRMAN PREISSE: And we don't have to  
16 take any action on that if you already --

17 MS. KLCO: No.

18 CHAIRMAN PREISSE: You're just bringing  
19 it to our attention, but that's already in the 2,088.

20 MS. KLCO: Yes.

21 DIRECTOR ANTHONY: Did you want them to  
22 see it or is there any reason for them to want to see  
23 it?

24 MS. KLCO: Not really, unless they want

1 to look at it.

2 CHAIRMAN PREISSE: What's problem No. 6?

3 MS. KLCO: Problem No. 6 is an absentee  
4 voter who brought their un-voted absentee ballot to  
5 the polls. They were issued one full ballot,  
6 candidates and issues, and one issues-only ballot.  
7 On one ballot they voted for the issue, on the other  
8 ballot they voted against the issue. So we would  
9 like to remake the candidates-and-issues ballot,  
10 taking out the issue all together.

11 BOARD MEMBER MARINELLO: How did they end  
12 up getting two ballots?

13 CHAIRMAN PREISSE: Taking out the  
14 issue-only ballot?

15 MS. KLCO: And not count that either  
16 because they voted "for" on one and "against" on the  
17 other.

18 BOARD MEMBER MARINELLO: How did they get  
19 two ballots?

20 MS. KLCO: Poll worker.

21 BOARD MEMBER MARINELLO: Oh.

22 DIRECTOR ANTHONY: They didn't bring it  
23 with them?

24 MS. KLCO: No, they didn't vote their

1 absentee. It's in here as well.

2 DIRECTOR ANTHONY: Oh, okay.

3 MS. KLCO: We've got all sorts of paper  
4 in here.

5 DEPUTY DIRECTOR WALCH: So there's a  
6 total of three ballots in there: One completely  
7 un-voted, the absentee --

8 MS. KLCO: Yes. One full ballot,  
9 candidates and issues, and one issues-only ballot.

10 DIRECTOR ANTHONY: So you're proposing to  
11 just remake it to an issues-only.

12 MS. KLCO: No. Just make it candidates  
13 only.

14 BOARD MEMBER MARINELLO: Candidates only.

15 DIRECTOR ANTHONY: Okay.

16 DEPUTY DIRECTOR WALCH: And not count the  
17 issue because they're conflicting.

18 MS. KLCO: And not count the issue  
19 because they voted for and against.

20 DIRECTOR ANTHONY: Is that in this?  
21 Where is that in here?

22 MS. KLCO: It won't be in there because  
23 this is a requested paper ballot. This is not a  
24 provisional.

1 DIRECTOR ANTHONY: Okay. Gotcha.

2 MS. KLCO: It should have been.

3 MR. WEDEKIND: Yes.

4 CHAIRMAN PREISSE: I'm guessing there's  
5 not a whole lot of precedent, to our knowledge, on  
6 this particular case.

7 MS. KLCO: Not that I'm aware of, no.

8 DEPUTY DIRECTOR WALCH: Not that I've  
9 heard, either, Mr. Chairman.

10 CHAIRMAN PREISSE: Well then, we rely on  
11 the supposed good judgment of the collective Board  
12 and staff recommendation which in essence is -- well,  
13 I wouldn't want to say it's the same as counting both  
14 ballots because we couldn't and wouldn't do that. At  
15 the end of the day, if you don't count both, it's the  
16 same, so, okay, and you got that in the 2,088 as  
17 well.

18 MS. KLCO: No. This is not part of the  
19 2,088. This is not a provisional ballot.

20 CHAIRMAN PREISSE: Oh.

21 MS. KLCO: This was mixed in with the  
22 provisional ballots. It should have been a  
23 provisional ballot, but it was not.

24 CHAIRMAN PREISSE: Okay.

1 DEPUTY DIRECTOR WALCH: I guess we would  
2 need to --

3 CHAIRMAN PREISSE: We handle that  
4 separately.

5 DEPUTY DIRECTOR WALCH: We would handle  
6 that separately from the 2,088 and the 248  
7 provisional because that's officially a provisional  
8 ballot.

9 MS. KLCO: Correct.

10 CHAIRMAN PREISSE: Okay.

11 DEPUTY DIRECTOR WALCH: We would be  
12 asking the Board's approval to remake --

13 MS. KLCO: Correct.

14 DEPUTY DIRECTOR WALCH: -- the paper  
15 ballot, the Election Day paper ballot request by  
16 combining the two ballots together.

17 CHAIRMAN PREISSE: I see. Why don't we  
18 handle the first issue, first. Have we had  
19 sufficient discussion and questions on the  
20 provisional ballot issue?

21 BOARD MEMBER MANIFOLD: I think so. I  
22 think, you know, I would just say I was looking over  
23 the number and you're only looking at -- once you  
24 take out the people that aren't registered voters,

1 the people that just aren't registered to vote in the  
2 state, you're down to 104, just basically 104.

3 MS. KLCO: And the ones who voted  
4 absentee.

5 BOARD MEMBER MANIFOLD: Yeah.

6 DIRECTOR ANTHONY: And you take that 11  
7 out, too.

8 BOARD MEMBER MANIFOLD: Yeah. I mean, I  
9 think you're up over 95 percent get approved, which I  
10 think that's a great sign. I think that means a lot  
11 to show that the staff is doing a good job with  
12 training.

13 MS. KLCO: I have a great team.

14 DEPUTY DIRECTOR WALCH: And, overall,  
15 even including the ones that weren't registered, this  
16 is still an 89 -- it's almost an 89 percent total  
17 validation rate.

18 BOARD MEMBER MANIFOLD: Yeah.

19 DEPUTY DIRECTOR WALCH: But, you're  
20 right, if we remove those that just were not  
21 registered, it's a very high validation rate of the  
22 provisionals.

23 BOARD MEMBER MANIFOLD: Okay.

24 BOARD MEMBER MARINELLO: Mr. Chairman, I

1 move the Board accept the staff recommendation for  
2 the validation of 2,088 provisional ballots and the  
3 rejection of 248 provisional ballots as submitted.

4 DIRECTOR ANTHONY: Is there a second?

5 BOARD MEMBER COLLEY: Second.

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

8 BOARD MEMBERS: Aye.

9 DIRECTOR ANTHONY: Motion carries.

10 Then we need a motion to remake the  
11 ballot that Renee was talking about. So you just  
12 want to remake just the candidates only --

13 MS. KLCO: Yes.

14 DIRECTOR ANTHONY: -- for that ballot, so  
15 we need a motion.

16 CHAIRMAN PREISSE: Do we need to do that?

17 DIRECTOR ANTHONY: I don't know if we  
18 need to or not. Well, I think we probably should.

19 MR. ANDERSON: Yeah, you would.

20 DIRECTOR ANTHONY: Yeah, we would need a  
21 motion.

22 MR. ANDERSON: You need a motion if  
23 you're going to remake it.

24 DIRECTOR ANTHONY: Right. Because we had



1 it in the other remade ballots, so we'll need to  
2 remake the one ballot that Renee is talking about.

3 CHAIRMAN PREISSE: Do you want to take a  
4 stab at it, Zach?

5 BOARD MEMBER MANIFOLD: Do we need the  
6 name? Is there a name? Is there something?

7 MR. ANDERSON: No.

8 MS. KLCO: No, uh-uh.

9 DIRECTOR ANTHONY: No, no.

10 BOARD MEMBER MANIFOLD: Oh, so there's  
11 nothing on the -- there's nothing on the cover or  
12 anything.

13 CHAIRMAN PREISSE: Let's refer to it as  
14 "the ballot in question."

15 DIRECTOR ANTHONY: "The ballot."

16 BOARD MEMBER MANIFOLD: We'll call it  
17 "Exhibit A." So I guess I would move that the staff  
18 remake Exhibit A into a candidate and issues.

19 DIRECTOR ANTHONY: No.

20 MS. KLCO: Candidates only on this one.

21 BOARD MEMBER MANIFOLD: Okay. So I would  
22 move that the staff remake Exhibit A into a  
23 candidates-only ballot.

24 MS. KLCO: And I probably -- this one I

1 probably misled, as well. These are two candidate --

2 DIRECTOR ANTHONY: Don't make it Exhibit  
3 A. Just say "the ballot."

4 CHAIRMAN PREISSE: "The ballot in  
5 question."

6 MR. ANDERSON: Yeah, we can't make it an  
7 exhibit to the --

8 MS. BROWN: Transcript.

9 BOARD MEMBER MANIFOLD: I make a motion  
10 --

11 MS. KLCO: I think I misled you or  
12 misspoke. It has -- it's two candidate ballots.  
13 They voted some candidates on one, some candidates on  
14 the other, the same party, and we want to blend them.

15 CHAIRMAN PREISSE: Wait a minute.

16 BOARD MEMBER MANIFOLD: Wait. That's the  
17 earlier one. Let's handle the one we're on.

18 MS. KLCO: Oh, okay. I thought we just  
19 did. I'm sorry.

20 BOARD MEMBER MANIFOLD: No.

21 CHAIRMAN PREISSE: Let's give Zach -- do  
22 you want to say something before we proceed on this  
23 one?

24 MR. WEDEKIND: Yes. On the Election Day

1 one, unless they voted as a provisional, if they  
2 requested an absentee ballot, I don't know that we  
3 can make it as an Election Day. My concern would be  
4 that it's supposed to be validated as a provisional  
5 in order to count that.

6 MS. KLCO: It is.

7 CHAIRMAN PREISSE: It is what?

8 MS. KLCO: It should have been a  
9 provisional and not a paper ballot request.

10 CHAIRMAN PREISSE: And this is the only  
11 one in question of that nature?

12 MS. KLCO: Yes.

13 CHAIRMAN PREISSE: And we -- do we have a  
14 provision to count this type of ballot that is not a  
15 provisional ballot?

16 MS. KLCO: It hasn't come up before.

17 DEPUTY DIRECTOR WALCH: So it should have  
18 been a provisional.

19 MS. KLCO: Should have been.

20 DEPUTY DIRECTOR WALCH: But we don't have  
21 a provisional envelope for it.

22 MS. KLCO: No, we don't.

23 DEPUTY DIRECTOR WALCH: So we can't  
24 identify who might have cast that ballot and if they

1 were eligible to cast the provisional ballot.

2 MS. KLCO: I could identify the voter.  
3 They should have been marked as an absentee voter in  
4 the poll book. When they came into the polls, they  
5 should have been issued a provisional ballot.  
6 Instead, the poll worker gave them a paper ballot, a  
7 paper ballot request.

8 DIRECTOR ANTHONY: It should have been a  
9 provisional ballot.

10 DEPUTY DIRECTOR WALCH: It should have  
11 been a provisional.

12 MS. KLCO: Now, I don't know if you  
13 attribute that to poll worker error or not.

14 CHAIRMAN PREISSE: Well, I think you do,  
15 but I don't know that --

16 DEPUTY DIRECTOR WALCH: I'm not sure  
17 there's a remedy for it even if we do attribute it to  
18 poll worker error --

19 MR. ANDERSON: Yeah.

20 DEPUTY DIRECTOR WALCH: -- because it  
21 wouldn't -- I mean we can't count it under the NEOCH  
22 rule because we don't have any information on the  
23 voter to apply the NEOCH situation to it.

24 CHAIRMAN PREISSE: What do we call it if

1 we try to count it?

2 MS. KLCO: "Election Day paper ballot."

3 DEPUTY DIRECTOR WALCH: But they're not  
4 permitted to vote on an Election Day paper ballot if  
5 they were issued an absentee, correct?

6 MS. KLCO: Correct. And the poll worker  
7 shouldn't have given them a paper ballot in the  
8 secrecy envelope.

9 BOARD MEMBER MARINELLO: I'm surprised  
10 this hasn't come up more.

11 CHAIRMAN PREISSE: Let's hear from our  
12 learned counsel.

13 MR. ANDERSON: I don't believe we can  
14 count it.

15 DIRECTOR ANTHONY: I don't think we can  
16 count it.

17 MR. ANDERSON: I mean poll worker error  
18 or not, you know, it's not a provisional ballot. I  
19 don't think, by NEOCH, we can make it into one after  
20 the fact.

21 DEPUTY DIRECTOR WALCH: I would tend to  
22 agree with that. I'm not sure how we make it into a  
23 provisional, because we don't have the information  
24 required to consider it --

1 MR. ANDERSON: Right.

2 DEPUTY DIRECTOR WALCH: -- as a  
3 provisional ballot.

4 MS. ANNARINO: I have a question. Louise  
5 Annarino, again.

6 The absentee ballot, is it -- do you have  
7 a copy of the absentee ballot that was never filled  
8 out? Because you mentioned in your testimony that it  
9 was not filled out.

10 MS. KLCO: Uh-huh.

11 MS. ANNARINO: So there's no potential  
12 that the person cast two votes using an absentee  
13 ballot plus voting at the polls because you have in  
14 your possession the absentee ballot.

15 MS. KLCO: Correct.

16 MS. ANNARINO: Why can you not treat it  
17 as a quasi provisional ballot?

18 DIRECTOR ANTHONY: Because it wasn't.

19 MS. ANNARINO: It should have been filed  
20 that way and wasn't, but that has nothing to do with  
21 the validity of the vote. The person cast one vote  
22 at the polls, was not corrected by the poll worker,  
23 and there's no reason to suspect any kind of fraud or  
24 mistake because there was never an absentee ballot

1 filed.

2 MR. WEDEKIND: But the law provides that  
3 the absentee ballot, if you request an absentee  
4 ballot and you go to the polls on Election Day, you  
5 must vote a provisional ballot.

6 MS. ANNARINO: Right.

7 MR. WEDEKIND: There's no other way  
8 around it.

9 MS. ANNARINO: So there's no way that you  
10 can see that there's an equitable argument here and  
11 treat it as a quasi --

12 CHAIRMAN PREISSE: There's no such thing  
13 as a "quasi ballot."

14 MS. ANNARINO: Well, you can make one up.  
15 You're --

16 CHAIRMAN PREISSE: Well, no. It gets  
17 back to the word "NEOCH." We can't just sort of  
18 create it out of the air. Logical as it may seem in  
19 this context, I don't think we're empowered to do  
20 that.

21 So back to -- I think we want to kind of  
22 cull the question on this issue.

23 And thanks, Todd, for stepping up.

24 Had we just considered that ballot in the

1 context of the 2,088 or we had not?

2 MS. KLCO: No. It's totally separate.

3 CHAIRMAN PREISSE: Okay.

4 DEPUTY DIRECTOR WALCH: This is the last  
5 one we were considering.

6 CHAIRMAN PREISSE: Okay.

7 DEPUTY DIRECTOR WALCH: That Todd was --  
8 that Zach was trying to make the motion.

9 BOARD MEMBER MANIFOLD: And remove my  
10 motion.

11 CHAIRMAN PREISSE: If we do nothing --

12 MS. KLCO: It just --

13 DIRECTOR ANTHONY: Nothing happens.

14 CHAIRMAN PREISSE: We're not going to  
15 count it because it's an oddball outlier.

16 DEPUTY DIRECTOR WALCH: Right.

17 MS. KLCO: Right.

18 CHAIRMAN PREISSE: I'm comfortable with  
19 that.

20 DEPUTY DIRECTOR WALCH: So we don't need  
21 a motion to do anything here with this ballot.

22 CHAIRMAN PREISSE: Okay. Thanks for  
23 describing it to us.

24 BOARD MEMBER MANIFOLD: Wow.



1                   DIRECTOR ANTHONY: You said you got one  
2 more?

3                   MS. KLCO: Yeah. I got these two  
4 confused. This is two partisan party ballots that  
5 they voted some on one and some on the other; some  
6 candidates on the first one and some candidates on  
7 the second one.

8                   BOARD MEMBER MARINELLO: Is this a brand  
9 new one --

10                  MS. KLCO: No, no, no.

11                  BOARD MEMBER MARINELLO: -- or did you  
12 already bring this up?

13                  MS. KLCO: I brought it up and I had  
14 gotten it confused with this one, and I apologize for  
15 that.

16                  DEPUTY DIRECTOR WALCH: Is this a  
17 provisional?

18                  MS. KLCO: This is a provisional. This  
19 is a real provisional.

20                  DEPUTY DIRECTOR WALCH: And everything  
21 else checks out?

22                  MS. KLCO: Everything else is fine on it.

23                  CHAIRMAN PREISSE: Are there  
24 contradictory --

1 MS. KLCO: I do not believe so.

2 CHAIRMAN PREISSE: -- considerations on  
3 that?

4 DEPUTY DIRECTOR WALCH: So everything  
5 checks out.

6 MS. KLCO: We can run both ballots  
7 through or we can blend it into a new one.

8 CHAIRMAN PREISSE: We can't run two, I  
9 don't think.

10 MS. KLCO: If there's no --

11 DIRECTOR ANTHONY: We would have to  
12 remake it.

13 MS. KLCO: We'd have to remake it.

14 DEPUTY DIRECTOR WALCH: We'd remake it  
15 into one ballot.

16 DIRECTOR ANTHONY: That's not on your --  
17 on this list?

18 MS. KLCO: Yes, it is. It's on the 288  
19 -- 2,088.

20 DIRECTOR ANTHONY: So it's already been  
21 counted.

22 DEPUTY DIRECTOR WALCH: So it's our  
23 recommendation that it be counted.

24 MS. KLCO: Yes.

1 DIRECTOR ANTHONY: Okay.

2 DEPUTY DIRECTOR WALCH: But I guess we  
3 would need approval of the Board to remake it and to  
4 count it, if that makes sense.

5 CHAIRMAN PREISSE: So you believe there's  
6 no contradiction between the two.

7 MS. KLCO: Correct.

8 CHAIRMAN PREISSE: And if there is --  
9 well, if there is, when you vote a provisional ballot  
10 in the first place, it wouldn't count, would it, if  
11 you mark two?

12 DEPUTY DIRECTOR WALCH: If you did two  
13 that were contrary to each other? It would be up to  
14 you, as the Board, but I would think it would be hard  
15 to determine voter intent if they had two votes that  
16 were opposite each other.

17 DIRECTOR ANTHONY: But that's not the  
18 case here.

19 DEPUTY DIRECTOR WALCH: But that's not  
20 the case here.

21 CHAIRMAN PREISSE: Well, Renee said she  
22 doesn't think it is.

23 MS. KLCO: You want to look at it?

24 BOARD MEMBER MARINELLO: Yeah.

1 CHAIRMAN PREISSE: Yeah.

2 MR. WEDEKIND: If I may, there would be  
3 another option if they voted both. We could just  
4 over vote the remade ballot with both of the votes  
5 on. If they put two candidates and it's a  
6 choose-not-more-than-one, we could over vote the  
7 ballot, which is basically what they did, they voted  
8 for more than one.

9 DEPUTY DIRECTOR WALCH: If they did that.

10 MR. WEDEKIND: Yes.

11 CHAIRMAN PREISSE: Well, that's where I  
12 was trying to get because that happens, right, on  
13 provisional ballots?

14 MS. KLCO: That happens.

15 DEPUTY DIRECTOR WALCH: Sure.

16 CHAIRMAN PREISSE: And what happens in  
17 that case, you described it.

18 (Board members reviewing documents.)

19 CHAIRMAN PREISSE: It appears there's one  
20 difference, but no contradiction.

21 MS. KLCO: Right.

22 CHAIRMAN PREISSE: Do you want to look at  
23 it?

24 (Board members reviewing the documents.)

1 CHAIRMAN PREISSE: We've already included  
2 that in the 2,088 and discussed how you're going to  
3 approach it, so we don't have to take further action  
4 on that; is that correct? Does that make sense?

5 BOARD MEMBER MARINELLO: That's included  
6 in the 2,088.

7 MS. KLCO: Yes, it is.

8 DEPUTY DIRECTOR WALCH: So state that  
9 again, Mr. Chairman.

10 CHAIRMAN PREISSE: Inasmuch as we've  
11 examined the ballot and agree with the staff  
12 recommendation, it's already included in the 2,088.  
13 Thanks for bringing it to our special attention, but  
14 we don't have to do anything on that; is that  
15 correct?

16 MS. KLCO: No, we need to remake the  
17 ballot.

18 CHAIRMAN PREISSE: Well, I understand,  
19 but we don't have to vote on it, do we?

20 DIRECTOR ANTHONY: Yes.

21 MR. WEDEKIND: Yes.

22 MR. ANDERSON: Yes.

23 CHAIRMAN PREISSE: We do have to vote on  
24 remaking the ballot?

1 MR. ANDERSON: It needs a specific motion  
2 and vote for this individual one because it wasn't  
3 included in the 249 that we approved for remaking  
4 earlier, correct?

5 DIRECTOR ANTHONY: Right.

6 DEPUTY DIRECTOR WALCH: That's correct.

7 MR. ANDERSON: But it's in the vote  
8 totals that you already approved, you now just have  
9 to go back and give specific approval to remake this  
10 specific ballot.

11 DEPUTY DIRECTOR WALCH: Right.

12 CHAIRMAN PREISSE: Okay.

13 MR. ANDERSON: Did that make sense?

14 DIRECTOR ANTHONY: Makes sense to me.

15 CHAIRMAN PREISSE: That's what scares me.

16 (Laughter.)

17 BOARD MEMBER MARINELLO: Mr. Chairman, I  
18 move that the Board accept the staff recommendation  
19 to remake the ballot we just talked about --

20 CHAIRMAN PREISSE: "The ballot in  
21 question."

22 DEPUTY DIRECTOR WALCH: "The ballot in  
23 question."

24 BOARD MEMBER MARINELLO: -- the ballot in

1 question.

2 DIRECTOR ANTHONY: Is there a second?

3 BOARD MEMBER COLLEY: Second.

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

6 BOARD MEMBERS: Aye.

7 DIRECTOR ANTHONY: Motion carries.

8 That's all I have.

9 BOARD MEMBER MANIFOLD: No. Actually --

10 DIRECTOR ANTHONY: Oh, there's something  
11 else.

12 BOARD MEMBER MANIFOLD: We didn't  
13 actually do the 2,088.

14 DIRECTOR ANTHONY: Yes, we did. That was  
15 done.

16 Mr. Chair, there's nothing else that we  
17 have to come before this illustrious body. Is there  
18 a motion to adjourn?

19 BOARD MEMBER MARINELLO: Mr. Chairman, I  
20 move to adjourn.

21 DIRECTOR ANTHONY: Is there a second?

22 BOARD MEMBER MANIFOLD: Second.

23 DIRECTOR ANTHONY: All those in favor,  
24 say aye.