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BEFORE THE OHIO BOARD OF ELECTIONS

BOARD MEETING

- - -

PROCEEDINGS

before Douglas Preiss, Chairman, Zachary Manifold and  
Kimberly Marinello, Board Members, at the Board of  
Elections, 280 East Broad Street, Columbus, Ohio,  
First Floor, Columbus, Ohio, called at 3:00 p.m. on  
Monday, June 4, 2012.

- - -

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APPEARANCES:

Richard Cline & Co., LLC  
By Mr. Richard A. Cline  
580 South High Street, Suite 200  
Columbus, Ohio 43215

On behalf of the Ms. Jamison.

Franklin County Prosecutor's Office  
By Mr. Nick A. Soulas, Jr.  
And Mr. Harold J. Anderson  
373 South High Street, 13th Floor  
Columbus, Ohio 43215

On behalf of the Board.

Also Present:

William A. Anthony, Jr., Director  
Dana Walch, Deputy Director

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1 Monday Afternoon Session,  
 2 June 4, 2012.

3 - - -

4 MR. ANTHONY: I would like to call the  
 5 Franklin County Board of Elections meeting to order.

6 I'll do a roll call.

7 Kimberly Marinello?

8 MS. MARINELLO: Here.

9 MR. ANTHONY: Zachary Manifold?

10 MR. MANIFOLD: Here.

11 MR. ANTHONY: Douglas Preiss?

12 CHAIRMAN PREISS: Here.

13 MR. ANTHONY: We have a quorum, sir.

14 The first item on the agenda is approval  
 15 of the minutes from the May 7, 2010 [verbatim],  
 16 meeting. Is there a motion?

17 MS. MARINELLO: Mr. Chairman, I move to  
 18 approve the minutes of the May 7, 2012, meeting of  
 19 the Franklin County Board of Elections.

20 MR. ANTHONY: Is there a second?

21 MR. MANIFOLD: Second.

22 MR. ANTHONY: All in favor?

23 ALL: Aye.

24 MR. ANTHONY: Minutes are approved.

25 And I will send around a log for you to

1 sign.

2 The second item on the agenda is the  
3 approval of a Babbage-Simmel contract. Did I  
4 pronounce that right?

5 The Board wanted to use Babbage-Simmel to  
6 do our election administration plan. They prepared  
7 our plan last year and this year we have to submit --  
8 I guess it's a yearly plan based on the directive  
9 from the SOS, and it satisfies a lawsuit that was  
10 filed by the League of Women Voters. And we asked  
11 them to put together our plan for the fall election  
12 2011.

13 They did a great job; you guys recall the  
14 report they put together for our March election. So  
15 that's before you. The contract for Babbage-Simmel  
16 is \$18,750.

17 Dana, you want to add anything?

18 MR. WALCH: Just that in your packets of  
19 information I have a proposal that was put forth by  
20 Babbage-Simmel. This is state term contract pricing  
21 that we get, so through the state term contract we do  
22 get a little bit better rate than we would otherwise.

23 And because of the fact that they've  
24 already worked on our big master plan, we thought  
25 going with them on this made sense because they do

1 have a lot of already existing knowledge of our  
2 operation and it would be helpful in administering  
3 the new plan.

4 CHAIRMAN PREISS: Is there anybody here  
5 from there?

6 MR. WALCH: I don't believe so.

7 MR. ANTHONY: No.

8 CHAIRMAN PREISS: All right. We reviewed  
9 some of this prior and you're all happy with their  
10 work so far?

11 MR. WALCH: Very much so.

12 MR. ANTHONY: Yes, sir, we are.

13 CHAIRMAN PREISS: Able advisors guidance  
14 heretofore.

15 MR. MANIFOLD: I think the primary was  
16 very good. I think the primary EAP plan was a great  
17 plan and it was --

18 MS. MARINELLO: Mr. Chairman, I move the  
19 Board authorize the Director and Deputy Director  
20 approve the service contract in the amount of \$18,750  
21 for Babbage-Simmel for assistance in the development  
22 of the election administration plan for the 2011  
23 general election.

24 MR. ANTHONY: Is there a second?

25 MR. MANIFOLD: Second.

1 MR. ANTHONY: All those in favor say  
2 "aye."

3 ALL: Aye.

4 MR. ANTHONY: That motion carries.

5 The next item on the agenda is the  
6 employee pay raises. You have in your packet a  
7 Resolution No. 0411-12 for the County Commissioners  
8 to approve the 1 percent pay raise for all  
9 non-bargaining employees basically across the board.  
10 And if we want to participate in that, then we would  
11 have to have this Board approve it. So we're  
12 bringing this before you.

13 We recommend that it's approved. The  
14 money's already budgeted in the County Commission's  
15 budget. So, not have any impact on our budget. And  
16 it would be retroactive to April 1, 2012.

17 CHAIRMAN PREISS: This has taken place  
18 throughout the rest of county government as been  
19 described.

20 MR. ANTHONY: That's correct.

21 MR. WALCH: That's correct.

22 CHAIRMAN PREISS: All right.

23 MR. MANIFOLD: Mr. Chairman, I move that  
24 the Board accept the supplemental preparations from  
25 the County Commissioners related to the 1 percent pay



1 increase for non-bargaining employees contained  
2 within Resolution No. 411-12 and that the Board  
3 administer 1 percent pay increase to each Board of  
4 Elections employee retroactive to April 1, 2012.

5 MR. ANTHONY: Is there a second?

6 MS. MARINELLO: Second.

7 MR. ANTHONY: All those in favor say  
8 "aye."

9 ALL: Aye.

10 MR. ANTHONY: That motion carries as  
11 well.

12 At this point we asked the personnel --  
13 I'm ahead of myself.

14 We wanted to discuss -- this is open for  
15 discussion. A while back we had a situation with  
16 coffee. We had provided coffee in our break room for  
17 a lot of -- all the folks that come into our building  
18 from workers to visitors to you name it. And we  
19 found that it was -- it became folks expected it and  
20 when we have people coming through here to visit,  
21 tours, it's good to offer them a beverage. Often  
22 they would like a cup of coffee.

23 We had a situation with the Auditor's  
24 Office where they mentioned the Board would have to  
25 approve that purchase and so we wanted to kind of

1 talk about it or put it on the agenda and so you guys  
2 know we talked about it. We would have to do a --  
3 have it basically approved by the Board as part of  
4 our work rules, I guess, for lack of better.

5 MR. WALCH: Yeah, the Auditor's Office  
6 explained to us that to do such a purchase like this,  
7 we would need to have a formal resolution of the  
8 Board in order to do that. So we wanted to bring it  
9 to your attention and have you discuss it to see if  
10 that's something you wanted to do or not wanted to do  
11 in the future.

12 CHAIRMAN PREISS: I have offered to buy a  
13 machine for the office and then let employees, if  
14 that -- if permitted, employees would bring in their  
15 own little canisters.

16 But it strikes me too here as we sit  
17 here, couldn't some vendor put in a machine that's  
18 coin operated or something? Or do we not want to get  
19 into that?

20 MS. BROWN: We don't have the space for  
21 that.

22 CHAIRMAN PREISS: We don't have the space  
23 for that.

24 Well, I'm turning to the Prosecutor's  
25 representatives, our legal counsel. Is there a

1 reason that I couldn't buy a machine and employees  
2 could bring in their own little, you know, those  
3 modern machines you have now you put your little  
4 coffee in?

5           It strikes me that we probably -- there's  
6 a lot of people that drink coffee and a lot of them  
7 don't. So I don't know that we should be using  
8 taxpayer money to subsidize the habits of the coffee  
9 drinkers like me when other employees aren't taking  
10 it.

11           MR. SOULAS: If you're talking about you  
12 personally purchasing the machine and using it in  
13 here, there is no problem with that. The Auditor's  
14 Office in recent years has been challenging a lot of  
15 expenditures, just FYI for the Board, challenging a  
16 lot of those types of expenditures and have been  
17 asking the different boards and elected officials  
18 whether you're buying Kleenex for victims of crime,  
19 they've asked us to adopt a policy for coffee which  
20 we don't provide in our office.

21           But other offices have to adopt a policy  
22 that reflects -- or work rule that reflects that it  
23 is a valid public purpose. It serves a valid public  
24 purpose to provide those types of amenities. But  
25 your proposed solution would probably be the best

1 solution, quite frankly.

2 MS. MARINELLO: I would be willing to  
3 chip in on that.

4 CHAIRMAN PREISS: All right. And then I  
5 think that would work. So we wouldn't have to take  
6 any action on this at all.

7 MR. ANTHONY: No. Just item of  
8 discussion.

9 CHAIRMAN PREISS: For the coffee drinking  
10 employees in the room, I'm going to buy you a  
11 machine. Seems like others may chip in too, but you  
12 have to bring your own coffee.

13 MR. ANTHONY: Well discussed, it's on the  
14 agenda, it became kind of interesting.

15 CHAIRMAN PREISS: Sure. We want to  
16 comply with the Auditor's wishes.

17 MR. ANTHONY: Dana and I will follow up  
18 on that, Mr. Chairman.

19 The next item on the agenda, as you all  
20 know we have a special election August the 7th, and  
21 we need to set the in-person absentee voting hours  
22 for the special election. And we are proposing that  
23 we set the hours Monday through Friday 8:00 to  
24 5:00 p.m. Tuesday, July 3, through Friday, August 3.

25 And we would be here at the Board of

1 Elections. Since it's just such a small special  
2 we'll probably hold it in our public room, that  
3 little room, probably set up maybe two machines. I'm  
4 not sure we need more than one or two machines set  
5 up.

6 And we'll keep it locked and folks come  
7 in and have them vote. But make that available for  
8 them 8:00 to 5:00 Monday through Friday.

9 MR. WALCH: This has been pretty much the  
10 standard operating procedure when there's been a  
11 smaller special like this with this only being for  
12 Madison School District being on the August 7 ballot.  
13 This is very consistent with what's been done in the  
14 past.

15 CHAIRMAN PREISS: Okay.

16 MR. ANTHONY: Any questions?

17 MS. MARINELLO: Mr. Chairman, I move the  
18 Board set in-person absentee voting hours Monday  
19 through Friday 8:00 to 5:00, 8:00 a.m. to 5:00 p.m.  
20 beginning Tuesday, July 3, and running through  
21 Friday, August 3, at the Board office, located at 280  
22 East Broad Street, Columbus.

23 MR. ANTHONY: Is there a second?

24 MR. MANIFOLD: Second.

25 MR. ANTHONY: All in favor say "aye."

1 ALL: Aye.

2 MR. ANTHONY: The next item on the  
3 agenda, and I should probably let you take this one,  
4 Dana.

5 MR. WALCH: This has to deal with some  
6 issues regarding the Franklin County Democratic Party  
7 campaign finance reports. We were presented with a  
8 letter in response from Donald McTigue, who's legal  
9 counsel for the Franklin County Democratic Party, in  
10 response to some questions that we had about some  
11 past filings.

12 You all have a copy of Mr. McTigue's  
13 response in that. The staff does have some questions  
14 regarding the topics that Mr. McTigue has brought up  
15 in his letter, and we were going to ask the Board for  
16 authorization to refer some questions over to the  
17 Ohio Elections Commission on this matter for  
18 clarification from them.

19 Does anybody have any questions or  
20 anything on that?

21 MR. MANIFOLD: Mr. Chairman, I move that  
22 the Board authorize the staff to refer to the Ohio  
23 Elections Commission questions regarding the May 9,  
24 2011, letter submitted to the Board by Donald McTigue  
25 in response to the Board's inquiry into the finance

1 reports filed by the Franklin County Democratic  
2 Party.

3 CHAIRMAN PREISS: Second.

4 MR. ANTHONY: We'll do a roll call.  
5 Kim Marinello?

6 MS. MARINELLO: Abstain.

7 MR. ANTHONY: Zach Manifold?

8 MR. MANIFOLD: Yes.

9 MR. ANTHONY: Douglas Preiss?

10 CHAIRMAN PREISS: Yes.

11 MR. ANTHONY: Motion carries.

12 The next item on the agenda, only if you  
13 guys want to we move to executive session to discuss  
14 the personnel issues.

15 CHAIRMAN PREISS: I don't have any  
16 personnel issues so it's up to you.

17 MR. ANTHONY: We don't have any either.

18 So the next item on the agenda, we had  
19 several staff resignations that just came in, we'll  
20 do them one at a time. The first one that's, if you  
21 guys recall Jim Beier, B-e-i-e-r, went out on  
22 disability when he had his leg amputated due to some  
23 complications with diabetes, and we put him on  
24 basically leave without pay for about six months.

25 He has since decided that he's going

1 to -- he has the age to retire, so he submitted his  
2 resignation effective May 17, 2011. And that's  
3 before you now.

4 MS. MARINELLO: Mr. Chairman, I move the  
5 Board accept the resignation of Jim Beier effective  
6 May 17, 2011, and thank him for service to our  
7 office.

8 MR. ANTHONY: Second?

9 MS. MARINELLO: Second.

10 MR. ANTHONY: All in favor say "aye."

11 ALL: Aye.

12 MR. ANTHONY: Motion carries.

13 The next resignation?

14 MR. WALCH: Sure. We received notice  
15 from Tim Beck who has worked here at the Franklin  
16 County Board of Elections for almost 30 years now.  
17 His 30-year service anniversary comes up at the end  
18 of this month. And after much deliberation, Tim has  
19 decided that it is in his best interest to retire.

20 So in your -- you do have all three folks  
21 we're talking about here, their letters of  
22 resignation, and Tim did give to us his letter of  
23 resignation and retirement effective June 30, at the  
24 end of this month.

25 So he's been -- Tim has worked for the



1 Board of Elections for years. This has been the  
2 only -- I believe the only professional job Tim has  
3 had. I think he came here -- he's only 52 or  
4 something like that, but Tim has decided that with  
5 his 30 years in, it's time for him to retire. So.

6 MR. ANTHONY: And I might add, Tim has  
7 been a true asset down at that warehouse. I don't  
8 know if you guys really spent some time at the  
9 warehouse, but that becomes really hectic and just  
10 getting everything in and out for each election and  
11 that it has to be well organized and be ready to work  
12 long hours and be kind of creative.

13 Tim actually developed a counter for us,  
14 he designed a little counter so when we have  
15 recounts, he spools the recount. He actually  
16 developed a little thing that we could roll the  
17 spools in, and if we had to do a hand recount, it  
18 goes a lot easier. So he's been a great asset at the  
19 Board and he will be missed.

20 MR. MANIFOLD: Mr. Chairman, I move that  
21 the Board accept the retirement of Tim Beck effective  
22 June 30, 2011, thanking Tim for his 30 years of  
23 service to our office and the citizens of Franklin  
24 County.

25 MS. MARINELLO: Second.

1 MR. ANTHONY: All in favor say "aye."

2 ALL: Aye.

3 MR. ANTHONY: Motion carries.

4 MR. WALCH: And then our final one is the  
5 resignation of Jane Hanley. Jane was presented with  
6 a unique opportunity to -- she was offered a position  
7 as the deputy director of the Fairfield County Board  
8 of Elections, and so she, after much consideration,  
9 decided that was a good move for her.

10 Jane did a great job for us here as one  
11 of our clerks in the Voter Services Division.  
12 Handled -- on election night Jane was always the one  
13 who handled the paper ballots as they came in on  
14 election night at the warehouse for us.

15 But this was a very good opportunity for  
16 her that she felt was the right move for her, and as  
17 did the Fairfield County Board of Elections. So she  
18 offered her resignation to us effective May 18.

19 CHAIRMAN PREISS: We congratulate her.

20 MR. MANIFOLD: Mr. Chairman, I move that  
21 the Board accept the resignation of Jane Hanley  
22 effective May 18, 2011, and thank Jane for her  
23 service to our office and the citizens of Franklin  
24 County. We also wish Jane well in her new position  
25 as deputy director of Fairfield County Board of

1 Elections.

2 MR. ANTHONY: Is there a second?

3 MS. MARINELLO: Second.

4 MR. ANTHONY: All those in favor say  
5 "aye."

6 ALL: Aye.

7 MR. ANTHONY: I forgot to add, Jane, one  
8 of the things that Jane did that really, really  
9 helped us is duplicates. And that became a nightmare  
10 as, yeah, her supervisor can attest to. And Jane  
11 just worked tirelessly to make sure we got through,  
12 figured out and turned in, and so we wouldn't be in  
13 trouble with the Secretary of State's Office.

14 So I truly appreciate all the hard work  
15 that Jane did for the Board of Elections and I do  
16 wish her all the best in her new position.

17 CHAIRMAN PREISS: Her service has been  
18 recognized, and now on to bigger and better things.

19 I'm going to ask that we recess for five  
20 minutes before we quickly get into the next section  
21 of the meeting. I need to run down the hall. Stand  
22 in recess for five minutes?

23 MR. ANTHONY: Yes, sir.

24 (Recess taken.)

25 CHAIRMAN PREISS: We will now move

1 into -- out of recess and move into a special hearing  
2 regarding the petition appeal of Terri Jamison,  
3 J-a-m-i-s-o-n.

4 Ms. Jamison is appealing this Board's  
5 decision to deny her certification to the ballot as a  
6 candidate for Common Pleas Court judge with a term  
7 commencing January 5, 2013.

8 To kind of review what we believe has  
9 brought us here today, I will make a statement  
10 including what I think are some of the pertinent  
11 milestones.

12 On March 5, 2012, Terri B. Jamison filed  
13 363 part-petitions and statements of candidacy for  
14 the office of Common Pleas Court judge with a term  
15 commencing January 5, 2013, for the November 6, 2011,  
16 general election.

17 However, Ms. Jamison indicated verbally  
18 and in writing that she wished to run for the Common  
19 Pleas general division seat being vacated by Judge  
20 Bessey with a commencement date of January 6, 2013.

21 The petitions she submitted were actually  
22 for the Domestic Relations seat which is currently  
23 occupied by Judge Geer, Chris Geer.

24 Upon learning of the error of the  
25 petitions, Ms. Jamison provided several affidavits to

1 the Board on March 6, 2012. The affidavits were in  
2 support of her request to be allowed to run for the  
3 open Common Pleas Court General Division seat being  
4 vacated by Judge Bessey.

5 Ms. Jamison also chose to appear and  
6 provide sworn testimony at this Board's March 19,  
7 2012, meeting in support of her request to be allowed  
8 to run for Judge Bessey's seat, despite the error on  
9 the petitions.

10 At the March 19, 2012, meeting, she  
11 stated under oath that she "circulated a nominating  
12 petition for the position for the open seat that  
13 Bessey is retiring from for the election for November  
14 as an independent candidate."

15 More specifically, Ms. Jamison testified  
16 that "While circulating the petition, I specifically  
17 told people that I was running for an open seat.  
18 That I would not be running against an incumbent  
19 judge."

20 Ms. Jamison also admitted during the  
21 hearing that she did not enter the date she intended  
22 on her petitions selecting the dates associated with  
23 the domestic seat currently held by Judge Geer who is  
24 running for reelection to that seat.

25 Jason Starling also testified at the

1 March 19, 2012, hearing on Ms. Jamison's behalf.

2 Mr. Starling testified that "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 His testimony also contained the  
7 following: "We'd ask the Board to take that into  
8 consideration when the petition was circulated. To  
9 those signing it we were representing to them that it  
10 was for the General Division open seat."

11 In her March 6, 2012, affidavit,  
12 Ms. Jamison stated that she "solicited signatures  
13 from the general public with the understanding that  
14 she was running for the open seat in the General  
15 Division."

16 She also detailed that she "was writing  
17 this affidavit and letter to clarify that the  
18 nominating petition is for the General Division term  
19 commencing on January 6, 2013, that will be vacated  
20 by Judge John Bessey."

21 Ms. Jamison supplied an affidavit from  
22 Ricardo T. Gary supporting her request to be allowed  
23 to run for Judge Bessey's seat. In it Mr. Gary  
24 states that he "assisted her by soliciting signatures  
25 from the general public with the understanding that

1 the nominating petition was to run for the open seat  
2 in the General Division."

3 He went on to affirm that "I am signing  
4 this affidavit as a witness that the nominating  
5 petition submitted is for the General Division term  
6 commencing on January 6, 2013, and because I assisted  
7 with soliciting signatures for the nominating  
8 petition with that understanding."

9 Ms. Jamison also supplied an affidavit  
10 from Lorena Lacey in support of her request to run  
11 for Judge Bessey's seat. In her affidavit, Ms. Lacey  
12 states she "assisted her by soliciting signatures  
13 from the general public with the understanding that  
14 the nominating petition was to run for the open seat  
15 in the General Division."

16 During the May 7, 2012, Board of  
17 Elections meeting, Ms. Jamison also provided sworn  
18 testimony. During her testimony Ms. Jamison stated  
19 "I understand that it does present a problem from the  
20 aspect of it could be seen as a misrepresentation."

21 Ms. Jamison, during questioning by the  
22 Board, agreed that it had been her intent and she had  
23 told people signing the petitions that she was  
24 running for what was essentially Judge Bessey's seat.

25 On May 7, 2012, the Board of Elections

1 meeting determined not to approve Ms. Jamison's  
2 petitions because of the misleading circumstances  
3 under which signatures were obtained. Therefore,  
4 Ms. Jamison was not certified for the ballot as a  
5 candidate for the Franklin County Common Pleas judge  
6 with the term commencing January 5, 2013.

7 On May 8, 2012, Ms. Jamison filed a  
8 protest of the Franklin County Board of Elections'  
9 decision not to certify her name for the ballot for  
10 the November 6, 2012, general election. The protest  
11 hearing was scheduled for today, June 4, 2012.

12 I think that Ms. Jamison was notified by  
13 certified letter and is in consultation with counsel.  
14 Notice of this meeting was posted.

15 I think for the record we wanted to  
16 introduce ourselves, members of the Board of  
17 Elections, as well as have participating staff of the  
18 Board of Elections view that as well.

19 I'm Doug Preiss, Member and Chairman of  
20 the Board of Elections.

21 MR. MANIFOLD: Zach Manifold, Board  
22 Member.

23 MS. MARINELLO: Kimberly Marinello, Board  
24 Member.

25 MR. WALCH: Dana Walsh, Deputy Director



1 of the Board of Elections.

2 MR. ANTHONY: William Anthony, Director  
3 of the Board of Elections.

4 CHAIRMAN PREISS: Also like to introduce  
5 representatives of the Prosecuting Attorney, and  
6 state for the record that neither of the Prosecuting  
7 Attorney nor the Assistant Prosecuting Attorneys will  
8 have any part in the decision on the protest; instead  
9 the functions of the Prosecutors will be to answer  
10 any questions the Board may have to correct also any  
11 procedure handling of the protest, to answer any  
12 questions that we may have about any statute or  
13 pertinent law, and if necessary, examine or  
14 cross-examination of the witnesses.

15 Would you gentleman introduce yourselves?

16 MR. SOULAS: Nick Soulas, Jr., First  
17 Assistant Prosecuting Attorney, Civil Division.

18 MR. ANDERSON: Harold J. Anderson,  
19 Assistant Prosecuting Attorney, Civil Division.

20 CHAIRMAN PREISS: I also will note that  
21 Julieanna Hennebert is serving as today's  
22 stenographer and that the proceedings are being  
23 recorded.

24 At this time I'd ask that the attorneys  
25 and parties introduce themselves and then also in the

1 audience any guests or other persons who intend to  
2 testify today. Perhaps we'll start with Ms. Jamison  
3 and her counsel and work from there.

4 MS. JAMISON: Terri Jamison.

5 MR. CLINE: Mr. Preiss, my name's Richard  
6 Cline, representing Ms. Jamison.

7 CHAIRMAN PREISS: Others who intend to  
8 testify today?

9 MR. BROWN: Jeffrey A. Brown.

10 MS. GARCIA: Brandy Garcia.

11 CHAIRMAN PREISS: And if we know that  
12 witnesses are going to be called, should we have them  
13 identify themselves now or wait?

14 MR. SOULAS: Wait until the time of  
15 testimony.

16 CHAIRMAN PREISS: Okay. The Board has  
17 reviewed, prior to the hearing, petitions, the  
18 protest materials, statutes, and other documents  
19 submitted by the parties.

20 At this point I would ask that we mark  
21 the Jamison affidavit, the Gary affidavit, and the  
22 Lacey affidavit, as Exhibits 1, 2, and 3  
23 respectively. I think that has been done.

24 (EXHIBITS MARKED FOR IDENTIFICATION.)

25 MR. WALCH: That's correct.

1           CHAIRMAN PREISS: We will also mark the  
2 transcript of the March 19, 2012, meeting as  
3 Exhibit 4, and the transcript of the May 7, 2012,  
4 meeting as Exhibit 5.

5           (EXHIBITS MARKED FOR IDENTIFICATION.)

6           CHAIRMAN PREISS: We'd like to remind  
7 those present that the protester has the burden of  
8 proof and must show by a preponderance of the  
9 evidence that the candidate should appear on the  
10 ballot. If the protester fails to meet the burden,  
11 the candidate will not appear on the ballot.

12           Asking at this time the other Board  
13 members or staff and counsel if there's anything that  
14 we have failed to state on the record or mention at  
15 this time?

16           And do you have any questions?

17           MR. CLINE: No questions, Mr. Chairman.  
18 I'm ready to proceed with opening when you're ready  
19 for me.

20           CHAIRMAN PREISS: The court reporter will  
21 swear witnesses in one at a time as they appear. I  
22 also would like to state that court Rules of Evidence  
23 will not be used here but that the Board will decide  
24 what witnesses and evidence shall be allowed in order  
25 to make the decision on the protest.

1 I think that we believe that the  
2 protester would present witnesses and evidence first,  
3 and that the Board may ask questions of the witnesses  
4 after each testifies, as well as questions that the  
5 Prosecutor's representatives may have.

6 And I think having said all of the above,  
7 we are ready to proceed.

8 MR. CLINE: Thank you, Mr. Chairman,  
9 Members of the Board. My name is Richard Cline. I  
10 represent Terri Jamison in this action.

11 I'd like to give a brief opening  
12 statement and then move to evidence, if that's okay.

13 Ohio Revised Code 3501.3(A) governs  
14 petition for candidacy for election. This code  
15 section sets forth the requirements for a facially  
16 valid petition and Ms. Jamison met every one of those  
17 requirements.

18 She's a registered voter in Franklin  
19 County, and thus is eligible to vote for the judicial  
20 race. The petitions contain more than enough valid  
21 signatures to qualify for the ballot.

22 Ms. Jamison obtained the petitions and  
23 the part petitions from this Board of Elections  
24 within 90 days of required filing date. So pursuant  
25 to Revised Code 3501.3(A)(L), the Board is required

1 to accept the petition as valid as to form.

2 Ms. Jamison's petition is valid on its  
3 face. In fact, Mr. Chairman, you yourself stated in  
4 the March 19, 2012, meeting, and I'm quoting, "One  
5 thing is certain, and that's that the paper in front  
6 of us which was replicated many times as the  
7 receptacle through which you obviously did a lot of  
8 hard work, in one way successful hard work, you filed  
9 effectively but for the wrong seat from your  
10 perspective."

11 The issue before the Board on March 19,  
12 2012, was whether the Board should allow Ms. Jamison  
13 to grant her request to alter the petitions that she  
14 submitted and allow her to run for the candidate for  
15 the open seat, which we've shorthanded called the  
16 "Bessey seat," seat from which Judge Bessey is  
17 retiring. The Board concluded that it did not have  
18 the power to grant that request and therefore the  
19 request was denied.

20 Ms. Jamison accepted the Board's decision  
21 on that issue. And at that meeting Director Anthony  
22 told Ms. Jamison what would happen as a consequence  
23 of that decision. And again I'm quoting: "The next  
24 approach would be that they will start validating the  
25 signatures for the date for the office of judge

1 commencing January 5, 2013. And if upon that you  
2 have sufficient valid signatures, you would be on the  
3 ballot for that race. Let me repeat, you would be on  
4 the ballot for that race unless you withdraw."

5 Staff has verified that Ms. Jamison has  
6 more than sufficient valid signatures to qualify for  
7 the ballot. The minutes from your May 7 meeting that  
8 you adopted this afternoon demonstrate that. And for  
9 those reasons, the Board has a clear, legal duty to  
10 certify Ms. Jamison's name to the ballot for the  
11 judge position for full term commencing January 5,  
12 2013.

13 With that, Mr. Chairman, I'd like to pass  
14 out some exhibits, and I would like to call  
15 Mr. Anthony as a witness.

16 CHAIRMAN PREISS: Okay.

17 (Witness sworn.)

18 - - -

19 WILLIAM A. ANTHONY, JR.

20 being first duly sworn, as prescribed by law, was  
21 examined and testified as follows.

22 DIRECT EXAMINATION

23 By Mr. Cline:

24 Q. Mr. Anthony, could you state your name  
25 for the record, please?

1 A. My name is William Anthony.

2 Q. And you are the Director of the Franklin  
3 County Board of Elections?

4 A. That is correct.

5 Q. How long have you served as director?

6 A. March of 2010. '10? Yeah, March of  
7 2010.

8 Q. Approximately two years?

9 A. Yes, sir.

10 Q. And prior to serving as a Director of the  
11 Board of Elections were you a Board member?

12 A. Yes, I was.

13 Q. How long were you a Board member?

14 A. I have no idea. I think I was a Board  
15 member up until 2008. Maybe from 1996 to 2008.

16 Q. About 12 years, in round numbers?

17 A. Almost 13 years.

18 Q. Thank you.

19 A. You're welcome.

20 Q. You were present for the March 19, 2012,  
21 meeting of the Franklin County Board of Elections?

22 A. Yes, sir, I was.

23 Q. Do you have before you what's been marked  
24 as Jamison Exhibit 1, which is a copy of pages 18 and  
25 19 from the transcript of that meeting? Could you

1 review that document, please? Just the first two  
2 pages there.

3 A. Pardon me?

4 Q. Just the first two pages. I have several  
5 exhibits paper-clipped together there.

6 A. I'm sorry.

7 Q. I'm sorry if I confused you.

8 A. All right.

9 Q. You've had an opportunity to review the  
10 exhibit?

11 A. Yes, sir.

12 Q. Would you agree that and recognize  
13 Jamison Exhibit 1 as an excerpt from the March 19,  
14 2012, minutes?

15 A. Yes, it is.

16 Q. Could you turn to page 19, and I'm going  
17 to ask you to read aloud lines 7 through 12.

18 A. "One thing is certain and that's the  
19 paper in front of us which was replicated many times  
20 as the receptacle through which you obviously did a  
21 whole lot of hard work, in one way successful hard  
22 work, you filed effectively, but for the wrong seat  
23 from your perspective."

24 Q. And who was the speaker?

25 A. I believe Chairman Preiss.



1 Q. I'm going to ask you now if you would  
2 please turn to the Jamison Exhibit 2, which should be  
3 the next exhibit in your packet.

4 A. Yes, sir.

5 Q. And could you just read that, please?  
6 Read it to yourself.

7 MR. CLINE: For the record I'll represent  
8 that's a copy of page 23 of the transcript from the  
9 March 19, 2012, minutes of this Board.

10 A. Okay.

11 Q. Mr. Anthony, do you recognize that  
12 Exhibit 2 is, in fact, a copy of page 23 of the  
13 March 19, 2012, minutes?

14 A. Yes, I do.

15 Q. Could you please read aloud lines 11  
16 through 16?

17 A. "Director Anthony:" that was me. "The  
18 next approach will be that they will start validating  
19 the signatures for the date -- for the office of  
20 Judge, commencing January the 5th, 2013. And if,  
21 upon that, you have sufficient valid signatures, you  
22 will be on the ballot for that race unless you  
23 withdraw."

24 Q. The next --

25 A. Want me to continue?

1 Q. Yes, sir. That's you speaking, correct?

2 A. That's correct.

3 Q. And was it your understanding on  
4 March 19, 2012, that if Ms. Jamison's petitions  
5 contained sufficient signatures, she would qualify  
6 for the ballot?

7 A. Yes, sir.

8 Q. I'm going to ask you now to turn to  
9 Jamison Exhibit 3, which should be the next exhibit  
10 in your packet there. And for the record, I'll  
11 represent that Exhibit 3, Jamison Exhibit 3 is an  
12 email from Karen Cotton to Dana Walch. Is that a  
13 fair representation of what that is?

14 A. Yes, it is.

15 Q. And just for the record, who is -- what  
16 is Ms. Cotton's position within the Board?

17 A. She's a manager of Election Operations.

18 Q. And what is Mr. Walch's position?

19 A. He's the Deputy Director of the Franklin  
20 County Board of Elections.

21 Q. Now, Jamison Exhibit 3, could you just  
22 read the body of that email?

23 A. "The Jamison petitions are running at  
24 65 percent validity rate."

25 Q. Could you explain for the record what a

1 "65 percent validity rate" means to those who are in  
2 the business of administering elections?

3 A. That means that 65 percent of the  
4 signatures that day we're looking at are valid.

5 Q. I don't want to beat a dead horse, I want  
6 to make sure the record's clear. By "valid," that  
7 means they would qualify the candidate for the ballot  
8 once those signatures had been validated.

9 A. That's correct. And what we mean by  
10 "validity," we looked through our records and found  
11 they were registered voters and that they were able  
12 to sign a petition.

13 Q. Thank you.

14 And as Director, you were aware that  
15 Ms. Jamison's petitions were running at about a  
16 65 percent validity rate, right?

17 A. That's correct.

18 Q. I'm going to ask you now to look at  
19 Jamison Exhibit 4, which should be the next page.  
20 And for the record I will indicate that that's a  
21 photocopy of an email from Jeffrey Mackey, again to  
22 Mr. Walch. Again, is that a fair representation?

23 A. Yes, it is.

24 Q. And could you just read the body of  
25 Mr. Mackey's email?

1           A.     "With 37 part-petitions left to check, we  
2 have validated 34 more signatures than the 3,841  
3 signatures required for her project. The project has  
4 about a 68 percent validity rate."

5           Q.     Mr. Anthony, 3,841, is that the number of  
6 signatures that an independent judicial candidate is  
7 required to have on their petition?

8           A.     In order to -- yes, it is.

9           Q.     Someone not running within a party  
10 primary?

11          A.     Yes.

12          Q.     Do you happen to know what is the number  
13 if you ran in a party primary?

14          A.     Not off the top of my head.

15          Q.     Significantly less?

16          A.     I don't recall. I don't remember. 150.

17          Q.     150 or so?

18          A.     Yeah, something like that. So a lot  
19 less.

20          Q.     For the record, what is a part-petition?

21          A.     That's each page of the petition. If you  
22 have a petition, each of the signature pages of a  
23 petition would be a part-petition.

24          Q.     At the very last exhibit I think is  
25 Jamison Exhibit 6. Would you take a look that?

1 A. Yes, sir.

2 Q. For the record I'll describe this as a  
3 two-page document, front of which says "Form No. 3-H  
4 Prescribed by Secretary of State (03-09)," and in the  
5 second page ends with a circulator statement. Is  
6 that a fair summary of the document?

7 A. It is.

8 Q. And is Jamison Exhibit 6 a part-petition?

9 A. Yes, it is.

10 Q. When Mr. Mackey communicated that there  
11 were 37 part-petitions left to check, what did you  
12 understand that to mean?

13 A. That he had checked all but 37 of the  
14 part-petitions.

15 Q. And how many potential signatures are  
16 there on each part-petition?

17 A. It varies. There's -- as you can see  
18 from Exhibit 6, it could be as high as 18 but each  
19 part-petition could have whatever number.

20 Q. Maximum of 18 would be fair to say?

21 A. That's correct.

22 Q. Could have one signature?

23 A. Could have one signature or 18.

24 Q. When you read the email that says "with  
25 37 part-petitions left to check," did you understand

1 that to mean that those 37 petitions were not even  
2 looked at yet?

3 A. That's correct.

4 Q. And it would be fairly routine, would it  
5 not, once a candidate's validated signatures exceed  
6 the required amount with some cushion, to stop  
7 checking?

8 A. That is correct.

9 Q. Because there's no point at that point,  
10 right?

11 A. That's correct.

12 Q. Is there any doubt in your mind that  
13 Ms. Jamison had sufficient valid signatures on the  
14 petition to meet the 3,841 requirement?

15 A. No. She had the valid signatures.

16 Q. Thank you.

17 Ms. Jamison's petition was filed timely?

18 A. Yes, it was.

19 Q. And filing fees were paid?

20 A. Yes.

21 Q. So in respect to the form on the filing  
22 in terms number of signatures, date of filing, filing  
23 fees, all of those formalities were met in this case.

24 A. That's correct.

25 MR. CLINE: I don't have any other

1 questions of Mr. Anthony.

2 CHAIRMAN PREISS: Okay. Do the Board  
3 Members or counsel wish to ask questions?

4 - - -

5 EXAMINATION

6 By Chairman Preiss:

7 Q. I wanted to ask you a question. Bill, I  
8 think that I heard counsel ask you if, and I'll ask  
9 counsel to correct me if I'm wrong or we can check  
10 the record, I think I heard you ask -- you were asked  
11 the question do valid signatures constitute a valid  
12 petition.

13 MR. CLINE: Not sure I asked that  
14 question that way but I'd be interested in hearing  
15 the answer.

16 CHAIRMAN PREISS: Can we look back?

17 (Record read.)

18 Q. That's essentially what I thought I heard  
19 which prompted me to ask a question or two. There  
20 are, are there not, many deficiencies that could  
21 invalidate a petition, many different kinds of for  
22 instance --

23 A. Yes, sir.

24 Q. As if a candidate failed to sign the  
25 statement of declaration or got the dates wrong.





1           And I might add that as a director, as  
2 deputy director of the Board, we recommend to the  
3 Board members what we see on the face. I don't vote.  
4 I'm not a voting member of this Board. Voting  
5 members are the four appointed Board members. So  
6 even if I said that ballot looked perfect to me, I  
7 don't get to vote on them.

8           Q.    It's the nature of your job, right?

9           A.    Yes, it's the nature of my job.

10          Q.    But part of your job is to determine  
11 whether the petition is valid on its face.

12          A.    That's correct.

13          Q.    And you have staff that you delegate that  
14 task to.

15          A.    That's correct.

16          Q.    You supervise that staff.

17          A.    Yes.

18          Q.    You train them. Right?

19          A.    Most of them already came trained.

20          Q.    You make sure that they're trained.

21          A.    Yes.

22          Q.    And you have confidence that your staff  
23 properly found that this petition was valid on its  
24 face.

25          A.    Yes.

1 Q. You have no reason to doubt that.

2 A. I had none.

3 MR. CLINE: No other questions for this  
4 witness.

5 Oh, I'm sorry, of course, I do have one  
6 other question.

7 Q. Is there anywhere on the -- if we could,  
8 let's refer to Jamison Exhibit 6. On the front of  
9 that about five lines down it says "I further declare  
10 that I desire to be a candidate for election to the  
11 office of judge." Do you see where I'm talking about  
12 there?

13 A. Under the "Nominating Petition" portion  
14 of it?

15 Q. Yes.

16 A. Yes.

17 Q. I'm sorry, no, actually the "Statement of  
18 Candidacy" portion.

19 A. "Statement of Candidacy"?

20 Q. About one, two, three, four lines down.

21 A. Yes. Yes, I see it.

22 Q. "For a full term commencing January 5,  
23 2013."

24 These petitions do not require the  
25 candidate to say "I'm running for the Judge Bessey

1 seat," right?

2 A. You know, we had a question of that when  
3 the petitions came in and we did request a  
4 recommendation or advice, opinion from the Secretary  
5 of State's Office. Because it just says "office of  
6 judge." Doesn't say which judgeship. And they wrote  
7 us back and basically said that that is not a federal  
8 flaw in case of deception. So we accepted it as  
9 judge.

10 Q. And that's part of the due diligence that  
11 your office does with every petition, not just this  
12 one.

13 A. That's correct.

14 MR. CLINE: No other questions.

15 CHAIRMAN PREISS: Any other questions for  
16 Bill?

17 (Witness excused.)

18 MR. CLINE: I'd like to call Ms. Jamison  
19 if I might. And if the Board's all right with it, I  
20 can have her testify from there or she can pull a  
21 chair forward.

22 CHAIRMAN PREISS: Wherever you are  
23 comfortable. As long as the stenographer can hear.

24 (Witness sworn.)

25 - - -

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TERRI B. JAMISON

being first duly sworn, as prescribed by law, was  
examined and testified as follows.

DIRECT EXAMINATION

By Mr. Cline:

Q. Please state your name for the record.

A. Terri Jamison.

Q. And I'm a little hard of hearing and  
you're a little soft spoken, so I'm going to ask you  
to speak up, okay?

A. Yes.

Q. Are you a resident of Franklin County,  
Ohio?

A. Yes.

Q. Are you a registered voter?

A. Yes.

Q. You circulated the petition for the  
Common Pleas Court judge for the election of November  
'12 -- of November 2012.

A. Correct.

Q. Where did you get the nominating petition  
that you circulated?

A. Here at the Board of Elections.

Q. I'm going to ask you to look at Jamison  
Exhibit 6. Do you recognize that document?

1 A. I do.

2 Q. What is that?

3 A. It's one of the part-petitions that I  
4 circulated or was circulated on my behalf.

5 Q. I'd like to direct your attention to the  
6 area that's captioned "Statement of Candidacy." Do  
7 you see that area?

8 A. Yes.

9 Q. Who filled that out?

10 A. I did.

11 Q. And where did you get the information  
12 "full term commencing January 5, 2013"?

13 A. Off the Franklin County Court of Common  
14 Pleas website.

15 Q. When you circulated your petition, did  
16 you always tell each person that signed it exactly  
17 the same thing?

18 A. No.

19 Q. Did you tell some people that you were  
20 running for open seat?

21 A. I did.

22 Q. At the time that you circulated that  
23 petition did you believe that to be a true statement?

24 A. I did.

25 Q. When you circulated the petition, were

1 there people who asked you whether you were running  
2 for a seat that an incumbent held?

3 A. One or two.

4 Q. Did you say "one or two"?

5 A. "One or two."

6 The most prevalent question was whether I  
7 was republican.

8 Q. And you had help circulating your  
9 petition; is that right?

10 A. I did.

11 Q. Did you instruct the people that  
12 circulated the petition that they were to say  
13 anything about which seat you were running for?

14 A. I told them Franklin County Court of  
15 Common Pleas.

16 Q. I'm going to ask you to look at Jamison  
17 Exhibit 5, which should be at the bottom of that  
18 stack there. Would you look at that, please?

19 Do you recognize that? Do you recognize  
20 that document?

21 A. Yes.

22 Q. For the record could you describe that  
23 document?

24 A. This is an affidavit from Crystal  
25 Featherstone, who is one of the persons that helped

1 to circulate my petition.

2 Q. And if you are aware, did  
3 Ms. Featherstone indicate in her affidavit whether or  
4 not people questioned which judgeship you were  
5 circulating a petition to run for?

6 A. What she said was "Having known Terri  
7 Jamison for over 20," I'm assuming that's years,  
8 "when we spoke of her running for Common Pleas judge  
9 of Franklin County, I wanted to help in any way I  
10 could. Circulating a petition for the signatures of  
11 registered voters in Franklin County to place her  
12 name on the upcoming ballot worked well for me.  
13 Because, I am very active in different events around  
14 my community, as well as support my daughter in her  
15 school activities and working a full time job, which  
16 offer me the opportunity," I'm assuming  
17 "opportunity," "to ask many people if they would  
18 register in Franklin County and if they would sign  
19 the petition and many did. The question I was asked  
20 most was 'is she a Republican?' If you have any  
21 questions or other concerns, please feel free to call  
22 me at (614)462-0304. Again, I do apologize for not  
23 being available to testify."

24 Q. Did you ask Ms. Featherstone if she would  
25 be available to testify today?

1           A.    I did.

2           Q.    And was it your understanding that she  
3 had a prior commitment that she could not break?

4           A.    Yes; she's on vacation.

5           Q.    Ms. Jamison, do you have any idea how  
6 many people who signed your petition were  
7 specifically told that you were running for an open  
8 seat?

9           A.    I do not, but I can say that the most  
10 people that were told were attorneys, specifically  
11 because I know that when you're working in the court  
12 you want to know what seat someone's trying to run  
13 for. So I know I did tell attorneys and anyone that  
14 would ask me. But I don't know specifically by  
15 number.

16          Q.    Now, you turned in -- do you remember how  
17 many part-petitions you turned in?

18          A.    363.

19          Q.    And did you have a count of the total  
20 number of signatures before they were validated? In  
21 other words, raw numbers of signatures?

22          A.    I think he said 5,991, but somewhere in  
23 an email he said that he had missed a couple, so it  
24 was I think over 6,000.

25          Q.    Ms. Jamison, your intention when you



1 started this was to try to be a candidate for the  
2 seat that Judge Bessey is vacating.

3 A. That's correct.

4 Q. You heard this Board tell you at their  
5 March 19th meeting that was not possible.

6 A. That's correct.

7 Q. Based upon what you were told at that  
8 March 19th meeting, what was your expectation with  
9 regard to the Board validating signatures and putting  
10 your name on the ballot?

11 A. Chairman Preiss asked Mr. Anthony what  
12 the next procedure would be since they could not  
13 change the date, and that's when Mr. Anthony said  
14 they would begin to validate the signatures. Because  
15 he asked if the signatures had been validated, and  
16 Mr. Anthony told him they had not validated the  
17 signatures because they were waiting for  
18 clarification of what seat the signatures would be  
19 validated for.

20 And that if I had enough valid  
21 signatures, that I would be on the ballot for  
22 November the 6th, 2012, for the term commencing  
23 January the 5th, 2013.

24 Q. And is it your request of the Board today  
25 that they certify you to the ballot for that race?

1           A.     That's correct.

2           MR. CLINE:   I have no other questions of  
3 this witness.

4           CHAIRMAN PREISS:   Do any Board members or  
5 counsel have any questions or wish to engage?

6           MR. ANDERSON:   We may have one or two  
7 questions of Ms. Jamison.

8                               - - -

9                               CROSS-EXAMINATION

10       By Mr. Anderson:

11           Q.     Ms. Jamison, I'd just like to clarify  
12 your last statement for the record.  If I understood  
13 what you were saying or what you testified to,  
14 Chairman Preiss, at the March 19th meeting,  
15 indicated that you would be on the ballot?

16           A.     No.  What I said was Chairman Preiss  
17 asked Mr. Anthony since he could not -- they could  
18 not change the seat, what would happen next.  And  
19 that's when Mr. Anthony said we will validate the  
20 signatures and I would be on the ballot.

21                       But Chairman Preiss was asking, because  
22 the staff had testified, Mr. Mackey had testified  
23 that the staff's position was the petition was for  
24 January 5, 2013.

25           Q.     And so, just because I'm a little slow

1 sometimes, to be clear, no Board members made any  
2 statements that would give you an expectation of  
3 certification to the ballot in that meeting.

4 A. Well, I think Chairman Preiss did. Just  
5 one second, let me review.

6 Chairman Preiss said that I had filed  
7 effectively but for the wrong seat for my  
8 perspective. And then after that he deferred to ask  
9 the staff what would happen after that.

10 Then I received a letter from the Board  
11 of Elections --

12 Q. Thank you. I think that answers the  
13 question.

14 A. And actually, Chairman Preiss also said  
15 that the only question before the Board at that point  
16 was whether or not I was -- they were going to slate  
17 me for the other seat, and then he came back and  
18 said, and I believe somewhere you, Mr. Anderson, also  
19 said that I had legally submitted a valid petition  
20 for the seat for January 5 when you were talking.

21 So just one second, I'm -- I need the --  
22 do you have a full-size copy of the transcript? It's  
23 easier for me to read.

24 Mr. Anderson, on page 22 of the May --  
25 March 19th transcript, you said "I don't think

1 there's a legal motion that you can make to alter a  
2 legally submitted petition."

3 So you even advised the Board that it was  
4 legally submitted yourself.

5 Q. Okay. We may agree to disagree on that  
6 position, but just a couple more questions.

7 At the time that you circulated the  
8 petitions, you were, in fact, intending to run for  
9 Judge Bessey's or at least Judge Bessey's seat.

10 A. That's correct.

11 Q. And you told your circulators or the  
12 people that helped you circulate the petitions that  
13 that was in fact your intent.

14 A. I told some of them. Some of the people  
15 that circulated my petition I don't even know.

16 Q. Okay.

17 A. They got them from other people and they  
18 circulated them and gave them back to those people  
19 and then those people turned them in to me.

20 Q. Okay. And anyone who asked you was told  
21 that you were running for Judge Bessey's seat?

22 A. Yes.

23 Q. One last question. It was only after the  
24 petitions were submitted that you changed your mind  
25 and decided to run for Judge Geer's seat; is that

1 correct?

2 A. What actually happened was -- well, yeah,  
3 I guess -- no, that's not really true, because I did  
4 screen with the Democratic Committee to run and I  
5 said I would run for the open seat or the Judge Geer  
6 seat.

7 Q. Okay, but did you circulate any  
8 petitions -- did you knowingly circulate any  
9 petitions for Judge Geer's seat?

10 A. No, I did not.

11 MR. ANDERSON: Thank you. Nothing  
12 further.

13 CHAIRMAN PREISS: Do you have anything?

14 MR. CLINE: I don't have any other  
15 questions for the witness, Mr. Chairman.

16 (Witness excused.)

17 MR. CLINE: I would like to move the  
18 admission of Jamison Exhibits 1 through 6. I'd ask  
19 the Board to accept Jamison Exhibits 1 through 6 as  
20 evidence.

21 CHAIRMAN PREISS: I think we just as a  
22 matter of course do, yes.

23 (EXHIBITS ADMITTED INTO EVIDENCE.)

24 MR. CLINE: And I don't have any other  
25 witnesses to call.

1           CHAIRMAN PREISS: Okay. Thank you very  
2 much.

3           I believe we may have an individual who  
4 wishes to testify. Were you finished with your --

5           MR. CLINE: Mr. Chairman, it's my  
6 understanding, and I'd ask the Chair to confirm this,  
7 that there are no written protests to Ms. Jamison's  
8 petition except that the Board is treating her  
9 request and appeal as a protest. If that's accurate,  
10 then I would object to anyone else testifying.

11           This is Ms. Jamison's opportunity to  
12 present evidence in support of her protest, if you  
13 will, and I would object to any other testimony.

14           CHAIRMAN PREISS: That's noted. My  
15 inclination is to permit the people who went through  
16 the trouble to show up to provide the Board with the  
17 full wash of opinion and --

18           MR. CLINE: The Board gets to make that  
19 call.

20           CHAIRMAN PREISS: But I'll turn it down.

21           MR. SOULAS: That is correct,  
22 Mr. Chairman. You have the opportunity to allow that  
23 witness, he or she will be subject to be  
24 cross-examined by Mr. Cline and by the Board as well.

25           MR. CLINE: And just to -- I apologize if

1 I spoke over you, but I want to make sure that I was  
2 clear on the record. There is no written protest  
3 other than Ms. Jamison's letters to the Board. Is  
4 that an accurate statement?

5 CHAIRMAN PREISS: I'm not aware of such a  
6 written protest.

7 MR. CLINE: I just wanted to make sure  
8 the record was clear. Thank you, sir.

9 CHAIRMAN PREISS: Do we have -- this  
10 gentleman indicated that you were --

11 MR. BROWN: It was requested -- Jeffrey  
12 A. Brown. It was requested I be here on behalf of --  
13 I was contacted by Brian and I believe Harold wanted  
14 me to be here today to testify as a witness. I don't  
15 care if I do or not. The same thing with Brandy  
16 Garcia.

17 MR. ANDERSON: I'm sorry?

18 MR. BROWN: Brandy and I were told to be  
19 here today with the possibility -- we personally do  
20 not care -- possibility to be called as a witness by  
21 you.

22 MR. ANDERSON: Okay.

23 MR. BROWN: Contacted by Brian Metzbower,  
24 or something along those lines?

25 CHAIRMAN PREISS: Brian Metzbower, yeah.

1 MR. BROWN: We don't care if we are or  
2 not. We showed up because we were asked to be here.

3 CHAIRMAN PREISS: It was our  
4 understanding that you may be folks that were  
5 approached and signed the petition, correct,  
6 part-petitions in question?

7 MR. BROWN: Correct.

8 CHAIRMAN PREISS: And had a recollection  
9 of how you were approached and discourse that was  
10 going on.

11 MR. BROWN: Yes. How we were approached,  
12 correct. Not necessarily consistent with what's been  
13 put on the table today. But I think that was the  
14 purpose that we were going to be called as a witness.

15 CHAIRMAN PREISS: Okay. It is -- the  
16 Board would wish to hear informed opinions from  
17 whoever wishes to give them. It's up to you whether  
18 you're prepared to do so at this time or not.

19 - - -

20 BRANDY GARCIA  
21 being first duly sworn, as prescribed by law, was  
22 examined and testified as follows.

23 DIRECT EXAMINATION

24 By Mr. Anderson:

25 Q. Could you state your name for the record



1 please?

2 A. Brandy Garcia.

3 Q. Ms. Garcia, were you approached to sign a  
4 nominating petition for Terri B. Jamison for judge?

5 A. I was.

6 Q. And can you tell us a little bit about  
7 how that occurred, please?

8 A. I was approached by Benita Redis  
9 (phonetic). She asked me to sign a petition for  
10 Terri for the open seat in Common Pleas. She first  
11 said open seat for Judge Snyder. I told her Judge  
12 Snyder was not an open seat, and she corrected  
13 herself and said Judge Bessey.

14 Q. Okay. And you signed that petition based  
15 on --

16 A. I believed it was for Judge Bessey's open  
17 seat, yes.

18 Q. Had you known it was for Judge Geer, what  
19 would have been your --

20 A. I would not have signed it.

21 Q. Okay.

22 MR. ANDERSON: I have nothing else to  
23 ask. Thank you.

24 - - -

25

CROSS-EXAMINATION

By Mr. Cline:

Q. Ms. Garcia, where do you work?

A. At Common Pleas Court.

Q. And for what part of the court?

A. For Domestic/Juvenile.

Q. Domestic and Juvenile?

A. Yes.

Q. Which judge do you work for?

A. Judge Jim Mason.

Q. And Judge Geer is also a member of that court?

A. He is.

Q. Would it have been uncomfortable for you to sign a petition for a candidate to run against the sitting colleague, a judge who sits on the bench today?

A. Well, Judge Geer, I know what he does and he's a good judge. I believe in what he does. I mean, I support him.

Q. And it would have been uncomfortable for you to do that, right? To sign a petition for someone else to get on the ballot to run against him.

A. No.

Q. You would have done that if it had been a

1 different candidate?

2 A. I mean it wouldn't be uncomfortable for  
3 me to sign Terri's?

4 Q. I'm sorry, I'm not asking very good  
5 questions. Let me try again.

6 Would it have been uncomfortable for you  
7 to sign a petition for anyone to be a candidate  
8 against Judge Geer?

9 A. It depends. I don't believe I can answer  
10 that. Depends who it would be.

11 Q. And who asked you to be here today?

12 A. Brian.

13 Q. Brian, do you know the last name again?

14 A. Metzbower.

15 MR. CLINE: Can I ask if the court  
16 reporter knows how to spell that?

17 CHAIRMAN PREISS: Metzbower,  
18 M-e-t-z-b-o-w-e-r.

19 MR. CLINE: Thank you, Mr. Chairman. I  
20 appreciate that.

21 I have no other questions for this  
22 witness.

23 (Witness excused.)

24 (Witness sworn.)

25 - - -

1 JEFFREY A. BROWN

2 being first duly sworn, as prescribed by law, was  
3 examined and testified as follows.

4 DIRECT EXAMINATION

5 By Mr. Anderson:

6 Q. Good afternoon. Could you state your  
7 name for the record, please?

8 A. Good afternoon. Attorney Jeffrey A.  
9 Brown.

10 Q. Mr. Brown, were you approached by someone  
11 to sign a nominating petition for Terri B. Jamison  
12 for judge?

13 A. Yes, I was. By Terri herself.

14 Q. Okay. And did you happen to sign that  
15 petition?

16 A. Yes, I did.

17 Q. Can you recall what you were told  
18 regarding the petition prior to your signing?

19 A. Yes. With my short conversation with  
20 Terri, I was told that the vacant seat for Judge  
21 Bessey. I didn't know all the details. It was a  
22 very short conversation, and when I heard that I  
23 freely signed; yes.

24 Q. If you had been informed that the  
25 petition was actually to run against Judge Geer,

1 would you have signed the petition?

2 A. No, I would have not. I would not have  
3 signed it.

4 MR. ANDERSON: Okay. Thank you. I don't  
5 have -- I don't think I have any further questions.

6 - - -

7 CROSS-EXAMINATION

8 By Mr. Cline:

9 Q. Mr. Brown, in the offer of full  
10 disclosure where is your office?

11 A. Same building as yours, same office, same  
12 floor, same suite.

13 Q. Same telephone number?

14 A. Yes, we do. For multiple years.

15 Q. And we also share office space with  
16 Ms. Jamison?

17 A. Yes.

18 Q. Just want to make sure that nobody thinks  
19 we're doing something underhanded here.

20 Mr. Brown, what is your practice limited  
21 to?

22 A. Domestic.

23 Q. And do you practice all over the state or  
24 primarily in Franklin County?

25 A. Primarily in Franklin County.

1           Q.    Is it fair at the say that you've spent  
2 your professional life in front of judges like Judge  
3 Geer?

4           A.    Yes.

5           Q.    And is it fair to say that you would not  
6 sign a petition for any candidate to oppose a sitting  
7 Domestic Relations judge simply because it creates  
8 undue discomfort in your working relationships with  
9 the judges?

10          A.    Unless there was some extreme set of  
11 circumstances, that's absolutely correct.

12          Q.    So your statement today is not any  
13 reflection on Ms. Jamison's viability as a candidate.

14          A.    No.  I'm up on the sixth floor with all  
15 the judges 61 all the way down to 66.  That's where I  
16 work and I would not have in any shape or form signed  
17 for anybody, quite frankly.

18          Q.    When Ms. Jamison found out that the Board  
19 of Elections was taking the position that her  
20 petition was, in fact, limited to Judge Geer's seat,  
21 did -- are you aware of her taking any actions to try  
22 to convince the Board that they should allow her to  
23 run for the open seat?

24          A.    Not really.  I learned basically the  
25 whole scenario today.  I was upset and disappointed

1 and kind of stayed away from the whole topic.

2 Q. Do you recall notarizing an affidavit for  
3 Ms. Jamison?

4 A. Yes.

5 Q. And were you aware at the time that the  
6 purpose of that affidavit was to try to see if the  
7 Board would allow her to run for Judge Bessey's seat?

8 A. Yes, I'm aware of that. Yes. Did I have  
9 a long discussion with her or any third party? No.

10 MR. CLINE: No other questions.

11 MR. ANDERSON: No further questions.

12 CHAIRMAN PREISS: Board members?

13 Thank you, sir.

14 THE WITNESS: Thank you.

15 (Witness excused.)

16 CHAIRMAN PREISS: Are there any other  
17 persons in the audience that wishes to testify?

18 (No response.)

19 MR. CLINE: Mr. Preiss, if there are no  
20 other witnesses, I would like to make a brief closing  
21 argument.

22 CHAIRMAN PREISS: Yes, I think that that  
23 is certainly appropriate at this time.

24 MR. CLINE: Thank you, Mr. Chairman,  
25 Members of the Board. With respect to these two

1 witnesses, strike their names from the signatures,  
2 from the petition. The Board has the power to do  
3 that. Strike their names and she still has about a  
4 thousand extra signatures.

5 This is much ado about nothing. The  
6 concept that Ms. Jamison deliberately misled anyone  
7 as to what she was attempting to accomplish is simply  
8 not valid, not prudent by the evidence.

9 We have a petition that is valid on its  
10 face. We have a petition that this Board said can  
11 only be for the January 5, 2013, term for the seat  
12 currently held by Judge Geer in the Domestic  
13 Relations Court, and Ms. Jamison has met all the  
14 legal qualifications to be on the ballot.

15 The Revised Code 3501.3(A) governs this  
16 Board's action, and the statute says that the Board  
17 shall, the Board shall certify to the ballot those  
18 petitioners who meet the statutory qualifications.

19 Until, Mr. Chairman, until your opening  
20 statement, the Board had never articulated what it  
21 was about Ms. Jamison's petition that they felt  
22 disqualified her from the ballot, despite at least  
23 two requests from Ms. Jamison, one from her directly  
24 and one from me, for a statement of the reasons why  
25 the Board made its decision on May 7 to not certify



1 Ms. Jamison's name to the ballot.

2 I would suggest to the members of the  
3 Board that you have a clear, legal duty under  
4 3501.3(A) of the Ohio Revised Code to certify  
5 Ms. Jamison to the ballot, let the voters of Franklin  
6 County decide who they want to sit in that judgeship  
7 of this issue. That's all we're asking. Put her  
8 name on the ballot. That's all we want.

9 Thank you.

10 CHAIRMAN PREISS: Thank you.

11 Board have any questions of counsel  
12 Mr. Cline before we proceed?

13 I wanted to make a brief few comments.

14 You did suggest that the Board has not  
15 articulated its reasons. I think that there have  
16 been a number of public meetings and news coverage  
17 and exchange of statements and documents as to the  
18 cloud of questions that have been covered over this  
19 matter and the gray area that some of us felt we're  
20 operating within.

21 You've suggested that we have a clear  
22 path forward and a clear duty. This path has been  
23 cluttered by statements and then counter-statements,  
24 sworn statements, and then reversals of one sort or  
25 another.

1           As to the question of valid signatures,  
2 valid signatures do not necessarily constitute the  
3 valid petition. There are any number of  
4 circumstances where petitions can and should be, have  
5 been rejected through time under other  
6 considerations.

7           It is suggested in my mind as to your  
8 suggestion that particular names be stricken from the  
9 petition under the obvious understanding that  
10 petitions submitted had far in excess of valid  
11 individual signatures.

12           It is suggested to me that there is  
13 perhaps analogous circumstances where this Board has  
14 regularly rejected petitions where there is a  
15 discrepancy between the number of signers and the  
16 number of -- numeric number placed upon the petition  
17 such that when the number of valid signers and the  
18 number, numeric number on the petition we're not  
19 permitted to strike one or another we may wish to do,  
20 and neither is a prospective candidate.

21           I am further concerned that on the  
22 petitions this relates to within the statement of  
23 candidacy, with respect to candidate, prospective  
24 candidate has desired to be a candidate for January 5  
25 commencement judgeship, and then went in reverse the

1 position that went to great lengths to convince this  
2 Board that she and her agents had rather consistently  
3 indicated to signers that wasn't the case, only to  
4 reverse that position subsequent to those statements.

5 So, I wish it were clear or clearer to  
6 me, such as you suggested, how we got to where we are  
7 today.

8 Anybody else have anything?

9 MR. MANIFOLD: Mr. Chairman, this Board  
10 has been presented with evidence consisting of five  
11 Board exhibits, the six Jamison exhibits, and  
12 testimony from William Anthony, Terri Jamison,  
13 Jeffrey Brown, and Brandy Garcia.

14 Based upon that evidence it appears that  
15 the misrepresentation made to the signers of the  
16 petition regarding the specific seat being sought by  
17 Ms. Jamison were serious violations of Revised Code  
18 Section 3599.14. If the misrepresentation --  
19 misrepresentations were made intentionally. While I  
20 do not accuse anyone of intentionally misrepresenting  
21 any fact, I move that the Board deny Ms. Jamison's  
22 appeal.

23 CHAIRMAN PREISS: Second.

24 MR. ANTHONY: All those in favor?

25 ALL: Aye.

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MR. ANTHONY: Motion carries.

CHAIRMAN PREISS: I believe that was the last order of business.

MR. ANTHONY: Board motion to adjourn.

MS. MARINELLO: Mr. Chairman, move to adjourn.

MR. MANIFOLD: Second.

MR. ANTHONY: All in favor?

ALL: Aye.

MR. ANTHONY: Meeting adjourned.

(Meeting adjourned at 4:44 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, June 4, 2012, and carefully compared with my original stenographic notes.

---

Julieanna Hennebert, Registered Professional Reporter and RMR and Notary Public in and for the State of Ohio.

My commission expires February 19, 2013.

(JUL-1872)

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