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APPEARANCES:

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

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown,
Executive Assistant to the Board

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

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

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

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P R O C E E D I N G S

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DEPUTY DIRECTOR WALCH: I'd like to call this meeting, this Special Meeting of the Franklin County Board of Elections to order today. We'll start with the roll.

Kimberly Marinello?

BOARD MEMBER MARINELLO: Here.

DEPUTY DIRECTOR WALCH: Zachary Manifold?

BOARD MEMBER MANIFOLD: Here.

DEPUTY DIRECTOR WALCH: Douglas Preisse?

CHAIRMAN PREISSE: Here.

DEPUTY DIRECTOR WALCH: Brad Sinnott?

BOARD MEMBER SINNOTT: Here.

DEPUTY DIRECTOR WALCH: Everybody is here.

The first order of business today is approval of the minutes from the September 18th and September 24th meetings of the Board.

BOARD MEMBER MARINELLO: Mr. Chairman, I move that the Board approve the minutes of the September 18th and September 24th meeting of the Franklin County Board of Elections as submitted.

1 DEPUTY DIRECTOR WALCH: Is there a second
2 on that?

3 BOARD MEMBER MANIFOLD: Second.

4 DEPUTY DIRECTOR WALCH: All those in
5 favor, signify by saying aye.

6 BOARD MEMBERS: Aye.

7 DEPUTY DIRECTOR WALCH: Those opposed?

8 (No response.)

9 DEPUTY DIRECTOR WALCH: The ayes have it.
10 The next item -- I'll pass this around
11 for everybody to sign.

12 The next item on the agenda is we did get
13 a Voter Registration Challenge filed with our office
14 and I'd like to ask Renee Klco, our Manager of Voter
15 Services, if she'd come up and brief the Board on the
16 situation.

17 MS. KLCO: Richard Lewis is challenging
18 Delores Daniels who registered at his address at 229
19 Wilson Avenue. This is a brand new registration.
20 The information like her Social Security number that
21 she gave us was a mismatch as well as the Social
22 Security Administration sent a letter out to her
23 asking her to correct it; we never had it returned.
24 She's not registered any place else in Ohio. The

1 staff recommendation is that we cancel this voter.

2 CHAIRMAN PREISSE: Was this a -- how did
3 this person come to be registered? Do we know?

4 MS. KLCO: They mailed in a registration
5 form.

6 CHAIRMAN PREISSE: I don't have any
7 questions. It's pretty straightforward.

8 DEPUTY DIRECTOR WALCH: Any questions of
9 Renee about this?

10 BOARD MEMBER MANIFOLD: Mr. Chairman, I
11 move that the Board grant the Challenge of Right to
12 Vote and Correction of Registration List filed by
13 Richard K. Lewis of 229 Wilson Avenue, Columbus,
14 Ohio, against Delores Daniels, purportedly of 229
15 Wilson Avenue, Columbus, Ohio, and order that Delores
16 Daniels' registration be immediately cancelled in
17 Franklin County.

18 DEPUTY DIRECTOR WALCH: Is there a second
19 on that?

20 BOARD MEMBER SINNOTT: Second.

21 DEPUTY DIRECTOR WALCH: All those in
22 favor, signify by saying aye.

23 BOARD MEMBERS: Aye.

24 DEPUTY DIRECTOR WALCH: Those opposed?

1 (No response.)

2 CHAIRMAN PREISSE: Thank you, Renee.

3 DEPUTY DIRECTOR WALCH: Thank you, Renee.

4 Next, we were presented, a number of
5 weeks ago, through some research that was done in
6 putting together voter registration information that
7 we did have -- we did find an instance of -- three
8 instances of cases in which voters may have voted
9 multiple times.

10 And we looked into this, and Jeff Mackey,
11 if Jeff will step on up, Jeff headed this situation
12 up in looking into this, interviewed each of the
13 people involved in the cases, and we've asked Jeff to
14 come forward today to present you with what he found.
15 And in your packets you do have information on these
16 three, these three instances that we'll discuss now.

17 MR. MACKEY: Over the summer, voter
18 registration staff was cleaning up our database, and
19 while attempting to remove duplicates for these three
20 individuals they noticed that there were votes cast
21 at the same election on both records for these
22 individuals that we were trying to merge together.
23 That throws up a flag in the system and won't allow
24 you to merge those records until you've cleared that

1 up.

2 And in looking at the records, we
3 received absentee ballot return envelopes from all of
4 these individuals for two votes at the same election.
5 One person actually did it twice at the 2008 Primary
6 and then again at the 2010 General Election.

7 DEPUTY DIRECTOR WALCH: What the -- we've
8 been in discussion with the Prosecutor's office about
9 this, they asked us to look further into it, that's
10 why we tasked Jeff with doing some additional
11 investigation into this. What -- staff believes
12 there is ample evidence here to refer this over to
13 the Prosecutor's office for possible prosecution in
14 these three instances -- these three individuals, I
15 believe it was four instances by three individuals of
16 double voting.

17 BOARD MEMBER MARINELLO: And you
18 interviewed each of them?

19 MR. MACKEY: Between myself and the staff
20 at the Prosecutor's office, we have talked to all
21 three of them, yes.

22 BOARD MEMBER MARINELLO: What did they
23 say?

24 MR. MACKEY: They all pleaded ignorance.

1 CHAIRMAN PREISSE: Did you explain to
2 them --

3 MR. MACKEY: Yes, I showed them that --
4 showed them the applications that they submitted both
5 for the same election and then the ballots that they
6 submitted twice for the same election, asked them how
7 that happened, and they said they profaned their
8 ignorance. They weren't sure -- they didn't remember
9 doing it, weren't sure how that happened exactly.

10 BOARD MEMBER MANIFOLD: I guess the
11 question I have is, and maybe Dana's the right one to
12 answer this, is why didn't we catch it sooner? How
13 did we catch it now and why didn't we catch it
14 before, I guess?

15 DEPUTY DIRECTOR WALCH: Well, I think
16 this is due to a lot of the new information that we
17 have been collecting, that the Boards of Elections
18 throughout the state have been collecting, and the
19 merging of data with the Secretary of State's office,
20 through merging of records through the Bureau of
21 Motor Vehicles, Social Security Administration, and
22 some other records that they do, that that
23 information is much clearer now than it ever has been
24 in the past, and I believe that is the reason that it

1 popped up on our screen this time.

2 CHAIRMAN PREISSE: And it looks like, I
3 haven't been through all of them, most of these cases
4 they did it on the very same day. I mean --

5 MR. MACKEY: The ballot return envelopes,
6 at least, were signed on the same day, so they were
7 voting and returning the ballot at the same time, so
8 I don't know how you can do that logically, but.

9 CHAIRMAN PREISSE: You could, I suppose
10 if somebody -- if there was a space of some weeks
11 between and they're busy and they're distracted, but
12 unless I'm reading this inaccurately, they're doing
13 it, they appear to be dated the very same day. I
14 haven't looked at all of them, but at least --

15 DEPUTY DIRECTOR WALCH: That's correct,
16 Mr. Chairman.

17 CHAIRMAN PREISSE: Maybe all of them are.

18 BOARD MEMBER SINNOTT: Jeff, would you
19 put these very plainly and let's consider these as
20 individual cases. With regard to Marian Wilson, it's
21 believed that the voter cast two absentee ballots as
22 to the 2010 General Election; is that correct?

23 MR. MACKEY: Two absentee ballots. For
24 Marian Wilson, that was the one that voted twice, two

1 different times. So for the 2008 Democratic primary
2 she requested, received, and returned two Democratic
3 primary ballots; and then in 2010, she requested
4 received, and returned two General Election ballots.

5 BOARD MEMBER SINNOTT: Okay. So it's
6 believed that voter Wilson voted twice in the '08
7 Democratic primary and twice in the 2010 General
8 Election.

9 MR. MACKEY: That's correct.

10 BOARD MEMBER SINNOTT: And then with
11 respect to Dominique Atkins, simply put, what is the
12 belief?

13 MR. MACKEY: 2010 General Election, she
14 requested, received, and returned two General
15 Election ballots.

16 BOARD MEMBER SINNOTT: Then with regard
17 to Deborah Tingler, what is the belief?

18 MR. MACKEY: In the 2008 primary, she
19 requested and received a Democratic primary ballot
20 and an issues-only ballot and voted both of those.

21 BOARD MEMBER SINNOTT: And none of the
22 three reported any recollection as to how that
23 happened?

24 MR. MACKEY: No.

1 DEPUTY DIRECTOR WALCH: Any other --

2 CHAIRMAN PREISSE: In the case of
3 Deborah, she was registered twice.

4 MR. MACKEY: In the case of all of them
5 there were two records in the system with some
6 variation of name.

7 DEPUTY DIRECTOR WALCH: Deborah Toles, if
8 I'm right, Jeff, was once as Deborah and once as
9 Debbie?

10 MR. MACKEY: Correct. That was --

11 CHAIRMAN PREISSE: Tingler.

12 MR. MACKEY: -- Tingler.

13 DEPUTY DIRECTOR WALCH: Tingler. I'm
14 sorry. That's what I meant was Deborah Tingler. She
15 was once as Deborah and once as Debbie. Dominique
16 Atkins, there was two different spellings of
17 Dominique, if I remember correctly, that created the
18 double record. And then --

19 MR. MACKEY: Marian Wilson.

20 DEPUTY DIRECTOR WALCH: -- Marian Wilson
21 was both as Marian Wilson and Marian Toles and that's
22 how we caught it through the birthday, Social
23 Security, you know, number match was how that one
24 came about. Any other questions from the Board?

1 MS. PADDY SHAFFER: Could you turn the
2 volume up? It's hard to hear you.

3 MR. MACKEY: Does this even work?

4 MS. PADDY SHAFFER: Turn it on.

5 DEPUTY DIRECTOR WALCH: Turn it on.

6 MS. BROWN: There's a red switch that you
7 flip.

8 MS. PADDY SHAFFER: It's hard to hear the
9 Board members also, so.

10 DEPUTY DIRECTOR WALCH: We'll try and
11 speak up as best we can.

12 Any additional questions for Jeff or me?

13 BOARD MEMBER SINNOTT: Mr. Chairman, I
14 move that the Board refer to the County Prosecutor
15 for possible prosecution the suspected cases of
16 double voting involving Dominique Atkins, Deborah
17 Tingler, and Marian Wilson.

18 DEPUTY DIRECTOR WALCH: Is there a
19 second?

20 BOARD MEMBER MARINELLO: Second.

21 DEPUTY DIRECTOR WALCH: All those in
22 favor, say aye.

23 BOARD MEMBERS: Aye.

24 DEPUTY DIRECTOR WALCH: Those opposed?

1 (No response.)

2 DEPUTY DIRECTOR WALCH: Okay.

3 MS. PADDY SHAFFER: Could I ask a
4 question?

5 DEPUTY DIRECTOR WALCH: Mr. Chairman?

6 CHAIRMAN PREISSE: Does it pertain to
7 what we're doing --

8 MS. PADDY SHAFFER: Yes.

9 CHAIRMAN PREISSE: -- at the moment?

10 MS. PADDY SHAFFER: Yeah. Just
11 record-retention schedule generally would be 22
12 months on those records, so how is it that you even
13 still have 2008 envelopes and things?

14 DEPUTY DIRECTOR WALCH: We scan in every
15 envelope. Every communication that comes into this
16 office as it relates to the voting of a ballot or a
17 voter registration change or an absentee ballot
18 application or something like that is scanned in and
19 kept permanently by our office. We are required to
20 keep, for at least 22 months, any ballot voted in a
21 federal election.

22 MS. PADDY SHAFFER: How many years back
23 do you have those records then? So if you have
24 2008 --

1 DEPUTY DIRECTOR WALCH: I refer to Renee
2 who has been here a little longer than I have. I
3 mean --

4 MS. KLCO: Till the early 2000s. The
5 actual documents --

6 DEPUTY DIRECTOR WALCH: I know there's --
7 I know there's --

8 MS. KLCO: -- voting goes back to '96 or
9 even later.

10 DEPUTY DIRECTOR WALCH: I know there's
11 records -- I know there's records on me still back to
12 1998, when I changed my address here in Franklin
13 County, so.

14 MS. KLCO: That's just what we have
15 scanned in.

16 DEPUTY DIRECTOR WALCH: Yeah. Sure,
17 sure.

18 MS. KLCO: We have every registration
19 we've ever had both in paper form and on microfilm.

20 MS. PADDY SHAFFER: Okay. Thank you.

21 MS. MARIAN LUPO: So these are electronic
22 records --

23 CHAIRMAN PREISSE: I think if we're going
24 to have any further discussion, can you have it --

1 delighted to have it after with the staff and we're
2 always available to answer questions --

3 DEPUTY DIRECTOR WALCH: You bet.

4 CHAIRMAN PREISSE: -- and then if you
5 want to bring something up at a next board meeting,
6 let us know, and that'd be fine.

7 DEPUTY DIRECTOR WALCH: The next item on
8 the agenda is, as you know, we have been leasing
9 space, in addition to our space here in Memorial
10 Hall, we've been leasing space at 340 East Gay Street
11 which has been housing our Precinct Election Official
12 staff for the last 15 months or so, prior to my
13 coming on board here. That lease is up at the end of
14 the year and we wanted to have a discussion today
15 amongst the Board of whether we want to continue that
16 lease or not.

17 We do have with us today, I believe I saw
18 Randy Walker, who is the owner of the building if
19 there are any questions from the Board about it. Our
20 current lease on that location is \$5,000 a month.
21 The arrangements of the lease, as proposed by the
22 owner, is for it to go to \$6,500 a month for a
23 two-year -- and have a two-year lease period is what
24 has been proposed.

1 When we originally moved into that space
2 it was only for, I believe, three months; is that
3 correct?

4 MR. WALKER: Three or four months.

5 DEPUTY DIRECTOR WALCH: Three or four
6 months, I believe, was the original agreement. Just
7 then once we got into the presidential year, it
8 turned into being for 15 months, I believe, after
9 that, so, but --

10 CHAIRMAN PREISSE: How many people are
11 over there doing what right now?

12 DEPUTY DIRECTOR WALCH: It is our
13 Precinct Election Official. They're the folks who
14 recruit all of our poll workers. Right now we've got
15 probably 12 or 13 folks over there right now. Our
16 normal full-time staff, which we'd go to after the
17 election, we'll be back down to five.

18 BOARD MEMBER SINNOTT: This is a
19 discussion only, right? No vote today.

20 DEPUTY DIRECTOR WALCH: We noticed it as
21 just a discussion today, so we'll leave that to the
22 Board or Counsel.

23 BOARD MEMBER SINNOTT: As a practical
24 matter, after this year's election, will we be able

1 to incorporate the remaining staff back into this
2 property?

3 DEPUTY DIRECTOR WALCH: It is my belief
4 we can, yes. It is -- there are times when we do get
5 into election season, as we are right now, that
6 obviously we do bring on a number of seasonal people
7 to help not only in our PEO department, our Precinct
8 Election Official department, but also in Voter
9 Services, in Absentee Balloting, and things of that
10 sort, that does get -- make Memorial Hall quite
11 crowded, but it is my belief that we could absorb
12 that, especially with next year being a
13 non-presidential, non-gubernatorial year, that we
14 could bring that back in, in house, here at Memorial
15 Hall.

16 BOARD MEMBER MARINELLO: You're still
17 looking to move the entire Board?

18 DEPUTY DIRECTOR WALCH: It is still -- it
19 is still an ongoing discussion that we have ongoing
20 with the county on whether we can ever find a
21 different location. It has been the desire of the
22 Board for some time to try and find a location that
23 could house not only our operation here, but also the
24 warehouse that we have out on Alum Creek, if there

1 would be a way to consolidate that all into one
2 location.

3 I think we're all of the mindset, and I
4 don't -- I don't speak on Bill's behalf, but I think
5 I can speak on his behalf on this one that it is our
6 combined desire at some point, if the Commissioners
7 see fit to do so, to have us all in one location.

8 CHAIRMAN PREISSE: When we originally
9 went over there, it was anticipating a temporary
10 occupancy as we were heading at the time a little
11 more deliberately toward a single center, we thought.
12 Budget and time got away from the county, I guess,
13 one way or another, so here we are.

14 Well, we'll continue to have a discussion
15 and it stands to reason to wait until after the
16 election to see where we are and how that space, I
17 think, is expected to be utilized going into 2013.

18 When does the lease run out?

19 DEPUTY DIRECTOR WALCH: The end of the
20 year.

21 CHAIRMAN PREISSE: The end of the year.

22 DEPUTY DIRECTOR WALCH: And I don't want
23 to speak on his behalf because Mr. Walker is here
24 today, he is hoping to try and have a decision sooner

1 rather than later, but that's obviously at the
2 discretion of the Board as to how you want to handle
3 that, but are there any other questions that you have
4 of staff?

5 BOARD MEMBER MARINELLO: The offer is
6 open until October 15th? I mean, what offer?

7 DEPUTY DIRECTOR WALCH: There is a sheet
8 in your packet here that does list out the cost per
9 square foot as presented by the landlord.

10 BOARD MEMBER MANIFOLD: And I talked to
11 the Director earlier this week about it, and I think
12 Bill and I both, and I don't know if Kim's talked to
13 the Director as well, but I know that I'm kind of
14 uncomfortable agreeing to two years when we're still
15 up in the air on consolidation plans and hopefully
16 find a new location for the Board. I think that's
17 important, I think it's important to get us all in
18 one location, and I think that's where I'm at right
19 now. I think that's where the Director was at, too.

20 BOARD MEMBER MARINELLO: Me too.

21 BOARD MEMBER SINNOTT: And, Dana, your
22 view is that we don't have a need for this space for
23 Board operations in calendar year 2013.

24 DEPUTY DIRECTOR WALCH: I believe we can

1 accommodate what we need to do in 2013 here in
2 Memorial Hall. It will be -- it will be tight. You
3 know, I like to tell it like it is. It will be tight
4 when we bring -- because an election is an election.
5 If it's countywide, it's countywide. The only thing
6 we have in a presidential year that there's more of
7 is voters and obviously intensity and things of that
8 sort.

9 So while a presidential or gubernatorial
10 year gets a lot more publicity, a lot more media play
11 and things of that sort, preparing for a countywide
12 election is preparing for a countywide election no
13 matter what's on the ballot. We still do have to
14 recruit, you know, 3,500 to 4,000-plus poll workers,
15 et cetera, so. But we don't do, for example, in a
16 non-presidential, non-gubernatorial as many absentee
17 ballots, so we don't need to bring as many absentee
18 seasonals on board, that sort of thing.

19 We should -- it is my belief we can
20 accommodate what we need to do, in 2013, here at
21 Memorial Hall.

22 CHAIRMAN PREISSE: But not 2014. Maybe.

23 DEPUTY DIRECTOR WALCH: Maybe.

24 CHAIRMAN PREISSE: All right. Well,

1 we'll continue the discussion. Anybody else care to
2 make remarks? We can move on --

3 DEPUTY DIRECTOR WALCH: Okay.

4 CHAIRMAN PREISSE: -- to the next agenda
5 item.

6 DEPUTY DIRECTOR WALCH: The next agenda
7 item is Advisory 2012-01 from the Secretary of State
8 and you all have a copy of the advisory in your
9 packets today. In the next-to-last paragraph, the
10 Secretary has, in the last line has said -- or, in
11 the last paragraph, I'm sorry, has talked about
12 accepting recommendations from county boards of
13 elections as to the hours and days best for their
14 voters and their local administration of the
15 elections before his establishing uniform days and
16 hours for in-person absentee voting on the three days
17 immediately before Election Day.

18 What the Secretary has asked for, if
19 boards of elections throughout the state can come to
20 some sort of consensus, is recommendations from the
21 board to his office, as litigation continues to play
22 out on this, that he is looking for recommendations
23 from boards of elections on the setting of uniform,
24 early, in-person absentee voting for the three days

1 immediately prior to the General Election.

2 We put this on the agenda today as a
3 discussion point for the four of you if there is a
4 recommendation at all that you want to make to the
5 Secretary on this matter.

6 BOARD MEMBER MARINELLO: So we will give
7 you our recommendations and they'll go on to the
8 Secretary of State? We don't need to vote? Do we
9 need to vote on it?

10 CHAIRMAN PREISSE: Well, I think we're
11 advised by Counsel that, given the nature of the
12 wording in the notice, we should not vote today. We
13 should and can and will have a conversation, a
14 discussion. The Secretary of State has not asked us
15 to necessarily only let his office know the sense of
16 this board by vote, and so I think we could, if we
17 wish to, let the Secretary of State's office know our
18 sense collectively or individually or in various
19 combinations of our body what our sense may be on
20 this issue or these issues.

21 So I don't think we need to vote, but we
22 can have a discussion, it could be part of the
23 record. We could have a series of even suggestive
24 paragraphs, maybe, if that's not too specific.

1 BOARD MEMBER SINNOTT: My impression is
2 that the Secretary's looking for a sense of the
3 boards around the state and he could be advised of
4 our sense either by reviewing the transcript of our
5 discussion or having staff prepare a summary of what
6 each of us thought, maybe we'll have the same
7 thought, maybe we won't, but I think the Secretary is
8 interested in hearing what the Franklin County board
9 members have to say about the subject.

10 DEPUTY DIRECTOR WALCH: From my read of
11 the advisory, I think that's a fair summation of it.

12 BOARD MEMBER MANIFOLD: So, Harold, I
13 know that you said -- we talked earlier and you were
14 talking about the meeting notice and not -- and
15 whether we could have an actual vote on the -- I
16 don't know, are you worried about that we can't set
17 the hours or can we vote on the recommendation of
18 what we send? I know it says "Discussion of
19 Advisory." Can we vote on what our recommendation
20 is?

21 MR. ANDERSON: You can vote on a
22 recommendation because that's really not a -- there's
23 not an overt action. The problem will be actually
24 physically setting the hours today. I don't know

1 that that semantically makes a whole lot of sense,
2 but that's kind of the way the case law cuts on these
3 special meeting issues.

4 CHAIRMAN PREISSE: It's not binding,
5 though, of any sort anyways, so.

6 MR. ANDERSON: Right.

7 CHAIRMAN PREISSE: I guess my
8 predilection would be not to cast a vote on something
9 that could be misinterpreted or it would be
10 meaningless, perhaps, at best.

11 You know, we all have our opinions,
12 informed through experience from where we sit here
13 and other hats we've worn and elections over the
14 years. There are challenges that are presented to
15 the good men and women, Republican and Democratic
16 alike, who run the Board and who are full-time
17 workers or temporary workers in this big county. I
18 think we're proud of our bipartisan effort that takes
19 place and, gee, I don't think there's ever an
20 election without some little hitch.

21 Where I'm coming from is Ohio having
22 arguably one of, if not the most, liberal
23 early-voting opportunities, menu of opportunities,
24 how much breathing room do our professionals need to

1 effectively, safely manage and prepare and execute
2 Election Day where most voters are still going to
3 vote. And I know there are operational challenges,
4 some of which I'm very familiar with and some of
5 which I'm sure I'm not.

6 I'm interested in Bill, he's not here, he
7 can give us an opinion, as he should, later.

8 Dana, I'm interested in your -- you've
9 been in the Secretary of State's office, you've been
10 here a while and you run campaigns and you've been on
11 all sides of it and you've been here long enough, and
12 having interacted with boards of elections in many
13 elections around the state, you're familiar with the
14 challenges that I think particularly face a big
15 county with all these moving parts.

16 DEPUTY DIRECTOR WALCH: Yeah. From my
17 experience the issue becomes being able to accurately
18 reflect out on Election Day who has -- who has
19 requested an absentee ballot or who has voted an
20 absentee ballot ahead of time.

21 Currently, the statute dictates that, for
22 example, mailed absentee ballots, a mailed absentee
23 ballot has to be -- the request for that has to be in
24 by noon on Saturday. There's a logistic reason for

1 that and that is because then we can cut that off, of
2 the people who have requested an absentee ballot and
3 do supplemental pages to the poll books.

4 With 475 voting locations in Franklin
5 County, with, you know, producing 2,700, I believe it
6 is, something like that, poll books that will be
7 placed at those 475 voting locations, we obviously
8 have to cut the voter registration list off a couple
9 weeks in advance. The voter registration list has to
10 be ready 20 -- or, 14 days prior to the election by
11 statute.

12 At that day we freeze the list, so to
13 speak, and anybody who has requested an absentee
14 ballot up to that point is so coded in the poll
15 books, so that if you have requested an absentee
16 ballot and then go to vote on Election Day also, you
17 are flagged in the poll book and you have to vote a
18 provisional ballot. That's all done by statute.

19 Anybody that requests an absentee ballot
20 or goes and votes at the Early Vote Center after that
21 day we begin printing the poll books, we do
22 supplemental lists for the poll books. Those are
23 distributed out to our voting location managers the
24 Sunday before the election. We have them all come to

1 the warehouse, pick up all their supplies at the
2 warehouse at a given time, 9:00 to 2:00, I forget
3 exactly the times of it, but Sunday they come to our
4 warehouse, get all the election supplies that they
5 will take with them for voting on Tuesday.

6 We, at that time, because if -- if
7 absentee requests are cut off at noon the Saturday
8 prior to the election, we can spend Saturday
9 afternoon, Saturday evening, getting those lists
10 ready to put in each packet of information that goes
11 out to the voting location managers.

12 The longer we have voting going through
13 the weekend, Sunday, Monday, it now takes into
14 account that we have to do multiple lists,
15 supplemental lists to the voting location managers.

16 If voting were to go through, you know,
17 the evening of Monday, say, for example, the day
18 before the election, that entails us having to do
19 another list, we've already distributed one out, but
20 doing another list now of supplemental pages to
21 ensure that people are properly marked in the poll
22 book as having requested an absentee ballot or having
23 voted an absentee ballot in the case of the Early
24 Vote Center.

1 We need to then produce all that Monday
2 night and try and get it out to the 475 voting
3 locations by 6:30 a.m. on Tuesday morning. That
4 creates a tremendous logistical problem for us to do
5 that and so the further into the weekend it goes, the
6 more of a logistical problem it creates for the Board
7 of Elections.

8 Does that --

9 BOARD MEMBER MANIFOLD: I think so.

10 DEPUTY DIRECTOR WALCH: Do you have
11 questions on some of that? I mean --

12 BOARD MEMBER MANIFOLD: No, I don't think
13 so.

14 Do you want me to walk through? I guess
15 I'll walk through our --

16 BOARD MEMBER MARINELLO: Yeah.

17 BOARD MEMBER MANIFOLD: I'll let Kim
18 speak for herself. I think my recommendations or my
19 thoughts --

20 BOARD MEMBER MARINELLO: Our thoughts.

21 BOARD MEMBER MANIFOLD: -- our thoughts
22 on the Advisory, yeah, I guess he's asking for our
23 opinion on hours the last three days,
24 recommendations, if the court case holds up and the

1 courts say there should be voting these three days.

2 So this is -- I guess I would hate to see
3 us not be open one of those three days after it's
4 gone through all of these court proceedings all the
5 way up and that they've said you should have voting
6 these three days. I would hate to see us not have
7 hours, at least some sort of hours those three days.

8 I think my feeling, I think in a way we
9 were open, I want to say like 8:00 to 4:00 -- 8:00 to
10 4:00, 1:00 to 5:00 -- 8:00 to 4:00 Saturday, 1:00 to
11 5:00 Sunday, and I think 8:00 to 7:00 on --

12 DEPUTY DIRECTOR WALCH: It was 8:00 to
13 5:00 on Saturday, 1:00 to 5:00 on Sunday, and 8:00 to
14 7:00 on Monday.

15 BOARD MEMBER MANIFOLD: Yeah. And I
16 guess I would be happy -- I have a lot of concern, I
17 have similar concerns about Monday, I think. I think
18 it was very hard in 2008. I think anybody that was
19 around, you know, I think you can expect voting to go
20 on for a couple hours after we close. I think I have
21 concerns about Monday.

22 I think my general feeling is I would
23 like to see I guess Saturday -- I'll walk through, my
24 recommendation would be 8:00 to 4:00 Saturday, 12:00

1 to 4:00 Sunday, and 8:00 to noon on Monday. And the
2 reason I say noon on Monday is because I do have a
3 lot of concern about going any later than that
4 because you can expect probably a couple hours of
5 voting after that to close off people in line.

6 DEPUTY DIRECTOR WALCH: Could you repeat
7 those hours for me?

8 BOARD MEMBER MANIFOLD: 8:00 to 4:00
9 Saturday, November 3rd; Sunday, November 4th, 12:00
10 to 4:00; and Monday, November 5th, 8:00 to noon. I
11 guess that would be, that would be where I tend to
12 think.

13 I think that's -- I have a list of,
14 somebody sent me a list of counties, what other
15 counties are doing. You know, I think, it looks to
16 me like that's what Licking County, somebody sent me
17 a list, and it looks like Licking County, they have
18 8:00 to 5:00, 1:00 to 4:00, 8:00 to noon. You know,
19 some other counties, Montgomery, I think these are
20 actually, it looks like these are bipartisan
21 agreements, 8:00 to 4:00, noon to -- 12:00 to 4:00,
22 8:00 to 4:00 for Montgomery County.

23 Geauga County, I think, is open Monday,
24 8:30 to 4:40, at least by my list. I think getting

1 any later -- I think noon is a good cutoff on Monday.

2 I do think either way, even if the court
3 case goes the other way, I guess this would be my
4 similar recommendation on what we have to set as,
5 even if the court case were to flip, we still have to
6 set UOCAVA hours, too, if it goes the other way we
7 have to set military voting. I think these are good
8 hours. I think this is a good standard for the final
9 three days, I think.

10 Do you have any thoughts, Kim?

11 BOARD MEMBER MARINELLO: No. We
12 discussed it at length and I agree.

13 BOARD MEMBER MANIFOLD: I think, you
14 know, a couple of other things that kind of go into
15 my thoughts of why I like these hours. I have a
16 concern about our mail voting totals. I know
17 everybody is talking about the Secretary of
18 State, you know, this is the first time everybody in
19 the state has gotten a mailing for absentee
20 applications.

21 I think -- I think there's got to be a
22 real concern at least, you know, at least from my
23 standpoint I didn't like the design and I'm concerned
24 that the design of that has set us back in Franklin

1 County. I think we're almost 50,000 voters less
2 voting by mail this year than '08.

3 You know, I think our voters were used to
4 that form, that very yellow form, and formal, you
5 know, I think they were looking for that very -- what
6 we've given them every year where it's a form and it
7 looks very governmental and they fill it out.
8 They're looking for the postcard.

9 BOARD MEMBER MARINELLO: Yeah.

10 BOARD MEMBER MANIFOLD: And I think --
11 and it came in like an envelope and it was a letter
12 and it kind of tore off. And I just have a concern
13 given that we're running 50,000 votes behind in mail
14 right now from '08 of people not sending back those
15 ABs is a concern to me.

16 And I think there's definitely a lot
17 of -- these votes -- these hours are definitely very
18 popular, I think, as we've seen, if you've been out
19 to the Early Vote Center. You know, I think we're
20 600, somebody told me -- I think Todd, our Absentee
21 Manager, said that we're 600 votes up over 2008 with
22 almost 50 hours less of voting because we're open
23 until, like, 7:00 every night and all the different
24 -- and weekend hours.

1 So, essentially, you know, when you add
2 all those up, 50 hours less, it's like five days of
3 voting that we've taken off just in two weeks and
4 we've already got 600 more votes than -- so there's
5 definitely -- and we had 50-some-thousand people vote
6 in '08 in person. So I think there's a lot of
7 Franklin County residents that see this form of
8 voting as a popular way, this is what they like.

9 And so that, I mean that's my
10 recommendation. That's where -- that's how I come to
11 that and that's where -- that's my logic.

12 CHAIRMAN PREISSE: Would you like to
13 speak?

14 BOARD MEMBER SINNOTT: Yeah, I'll share
15 my perspective on what I would like to recommend the
16 Secretary to do by way of the next directive.

17 There are some things that we can tell
18 from the Sixth Circuit decision in Obama for America
19 which is the prevailing instruction from the federal
20 court at this point. We know that the district
21 court's remedy, which was specifically approved by
22 the Sixth Circuit, would not require the state to
23 mandate early voting hours during the three-day
24 period prior to the election.

1 We know that it's going to fall within
2 the discretion of the local boards to address the
3 early voting subject and that we're now anticipating
4 a directive from the Secretary of State that, one
5 would hope, would allow for some uniformity in how
6 different counties approach this subject.

7 It is clear from the Sixth Circuit's
8 decision that it would be unconstitutional to treat
9 the nonmilitary voters and military voters
10 differently; that's where the equal protection
11 problem arises in the estimation of the Sixth
12 Circuit.

13 I have some information, too, anecdotal,
14 about how different boards of elections around the
15 state have been dealing with the subject, and it does
16 seem at this point as though there's not going to be
17 a consensus reaching the Secretary about what to do.

18 My understanding is that in Cuyahoga, the
19 board met on October 9, addressed the subject of
20 early voting hours, and the board split evenly on
21 what early voting hours should be.

22 In Hamilton County, the board met earlier
23 today, and I believe there was an approval of
24 Saturday early voting hours and then an even split on

1 the board as to Sunday and Monday voting.

2 In Delaware County, there was a meeting
3 on October 9, and I believe that there was, as a
4 result of that meeting, a motion made for Saturday
5 hours only, which drew a division of two and two,
6 then there was another motion proposing extended
7 hours on all three days and that also met with a two
8 to two division of the board.

9 It's really the case that the advice that
10 the Secretary is going to be getting from around the
11 state will vary greatly and that, perhaps, is not
12 surprising.

13 I am aware that voters in Ohio are
14 afforded about 1,000 hours of opportunity to vote in
15 advance of Election Day whether there will be
16 extended hours for in-person voting Saturday, Sunday,
17 or Monday before the election or not. It seems hard
18 to contend that there is not a reasonable opportunity
19 to vote early for anyone who wishes to exercise that
20 option.

21 I am impressed by the report through the
22 Board's staff about the difficulties of assuring the
23 integrity of Election Day voting if early in-person
24 voting opportunities exist all the way up to the eve

1 of the start of Election Day. There is a very real
2 possibility that someone can vote in person early,
3 show up the next day on Election Day, vote again, and
4 our poll workers would not have an opportunity to
5 catch that because we haven't created a sufficient
6 break between the cutoff for early in-person voting
7 and the start of Election Day.

8 We do need to keep in mind that while
9 there are a great many of Franklin Countians and
10 Ohioans who today are choosing to vote before
11 Election Day, most people want to participate in the
12 exercise of being a part of the Election Day vote.

13 It is essential that we have an accurate
14 Election Day. It is essential that we have an
15 Election Day that operates efficiently for the sake
16 of those voting on Election Day. It's also important
17 that there be integrity in the vote that's cast on
18 Election Day.

19 It seems to me as though our process here
20 in Franklin County would be well served, indeed best
21 served if we offered an opportunity to vote on
22 Saturday. Of course we have requests for absentee
23 ballots we receive and process all the way up to noon
24 on Saturday. So Saturday hours, even a full day of

1 early voting on Saturday strikes me as being
2 reasonable.

3 At the same time, I would like to give
4 our staff and the poll workers two days in which to
5 work on the voting rolls, so that when the polls open
6 on Tuesday morning at all of the hundreds of voting
7 places in Franklin County, the poll workers know
8 who's already voted either by absentee or in person.

9 So taking into account today's staff
10 report on the problems of extending early in-person
11 voting beyond the Saturday before the election, and
12 taking into account the instruction that we now have
13 on how to run a constitutional election in Franklin
14 County and across the state of Ohio, my preference
15 would be that we provide Saturday, before the
16 election, in-person voting hours which are
17 substantial, that is day long, but that we cut off,
18 by Saturday, in-person voting.

19 CHAIRMAN PREISSE: I share Brad's
20 concerns along with not just the all-important,
21 most-important issues of accuracy of the polling
22 process itself and the utmost effort of updated poll
23 books at each of the how many locations?

24 DEPUTY DIRECTOR WALCH: 475 locations

1 this year.

2 CHAIRMAN PREISSE: But also just we know
3 the eyes of the nation, indeed the world, are on Ohio
4 once again, maybe more than ever, and much of this
5 big county too, so that effective, efficient laying
6 out of this election on Election Day, where, again,
7 more than half of our voters are going to vote, we
8 really must put emphasis on that.

9 There's a Herculean effort, if anybody's
10 never seen what happens from the warehouse in close
11 coordination with the brain center here, it is, you
12 know, it's somewhere between the United States Army
13 and Barnum and Bailey, so famous for deploying and
14 collecting back their circus with all the moving
15 parts; it's something to behold.

16 The people in the audience, who many of
17 them are regular visitors who have an interest in
18 these issues, it is something to behold. Those men
19 and women, Democrats, Republicans, working together
20 to get all those materials out and then collected
21 back in a timely, accurate way is a -- it's a big,
22 big, big job that we want to get right, and I think
23 we want to give our folks the space within which to
24 work calmly, effectively.

1 And so I'm -- I agree, Brad, we've kind
2 of had maybe two general approaches put out here.
3 I'm wondering, again getting back to the sense of the
4 Secretary's advisory under consideration here, and
5 his seeking for I think he says a recommendation and
6 his desire here for some bipartisan suggestion where
7 possible.

8 There is an intersection between what
9 Zach has articulated and what Brad has suggested and
10 that intersection is some kind of Saturday hours.
11 And, Brad, I didn't hear you suggest specific hours,
12 I did hear the precedent suggested, I think by Dana,
13 and that is that noon is the cutoff on Saturday for
14 absentee ballot requests --

15 DEPUTY DIRECTOR WALCH: Via mail; that is
16 correct.

17 CHAIRMAN PREISSE: -- via mail. So
18 there's a precedent for that kind of stopping point.
19 I think I heard a more liberal suggestion from Brad
20 about quote/unquote an entire day may have been the
21 words you used, but I'm not sure how you interpret
22 that. The way Zach had discussed it was an 8:00 to
23 4:00 timeframe.

24 BOARD MEMBER SINNOTT: Mr. Chairman,

1 according to my notes, Zach's suggestion was 8:00 to
2 4:00 on Saturday.

3 And I would be interested in hearing from
4 Dana whether that is doable, that is could we have a
5 4:00 p.m. cutoff on Saturday and still be assured
6 that the poll workers on the ground, Tuesday morning,
7 would know who's already voted?

8 DEPUTY DIRECTOR WALCH: Yes, because we
9 could -- we could come back to the office, once we
10 compiled everything, you know, at 4:00 closing time,
11 whatever time would be agreed upon at that time.
12 That would give us time to come back to the office
13 that evening, run those supplemental lists, take them
14 out to the warehouse, get them in all the voting
15 location manager supply kits for distribution then
16 Sunday when we have them all come through, so we
17 could get that. Saturday hours would fit a schedule,
18 I believe, that we could certainly accommodate.

19 BOARD MEMBER MARINELLO: In 2008 we had
20 extended hours, 7:00 p.m. on Monday, and 1:00 to
21 5:00, Sunday, and all day on Saturday, and everything
22 seemed to work pretty smoothly. I don't recall any
23 snags getting all the information back for the poll
24 books and anything.

1 DEPUTY DIRECTOR WALCH: I wasn't here in
2 2008. But I have talked to a few folks who said that
3 there was a logistic problem with getting
4 supplemental lists out to the voting locations by the
5 6:30 a.m. time frame.

6 BOARD MEMBER MARINELLO: That's why Zach
7 and I thought 8:00 to noon would be a good compromise
8 on that Monday. I just think that Sunday is really
9 crucial.

10 CHAIRMAN PREISSE: You, Kim, I think,
11 pointed out that the posted hours for Monday were
12 8:00 to 7:00, but the actual hours stretched into --

13 DEPUTY DIRECTOR WALCH: It was 10:00 or
14 11:00 from what I was told.

15 CHAIRMAN PREISSE: Until 11:00 p.m. --

16 BOARD MEMBER MARINELLO: Yeah.

17 CHAIRMAN PREISSE: -- on the Monday and,
18 similarly, the other days stretched because, of
19 course, whoever was in line at that hour was
20 permitted to then make their way through.

21 DEPUTY DIRECTOR WALCH: My understanding
22 was Sunday went quite a bit later than 5:00 also.
23 5:00 was the posted closing time and it did go, I've
24 been told, considerably later than that.

1 BOARD MEMBER SINNOTT: And with respect
2 to 2008, although I wasn't an eye witness to this, I
3 think there were reports of some polling locations
4 not receiving until noon on Election Day the report
5 of who had already voted early. So we had at least,
6 by these reports, some hours of polling taking place
7 on Election Day without our poll workers knowing
8 whether people reporting to vote had already voted.

9 CHAIRMAN PREISSE: Well, half the day,
10 six hours, almost half the voting day, six hours.

11 BOARD MEMBER MARINELLO: There shouldn't
12 be the lines since we have the electronic now that
13 there weren't in 2008, too.

14 CHAIRMAN PREISSE: We do have a, I think
15 -- I think we do have a more efficient Election Day
16 operation, I mean -- strike that, in person. Having
17 said that, I kind of get -- go ahead.

18 BOARD MEMBER SINNOTT: Please finish.

19 CHAIRMAN PREISSE: I was -- I think we
20 may be beginning to repeat ourselves from our
21 perspective, so we can get back to what I'll call a
22 happy intersection of suggestions, and without trying
23 to bias a sense of the committee away from your
24 perspectives or away from our perspectives where they

1 disagree; where they do agree on Saturday, I think, I
2 wonder if we could, irrespective of the other days,
3 get a sense of our Board on Saturday. Does that make
4 sense?

5 BOARD MEMBER SINNOTT: And, Chairman,
6 having heard the report from Dana about the
7 practicality of extending voting on Saturday --

8 MS. PADDY SHAFFER: It's very hard to
9 hear you.

10 BOARD MEMBER SINNOTT: I'm sorry you're
11 having trouble.

12 Having heard that it would be practical
13 to extend Saturday hours until 4:00 p.m., I see no
14 reason that we couldn't do that. I believe that was
15 Zach's suggestion with regard to Saturday's hours.
16 So I, too, can sign on for 8:00 to 4:00 Saturday.

17 CHAIRMAN PREISSE: And I like 8:00 to
18 4:00 Saturday.

19 BOARD MEMBER MANIFOLD: I definitely
20 think there's agreement on Saturday.

21 BOARD MEMBER MARINELLO: Saturday, yes.

22 BOARD MEMBER MANIFOLD: I guess the
23 question would be should we -- I guess what's the
24 step, do we have the Director and Deputy Director put

1 together --

2 MR. ANDERSON: (Nods.)

3 BOARD MEMBER MANIFOLD: -- from this
4 sense of three days, what, I guess what --

5 CHAIRMAN PREISSE: Including the
6 transcript, the excerpt from the transcript of the
7 relative conversation.

8 BOARD MEMBER MANIFOLD: So do we have to
9 take a vote to have the Director and Deputy
10 Director --

11 MR. ANDERSON: (Shakes head.)

12 BOARD MEMBER MANIFOLD: So I guess you
13 guys will put together a report to send to the
14 Secretary of State. I think -- I mean I think we
15 have an agreement on Saturday.

16 You know, I wish we could come to an
17 agreement on Sunday and Monday. I think I have all
18 the confidence in the world in our staff. I think we
19 have the best staff in the state.

20 BOARD MEMBER MARINELLO: Uh-huh.

21 BOARD MEMBER MANIFOLD: I think, you
22 know, I think they did an amazing job in '08 with
23 people voting all the way till 10:00. I don't know
24 how -- I mean it was amazing the job that they did.

1 You know, I think -- I know I talked to
2 Todd who's the head of our Absentee Department, I
3 think especially with our, as you said, our in-person
4 voting location being a more, a lot more, I guess,
5 efficient with electronic machines, if we can get
6 those people processed a lot faster I think we'll be
7 done much earlier after the cutoff if we have voting
8 on Monday.

9 So I guess I -- I guess we'll just have a
10 letter, and I think we have an agreement on Saturday,
11 and I think we're just going to be split on Sunday
12 and Monday.

13 DEPUTY DIRECTOR WALCH: I'd be happy to
14 prepare something. If it's the Board's desire, I'd
15 be happy to put something together this afternoon and
16 tomorrow that I would send it to each of you,
17 obviously, before submitting it over to the Secretary
18 of State to make sure I've encapsulated what I
19 believe is the feeling of the Board, both in
20 agreement and nonagreement on days and times, and run
21 that by you if that is the desire of the Board. I'd
22 be happy to do that.

23 BOARD MEMBER MANIFOLD: Yeah.

24 DEPUTY DIRECTOR WALCH: Okay. That is

1 everything we had on the agenda for today. Do I have
2 a motion to adjourn?

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

5 DEPUTY DIRECTOR WALCH: Second?

6 BOARD MEMBER MANIFOLD: Second.

7 BOARD MEMBER SINNOTT: Yes.

8 DEPUTY DIRECTOR WALCH: All those in
9 favor?

10 BOARD MEMBERS: Aye.

11 DEPUTY DIRECTOR WALCH: We are adjourned.

12 (Thereupon, the proceedings concluded at
13 4:19 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, October 15, 2012, and carefully compared with my original stenographic notes.

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

My commission expires July 17, 2013.

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