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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:

Mr. Gene Shell
Absentee Department
Franklin County Board of Elections

Mr. Howard Heard
Absentee Department
Franklin County Board of Elections

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P R O C E E D I N G S

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

Kimberly Marinello?

BOARD MEMBER MARINELLO: Here.

DIRECTOR ANTHONY: Zachary Manifold?

BOARD MEMBER MANIFOLD: Here.

DIRECTOR ANTHONY: Douglas Preisse?

CHAIRMAN PREISSE: Here.

DIRECTOR ANTHONY: And Brad Sinnott. I almost said --

BOARD MEMBER SINNOTT: You almost said Michael Colley?

DIRECTOR ANTHONY: Yeah, almost.

(Laughter.)

BOARD MEMBER SINNOTT: I'm here, Mr. Director.

DIRECTOR ANTHONY: All right. Thank you. The first item on the agenda would be to approve the minutes of the October 1st and October 15th meeting.

1 BOARD MEMBER MANIFOLD: Mr. Chairman, I
2 move the Board approve the minutes of the October
3 1st and October 15th meetings of the Franklin County
4 Board of Elections as submitted.

5 DIRECTOR ANTHONY: Is there a second?

6 BOARD MEMBER MARINELLO: Second.

7 DIRECTOR ANTHONY: All those in favor?

8 BOARD MEMBERS: Aye.

9 DIRECTOR ANTHONY: That motion carries,
10 Mr. Chairman.

11 The next item on the agenda is we need to
12 transfer some funds for additional security for the
13 sheriff's office.

14 DEPUTY DIRECTOR WALCH: Possibly.

15 DIRECTOR ANTHONY: Possibly, yeah. We
16 had them funded through Election Day and if there's a
17 recount or, you know, we don't know the results and
18 we may still have live ballots, still have live
19 ballots after all of the provisional stuff is done,
20 then we may need additional sheriff security at this
21 facility and at the warehouse and to the tune not to
22 exceed \$79,000.

23 If there's not a recount, then, of
24 course, we won't use that money, but this is in the

1 event that there's a recount. So we didn't include
2 it in the initial request so we're including it now
3 and we will transfer that money from another portion
4 of our budget. Any questions?

5 BOARD MEMBER SINNOTT: We would send the
6 money over only as needed and on a pay-as-you-go
7 basis?

8 DIRECTOR ANTHONY: We would encumber the
9 money and have it already to go and if we don't use
10 it, they don't get it.

11 BOARD MEMBER SINNOTT: Okay.

12 DIRECTOR ANTHONY: And, you know, this --
13 we didn't do this in 2008 or 2010, they would just be
14 made available and they would figure out where to get
15 the money from the Commissioners, but now we have to
16 encumber the money so that they can have the money in
17 the event that they need the money.

18 BOARD MEMBER SINNOTT: Very good.
19 Well, Mr. Chairman, I move that the Board authorize
20 the Director and Deputy Director to transfer an
21 amount of up to \$79,000 from the Board of Elections
22 budget to the Franklin County Sheriff if additional
23 security is necessary for the Board of Elections
24 after Election Day.

1 DIRECTOR ANTHONY: Is there a second?

2 BOARD MEMBER MARINELLO: Second.

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

5 BOARD MEMBERS: Aye.

6 DIRECTOR ANTHONY: The next item on the
7 agenda is we're spending money for this election and
8 the office of management and budget, I think that's
9 right, or budget and management, I get them wrong.

10 DEPUTY DIRECTOR WALCH: I think it's
11 actually the auditor's office --

12 DIRECTOR ANTHONY: Yeah. And we have to
13 have policies, and I have those before you, to be
14 able to reimburse some of our employees or to be able
15 to purchase items that we need. And we have before
16 you two proposed policies; one is the media purchases
17 and campaigns. Take a little time to kind of read
18 that.

19 DEPUTY DIRECTOR WALCH: That policy is
20 for the advertising that we do before a major general
21 election like this year in which we advertised to the
22 public our early vote options both by mail and in
23 person and the spots we've been running this last
24 week on types of identification to bring to the polls

1 with them.

2 BOARD MEMBER MARINELLO: We just have to
3 have something in writing.

4 DEPUTY DIRECTOR WALCH: Correct. That's
5 correct.

6 DIRECTOR ANTHONY: And the second one is
7 for poll worker recruitment. We do a lot of effort
8 in that regard, reaching out to the corporate
9 community, other employers, government employers to
10 try to get poll workers and there's a cost to it. We
11 have to produce brochures. We have a unique display
12 unit that we take out with us and a lot of other
13 ancillary expenses dealing with that.

14 DEPUTY DIRECTOR WALCH: One specific one
15 is with our Youth at the Booth program that we do
16 through Kids Voting of Central Ohio who provided us
17 -- who will be providing us on Election Day tomorrow
18 with about 1,400 poll workers. We do T-shirts for
19 those students who are serving as poll workers for us
20 that identify them as Youth at the Booth students.
21 So anything that's in here in addition to what
22 Director Anthony talked about is the purchase of
23 those T-shirts that identify the Youth at the Booth
24 at the polling locations because we want them

1 recognized as poll workers just like any other poll
2 worker out there to identify them to the public when
3 they come in that they are our poll workers.

4 BOARD MEMBER MARINELLO: Mr. Chairman, I
5 move the Board adopt the poll worker recruitment
6 purchases policies developed by the Board of
7 Elections staff.

8 BOARD MEMBER SINNOTT: Second.

9 DIRECTOR ANTHONY: All those in favor?

10 BOARD MEMBERS: Aye.

11 DIRECTOR ANTHONY: Mr. Chairman, that
12 motion carries as well.

13 The next item on the agenda is the
14 remaking of absentee ballots. We have two of our
15 guys here, Gene Shell and Howard Heard, if you have
16 any questions. But every year -- I mean, every
17 election cycle we have to remake ballots for a number
18 of reasons: One, they may have gone through the mail
19 and the mail jacked them up, messed them up, or the
20 voter's intent isn't -- they may have circled it
21 instead of covering it in, and our machine will not
22 count those.

23 So we have teams of Democrats and
24 Republicans that look at these ballots and then we

1 remake them based on the two bipartisan teams looking
2 at the ballot. And if it could be determined,
3 without a doubt, the voter's intent, they'll remake
4 the ballot. Those that they can't figure out,
5 they'll bring here and the Board will make that
6 determination and the Board will actually meet when
7 we go to count those all up.

8 But Gene and Howard are here and they can
9 show you what one looks like if you would like to see
10 it.

11 BOARD MEMBER MARINELLO: Sure.

12 DIRECTOR ANTHONY: Why don't you bring
13 some of them up so they can take a look at them.

14 DEPUTY DIRECTOR WALCH: There are sort of
15 two categories of these: One is where the ballot
16 might be soiled in some way, somebody spilled coffee
17 on it or tore it or something like that and it won't
18 go through the reader; the other category is where
19 they might have put an X through the oval instead of
20 filling the oval in, but the voter intent is very
21 clear.

22 CHAIRMAN PREISSE: What would happen if
23 you did try to read it?

24 MR. SHELL: It would not because it would

1 get kicked out as an indeterminate ballot.

2 CHAIRMAN PREISSE: This has actually
3 already been counted.

4 MR. SHELL: It's been tried to go through
5 the machine, but it kicked it out as indeterminate
6 based on the colorings that's in the bubbled area and
7 that makes one of the humans on the machine look at
8 the ballot to see why it's indeterminate.

9 CHAIRMAN PREISSE: Show us one that was
10 marked differently.

11 BOARD MEMBER MANIFOLD: He's got one over
12 here.

13 BOARD MEMBER SINNOTT: That was marked --

14 CHAIRMAN PREISSE: You know, that
15 wasn't --

16 BOARD MEMBER MANIFOLD: Why don't you
17 show the check mark one; that was a good one.

18 DIRECTOR ANTHONY: I might add, we do
19 this every election cycle, but every election cycle
20 we have to bring them before the Board and have you
21 guys vote on it.

22 MR. SHELL: Something like that is
23 another one where it gets wet and the paper will not
24 go through the machine because it expands due to the

1 liquid that hits the ballot.

2 BOARD MEMBER SINNOTT: So Howard, Gene,
3 what will happen if the bipartisan staff team agrees
4 about what the voter's intent was, you'll process
5 that ballot on the basis of that agreement.

6 DIRECTOR ANTHONY: We will remake the
7 ballot. We will actually remake the ballot.

8 MR. SHELL: And that's for it to be
9 included in the unofficial count for Tuesday night.

10 BOARD MEMBER SINNOTT: And if the
11 bipartisan staff team can't agree, then you'll
12 carry those to the Board members and we'll see if we
13 can agree, correct?

14 MR. SHELL: That's correct.

15 DIRECTOR ANTHONY: And the soiled ballot
16 will be with the original ballot.

17 DEPUTY DIRECTOR WALCH: That's correct.
18 We will be coming back to you after the election
19 because we always get some that are cast on Election
20 Day, a provisional maybe that gets cast on Election
21 Day or something like that, or a mailed-in absentee
22 that comes in that was postmarked by Election Day and
23 received after that is the same sort of thing. So
24 after the election we will have some additional ones

1 that we will be bringing before the Board.

2 CHAIRMAN PREISSE: Okay. Good. Thank
3 you.

4 DEPUTY DIRECTOR WALCH: And we had a
5 total -- there's a total of 452 of these ballots --

6 MR. SHELL: That is correct.

7 DEPUTY DIRECTOR WALCH: -- in the two
8 different categories that we talked about.

9 BOARD MEMBER MARINELLO: Mr. Chairman, I
10 move that the Board authorize the staff to remake 452
11 absentee paper ballots and that these remade ballots
12 shall be tabulated and included in the unofficial
13 canvass on election night.

14 DIRECTOR ANTHONY: Is there a second?

15 BOARD MEMBER MANIFOLD: Second.

16 DIRECTOR ANTHONY: All those in favor,
17 say aye.

18 BOARD MEMBERS: Aye.

19 DIRECTOR ANTHONY: The next item on the
20 agenda is provisional ballots and each election cycle
21 we have to come before you guys to give me and Dana
22 and our staff the ability to basically verify the
23 provisional ballots. Again, we go through that
24 process, we take these provisional ballots and we

1 check them, check them twice, sometimes three times
2 or more to verify the information on there.

3 And, again, we need to be able to do that
4 or you guys would be sitting and looking at about
5 close to a thousand, looking through each one of
6 them, so we make your job a little easier. And those
7 that we can't agree on or we don't know what to do
8 with them, we'll again bring them before this Board.
9 At no time will these ballots be counted until we're
10 allowed to count them; we're just getting them ready
11 to be counted.

12 BOARD MEMBER MANIFOLD: Mr. Chairman, I
13 move that the Board authorize the Director and Deputy
14 Director to appoint bipartisan teams of employees to
15 begin the process of verifying provisional ballots
16 cast at the General Election and that no provisional
17 ballots shall be approved for counting without Board
18 approval.

19 DIRECTOR ANTHONY: Is there a second?

20 BOARD MEMBER SINNOTT: Second.

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

23 BOARD MEMBERS: Aye.

24 DIRECTOR ANTHONY: Mr. Chair, that

1 passes.

2 The next item on the agenda is we have to
3 open the polls officially and that's what we would
4 like you guys to do since they open up tomorrow
5 morning at 6:30 a.m. sharp. So that's what the next
6 one is. We'll be open from 6:30 to 7:30 p.m. And we
7 have all set our clocks back and we are ready.

8 BOARD MEMBER MANIFOLD: Mr. Chairman, I
9 move that the polls be declared open for the Tuesday,
10 November 6th, 2012 Primary Election --

11 CHAIRMAN PREISSE: General election.

12 BOARD MEMBER MANIFOLD: Oh, wow. That's
13 what I get. Start over.

14 Mr. Chairman, I move that the polls be
15 declared open for the Tuesday, November 6th, 2012
16 General Election beginning at 6:30 a.m. and closing
17 at 7:30 p.m., and that in accordance with Section
18 3501.32, any voter in line prior to the close of the
19 polls at 7:30 p.m. shall be permitted to vote.

20 BOARD MEMBER SINNOTT: Second.

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

23 BOARD MEMBERS: Aye.

24 DIRECTOR ANTHONY: That motion carries

1 also.

2 DEPUTY DIRECTOR WALCH: Before we get to
3 the final note on here, if we could, we wanted to
4 bring to the attention of the Board that there were
5 and I think there might be a few folks who are here
6 today on this matter. There were a number of amended
7 appointments made by a group who had originally
8 appointed some observers. Some candidates asked to
9 be withdrawn as the committee on -- associated with
10 that group.

11 We subsequently received some amended
12 appointments to that original appointment. It is our
13 opinion that we will be adhering to the original
14 appointment of those observers on Election Day, but
15 that because of the withdrawal of the candidates who
16 wish to be part of that after the initial filing had
17 been made, that the subsequent filing of amended
18 observers will not be accepted by the Board.

19 And I will be contacting, Bill and I,
20 after this meeting, will be contacting the
21 organization who did this to alert them that we are
22 not accepting their amended observer appointments for
23 tomorrow's election.

24 Any questions on that? Mr. Chairman?

1 BOARD MEMBER MANIFOLD: I don't have any.

2 CHAIRMAN PREISSE: Do you want --

3 MS. SHAFFER: That wasn't clear. So
4 you're not accepting what was sent to you this
5 morning, about 10:30 this morning, but you are
6 accepting what was submitted in the 11-day-before
7 period --

8 DEPUTY DIRECTOR WALCH: The original --

9 MS. SHAFFER: -- or you're not accepting
10 any? Are you having observers tomorrow? You had
11 them for early voting.

12 DEPUTY DIRECTOR WALCH: The original
13 appointment -- any original appointment that was made
14 by this organization will be allowed, but any
15 subsequent amendment that we received will not be
16 allowed.

17 MS. SHAFFER: So they will have observers
18 tomorrow, the first slate of them.

19 CHAIRMAN PREISSE: Well, we don't know.

20 BOARD MEMBER MANIFOLD: I believe the
21 first slate was all in-person, early vote center.

22 DEPUTY DIRECTOR WALCH: I will have to
23 check that, but any amendments that were made to the
24 first set that were filed will not be allowed.

1 MS. SHAFFER: So then, to be clear,
2 because it's still not, they will not have observers
3 at the polls tomorrow, they only would have had at
4 early voting?

5 DEPUTY DIRECTOR WALCH: I need to check
6 what their initial appointment was. If it was just
7 for early voting then it would just be for early
8 voting. If they made any original appointments also
9 for any precincts on Election Day, those would be
10 upheld and allowed, but any amendments they made to
11 it after that would not be allowed because I'm not
12 familiar with whether --

13 MS. SHAFFER: The original one I
14 reviewed, it didn't have polling locations.

15 CHAIRMAN PREISSE: Well, we'll review it,
16 but I'm glad you brought it up so we understand that
17 it's contingent upon our review --

18 DEPUTY DIRECTOR WALCH: Right.

19 CHAIRMAN PREISSE: -- of what the
20 original documentation was.

21 MS. LUPO: May I? Would there be a way
22 for us -- would there be a way for you, I realize
23 it's a very busy time of the year, is there a way for
24 you to notify us?

1 DIRECTOR ANTHONY: Who are you?

2 MS. LUPO: We have one of the candidates
3 here. The candidate is here --

4 DEPUTY DIRECTOR WALCH: Right.

5 MS. LUPO: -- to testify.

6 DIRECTOR ANTHONY: We need to know you
7 are.

8 MS. LUPO: I'm sorry. I'm sorry for not
9 -- my name is Marian Lupo. I'm not the candidate.
10 So it's really not clear to us whether they will be
11 in the precinct or not tomorrow morning.

12 CHAIRMAN PREISSE: Well, you can --
13 you'll pick up your phone and answer questions.
14 There's no secret about this.

15 DEPUTY DIRECTOR WALCH: Yeah.

16 CHAIRMAN PREISSE: You can just check
17 back.

18 DEPUTY DIRECTOR WALCH: We're going to
19 check after this meeting on if they made appointments
20 for Election Day observers at the polling locations;
21 if they did, those will be upheld; if they did not,
22 they won't have anybody.

23 But what we're saying is if they did make
24 an initial appointment for an Election Day observer

1 process, that will be upheld, but any amendment that
2 had been filed will not.

3 MS. SHAFFER: Now, I have a letter that I
4 sent, Marian and I did, and several of the Board
5 members got it. It went John Husted and two of his
6 attorneys, Jack Christopher and Christopher Shea.
7 Early this morning it went out. Faxes were also sent
8 both here and to the Secretary of State's office.
9 And, if possible, I'd like to read it into the letter
10 before we all leave today.

11 CHAIRMAN PREISSE: It's not on our agenda
12 and --

13 MS. SHAFFER: It's about this subject and
14 it's important.

15 CHAIRMAN PREISSE: Okay. We're not even
16 -- we're not actually voting on the subject; we were
17 merely discussing this matter, so.

18 DEPUTY DIRECTOR WALCH: And we have a
19 copy of the letter that you sent and we have it on
20 file.

21 MS. LUPO: Mr. Walch, just one more
22 question if I may.

23 DEPUTY DIRECTOR WALCH: Perhaps, if you
24 would, ask questions through the Chair of the Board,

1 please.

2 CHAIRMAN PREISSE: One more.

3 MS. LUPO: So the original filings were
4 made on October 1st, then they filed amended on
5 October -- or, on or about October 25th -- 26th,
6 2012. Is that included in your understanding of
7 amended filings?

8 DEPUTY DIRECTOR WALCH: Yes.

9 MS. LUPO: Thank you very much.

10 CHAIRMAN PREISSE: Okay. One more
11 question, but then we're actually, as we try to keep
12 these meetings open and -- but we will move on after
13 this.

14 MS. HOKE: Yes, I'd like to know --

15 DEPUTY DIRECTOR WALCH: Could you
16 identify yourself, please?

17 MS. HOKE: Yes. My name is Kathy Hoke.
18 I'm a resident of the City of Columbus. I live on
19 the west side. I would like to know if it's the
20 Board's policy that in the future if five or six
21 candidates who sign a petition like this all say they
22 disavowed their signature, will the Board honor such
23 a petition in the future? Is this the Board's
24 policy?

1 DEPUTY DIRECTOR WALCH: The issue that --
2 Mr. Chairman, if I might?

3 CHAIRMAN PREISSE: Go ahead, please.

4 DEPUTY DIRECTOR WALCH: The issue that
5 was in play here was the fact that the appointment
6 came in prior to the candidates withdrawing their
7 support for that, and the code does not provide for a
8 mechanism of withdrawing an appointment once it has
9 been made in this instance. The law is silent on
10 withdrawing an appointment once it has been made.

11 MS. HOKE: Is this not a policy concern
12 for the future? I mean --

13 CHAIRMAN PREISSE: We are acting as our
14 counsel interprets and advises as it relates to the
15 Revised Code. We don't create the Revised Code, but
16 we operate under it, and I don't think we need a
17 policy beyond what we've been advised. So I would
18 presume going in the future that would be our
19 approach unless the legislature changes the Revised
20 Code.

21 BOARD MEMBER MANIFOLD: I think -- I'll
22 just give some background real quick, Mr. Chairman.
23 I found out this -- this weekend was the first time I
24 saw the amended filings and I brought it to the

1 Board's attention. I was just concerned because --
2 because I knew that, you know, this group had the
3 first signing or filing, I think October 1st or
4 October 2nd. I saw and I know that they'd all pulled
5 their names off and then there was this amendment
6 filed with all those names on it again. And I
7 clearly -- I know some of the candidates that are
8 on --

9 MS. JAMISON: I did not sign any amended
10 filing --

11 BOARD MEMBER MANIFOLD: -- that are on
12 the amended report and I know that they didn't -- so
13 I've talked to them and I know that they didn't sign
14 and --

15 MS. JAMISON: So my name was submitted
16 and it was forged.

17 BOARD MEMBER MANIFOLD: Yeah.

18 MS. LUPO: It was forged.

19 BOARD MEMBER MANIFOLD: And I know they
20 didn't sign this document, so I was concerned and
21 that's why I brought it up, and I'm glad that you --

22 DEPUTY DIRECTOR WALCH: We're glad you
23 did.

24 BOARD MEMBER MANIFOLD: -- that we all

1 worked it out. And I think, you know, as far as the
2 original signing, I think, as the Chairman said, I
3 think we're basically, you know, locked in, we can't
4 do anything about it, I think once it's filed and
5 even if they pulled out there's not a mechanism to
6 allow that observer appointment to be pulled.

7 The better case might have been for those
8 candidates to come together and amend that document
9 and delete all those people from being appointed in
10 the first place would have probably been a better --

11 MR. ANDERSON: Right.

12 MS. SHAFFER: I was invited to several of
13 the True the Vote meetings when they did the planning
14 on this and the plans for this are not for a
15 harmonious polling location. Things were discussed
16 like using cameras to intimidate voters as they come
17 in. Their plans were to have iPads that they're able
18 to, as the voter is coming in, what was described to
19 me was that they were gonna be there overlooking into
20 the book and they're going to get the voter's
21 information that's coming and they're planning to
22 send it in to some central location and be able to
23 try and stop between the poll worker going through
24 and getting the voter in the book and their voter

1 ticket number and stuff, they're planning to be able
2 to stop the voter between that and walking to a
3 machine.

4 You can't tell me how this is going to
5 add to a harmonious polling location. You're going
6 to have problems galore. And I'd be happy to tell
7 you further about these meetings because I was
8 invited to a bunch.

9 CHAIRMAN PREISSE: Okay. The behavior
10 you describe is, of course, as we all know or should
11 know and know, is specifically and expressly
12 prohibited, so we're not going to permit that and the
13 staff is not going to permit that kind of activity to
14 take place at any polling place. And now we have to
15 move on.

16 DIRECTOR ANTHONY: The next item --

17 CHAIRMAN PREISSE: Unless the Board wants
18 to say anything.

19 DIRECTOR ANTHONY: The last item on the
20 agenda is a recess. You have to vote to go into
21 recess subject to a recall from the Chair, so we need
22 a motion to that effect.

23 BOARD MEMBER SINNOTT: That's right.

24 Mr. Chairman, I move that the Board recess this

1 meeting of the Board of Elections, subject to recall
2 by the Chair, until after the close of the election
3 being held on Tuesday, November 6th.

4 BOARD MEMBER MARINELLO: Second.

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

7 BOARD MEMBERS: Aye.

8 DIRECTOR ANTHONY: The motion carries, so
9 we stand in recess.

10 (Thereupon, the Franklin County Board of
11 Elections recessed at 3:45 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, November 5, 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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