

BEFORE THE OHIO BOARD OF ELECTIONS
SPECIAL MEETING

- - -

PROCEEDINGS

before Douglas Preiss, Chairman, Zachary Manifold,
Bradley Sinnott, and Kimberly Marinello, Board
Members, at the Board of Elections, 280 East Broad
Street, Columbus, Ohio, First Floor, Columbus, Ohio,
called at 10:30 a.m. on Thursday, June 6, 2013.

- - -

Also Present:

Dana Walch, Deputy Director
Jeffrey Mackey, Manager, Election Operations

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

Thursday Morning Session,
June 6, 2013.

— — —

MR. WALCH: I'd like go ahead and call this meeting of the Franklin County Board of Elections to order. Start with the roll call.

Kimberly Marinello.

MS. MARINELLO: Here.

MR. WALCH: Zachary Manifold.

MR. MANIFOLD: Here.

MR. WALCH: Doug Preisse.

MR. PREISSE: Here.

MR. WALCH: Bradley Sinnott.

MR. SINNOTT: Here.

MR. WALCH: We have all members present.

First issue on the agenda today, as you

all know, there's been a resignation in the office of Municipal Court judge in the Environmental Division, there were four candidates who filed petitions during the window to file. And we have checked those petitions and in Exhibit A in your materials today you should have a breakdown of how each one of them did.

All four did meet the validity and sufficiency requirements of the filing. And it is

1 our recommendation that all four of those candidates
2 be certified to the ballot for November 5, 2013.

3 MR. SINNOTT: Just a point of
4 information, what's the last day by which a candidate
5 can ask to withdraw from candidacy and have his name
6 removed from the ballot?

7 MR. WALCH: Well, a candidate can
8 withdraw at any point the candidate desires. To have
9 them have their name replaced?

10 MR. SINNOTT: No, just withdraw from so
11 you're not printed on the ballot.

12 MR. WALCH: It always varies slightly by
13 where we are in the process of getting the ballots
14 ready. It's about 60-65 days.

15 MR. SINNOTT: There we go.

16 MR. WALCH: That's our best estimate.

17 MR. SINNOTT: Thanks.

18 MR. MANIFOLD: Mr. Chairman, I move the
19 Board certify to the November 5, 2013, General
20 Election ballot those candidates for Municipal Court
21 Judge, Environmental Division, appearing on Exhibit A
22 whose petitions were found to be valid and
23 sufficient.

24 MR. WALCH: Second?

25 MS. MARINELLO: Second.

1 MR. WALCH: All those in favor?

2 (All ayes heard.)

3 MR. WALCH: Opposed?

4 Motion passes.

5 The next item on your agenda today is we
6 received 37 voter registration challenges filed by
7 Ms. Carol Bicking of 1599 Climbing Fig Drive, in
8 Blacklick. I would like to call on Renee Klco, our
9 Manager of Voter Services, to provide the Board with
10 our research on each of those challenges and the
11 staff recommendation on each.

12 MS. KLCO: Good morning. You have two --
13 there were two separate challenges filed; one had 32
14 on it, one had five. The one with the 32, these are
15 normal procedures that we follow anytime there is
16 a -- somebody tries to register at a restricted
17 address.

18 Of those 32, 16 voters we recommend that
19 we're going to change the voter registration back to
20 their previous one except for the exception of the
21 gentleman who lives in his truck; he will now be
22 registered at the homeless shelter. We will be
23 sending a letter to both the previous address and the
24 P.O. Box requesting the residential address be
25 validated and explain that the P.O. Box can be used

1 as a mailing address.

2 The other 16 voters we will place in a
3 pending P.O. address status, which is a nonvoting
4 status. We will send a letter to the P.O. Box,
5 requesting a residential address and explaining again
6 that the P.O. Box can be used as a mailing address.

7 The other challenge with the five voters,
8 we have four voters that we will change their voter
9 address back to the previous one, send a letter both
10 to the previous address and the P.O. Box requesting
11 residential address and again explaining that P.O.
12 Box can be used as a mailing address.

13 We have one voter we will be placing in a
14 pending P.O. address status, again, a nonvoting
15 status, and again sending a letter to the P.O. Box
16 requesting the residential address and explaining
17 that the P.O. Box can be used as a mailing address.

18 MR. SINNOTT: As a preliminary matter,
19 the Board has two exhibits in front of it, both
20 marked Exhibit B.

21 MR. WALCH: Those refer to the two
22 filings on this, the one with 32 cases on it and the
23 other with five cases on it. They should be combined
24 in one. They are both marked Exhibit B.

25 MR. SINNOTT: They're both B.

1 MR. WALCH: That's correct.

2 MR. PREISSE: Would you recap what Renee
3 just told us as it relates to sort of what we're
4 looking at here?

5 MR. WALCH: In front of you Exhibit B in
6 that spreadsheet, each one of the voters whose
7 registration has been challenged with the address on
8 there and the resolution as is recommended by the
9 staff here at the office in the far right column.

10 If a voter had a previous address prior
11 to the P.O. Box that's being challenged, we will send
12 those voters a letter both at the P.O. Box that we
13 have for them and the residential address that we
14 have for them, explaining that they need to clarify
15 the situation and provide us with a residential
16 address which is what's required for voter
17 registration purposes.

18 For those voters who we only have a P.O.
19 address for, which could be, for example, a first
20 time voter that we have no other record for at this
21 time, those voters will be sent a letter from our
22 office, they will be put in a P.O. Box status, which
23 is a nonvoting status, until such time as they
24 respond back to us and provide us with a residential
25 address from which they can be registered to vote.

1 Is there a certain timeline on that,
2 Renee?

3 MS. KLCO: Six months.

4 MR. WALCH: If they do not respond to us
5 back in six months, their registration will be
6 cancelled. Correct?

7 MS. KLCO: Correct.

8 MR. WALCH: I also do have here today
9 Carolyn Gorup who is our manager of IT. Usually all
10 of these instances that we have restricted addresses
11 in our voter registration file. When we did the
12 redistricting process at the beginning of the year
13 where we had to put new information in the file, for
14 some reason these -- the flags on these ranges of
15 addresses got taken off for some reason.

16 Carolyn, I don't know if you have
17 additional detail other than that? We have now
18 re-restricted these addresses so that it would
19 prevent us from putting in the first place.

20 MS. GORUP: I don't really have anything
21 additional; you told them everything I was going to
22 say.

23 In 2011 when we were doing redistricting
24 we went through several gradations of the file, and
25 then the Congressional district lines were drawn and

1 redrawn. Somewhere in that process we lost the
2 restricted mailing address flag and operations then
3 had to go back in and manually insert that, and these
4 addresses got missed.

5 MR. WALCH: Additional questions for
6 Renee or Carolyn?

7 MR. SINNOTT: So to make this really
8 simple, I am one of the challenged voters on
9 Exhibit B and if the Board acts in a fashion
10 recommended by the staff, then I'll be getting a
11 letter?

12 MR. WALCH: That's correct.

13 MR. SINNOTT: And that letter will tell
14 me that I should contact the Board, correct?

15 MR. WALCH: That's correct.

16 MR. SINNOTT: And provide -- confirm,
17 perhaps, my current address information.

18 MR. WALCH: Residential address
19 information, yes. They could use a Post Office box
20 for mailing purposes but for the purpose of voter
21 registration they must provide us with a residential
22 address from which they are to be registered from.

23 So if you want to, if you're registered
24 at 123 Elm Street but want all of your mail to be
25 sent to P.O. Box 52, you can do that but we need a

1 residential address for voter registration purposes.

2 If this had been a -- if these addresses
3 had not been inadvertently unrestricted, for lack of
4 a better word, in our file, if somebody had
5 registered to vote with us -- and Renee, correct me
6 if I make a mistake -- if a voter sent us in a voter
7 registration with just a P.O. Box on it, we would
8 send them a letter saying you cannot be registered
9 from just a P.O. Box, please provide us with a
10 residential address.

11 They would go into other file in the P.O.
12 Box pending status, which is a nonvoting status,
13 until such time as they provided us with a
14 residential address.

15 MS. KLCO: Attached to that letter is
16 also a registration form and a postage paid return
17 envelope so that we get it back promptly.

18 MR. PREISSE: I think we -- I think,
19 Ms. Bicking, is that you?

20 MS. BICKING: Yes.

21 MR. PREISSE: I recognize you from last
22 time. I think you addressed the Board last time you
23 visited us. Do you wish to do that today?

24 MS. BICKING: Just briefly.

25 MR. PREISSE: Okay. Please do so. State

10

1 your name and address for the record.

2 MS. BICKING: I'm Carol Bicking, my
3 address is 1599 Climbing Fig Drive, Blacklick, Ohio,
4 43004.

5 And my husband and I did this ahead of
6 Secretary of State Husted's directive on the 23rd
7 to make sure that no UPS stores or U.S. Post Offices
8 were people addressed to register to vote.

9 I have an additional -- I have a copy of
10 additional Post Offices and UPS stores beyond the
11 ones that were flagged for this meeting purposes. So
12 I have just one copy but I'd be glad to give it to
13 you so that she can easily do her flag to flag the
14 addresses, the Post Offices and UPS stores that she
15 should have on her list.

16 MR. PREISSE: Are you suggesting you
17 believe you've discovered additional registrations
18 which --

19 MS. BICKING: No, no, I'm not suggesting
20 that at all. But when I began this project, I got a
21 list from the Internet and the phone book of U.S.
22 Post Offices in Franklin County and UPS stores in
23 Franklin County area, so if there are any beyond what
24 came up as the stores that were there.

25 MR. PREISSE: Sure, that would be --

1 thank you.

2 MR. WALCH: I think that would be helpful
3 to us. What I would suggest is, Ms. Bicking, at the
4 conclusion of our meeting go to our front desk just
5 so we can time stamp it in so it's official, as we do
6 with all documents here. We try to make sure they
7 get time stamped so we make sure we exactly did get
8 them.

9 I think we can certainly have those
10 looked at. We can look at those and make sure we
11 have them flagged.

12 MS. BICKING: Because the one at
13 Secretary Husted's declaration to flag those stores
14 for future purposes. Does anyone have any questions
15 or anything?

16 MR. PREISSE: No. Thank you for that
17 helpful information.

18 MR. WALCH: Mr. Chairman, we do have
19 every person that was challenged on this list was
20 sent a letter saying they could appear today if they
21 so desired to address the Board. I did get from
22 Suzanne that Mr. Dave Sanders is here and might want
23 to speak to the Board briefly.

24 Mr. Sanders, are you here? Okay, great.
25 If you'd come on up and just give your name and

1 address for the record so we have that on record.

2 MR. SANDERS: My name is Dave Sanders and
3 my address as you currently have it is the 605 North
4 High Street address, and that is my mailing address,
5 and I have in my hand a voter registration form which
6 I will go ahead and update with my residence address.

7 And I'll continue to use the address that you have
8 as my mailing address.

9 MR. PREISSE: Thank you, Mr. Sanders.

10 MR. WALCH: Any questions for Mr. Sanders
11 at all?

12 Okay, thank you very much.

13 Thank you, Ms. Bicking, also.

14 Any more discussion on this?

15 MR. MANIFOLD: I have a quick question
16 for Carolyn, maybe she answered it. Carolyn, I know
17 last year we did kind of a policy and procedures and
18 forms and we had a contractor come in and set up like
19 how we should be doing things. Since this is only
20 every ten years, and who knows how many of us are
21 going to be here in ten years, should we develop --
22 have we developed -- have you set up kind of a
23 policy/procedures, can we make sure next time we do
24 census if none of us are around?

25 MS. GORUP: We haven't formalized

1 anything but I think Renee and I have both said
2 before we do it we'll get a list of the restricted
3 addresses and check them.

4 MR. MANIFOLD: I'd love to see, maybe it
5 makes sense, some sort of formalized procedure.
6 Thank you.

7 MR. PREISSE: Good luck.

8 MR. WALCH: We will certainly discuss
9 that and put something together.

10 MR. PREISSE: Anything further, thoughts
11 or questions?

12 Okay, then.

13 MS. MARINELLO: Mr. Chairman, I move the
14 Board accept the recommendation of the Board of
15 Election staff listed in Exhibit B regarding voter
16 registration challenges as filed by Ms. Carol Bicking
17 of 1599 Climbing Fig Drive, Blacklick, Ohio.

18 MR. WALCH: Second on that?

19 MR. MANIFOLD: Second.

20 MR. WALCH: All those in favor say aye.

21 (All ayes heard.)

22 MR. WALCH: Opposed?

23 Motion passes.

24 The final item on our agenda is
25 discussion regarding observer appointments in the

1 2012 general election. Mr. Manifold, I think this is
2 a question you had today so I will turn it over to
3 you.

4 MR. MANIFOLD: I really just wanted to
5 get an update to make sure it hadn't fallen through
6 the cracks. I know that we have a new manager for
7 the petitions filings department and I know we
8 rejected these observer forms. I think it was
9 November 5, I think it was a Monday before the
10 election, November 5.

11 MR. WALCH: I believe that's correct,
12 yes.

13 MR. MANIFOLD: And we kind of internally
14 discussed although we're not going to take these to
15 the staff, but looking at this and started to
16 investigate and see what happened. I didn't know if
17 there was an update, had we brought in I think the
18 person that filed these was I think it was Ms. Loar,
19 I think Jan was her name.

20 But it looks like a filing, a fax number
21 and a number for looks like Dublin Pediatrics, which
22 I guess her husband's a sole practitioner there. We
23 have fax form, cover sheet, whatever you want.

24 So I wanted to get an update, I didn't
25 know if Jeff had an update or Dana, where we're at on

15

1 this. Have we brought her in and questioned how she
2 filed an observer form October 5 -- October 25, 2012?

3 MR. PREISSE: What are you looking at?
4 This?

5 MR. MANIFOLD: Yeah, the form. The form
6 date's -- five candidates. At a point these
7 observers -- the election and it says October 25,
8 2012. And then assuming that she did collect the
9 signatures, which the concern we had was these five,
10 I think all five candidates filed the I think
11 October 1 and October 2 of 2012. A notice saying
12 that these people didn't have their approval to do
13 these observers so I wondered where we're at in the
14 process and do we have an update?

15 MR. WALCH: We did not do anything
16 further with this after the election other than the
17 day before the election when all this came about
18 through conversation we had with legal counsel on
19 this. I believe you and I maybe even discussed this
20 the day before the election and that we were going to
21 deny seating, however you want to phrase it, of those
22 observers filed.

23 Because of that I thought that was what
24 was the ending resolution of this. I thought that
25 was to everybody's satisfaction, but if there is more

1 that this Board desires to do, I will -- staff here
2 will proceed to do anything you would like to us to
3 do.

4 MR. PREISSE: This is coming back into my
5 memory because of the discussion you guys are having,
6 but I don't recall, Zack, are you suggesting that we
7 intended to do something other than accept the
8 candidate's withdrawal letters and then deny the
9 seating of these observers? I don't recall.

10 MR. MANIFOLD: Yeah, I think we
11 definitely just talked about rejecting and the day
12 before the election, so I think we talked about that
13 we'll look at this post-election and see how this
14 happened or how this form came to be.

15 I'm just curious, I'd like to know how
16 the signatures got on this form dated October 25,
17 2012. I don't know, I'm just curious as to how it
18 happened. I mean, clearly I don't know.

19 MR. SINNOTT: I see the point. I think
20 that we maybe ought to inquire into this because it
21 looks as though all of these candidates withdrew from
22 the project, if you will, in early October, and then
23 their signatures appointing observers appear on a
24 document where the signatures are supposedly dated
25 October 25. That's odd.

1 MR. WALCH: Which after discussion with
2 counsel was exactly why we denied the appointments
3 and instructed our voting location managers not to
4 seat any of those people as observers in the
5 election.

6 We also did a robo-call to each one to
7 instruct them if anybody came in with an observer
8 appointment form representing these -- a committee of
9 these five individuals, they were not to be sworn in
10 as seated observers.

11 MR. MANIFOLD: So I guess we need a
12 formal motion to -- I'd love to have Jeff and the
13 bipartisan staff bring in Ms. Loar and invite inquiry
14 as to how this form came to be. Is there any
15 objection to having the staff notarize a letter?

16 MR. SINNOTT: I don't think we need a
17 motion on that; I think we indicate that since the
18 Board is granting the staff with the task of
19 inquiring along of the lines of what you just
20 described, that seems to be sufficient.

21 Mr. Chairman?

22 MR. PREISSE: I don't have any problem
23 with that. It is strange this is dated well after
24 the withdrawals and the people fill petitions, this
25 is a petition -- fill petitions out incorrectly by

1 filling it out after they circulated it and putting
2 the later date. Which of course validates the
3 petition. I don't know whether that -- I probably
4 would reject it because I do remember conversation
5 were they able to withdraw.

6 MALE VOICE: Which I believe the answer
7 to that was they were not able to withdraw the
8 observers at the early voting center but upon
9 receiving this letter, these letters in October was
10 sufficient to the deny seating them.

11 MR. WALCH: That's correct, that's what
12 happened. And after discussion with counsel on the
13 initial filing which was for the early voting center,
14 since those had been filed and then the letters came
15 in post that initial appointment for the vote center,
16 since there is no mechanism in law to actually revoke
17 or withdraw your appointments, it was counsel's
18 thought that they could have observers --

19 MR. PREISSE: That's helpful, that's what
20 I remember.

21 MR. WALCH: Your recollection is correct.

22 MR. MANIFOLD: And I heard different
23 rumors as to how these signatures ended up on this
24 form. So I'd love to hear a real explanation as to
25 how this happened.

1 I think that's all I have.

2 MR. PREISSE: Bring Mr. Anthony up to
3 date and I think that would be illuminating to us
4 all.

5 MR. WALCH: Sounds good. We'll do that
6 at the end of business today.

7 MR. SINNOTT: I move we adjourn.

8 MS. MARINELLO: Second.

9 MR. WALCH: All those in favor say aye.

10 (All ayes heard.)

11 MR. WALCH: We stand adjourned. Thank
12 you.

13 (Hearing adjourned at 11:10 a.m.)

14 - - -

15

16

17

18

19

20

21

22

23

24

25

20

1 CERTIFICATE
2

3 I do hereby certify that the foregoing is a
4 true and correct transcript of the proceedings taken
5 by me in this matter on Thursday, June 6, 2013, and
6 carefully compared with my original stenographic
notes.

7 _____
8
9 Julieanna Hennebert, Registered
10 Professional Reporter and RMR and
Notary Public in and for the
State of Ohio.

11 My commission expires February 19, 2018.
12

13 (72552-jul)
14 - - -
15
16
17
18
19
20
21
22
23
24
25