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APPEARANCES:

Franklin County Prosecutor's Office
By Mr. Nick Soulas,
Assistant Prosecuting Attorney
Civil Division-Environmental
373 South High Street
Columbus, Ohio 43215

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown,
Executive Assistant to the Board.

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1 Tuesday Afternoon Session,
2 September 3, 2013.

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4 DIRECTOR ANTHONY: Good afternoon. I
5 would like to call the Franklin County Board of
6 Elections to order. I will do roll call.

7 Kimberly Marinello.

8 MEMBER MARINELLO: Here.

9 DIRECTOR ANTHONY: Zachary Manifold.

10 MEMBER MANIFOLD: Here.

11 DIRECTOR ANTHONY: Bradley Sinnott.

12 CHAIRMAN SINNOTT: Here.

13 DIRECTOR ANTHONY: Mr. Sinnott will be
14 the Chair for today. We are all here, Mr. Sinnott.

15 The first item on the agenda is the
16 approval of the minutes of the Board meetings of
17 August 5 and August 19.

18 CHAIRMAN SINNOTT: I move that the Board
19 approve the minutes of the August 5 and August 19,
20 2013, meetings of the Franklin County Board of
21 Elections as submitted.

22 DIRECTOR ANTHONY: Is there a second?

23 MEMBER MANIFOLD: Second.

24 DIRECTOR ANTHONY: All those in favor.

1 Motion carries. I will pass for
2 everybody's signature.

3 The next item on the agenda would be
4 certification of write-in candidates. For that we
5 have Mr. Mackey.

6 Mr. Mackey.

7 MR. MACKEY: You have before you Exhibit
8 A. There are nine candidates who filed sufficient
9 ballot declarations of intent to be a write-in
10 candidate. Staff recommends certification of these
11 nine individuals. They are paperclipped together to
12 the first one.

13 DIRECTOR ANTHONY: The first is Exhibit
14 A.

15 MEMBER MANIFOLD: Mr. Chairman, I move
16 that the Board certify the candidates listed on
17 Exhibit A as valid for write-in candidates for the
18 November 5, 2013, General Election ballot.

19 DIRECTOR ANTHONY: Is there a second?

20 MEMBER MARINELLO: Second.

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

23 Motion carries.

24 The next item on the agenda is the

1 non-certification of write-in candidates.

2 Mr. Mackey.

3 MR. MACKEY: I have one candidate filing
4 a declaration of intent to be a write-in candidate
5 that was not sufficient. She indicated on her
6 declaration of intent to be a write-in candidate that
7 she lived at an address different from the address
8 that she is registered at making the declaration
9 invalid.

10 CHAIRMAN SINNOTT: We have no documents
11 related to that?

12 MR. MACKEY: Right.

13 CHAIRMAN SINNOTT: But the nature of the
14 defect the address for the candidate that appears on
15 the --

16 MR. MACKEY: Declaration.

17 CHAIRMAN SINNOTT: -- declaration to be a
18 write-in is different from the candidate's
19 registration address.

20 MR. MACKEY: Correct.

21 CHAIRMAN SINNOTT: Do we have a
22 recollection of candidates from write-in status
23 encountering that defect in the past?

24 MR. MACKEY: I don't have a recollection.

1 DEPUTY DIRECTOR WALCH: I don't have a
2 recollection.

3 DIRECTOR ANTHONY: I didn't hear the
4 question.

5 CHAIRMAN SINNOTT: Have we excluded
6 write-in candidates in the past?

7 DIRECTOR ANTHONY: I'm trying to think.
8 I'm quite sure when I was in your position I may have
9 experienced that, but I don't recall right now.

10 DEPUTY DIRECTOR WALCH: Any candidate
11 that wants to run under a petition effort way or by
12 write-in must file as a candidate as their address
13 where they are registered to vote, so I'm not aware
14 of a time this has happened before but this would
15 preclude a candidate -- exclude the candidate from
16 being a candidate.

17 CHAIRMAN SINNOTT: Sounds sensible to me.
18 I move the Board deny the certification of Renee
19 Eileen Powell-Albert as a write-in candidate for the
20 Office of Riverlea Village Council for the reasons
21 described by staff.

22 DIRECTOR ANTHONY: Is there a second?

23 MEMBER MANIFOLD: Second.

24 DIRECTOR ANTHONY: Motion carries.

1 The next item on the agenda is candidate
2 withdrawals. Mr. Mackey has that as well.

3 MR. MACKEY: Exhibit B before you has the
4 names of three candidates, John Lively for Columbus
5 City Council; Beryl Anderson, Gahanna City Council,
6 Ward 4; and Robert Ragland, Southwestern City School
7 District Member of the Board who have indicated to us
8 by letter that they wish to withdraw their
9 candidacies.

10 MEMBER MARINELLO: Mr. Chairman, I move
11 that the Board accept the withdrawals of the
12 candidacy listed in Exhibit B and that these
13 candidates' names will not appear on the November 5,
14 2013, General Election ballot.

15 DIRECTOR ANTHONY: Is there a second?

16 MEMBER MANIFOLD: Second.

17 DIRECTOR ANTHONY: All those in favor.

18 That motion carries.

19 The next item on the agenda is
20 certification of replacement candidate for Columbus
21 City Council.

22 Mr. Mackey.

23 MR. MACKEY: Next item it doesn't have an
24 exhibit but is stapled together there, three pages

1 including a withdrawal of Candidate Lively, the
2 indication by the three members of the nominating
3 committee on the Lively petition, and then the third
4 page is the acceptance of the recommendation of the
5 nominating committee for Mr. Schneider to replace
6 Mr. Lively on the ballot at the General Election for
7 Columbus City Council.

8 DEPUTY DIRECTOR WALCH: Just so the
9 members of the Board know, we checked this with our
10 legal counsel, the County Prosecutor, who in turn
11 checked with the City Attorney's Office. Both the
12 City Attorney and the County Prosecutor were in
13 agreement that this all met state law and the charter
14 of the City of Columbus and did recommend to us they
15 believe it was all in order.

16 MEMBER MANIFOLD: Mr. Chairman, I move
17 that the Board accept the Certificate of Choice by
18 Committee to Fill Vacancy Nomination Form filed on
19 August 19, 2013, nominating Nicholas Schneider as a
20 candidate for Columbus City Council on November 5,
21 2013, General Election ballot.

22 DIRECTOR ANTHONY: Is there a second?

23 MEMBER MARINELLO: Second.

24 DIRECTOR ANTHONY: All those in favor.

1 Motion carries.

2 The next item on the agenda is
3 certification of James Wynkoop.

4 Mr. Mackey.

5 MR. MACKEY: Mr. Wynkoop's petition was
6 originally found insufficient as he had only 31 of 32
7 required valid signatures. Upon learning this
8 Mr. Wynkoop reviewed his petition and spoke with one
9 of the signatories on his petition who contacted us
10 to find out why we had him registered at the wrong
11 address.

12 Upon our investigation of their voter
13 registration record we found we incorrectly changed
14 their address back to a previous address based on
15 information obtained from the BMV download from the
16 Secretary of State. So once we corrected that
17 inaccuracy, that signature should have been valid and
18 his petition is now valid. Staff recommends
19 certifying his candidacy as valid.

20 MEMBER MARINELLO: He was only one
21 signature away?

22 MR. MACKEY: He was one signature.

23 MEMBER MANIFOLD: There's no paperwork
24 with this one?

1 MR. MACKEY: No.

2 MEMBER MARINELLO: I move that the Board
3 certify James Wynkoop as a candidate for Canal
4 Winchester City Council for the November 5, 2013,
5 General Election.

6 CHAIRMAN SINNOTT: Second.

7 DIRECTOR ANTHONY: All those in favor say
8 aye.

9 That motion carries.

10 Now, we have candidate appeals.

11 Mr. Mackey, do you want to walk us
12 through?

13 MR. MACKEY: I've included for you a
14 synopsis of some of the legal matters we'll be
15 reviewing with the appeals today including the
16 statement for candidacy not being signed, circulator
17 statements being incomplete, or the legal mark of the
18 registered elector so you'll have those handy as we
19 hear the appeals.

20 DEPUTY DIRECTOR WALCH: The first one we
21 want to bring to your attention is John Harris who is
22 a candidate for Clinton Township Trustee.

23 Is Mr. Harris here today?

24 MR. HARRIS: Yes.

1 DEPUTY DIRECTOR WALCH: Mr. Harris, would
2 you come on up to the podium real quick, if you
3 could.

4 Mr. Chairman.

5 CHAIRMAN SINNOTT: Pardon me, Mr. Harris.
6 Before we hear from you what is the -- what is the
7 problem in the staff's estimation of Mr. Harris's
8 petition?

9 MR. MACKEY: Mr. Harris had two of his
10 four part petitions that the circulator statement was
11 incomplete and attached those for your review there.
12 The number of signatures witnessed was not filled in
13 so we did not count any of the signatures on those
14 two part petitions which left him short of the
15 required number of valid signatures. He had 13 of
16 25.

17 CHAIRMAN SINNOTT: So these two part
18 petitions did not have a complete circulator
19 statement, in particular the circulator didn't show
20 the number of signatures being submitted.

21 MR. MACKEY: Correct.

22 DEPUTY DIRECTOR WALCH: As you can see in
23 what Jeff provided on the pertinent legal items,
24 Revised Code 3501.38(A)(1) specifically does state

1 that the number of signatures contained within that
2 part petition must appear.

3 CHAIRMAN SINNOTT: Mr. Harris, you heard
4 the concern about your petition.

5 MR. HARRIS: Yes, I did. What happened
6 is when I filed the petitions, I didn't -- I
7 purposely left those blank until I talked to the --
8 talked to the lady at the counter to see whether --
9 because there was a couple of them that I wasn't sure
10 about to see whether I should include them in the
11 total count. So it was blank when I approached the
12 counter.

13 Before I was finished I was given this
14 receipt which stated I had 51 signatures. When I saw
15 that, I quite frankly forgot about the other and
16 moved on. But this says I have 51 signatures on four
17 part petitions.

18 CHAIRMAN SINNOTT: How many part
19 petitions did you file?

20 MR. HARRIS: Four. Two of them had the
21 work complete, and two I brought -- I don't know if
22 you have the exhibit with you, but I brought an
23 exhibit of one with me that shows exactly what --
24 what happened and what do --

1 DIRECTOR ANTHONY: You can approach.

2 CHAIRMAN SINNOTT: We have it,
3 Mr. Harris. Thank you.

4 MEMBER MARINELLO: Including the number
5 of signatures that he witnessed is -- even if you had
6 one questionable, you witnessed the questionable one.

7 MR. HARRIS: I witnessed them all, yes.

8 MEMBER MARINELLO: And that's what
9 that --

10 MR. HARRIS: I didn't intentionally leave
11 it blank, you know, to cause any confusion. It was a
12 question that I had before I turned it in, and quite
13 frankly, like I said, when I saw the receipt for the
14 petition, it said 51, I forgot all about it.

15 CHAIRMAN SINNOTT: Any other questions
16 for Mr. Harris?

17 MEMBER MANIFOLD: I don't think I have
18 any.

19 MEMBER MARINELLO: No.

20 MEMBER MANIFOLD: Unfortunately we see
21 this all the time. You have got to fill it all the
22 way out, and we're constrained on what we can and
23 can't accept. It's unfortunate. I know the Chair --
24 the Chairman that's missing today always talks about

1 an instance where he had this happen to him so and
2 it's unfortunate.

3 MR. HARRIS: Okay. Is that it?

4 CHAIRMAN SINNOTT: Would the record be
5 more complete if we acted individually on each of
6 these, or would it be sufficient for a Board member
7 to move the granting of the appeal only in the event
8 that the Board member wished to propose that?

9 DEPUTY DIRECTOR WALCH: Mr. Harris has
10 already been denied certification to the ballot by
11 this Board at our previous meeting due to this issue.
12 If the Board -- I think the way we have handled this
13 before, Bill, correct me if I am wrong, if the
14 members of the Board do not feel they can grant his
15 appeal, there's no real action the Board we feel has
16 to take.

17 Certainly you can make a motion if you
18 would like to, whichever way you want to go. The
19 only way we felt there was a need to do a motion is
20 if you did want to grant his appeal and certify him
21 to the ballot.

22 CHAIRMAN SINNOTT: Okay. That's helpful.

23 Mr. Harris, I think that will be all from
24 you right now. We have a few to work through.

1 MR. HARRIS: Okay.

2 CHAIRMAN SINNOTT: Let's move on to the
3 next one.

4 MR. HARRIS: Okay.

5 CHAIRMAN SINNOTT: Thank you.

6 MR. HARRIS: Thanks.

7 DEPUTY DIRECTOR WALCH: The next one is
8 Dewitt Harrell and this is for Gahanna Jefferson City
9 School District.

10 Is Mr. Harrell with us?

11 MR. HARRIS: Yes.

12 DEPUTY DIRECTOR WALCH: Would you come on
13 up to the podium for us.

14 DIRECTOR ANTHONY: We should have all the
15 witnesses state their names for the record.

16 MR. HARRIS: Dewitt Harrell, 1157 North
17 Creekway Court, Gahanna, Ohio, Gahanna Jefferson
18 School Board.

19 DEPUTY DIRECTOR WALCH: And, Jeff, if I
20 am reading your notes correctly, this is the sort of
21 same issue -- no, it's not. I'm sorry. Go ahead,
22 Jeff. Why don't you take it so I don't mess it up.

23 MR. MACKEY: Mr. Harrell did have a
24 different issue in that two of his part petitions

1 Candidate Mr. Harrell failed to sign the declaration
2 of candidacy on the front so we were not able to
3 validate signatures off of those two part petitions
4 which left him short valid signatures. He had 69 of
5 75 of the remaining part petitions which were
6 complete.

7 CHAIRMAN SINNOTT: Mr. Harrell, do you
8 understand the issue?

9 MR. HARRELL: I do. Thank you,
10 Mr. Chair, and thank you, Jeff, for that summary.

11 I do have a similar situation as the
12 previous candidate. However, two of my six forms I
13 failed to sign as a candidate, but I did sign those
14 two as a circulator of those signatures where I did
15 invest the time to go out and meet with lots of folks
16 in my neighborhood community and create relationships
17 with them.

18 Where I failed was signing the two blank
19 spaces as a candidate and just failed -- I too did
20 get a receipt of 105 and I only needed 75 so I too
21 thought I was in good shape. I just turned in forms
22 for review. Talk about an intimidating process to
23 somebody who is new to the process. I did take over
24 the vacated seat by Heather Bishoff in Gahanna. She

1 went off to State Rep -- as State Representative. I
2 interviewed with two other candidates and found my
3 way on the Gahanna School Board. I want to be on it
4 so.

5 But my signature on -- is on two of
6 those -- is on that form, just not in the space where
7 it needs to be. The other opportunity was I think I
8 had 10 or 12 folks' signatures who were invalid and
9 for a host of different reasons and at least one of
10 those signatures did not -- could not be recognized.
11 With that correction I'm five short.

12 I had three college kids who handwrote
13 their names in as opposed to signing it, and then I
14 would be two short. And then one young lady moved on
15 my block, she did not put her new -- her old address,
16 and she put her new address in so she is a bona fide
17 voter in Ward 1, but she moved over to a different
18 ward so she would be able to vote.

19 See how close I am? So I thought it was
20 worth the time to come in to request your
21 consideration to allow me to be on the November
22 ballot.

23 CHAIRMAN SINNOTT: Thank you,
24 Mr. Harrell. Are there any questions from the Board?

1 MEMBER MARINELLO: No.

2 CHAIRMAN SINNOTT: I believe that it is a
3 statutory requirement that the candidacy statement be
4 signed by the candidate?

5 MS. PATTON: That is correct, yes.

6 DEPUTY DIRECTOR WALCH: 3515.09.

7 CHAIRMAN SINNOTT: Let's now visit the
8 matter of Linda Jarrett.

9 DEPUTY DIRECTOR WALCH: For the record
10 would you state your name and address for the record.

11 CHAIRMAN SINNOTT: I'm sorry, before we
12 hear from Ms. Jarrett would you summarize the
13 issue --

14 MR. MACKEY: Certainly.

15 CHAIRMAN SINNOTT: -- having to do with
16 her candidacy?

17 MR. MACKEY: Ms. Jarrett's petition, I've
18 included all three pages that we received, there is
19 one front -- we would call the front part petition
20 and two reflecting the backsides where she collected
21 signatures. The issue here is on neither backside
22 was the number of signatures witnessed or filling out
23 the circulator statement.

24 CHAIRMAN SINNOTT: This looks to be the

1 same substantive issue as is with Mr. Harris's.

2 MR. MACKEY: Correct.

3 CHAIRMAN SINNOTT: Very good.

4 Ms. Jarrett.

5 MS. JARRETT: Do you have the letter I
6 wrote because I kind of summarized everything I did?
7 Having used the computer to obtain my petition, I
8 printed it out and found that they had a front and
9 back page. Next, there was a two-sided thing but it
10 printed out just two pages. Since I realized that I
11 needed 25 signatures I actually went ahead and
12 printed the second page out or a copy of it at home,
13 and then I took my candidacy page, my first page, and
14 my declaration page, I should say, and took that and
15 the two second pages and I got -- had all the
16 signatures signed, and then I went ahead and signed
17 them.

18 I did not fill in the numbers on each
19 page which was the two second pages, and I didn't do
20 that because I thought they had to be verified. And
21 then so I didn't go ahead and fill that in thinking
22 that they were already listed by number and they were
23 all good signatures and I was the only one that had
24 taken all of those and so I signed everything else so

1 the only thing I did not do is I did not have a
2 second first page and I did not put in the numbers on
3 each page so.

4 And I am a trustee, and so four years ago
5 I filled this out perfectly, but I don't know what
6 happened. I mean, I just -- it didn't make sense to
7 me to have to do it -- to print that again, but I did
8 it on the computer. I'm not the sharpest pencil in
9 the box, I guess, I don't know on that, but when it
10 comes to computers so. That's kind of where I am.

11 CHAIRMAN SINNOTT: Do either counsel or
12 staff, what is the statute that requires circulator
13 statements be completed as to the number of
14 signatures tendered?

15 DEPUTY DIRECTOR WALCH: It's
16 3501.38(E)(1). The substantive -- substantive part
17 it's on each petition the circulator shall indicate
18 the number of signatures contained on it, shall sign
19 a statement, et cetera, et cetera. That's the
20 pertinent part to it.

21 CHAIRMAN SINNOTT: Any questions for
22 Ms. Jarrett?

23 MEMBER MARINELLO: No.

24 CHAIRMAN SINNOTT: Thank you,

1 Ms. Jarrett.

2 Let's turn now to the matter of Rose
3 Larkins and if we can begin with the presentation
4 from the staff as to what is the issue here.

5 MR. MACKEY: Ms. Larkins submitted a
6 single part petition. She did not, again similar
7 issue, did not fill in the number of signatures
8 witnessed on her part petition thereby we were not
9 able to validate any signatures on the petition.

10 CHAIRMAN SINNOTT: Ms. Larkins, are you
11 present? Okay.

12 DEPUTY DIRECTOR WALCH: Mr. Chairman,
13 following that same Code cite in the previous case.

14 CHAIRMAN SINNOTT: Very good.

15 Now, let's turn to the matter of Brian
16 Seitz. Is Mr. Seitz present?

17 Mr. Mackey, would you tell us what the
18 issue -- oh, there is Mr. Seitz. How are you, sir?
19 Give you a chance to speak in just a moment.

20 MR. MACKEY: Mr. Seitz initially after
21 validating all the signatures on his petition found
22 him to be two short, 48 out of 50. When he came in
23 to gather information for his appeal, he brought his
24 wife with him, and we were able to determine that we

1 had received a confirmation card from her correcting
2 her address to her current residence address. That
3 confirmation card came in the day the petition was
4 filed but was not keyed until a week and a half later
5 during the petition validation process and have her
6 registered at the correct address so we did validate
7 that one.

8 CHAIRMAN SINNOTT: I didn't mean to
9 interrupt. So I understand she filed an updated
10 address form on the same day the petition was filed.

11 MR. MACKEY: That's correct.

12 CHAIRMAN SINNOTT: And when they were
13 originally reviewing the petition, the updated
14 address information wasn't caught.

15 MR. MACKEY: It had not been inputted
16 into the computer system.

17 CHAIRMAN SINNOTT: Okay. And that would
18 have been the 49 valid.

19 MR. MACKEY: 49 valid signatures which we
20 recommend including in his total. He has presented
21 some documentation for you to review for two of the
22 remaining signatures that we invalidated as printed
23 signatures. And he has also included some
24 information on a registered -- or a resident of

1 Franklin County who contends that she is registered,
2 but we have no registration, however.

3 CHAIRMAN SINNOTT: Okay. Well, let's
4 hear from Mr. Seitz then.

5 MR. SEITZ: Thank you very much. I'm
6 Brian Seitz. I live at 414 East South Street,
7 Worthington, Ohio, and thankfully my wife is
8 registered to vote at our address. The -- as
9 Mr. Mackey stated, I'm 1 vote short of the required
10 50 votes so what I did is we went out and got some
11 signed affidavits from some neighbors who had
12 specifically asked me how they were supposed to sign
13 the petition, and I told them to sign it how they are
14 currently signing all their legal documents, business
15 matters so there are -- there were -- there are three
16 printed signatures on that one petition.

17 Unfortunately Mr. Forest had left
18 Saturday morning for London so I was unable to get
19 his affidavit signed, but his wife Maureen and then
20 their neighbor Suzanne Guy signed the affidavit
21 saying that the signature they provided on the
22 petition was their legal mark.

23 MR. MACKEY: I've included for your
24 review there on the back page a copy of the signature

1 that is on the petition, a copy of the signature as
2 we have it registered, and then Mr. Seitz has
3 provided two affidavits, signatures of the voters in
4 question.

5 CHAIRMAN SINNOTT: Okay. With
6 Ms. Kralian, she is one of the affiants.

7 MEMBER MARINELLO: Well --

8 MR. SEITZ: I'll say I personally don't
9 know Ms. Kralian. She was a signature that we got
10 from my mother-in-law who incidentally signed her own
11 petition which invalidated her, but we don't know
12 Joanna. She had told us that she had registered at
13 that address, was willing to sign the affidavit. We
14 submitted it. Quite honestly you guys keep better
15 records of that than I do.

16 CHAIRMAN SINNOTT: I understand. So
17 Ms. Kralian thinks that she is registered to vote in
18 Franklin County, but we were unable to locate her
19 registration; is that correct?

20 DEPUTY DIRECTOR WALCH: That's correct.

21 CHAIRMAN SINNOTT: Then with respect to
22 Ms. Guy, she has -- she has a cursive signature on
23 file with the Board, but she used a printing of her
24 name as her signature on the petition, correct?

1 DEPUTY DIRECTOR WALCH: That's correct.

2 CHAIRMAN SINNOTT: The same would be true
3 for Maureen Force.

4 DEPUTY DIRECTOR WALCH: That's correct.
5 The -- if I may, Mr. Chairman, the directive that we
6 follow on this is 2011-17 from the Secretary of
7 State's Office. I did follow up with the Secretary
8 of State's Office this morning, and they do admonish
9 Boards of Elections that they still hold this
10 directive. It still is in force, and it does
11 specifically say on -- in this directive that a
12 printed signature alone with no cursive signature is
13 allowed only if the elector's signature on file with
14 the Board is also printed.

15 And that related to Revised Code
16 3501.011, 3501.38, and 3519.10. So that is why staff
17 invalidated those -- those signatories from the
18 process.

19 CHAIRMAN SINNOTT: Were there any
20 questions of the Board members of Mr. Seitz?

21 MEMBER MANIFOLD: So close. So close. I
22 think it looks like -- it appears like one of the
23 voters like half signed their name and then half
24 printed their name. Very interesting what people do

1 when they are signing their signature.

2 CHAIRMAN SINNOTT: Thank you, Mr. Seitz.
3 I think we understand.

4 I will now ask if there is a Board member
5 who wishes to make a motion accepting any of the
6 appeals that have been heard this afternoon.

7 Hearing none we are now prepared for the
8 next matter of business.

9 DIRECTOR ANTHONY: The next item on the
10 agenda is the protest of a candidate. And Mr. Mackey
11 will walk us through that.

12 MR. MACKEY: Sharon Bierman, a citizen of
13 Minerva Park, has protested the certification of
14 Candidate Russell Dobbins on the basis that his
15 statement of candidacy was not signed prior to
16 circulating the petition -- well, at least gathering
17 most of the signatures on his petition except for the
18 last two.

19 I've already discussed the statement of
20 candidacy should be signed prior to circulating the
21 partition. You see the first I think 1, 2, 3, 4, 5,
22 6, 7, 8, 9, 10, 11, 12, 13 lines of the petition
23 signatures were added to it prior to the date that is
24 indicated in the declaration of candidacy and that he

1 signed it.

2 DEPUTY DIRECTOR WALCH: Mr. Chairman, we
3 do have with us -- I see Ms. Bierman who filed the
4 protest is up at the podium.

5 CHAIRMAN SINNOTT: She is there, yes, and
6 we will hear from her when we are ready.

7 DEPUTY DIRECTOR WALCH: There you go.

8 CHAIRMAN SINNOTT: Okay. So we have the
9 statement of candidacy being dated August 2. Most of
10 the signatures collected show signatures prior to
11 that date.

12 DEPUTY DIRECTOR WALCH: That's correct,
13 Mr. Chairman.

14 CHAIRMAN SINNOTT: We're told in Section
15 3513.09 that a statement of candidacy must be signed
16 by the perspective candidate before the signatures of
17 electors are placed on it. However, there is no
18 statutory requirement that the candidate's signature
19 be dated.

20 DEPUTY DIRECTOR WALCH: That is correct.
21 That is the advice we have received from the
22 Secretary of State's Office and previously from
23 counsel.

24 CHAIRMAN SINNOTT: But in this instance

1 it is, in fact, dated. I understand.

2 MEMBER MARINELLO: That sounds familiar.
3 I think we have been through this before.

4 CHAIRMAN SINNOTT: Ms. Bierman, please.

5 MS. BIERMAN: Sharon Bierman, S-H-A-R-O-N
6 B-I-E-R-M-A-N, I'm with the Village of Minerva Park,
7 and I thank you for letting me speak again. I've
8 appeared before this Board previously as a council
9 member for the Village of Minerva Park for in excess
10 of nine years.

11 I recognize the importance of getting the
12 ballot right and ensuring a fair and honest election.
13 On August 14, I e-mailed to Mr. Mackey that I had --
14 had reviewed the seven petitions for candidate of
15 Village Councilperson in Minerva Park, and I noted
16 that probably six would make it to the ballot because
17 I did note the deficiencies of the Russell Dobbins'
18 petition.

19 My surprise on the morning of August 20
20 after he was certified led me to call and speak with
21 this office again, and it was stated to me at the
22 time that that must have been overlooked.

23 I am not here to advocate that anyone be
24 put off of this ballot simply because of an oversight

1 on their part. I am here to advocate that this
2 election be fair and honest and equitable to all the
3 other candidates who met the standard. Mr. Dobbins
4 did not, as the top of his petition stated, fill in,
5 sign, and date his statement of candidacy before the
6 petitions were circulated. He instead dated his
7 petition after all of the signatures had been
8 collected. That was August 2.

9 According to the decisions made by this
10 Board previously and according to decisions made for
11 other candidates who have had a similar deficiency,
12 that leaves him with not 13 valid signatures but only
13 2. And I would petition this Board to correct its
14 error in certifying him for the November ballot and
15 revoke the certification because of his failure to
16 meet the minimum standard.

17 CHAIRMAN SINNOTT: Any questions for
18 Ms. Bierman?

19 Ms. Bierman, thank you very much.

20 MS. BIERMAN: Thank you and I do have a
21 couple of other folks here in this audience who have
22 not spoken, but they are from Minerva Park as well
23 and they are going to be on the ballot and I think
24 it's -- it shows the support to have a correct ballot

1 to begin with going into this November election. So
2 I appreciate their presence.

3 CHAIRMAN SINNOTT: Very well. We heard
4 from the protestor. Is the candidate here?

5 Ms. Bierman, thank you very much.

6 MS. BIERMAN: Thank you.

7 MEMBER MARINELLO: Jeff, I have a
8 question. Even though there is no date required, is
9 this something you checked before you checked the
10 petitions?

11 MR. MACKEY: It is something we should
12 check for when reviewing the petitions. Had we
13 caught it prior to certification, we likely would not
14 have recommended this petition for certification.

15 DEPUTY DIRECTOR WALCH: Just so that
16 Mr. Dobbins was alerted that his candidacy was being
17 challenged and was invited to be here today, but I
18 have not heard or seen him come up per your request,
19 Mr. Chairman, and I did want you to know he was
20 notified his candidacy had been protested and so.

21 CHAIRMAN SINNOTT: Very well. Is there a
22 motion from a member of the Board?

23 MEMBER MANIFOLD: Mr. Chairman, I move
24 that the Board approve the protest filed by Sharon

1 Bierman against the candidacy of Mr. Dobbins for
2 Minerva Park Village Council and Mr. Dobbins' name
3 should not appear on the November 5, 2013, General
4 Election ballot.

5 DIRECTOR ANTHONY: Is there a second?

6 MEMBER MARINELLO: Second.

7 DIRECTOR ANTHONY: All those in favor.

8 The motion carries.

9 The next item on the agenda is voter
10 registration challenge -- a number of challenges.

11 Mr. Mackey.

12 DEPUTY DIRECTOR WALCH: If it's okay with
13 you, I will go ahead and take this one. The first
14 one in your packet that we'll deal with is a new
15 challenge that was filed, I am holding it up for you.
16 It's an individual one that is included in your
17 packet. Mr. Chairman, I believe it might be what you
18 are looking at there. That one.

19 It is a challenge filed by Juanita
20 Shepard challenging the right to vote of Brenda
21 McFarland on the basis that Ms. Shepard is claiming
22 that she does live at 2370 Crimsonberry Lane in Grove
23 City.

24 We have checked that out. She has been a

1 registered voter since 2005 or 2006, I believe. The
2 registration of Ms. McFarland did come through a
3 Bureau of Motor Vehicles update. We have reached out
4 to her and have heard nothing back. I don't know if
5 Ms. Shepard or Ms. McFarland are here today with us
6 at all. I don't believe so.

7 We sent notice out to Ms. McFarland that
8 her right -- this challenge had been filed with us.
9 We heard nothing back from her. The recommendation
10 of the Board, we did check this out. This is a legal
11 residence. Ms. Shepard is registered to vote there
12 and has been for some time. Does appear to be a
13 single person dwelling. It's some homes in the Grove
14 City area.

15 And Ms. Shepard is claiming Ms. McFarland
16 does not live there. We've tried to put the pieces
17 together on this. We believe that perhaps through
18 the BMV update, Ms. McFarland perhaps -- or actually,
19 I'm sorry, I don't believe it was through a BMV but
20 SOS change of address, I apologize for that, made the
21 entanglement.

22 And so we've sent out notice to her.
23 We've heard nothing back. The suggestion -- the
24 recommendation of staff is that we not remove

1 Ms. McFarland from the list but that we put her in
2 what we call an inactive-other status in our voter
3 registration system which would flag her in poll
4 books and would require that she, if she does come to
5 vote, show identification when she comes to vote and
6 cast a provisional ballot so we can figure out where
7 she is supposed to be.

8 The problem we have with some of these
9 that do come through, for example, with the SOS
10 change in address which is a great idea, it's a
11 wonderful thing, it's helped us out tremendously, but
12 if the person does put -- you know, in this case
13 maybe they meant to put 2307 instead of 2370 or
14 something along those lines, it's hard for us then to
15 track the person down.

16 The last known registration she had was
17 in another county. We did merge her record from the
18 other county into Franklin County. And then it
19 showed up, and we sent a confirmation card. I think
20 that's when Ms. Shepard got it and said there's
21 nobody by that name that lives here. We do have
22 trouble tracking people down. That's why our
23 recommendation is not to remove Ms. McFarland from
24 the list because she very well may be a qualified

1 elector here in Franklin County, but we do have -- we
2 are suspect of the 2370 Crimsonberry Lane address in
3 Grove City.

4 CHAIRMAN SINNOTT: Do we know why we
5 thought that she lived at 2370 Crimsonberry Lane?

6 DEPUTY DIRECTOR WALCH: It came through
7 an update on our voter registration system. Julie or
8 Beth, I believe it was through the SOS system.

9 MS. KYLE: Correct.

10 DEPUTY DIRECTOR WALCH: We take that
11 information and compare it with the records we
12 currently have. In this case it was a record from
13 Pickaway County.

14 MS. KYLE: I believe it was.

15 DEPUTY DIRECTOR WALCH: We take those
16 files and merge it together with the database.

17 CHAIRMAN SINNOTT: We have nothing but an
18 electronic report.

19 MS. KYLE: Correct.

20 DEPUTY DIRECTOR WALCH: That is correct,
21 Mr. Chairman.

22 CHAIRMAN SINNOTT: There is no document
23 we can look at submitted to this Board saying I
24 reside at 2370 Crimsonberry Lane, Grove City?

1 MS. KYLE: There is not.

2 DEPUTY DIRECTOR WALCH: There is not,
3 sir. As I said, we send notice out to the address.
4 We have the address 2370 Crimsonberry Lane. We don't
5 know for sure, but, you know, chances are she's not
6 there. You know, we are sending it to an address
7 that she is really not at which led to the challenge
8 in the first place.

9 CHAIRMAN SINNOTT: I'm completely
10 convinced she doesn't live at 2370 Crimsonberry Lane.

11 MEMBER MARINELLO: Well, in that case I
12 move that the Board place the voter registration of
13 Brenda McFarland, purportedly of 2370 Crimsonberry
14 Lane, Grove City, Ohio, in an inactive-other status
15 in our voter registration system.

16 DIRECTOR ANTHONY: Is there a second?

17 MEMBER MANIFOLD: Second.

18 DIRECTOR ANTHONY: All those in favor.

19 The motion carries. The next item
20 challenge 2.

21 DEPUTY DIRECTOR WALCH: These were a
22 continuation of the measure that we tabled at our
23 last meeting. This dealt with a challenges brought
24 forward by Ms. Carol Bicking of some addresses here

1 in Franklin County that were identified as storage
2 facilities.

3 Mr. Chairman, you had asked about the
4 legality of actually somebody living in a storage and
5 if there was a specific prohibition on that. I have
6 done some additional research on this issue. Go
7 ahead, Mr. Chairman. Go ahead.

8 CHAIRMAN SINNOTT: It wasn't exactly the
9 concern. It was we were working from the premise
10 that no person could ever reside at a building that
11 was zoned commercial. And that didn't seem to be in
12 accord with commonsense, and so I said, well, why do
13 we have to make that presumption.

14 DEPUTY DIRECTOR WALCH: Thank you,
15 Mr. Chairman. That is -- that is a more accurate
16 summation of our discussion, thank you. I apologize
17 for that.

18 We did -- it was alleged in this
19 challenge that there was -- that the person making
20 the challenge had visited these sites and had talked
21 to people there to say there is no resident manager,
22 things of that sort. While we have no reason not to
23 believe that, we can't necessarily trust that so we
24 did send somebody out from the Board of Elections'

1 staff to these four locations, did confirm with
2 employees at these locations that there is no
3 resident manager of any sort that resides at the
4 location.

5 And you're right, Mr. Chairman, the idea
6 that it is zoned as other commercial does not mean
7 itself prohibits somebody from living there. I did
8 though take the -- take it a step further though. I
9 did talk to the head of zoning with the City of
10 Columbus. It would be illegal by ordinance of the
11 City of Columbus for somebody to actually reside in
12 one of the storage units.

13 Frankly, we never dealt with that issue
14 before. Neither had the Secretary of State's Office
15 as I found upon further conversation. So I did talk
16 to the head of zoning for the City of Columbus who
17 did confirm for me it would be illegal for somebody
18 to reside in a storage unit at one of these places.
19 We did find out there is no resident manager at any
20 of them.

21 Mr. Miesse and Ms. Marshall both have
22 voted from the address that they have listed.
23 Mr. Miesse, we did check, does have another address
24 that he uses, a residential address that he does use

1 per the BMV. We had his driver's license number. We
2 did check that with BMV. There is a residence
3 address. I believe it's up on Karl Road. And
4 Mr. Kessinger also had an alternate address, Alta
5 View Boulevard address, that he is using for BMV.
6 Ms. Marshall, Ms. Caudy both do have driver's
7 licenses registered at those addresses that are
8 listed here.

9 We have communicated that with the BMV
10 who has confirmed for us you are not permitted to do
11 that. So that's a BMV issue for their driver's
12 license, but they did have those addresses down as
13 their -- as their address for driver's license
14 purposes also.

15 Mr. Miesse and Ms. Marshall have voted
16 from the address that you have listed in front of
17 you. Ms. Caudy and Mr. Kessinger have not.

18 Our recommendation remains the same as
19 was made at the last meeting, is to place Mr. Miesse
20 and Ms. Marshall in inactive voter status, restrict
21 the address, and send them a letter requesting a
22 residential address. If they do not comply with that
23 after a period of time, we would then cancel those
24 registrations because they are not at a lawful

1 address for voting purposes. Ms. Caudy and
2 Mr. Kessinger, we would put them in a pending status
3 because they have not voted, try to make
4 communication with them again to get a residential
5 address. And, again, if they did not respond, we
6 would do the same thing and remove that address. And
7 those recommendations are listed out for you in
8 Exhibit C.

9 CHAIRMAN SINNOTT: All four of these
10 persons were sent a letter asking them to come
11 forward to the Board and explain themselves, and they
12 haven't done that.

13 DEPUTY DIRECTOR WALCH: That is correct,
14 Mr. Chairman.

15 MEMBER MARINELLO: Mr. Chairman, I move
16 that the Board place the voter registration of
17 Kenneth Miesse in inactive voter status and Lashaun
18 V. Marshall in inactive voter status and the Board
19 place the voter registration of Jessica Caudy in
20 pending status as well as Gary Kessinger in pending
21 status.

22 DIRECTOR ANTHONY: Is there a second?

23 MEMBER MANIFOLD: Second.

24 DIRECTOR ANTHONY: All those in favor.

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Motion carries.

That's all I have for this Board meeting.

Is there a motion to adjourn?

MEMBER MARINELLO: So moved.

MEMBER MANIFOLD: Second.

DIRECTOR ANTHONY: All those in favor.

The Board stands adjourned.

(Thereupon, the meeting was adjourned at
4:03 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 Tuesday, September 3, 2013, and carefully compared with my original stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5750)

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