

BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
: Special Meeting. :
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PROCEEDINGS

before Chairman Douglas J. Preisse, Director William A. Anthony, Jr., Deputy Director Dana Walch, and Board Members Gregory K. Haas, Bradley K. Sinnott, and Kimberly E. Marinello, at the Franklin County Board of Elections, 280 East Broad Street, Columbus, Ohio, called at 2 p.m. on Thursday, March 6, 2014.

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APPEARANCES:

Franklin County Prosecutor's Office
By Mr. Harold J. Anderson, III,
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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Thursday Afternoon Session,
March 6, 2014.

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DIRECTOR ANTHONY: Good afternoon. I would like to call the Franklin County Board of Elections meeting to order.

I will do roll-call. Kimberly Marinara.

MEMBER MARINELLO: Here.

DIRECTOR ANTHONY: I mean Kim Marinello.

MEMBER MARINELLO: Marinara.

DEPUTY DIRECTOR WALCH: We all love your sauce, okay?

DIRECTOR ANTHONY: Good morning, everyone. I would like to call the Franklin County Board of Elections meeting to order.

Kimberly Marinello.

MEMBER MARINELLO: Here.

DIRECTOR ANTHONY: Gregory Haas.

MEMBER HAAS: Haas of pepper.

DIRECTOR ANTHONY: Doug Preisse.

CHAIRMAN PREISSE: Here. And Bradley Sinnott.

MEMBER SINNOTT: Yeah.

DIRECTOR ANTHONY: Mr. Chairman, everyone

1 is here.

2 The only item on this special -- on this
3 agenda would be the protest hearing of Chad Monnin,
4 and we do have counsel for both the protestor and the
5 candidate in the audience. And we were directed by
6 the SOS to reconvene to vote on the merits of the
7 protest so that's what we are here for today is to
8 take a look at the merits of the protest.

9 Dana, did you want to add anything?

10 DEPUTY DIRECTOR WALCH: The situation
11 of -- there still is an outstanding tie vote in this
12 matter on whether there is standing to bring the
13 protest. But in the interim, the Secretary did
14 advise us that he wanted us to meet to go over, I
15 don't know the right term for it, the meat of the
16 protest to see what was -- what was in it in the
17 interim, but the issue of standing -- bringing the
18 protest still does stand as a tie vote in this
19 matter. But they wanted to go ahead and have us do
20 the rest of it in the interim.

21 DIRECTOR ANTHONY: So with that,
22 Mr. Chair.

23 CHAIRMAN PREISSE: So -- did you want to
24 comment?

1 MEMBER SINNOTT: We have a position
2 statement from Mr. Monnin here in front of us
3 prepared by his counsel. I recall the protestor
4 having submitted a written memorandum when last we
5 gathered 48 hours ago.

6 DEPUTY DIRECTOR WALCH: Yes.

7 MR. BREY: The protestor did file a brief
8 in the prior 48 hours.

9 DEPUTY DIRECTOR WALCH: I apologize. I
10 will get that for everybody. Just one moment. I
11 will be happy to do that. Sorry about that, sir.
12 You are correct.

13 (Off the record.)

14 CHAIRMAN PREISSE: Now, I think
15 Mr. Sinnott wanted us to have before all of us, Greg
16 already had his materials from the prior meeting, but
17 now the rest of us do, namely, the original materials
18 from Mr. Brey.

19 And so I'll ask maybe our Deputy Director
20 to reiterate the limited purposes for which we are
21 here today having tied on -- this Board having tied
22 on the issue of whether -- whether the protestor had
23 standing, sent that to the Secretary of State who has
24 sent it back to us with our understanding limited

1 challenge responsibility to in his suggestion take a
2 look at actually the signatures and I think what we
3 would call the substance in the matter.

4 Mr. Kafantaris, who is Mr. Kafantaris?

5 MR. KAFANTARIS: Yes.

6 CHAIRMAN PREISSE: That's you. Welcome.
7 Okay.

8 DEPUTY DIRECTOR WALCH: That is a fair
9 summation, Mr. Chairman. All right. Well, we have
10 had some experience in recent hours doing this, and I
11 think what our challenge has been to do is to examine
12 the signatures in question.

13 We'll allow both sides to address the
14 Board, and then the Board may ask questions, if they
15 wish to.

16 MR. BREY: Mr. Chairman, Members of the
17 Board of Elections, my name is Don Brey, and I do
18 represent the protestor in this case. Our case is
19 fairly straightforward. The signatures of the seven
20 individuals on the petitions of Mr. Monnin do not
21 appear to match the signatures on file with the Board
22 of Elections as is required by both Ohio law and the
23 directives of the Secretary of State.

24 We received this afternoon the brief of

1 opposing -- the counsel for Mr. Monnin and attached
2 to that brief apparently there are seven affidavits
3 which we believe in some sense they are hearsay,
4 although we understand from the prior proceeding
5 before the Board it receives affidavits and considers
6 them for what they are worth.

7 The problem with this is when whoever
8 signed the petition -- signed the petitions, they
9 represented that they were the signatures of who they
10 signed, and they said exactly the same thing in these
11 affidavits, but the signatures on the affidavits
12 match the seven signatures on the petitions. And the
13 signatures on the affidavits like the signatures on
14 the petitions do not match the signatures of record
15 with the Board of Elections, so it doesn't really
16 solve the problem since apparently none of those
17 folks are here to testify, "Yes, I am really that
18 person."

19 What we have is we have an unmatching
20 signature -- they are trying to authenticate with an
21 affidavit by presumably the same individual with
22 another unmatching signature. The standard is do the
23 signatures on the petition match the signatures on
24 the Board of Elections. And the Board staff, I'm

1 sure they are hard working, do the best job they can,
2 but sometimes are missed.

3 We believe the seven signatures were
4 missed and that's why we have asked the full Board to
5 look at them themselves and make their own judgment
6 of about whether they match or whether they do not
7 match enough in terms of the declaration of this.

8 Thank you.

9 CHAIRMAN PREISSE: Any questions for
10 Mr. Brey?

11 Thanks, Don.

12 MR. KAFANTARIS: My name is Mark
13 Kafantaris. I am here on behalf of Mr. Monnin. I
14 wasn't here unfortunately on Tuesday where the issue
15 of standing was discussed. It is mentioned in our
16 brief and we do maintain that there is no standing
17 for this protest. It would appear that Mr. Akers is
18 not a member of the Libertarian Party and intends to
19 vote and is doing everything he can to make sure
20 there isn't a Libertarian primary to vote in, so I do
21 question his intent in this proceeding.

22 Nonetheless we are here and we are here
23 to get to the merits of this which are whether these
24 signatures are authentic. What Mr. Akers is asking

1 this Board to do is to question what it has already
2 done. This Board has already determined with its
3 competent staff that these signatures are authentic.
4 We shouldn't second guess what this Board has done.
5 That is the very nature of this Board. That's what
6 this Board does every year, to oversee the electoral
7 process and to make sure that signatures are valid.

8 That is also what is required by the
9 Revised Code. That is their charge and they
10 performed it in this case. They have checked each of
11 these seven signatures. They have given it their
12 voucher. The protestor has with no alleged
13 qualifications simply pulled them himself and looked
14 at them and now alleges that they don't match.

15 We submit that they do. We submit the
16 Board got it right already. Mr. Akers can allege no
17 specific facts other than his own unqualified opinion
18 that they don't match. There's nothing he'll seek
19 and offer to this Board about why there may have been
20 some sort of a fraud perpetrated or some sort of a
21 deceit. He has no facts within his personal
22 knowledge that these signatures are not valid. All
23 they can do is what this Board has already done which
24 is to compare them to the registered signature on

1 file.

2 And he makes a cursory argument that they
3 don't match. Indeed he even provides in his brief to
4 this Board comparative signatures and review of those
5 confirm that, in fact, they do match but there's
6 more. The Revised Code requires, the directives of
7 the Secretary of State in 2011-40 say that the
8 signatures must match, must be compared with the
9 address on the file. Each of these disputed seven
10 signatures has a proper registered address. Five of
11 the seven even printed their name next to it so as to
12 confirm beyond question, beyond any doubt that this
13 is the person that it purports to be.

14 There can be little argument that these
15 signatures are valid, that they are authentic.
16 Nonetheless, Mr. Monnin has gone through the trouble
17 of procuring affidavits from each of the seven
18 signers, electors, confirming that they are who they
19 say they are. The signatures on the affidavits match
20 the signatures on the petitions which match the
21 signatures with the Board of Elections. There again
22 can be little question.

23 We have gone through every burden,
24 unreasonable as it may have been, to confirm that

1 these people are who they say they are, that they
2 intended to vote and that they are eligible to vote.

3 The affidavits are admissible. They are
4 admissible in administrative hearings such as this.
5 That is well established in Ohio law. The case cited
6 by the Protestor Rogers versus Taft is fully
7 distinguishable. That case involved a disputed
8 signature of a person who signed a petition as I
9 believe it was Loretta Sheldon. The registered name
10 on file with the Board of Elections was Loretta
11 Floyd-Sheldon. The signature was rejected on that
12 basis, that the hyphenated name had not been
13 provided.

14 What Ms. Sheldon had done or -- excuse
15 me, what the candidate had done in that case was not
16 to provide an affidavit from Ms. Sheldon confirming
17 that, in fact, she was the one who signed but instead
18 provided her own affidavit that Ms. Sheldon was the
19 person who signed it. Obviously that affidavit is
20 questionable. It offers nothing more than what the
21 candidate can already offer.

22 That isn't what we have got here. We
23 have got affidavits directly from the electors. More
24 important in the Rogers case the affidavit was trying

1 to confirm the activity of a Loretta Floyd-Sheldon,
2 but the affidavit referenced a Mary Sheldon, so it's
3 not surprising that the Supreme Court didn't allow
4 that. That case was also before a court where the
5 Rules of Evidence are in effect. That again is not
6 the case before this hearing.

7 In fact, the very protest that this Board
8 is deciding was nothing other than an affidavit
9 itself. Mr. Akers swore that he believes that these
10 signatures are not authentic. That is the basis for
11 this hearing. He's not here today, and we are
12 proceeding on his affidavit. It makes little sense
13 to reject the affidavits that have been supplied that
14 settle beyond question that these signatures are
15 authentic, and they are who they say they are. We've
16 got matching addresses. We've got printed names.
17 We've got signatures that match what's on file.

18 The candidate submits he has already been
19 qualified. This Board has already certified that.
20 He asks that it not undo its good work by the
21 unverified, unqualified opinion of someone who
22 purports to be a Libertarian candidate.

23 Thank you.

24 CHAIRMAN PREISSE: Thank you. Are there

1 questions for Mr. --

2 MR. KAFANTARIS: Kafantaris.

3 CHAIRMAN PREISSE: -- Kafantaris? I know
4 where your office is. I walk by it all the time.

5 MR. KAFANTARIS: We've seen each other.

6 CHAIRMAN PREISSE: Great street to have
7 an office on.

8 Questions for Mark?

9 Brad, do you have any questions?

10 MEMBER SINNOTT: I do not. Thank you.

11 MR. KAFANTARIS: Thank you.

12 CHAIRMAN PREISSE: Thank you very much.

13 So what we did yesterday was have the benefit of
14 the --

15 MEMBER HAAS: I would like to ask one
16 process question of both the Deputy Director and
17 Director. When we instruct our staff to check these
18 sections -- signatures, do we tell them the
19 signatures need to be exact?

20 DIRECTOR ANTHONY: No, we do not.

21 DEPUTY DIRECTOR WALCH: No, we do not.

22 MEMBER HAAS: What do we instruct them as
23 a clear enough line and how do we instruct them to
24 view those signatures?

1 DIRECTOR ANTHONY: We tell staff that if
2 there's a similar character in the signature that --
3 what we have on file, if the cadence looks like it's
4 the same cadence or if there is like an A similar to
5 an A that we have on file, that we accept the
6 signatures. So we really try to do a liberal
7 interpretation understanding that people's signatures
8 change over -- over time or that we may have an old
9 signature on file.

10 MEMBER HAAS: And you concur with that,
11 Dana?

12 DEPUTY DIRECTOR WALCH: I do concur with
13 that, sir.

14 MEMBER HAAS: And we also when we were
15 talking to our staff, we recognize that the forms are
16 different sizes, that there is -- that there is from
17 time to time perhaps a rushed signature that may look
18 quite different.

19 CHAIRMAN PREISSE: A what signature?

20 MEMBER HAAS: Like a rushed, like a
21 rushed signature and, therefore, it might -- it might
22 vary quite a bit, but to deal with that, we look for
23 specific items within the signature that match; is
24 that a correct interpretation?

1 DEPUTY DIRECTOR WALCH: That's -- that's
2 fair, yes, I believe so, that if there is -- we do
3 recognize and instruct the staff that no two
4 signatures are usually ever the same so we do look
5 for some kind of a common characteristic --

6 MEMBER HAAS: Great. Thank you.

7 DEPUTY DIRECTOR WALCH: -- between two
8 signatures.

9 MEMBER HAAS: Thank you.

10 DIRECTOR ANTHONY: We look for points of
11 congruence, you know.

12 MEMBER HAAS: Points.

13 DIRECTOR ANTHONY: So like I said before,
14 if somebody writes their name and the A or the
15 last -- last letter they do a little squiggly mark
16 and then if that's like the last part of the squiggly
17 mark, we could see what looks like something that the
18 person would do, we would count it.

19 MEMBER HAAS: Okay. Thank you.

20 CHAIRMAN PREISSE: Points of congruence,
21 a term of art or term of law?

22 MR. ANDERSON: That just seemed to be one
23 that would describe it.

24 CHAIRMAN PREISSE: Term of Harold.

1 DEPUTY DIRECTOR WALCH: Term of Harold.

2 CHAIRMAN PREISSE: To probably continue
3 with Greg's line of questioning a little bit, and I
4 think I have got it right, how do we instruct the
5 staff? This is by experience, tradition, new
6 employees working along long-term employees. Do we
7 actually have printed material with which we instruct
8 staff?

9 DIRECTOR ANTHONY: Yes.

10 DEPUTY DIRECTOR WALCH: Yes, we do.

11 CHAIRMAN PREISSE: On these points?

12 DEPUTY DIRECTOR WALCH: Yes, we do.

13 DIRECTOR ANTHONY: And we take staff
14 through a training before we let them do it, and we
15 also have -- petitions are looked at by another set
16 of eyes as well. So if I'm the one doing this, then
17 there would be another set of eyes that takes a look
18 at it. We also if there's a Democrat petition, we
19 allow the opposite party to take a look at those and
20 vice versa. So we try to make it as -- as
21 nonpartisan as possible.

22 MEMBER HAAS: That raises the question
23 who checks the Libertarian petitions?

24 DIRECTOR ANTHONY: It doesn't matter.

1 DEPUTY DIRECTOR WALCH: In our case
2 either party could check in this case a Libertarian
3 Party.

4 MEMBER HAAS: Or a Green Party.

5 DEPUTY DIRECTOR WALCH: Or a Green Party
6 question of the --

7 CHAIRMAN PREISSE: That's a good
8 question. That's a very good question.

9 DIRECTOR ANTHONY: We don't have Green
10 Party staff.

11 MEMBER HAAS: Might be a check and
12 balance in the future recommendation.

13 CHAIRMAN PREISSE: Bipartisan staff.

14 DIRECTOR ANTHONY: And it will get to
15 that. If I am a Democrat and I look at that, then
16 who checks behind me would not be another Democrat.

17 CHAIRMAN PREISSE: Okay. Why don't we
18 agree on the materials we are going to look at
19 simultaneously, the four of us, because we have got a
20 couple of iterations of the same signatures, I think,
21 and then we also have the petition.

22 We have your electronic version of the
23 signatures on file, right?

24 DEPUTY DIRECTOR WALCH: That's correct,

1 that's correct, Mr. Chairman. You have the same
2 packets you had the other day which is at about page
3 5, I think it is, in that package.

4 CHAIRMAN PREISSE: Are you talking about
5 the --

6 DEPUTY DIRECTOR WALCH: The one that is
7 marked "Exhibit" like this --

8 CHAIRMAN PREISSE: Right.

9 DEPUTY DIRECTOR WALCH: -- about the
10 fifth page begins a side-by-side comparison of each
11 of the signatures that was brought by the protestor
12 with -- on the left-hand side of that would be the
13 replication of the signature from the petition and on
14 the right-hand side would be the signature that we
15 have on file that we use to compare to that
16 signature.

17 But we also do, Mr. Chairman, as you
18 stated have the actual copies or actual petitions
19 themselves. If through copying there was any
20 replication question you might have, you have the
21 real thing here also, but I do have the ability to
22 bring up on the computer also the signature that we
23 have on file also.

24 CHAIRMAN PREISSE: Okay. The first one

1 that I am looking at is Courtney Hodges.

2 DEPUTY DIRECTOR WALCH: Yes. The first
3 signature which is on petition 641, line 1 was
4 attributed by staff to Courtney A. Hodges at 6292
5 Hares Ear Drive.

6 MEMBER SINNOTT: The printing of Courtney
7 Hodges that appears on the petition, that has not
8 been placed there by the Board's staff, correct?

9 DEPUTY DIRECTOR WALCH: That is correct.
10 When somebody circulates a petition, oftentimes they
11 will -- if somebody does have a, let's say, tough
12 signature to read, as some of us do, it is
13 permissible by Secretary of State instruction and our
14 folks are told to accept that they are -- the person
15 circulating or the signer of the petition is
16 permitted to also print the name next to it. That
17 helps us at the staff level determine what person it
18 is to look it up, to try to look it up.

19 CHAIRMAN PREISSE: The signator or the
20 person circulating the petition.

21 DEPUTY DIRECTOR WALCH: That is correct.

22 MEMBER HAAS: What was the phrase again,
23 the points?

24 DIRECTOR ANTHONY: Of congruence.

1 MEMBER HAAS: Congruence.

2 DIRECTOR ANTHONY: Or there may be an
3 area in the signature where it's real familiar, it's
4 real close. It may not be the whole signature.

5 MEMBER HAAS: Right.

6 DIRECTOR ANTHONY: It may be a letter.

7 MEMBER HAAS: I point out the letter --
8 the C in both signatures, it drops well below the
9 line at an angle where it comes up to the next letter
10 which is above the line. That to me is, if not
11 identical, very, very close. I also point out that
12 while the loops are a little bit fatter around the Y,
13 they are still both looped but that C to me is a
14 point of congruence.

15 MEMBER MARINELLO: And also the A, you
16 can see where it loops around to make the A and
17 middle loops.

18 MEMBER HAAS: Right.

19 CHAIRMAN PREISSE: Well --

20 MEMBER SINNOTT: I think the closest case
21 is the first matter.

22 MEMBER HAAS: Yeah.

23 CHAIRMAN PREISSE: The closest case.

24 MEMBER SINNOTT: I mean the one where I

1 think could be the most --

2 MEMBER HAAS: Debate.

3 MEMBER SINNOTT: -- most bona fide
4 contention would be on Ms. Hodges' purported
5 signature.

6 CHAIRMAN PREISSE: Has every Board member
7 had enough time to render his or her opinion?

8 MEMBER MARINELLO: I have.

9 MEMBER SINNOTT: Yes.

10 CHAIRMAN PREISSE: Then the question
11 would be, I think -- what is the question? Do we
12 agree these signatures match and, therefore, should
13 be --

14 DIRECTOR ANTHONY: Uphold it.

15 DEPUTY DIRECTOR WALCH: I believe the
16 motion that was made at the last meeting was to
17 either uphold or deny the protest on each individual
18 signature.

19 MR. ANDERSON: Right.

20 DEPUTY DIRECTOR WALCH: So by saying you
21 uphold the protest would be you do not think the
22 signature is valid. By denying the protest would be
23 that you believe the signature is valid.

24 MEMBER HAAS: I would move to deny based

1 upon the point of congruence of the C.

2 CHAIRMAN PREISSE: So, now, the motion is
3 to deny the protest on this signature of Courtney
4 Hodges.

5 DIRECTOR ANTHONY: Is there a second?

6 MEMBER MARINELLO: Second.

7 DIRECTOR ANTHONY: I will do a roll-call
8 vote. Kimberly Marinello.

9 MEMBER MARINELLO: Yes.

10 DIRECTOR ANTHONY: Gregory Haas.

11 MEMBER HAAS: Yes.

12 DIRECTOR ANTHONY: Doug Preisse.

13 CHAIRMAN PREISSE: No.

14 DIRECTOR ANTHONY: And Brad Sinnott.

15 MEMBER SINNOTT: No. They are not the
16 same.

17 DIRECTOR ANTHONY: Tie vote for that one.

18 All right.

19 MEMBER SINNOTT: What is this box that
20 appears on the Board Exhibit on the Lombardi
21 purported signature?

22 DIRECTOR ANTHONY: It may have a colored
23 background or something.

24 MEMBER SINNOTT: No. Somebody has

1 printed on the exhibit a different Janet Lombardi.

2 CHAIRMAN PREISSE: Which are you looking
3 at? You know what, that -- I'm sorry. I was not
4 looking at the Board Exhibit.

5 DEPUTY DIRECTOR WALCH: It's protestor's.

6 MEMBER SINNOTT: Exhibit.

7 DEPUTY DIRECTOR WALCH: That's correct.

8 MEMBER SINNOTT: If no one minds,
9 Mr. Brey, what does that mean?

10 MR. BREY: I believe that you are looking
11 at Janet Lombardi. My understanding is that the
12 first of the two signatures on the left-hand side is
13 the one at the 6889 Chiswick Court address, and the
14 second is the same name but at a different address.
15 The Board itself could probably verify or say that I
16 am wrong about that but that's my understanding.

17 MEMBER SINNOTT: Okay. Thank you.
18 That's enough.

19 CHAIRMAN PREISSE: Shall we move on to
20 Janet Lombardi?

21 DIRECTOR ANTHONY: Yes, sir. Is there a
22 motion?

23 MEMBER MARINELLO: I move to deny the
24 protest of Mr. Akers against Ms. Lombardi.

1 DIRECTOR ANTHONY: Is there a second?

2 CHAIRMAN PREISSE: What was the motion?

3 DIRECTOR ANTHONY: The motion was to deny
4 the protest.

5 MEMBER SINNOTT: Second it.

6 MEMBER MARINELLO: Janet Lombardi's
7 signature.

8 DIRECTOR ANTHONY: For Janet Lombardi's
9 signature. It's been properly moved and seconded.
10 Kimberly Marinello.

11 MEMBER MARINELLO: Yes.

12 DIRECTOR ANTHONY: Greg Haas.

13 MEMBER HAAS: Yes.

14 DIRECTOR ANTHONY: Doug Preisse.

15 CHAIRMAN PREISSE: Yes.

16 DIRECTOR ANTHONY: Brad Sinnott.

17 MEMBER SINNOTT: Yes.

18 CHAIRMAN PREISSE: The next signature I
19 believe in question is Michael Tehan or Tehan.

20 MEMBER HAAS: I don't know why that's in
21 question.

22 DIRECTOR ANTHONY: Is there a motion?

23 MEMBER HAAS: I will make a motion to
24 deny the protest.

1 DIRECTOR ANTHONY: Is there a second?

2 MEMBER MARINELLO: Second.

3 DIRECTOR ANTHONY: Everybody has had
4 sufficient -- there was a motion to deny the protest
5 for Michael Tehan that was properly seconded.

6 MR. ANDERSON: The signature.

7 DIRECTOR ANTHONY: The signature of
8 Michael Tehan.

9 Ready for the vote? Kimberly Marinello.

10 MEMBER MARINELLO: Yes.

11 DIRECTOR ANTHONY: Greg Haas.

12 MEMBER HAAS: Yes.

13 DIRECTOR ANTHONY: Douglas Preisse.

14 CHAIRMAN PREISSE: Yes.

15 DIRECTOR ANTHONY: Brad Sinnott.

16 MEMBER SINNOTT: Yes.

17 DIRECTOR ANTHONY: The next signature is
18 Lance White.

19 CHAIRMAN PREISSE: Okay. Yeah, that's
20 right. Okay. If I could have a moment on this one.
21 Oh, so that's an A.

22 DEPUTY DIRECTOR WALCH: You can look at
23 the actual petition, Mr. Chairman, if you would like.

24 MEMBER HAAS: That might be a good idea.

1 DEPUTY DIRECTOR WALCH: See what that
2 marking is right before the printed margin.

3 CHAIRMAN PREISSE: I think -- yeah. I
4 think it is.

5 MEMBER HAAS: Mr. Chairman, I would offer
6 the points of congruence argument that the C is used
7 to make the line on the E in the first name in both
8 signatures. It's kind of unusual. The H is used in
9 both signatures to connect to the I. And I think in
10 both signatures the E appears to be a Z in both
11 signatures.

12 CHAIRMAN PREISSE: Okay. I would move
13 that the -- can I move as Chairman? I haven't moved.
14 To deny the protest in the issue of the signature of
15 Lance White.

16 DIRECTOR ANTHONY: Is there a second?

17 MEMBER HAAS: Second.

18 CHAIRMAN PREISSE: Roll-call vote. Kim
19 Marinello.

20 MEMBER MARINELLO: Yes.

21 DIRECTOR ANTHONY: Greg Haas.

22 MEMBER HAAS: Yes.

23 DIRECTOR ANTHONY: Douglas Preisse.

24 CHAIRMAN PREISSE: Yes.

1 DIRECTOR ANTHONY: Bradley Sinnott.

2 MEMBER SINNOTT: Yes.

3 DIRECTOR ANTHONY: Did you say "yes"?

4 MEMBER SINNOTT: Yes.

5 CHAIRMAN PREISSE: Next question -- next
6 signature in question is Shane Moran or Shane M.
7 Moran. There appears to be a printed name on the
8 petition again.

9 MEMBER HAAS: I'll make a motion to deny
10 the protest of the signature of Shane Moran.

11 DIRECTOR ANTHONY: Is there a second?

12 MEMBER MARINELLO: Second.

13 DIRECTOR ANTHONY: I will do a roll-call
14 vote. Kimberly Marinello.

15 MEMBER MARINELLO: Yes.

16 DIRECTOR ANTHONY: Doug Preisse.

17 CHAIRMAN PREISSE: Yes, yes.

18 DIRECTOR ANTHONY: Greg Haas.

19 MEMBER HAAS: Yes.

20 DIRECTOR ANTHONY: And Bradley Sinnott.

21 MEMBER SINNOTT: Yes.

22 CHAIRMAN PREISSE: Next signature is
23 Albert A. Campbell. And I suspect by now we have all
24 had a chance to look at it fairly closely.

1 MEMBER HAAS: He doesn't seem to press as
2 hard on all of his signatures, but he does a much
3 better job than I do in consistency. Move to deny
4 the protest.

5 MEMBER SINNOTT: Second.

6 DIRECTOR ANTHONY: There is a motion to
7 deny the protest of the signature of Albert Campbell,
8 properly seconded.

9 I'll do a roll-call. Kimberly Marinello.

10 MEMBER MARINELLO: Yes.

11 DIRECTOR ANTHONY: Greg Haas.

12 MEMBER HAAS: Yes.

13 DIRECTOR ANTHONY: Douglas Preisse.

14 CHAIRMAN PREISSE: Yes.

15 DIRECTOR ANTHONY: Bradley Sinnott.

16 MEMBER SINNOTT: Yes.

17 CHAIRMAN PREISSE: And finally Peter Z.
18 Horvath. Again, I suspect we have all had a chance
19 to digest that signature. Is there a motion?

20 MEMBER SINNOTT: Motion to deny the
21 protest.

22 MEMBER HAAS: Second.

23 DIRECTOR ANTHONY: There is a motion to
24 deny the protest of Peter Horvath, was properly moved

1 and seconded.

2 I will do a roll-call. Kimberly
3 Marinello.

4 MEMBER MARINELLO: Yes.

5 DIRECTOR ANTHONY: Greg Haas.

6 MEMBER HAAS: Yes.

7 DIRECTOR ANTHONY: Bradley -- I mean
8 Douglas Preisse.

9 CHAIRMAN PREISSE: Yes.

10 DIRECTOR ANTHONY: And Bradley Sinnott.

11 MEMBER SINNOTT: Yes.

12 CHAIRMAN PREISSE: That concludes our
13 review of the several signatures in question.

14 DIRECTOR ANTHONY: My count -- my count
15 is that there was -- there have been 27 good
16 signatures; is that your count?

17 DEPUTY DIRECTOR WALCH: He had 28 to
18 begin with. All were now counted as good except for
19 the one in which we tied. Either way the worst he
20 could come out is 27. He needed 25 to meet the
21 threshold for the Libertarian candidate for State
22 Representative. That's the count I have.

23 DIRECTOR ANTHONY: So the motion to deny
24 the protest would be proper.

1 MEMBER HAAS: I'll move that we deny the
2 protest.

3 CHAIRMAN PREISSE: I'm not sure that's
4 right.

5 MEMBER SINNOTT: Because we have the
6 jurisdictional motion --

7 MEMBER HAAS: Right, right.

8 MEMBER SINNOTT: -- pending on a tie.

9 DIRECTOR ANTHONY: We can have another
10 vote on that.

11 MEMBER HAAS: No. Well, I guess aside
12 from there's -- based on listening to counsel,
13 listening to the discussions about the merits of the
14 protest, there is a very legitimate question on the
15 table separate from the protests about what appears
16 to be, I think, Brad, you may have referred to this,
17 some vague inconsistency between the Secretary of
18 State's handbook and the Revised Code, that there's
19 at least some vague areas there to be looked at about
20 who has the authority within a party to protest.

21 MEMBER SINNOTT: Yeah. The election
22 manual interprets the statute.

23 MEMBER HAAS: Right.

24 MEMBER SINNOTT: We know that on the

1 merits of the protest now we would deny the protest.

2 DEPUTY DIRECTOR WALCH: That's correct.

3 MEMBER HAAS: Right.

4 MEMBER SINNOTT: Your motion of two days
5 ago raised the issue of the Board's jurisdiction to
6 entertain the protest based on the basis of the
7 identity of the protestor.

8 MEMBER HAAS: Right.

9 MEMBER SINNOTT: That's where we are.

10 MEMBER HAAS: I think that in the matter
11 of expediency, I would be willing to entertain
12 retaking a look at that vote with the specific
13 request that we put some kind of request into the
14 Secretary of State's Office that they look into this
15 issue because it seemed to me there was pretty well
16 stated argument about the right of a nonpartisan to
17 raise a protest in a party primary. But that's moot
18 now that we've -- in the larger sense we've ruled the
19 protests based on merit to be -- you know, to lack
20 merit so I would -- I would, if we could, ask the
21 Prosecutor to withdraw or to --

22 MR. ANDERSON: You can revoke.

23 CHAIRMAN PREISSE: You can what? Revoke?

24 MR. ANDERSON: You can revoke on the

1 original standing issue upon which you tied and if --
2 if a majority of the Board --

3 MEMBER HAAS: I don't think --

4 CHAIRMAN PREISSE: Can we withdraw the
5 request to the Secretary of State to break the tie
6 without having to get back into the rest of the info
7 and -- and also reject the -- the protest?

8 MR. ANDERSON: Yes, you can. You are
9 just going to have to give me a couple of minutes to
10 draft around everything.

11 MEMBER SINNOTT: I don't think we can ask
12 the Secretary not to break our tie.

13 MR. ANDERSON: Whether the Secretary
14 chooses to break your tie or not is going to be up to
15 him.

16 MEMBER SINNOTT: Here is what I wonder.
17 We now know what the outcome of the protest; it's
18 going to be denied.

19 MEMBER HAAS: Right.

20 MEMBER SINNOTT: What if we simply
21 created a record at this point of denying the
22 protest?

23 CHAIRMAN PREISSE: Then the Secretary of
24 State may choose to or not to address this as he

1 deems --

2 MEMBER HAAS: Isn't that what they were
3 asking for?

4 MEMBER SINNOTT: We would get to the same
5 result regardless of how the Secretary chooses to
6 deal with the question on the tie. If he were to
7 vote with Mr. Preisse and me, then we would be
8 deciding as a Board that we have jurisdiction, and we
9 are going to deny the protest on the merits. If he
10 were to side with Mr. Haas and Ms. Marinello, then
11 the conclusion would be that Mr. Akers was not a
12 proper protestor in the first place.

13 CHAIRMAN PREISSE: Resulting any position
14 with the Secretary of State would result in no
15 alteration to our decision of a few moments ago.

16 MEMBER SINNOTT: Why don't we do it the
17 most commonsensical way on the protest, the merits of
18 the protest, and be done with it and Mr. Anderson can
19 figure out what happens after that.

20 CHAIRMAN PREISSE: I would -- would it be
21 proper for me, Mr. Counselor, to move to deny the
22 protest of Mr. Akers? The finger goes up in the air.

23 MR. ANDERSON: Do you think --

24 CHAIRMAN PREISSE: We are going to pause

1 while you think.

2 MR. ANDERSON: Can I have a recess for
3 maybe 5 minutes?

4 CHAIRMAN PREISSE: We will have a
5 thinking recess.

6 MR. KAFANTARIS: May I address the Board
7 on this?

8 MEMBER HAAS: Absolutely.

9 MR. KAFANTARIS: The candidate's view on
10 this, you know, while it may be a moot point, issue
11 withstanding, to the extent this is a challenge on
12 mandamus, we would still like to protect the record
13 as to the standing. So the candidate's view is the
14 issue that is standing is a threshold issue and
15 should be resolved.

16 MR. ANDERSON: It can't be, however. It
17 can't be because they have voted 2-2. It can't be
18 without the Secretary of State breaking the tie.

19 MR. KAFANTARIS: Exactly. What we don't
20 want is for that to be -- that vote to be changed or
21 mooted or withdrawn.

22 CHAIRMAN PREISSE: I think we are heading
23 in the direction you wish.

24 DEPUTY DIRECTOR WALCH: I don't think

1 anybody is suggesting that.

2 MEMBER HAAS: Right, yes.

3 DIRECTOR ANTHONY: We stand in recess.

4 Do we need a motion to go into recess?

5 Is there a motion?

6 MEMBER MARINELLO: So moved.

7 DIRECTOR ANTHONY: Second?

8 MEMBER HAAS: Second.

9 DIRECTOR ANTHONY: All those in favor of
10 taking a slight recess say aye. We stand in recess.

11 (Recess taken.)

12 DIRECTOR ANTHONY: Is there a motion to
13 come out of recess?

14 MEMBER MARINELLO: So moved.

15 DIRECTOR ANTHONY: Is there a second?

16 MEMBER HAAS: Second.

17 DIRECTOR ANTHONY: All those in favor.

18 The motion carries.

19 We are now out of recess looking for
20 continuing --

21 MEMBER SINNOTT: I'm prepared to make a
22 motion, Mr. Anthony.

23 DIRECTOR ANTHONY: Thank you, sir.

24 MEMBER SINNOTT: I move based upon a

1 request from the Secretary of State's Office to
2 review the merits of the signatures protest and
3 evaluate the signatures at issue, that while the
4 preliminary jurisdictional issue is still pending but
5 in accordance with the Secretary's direction, that
6 the Board following individual review of the seven
7 protested signatures finds that six of the signatures
8 are valid; therefore, the Board deny the protest on
9 the merits recognizing that the jurisdictional issue
10 is still pending.

11 CHAIRMAN PREISSE: Second.

12 DIRECTOR ANTHONY: All those -- do a
13 roll-call vote?

14 CHAIRMAN PREISSE: Yes.

15 DIRECTOR ANTHONY: Kimberly Marinello.

16 MEMBER MARINELLO: Yes.

17 DIRECTOR ANTHONY: Gregory Haas.

18 MEMBER HAAS: Yes.

19 DIRECTOR ANTHONY: Doug Preisse.

20 CHAIRMAN PREISSE: Yes.

21 DIRECTOR ANTHONY: Bradley Sinnott.

22 MEMBER SINNOTT: Yes.

23 DIRECTOR ANTHONY: And the motion

24 carries.

1 Just a point of clarification, we all
2 left out of here at the last meeting and you all
3 forgot to have me sign the contracts that we
4 approved, so before you leave today we need your
5 signatures on the EMCS contract and Kids Voting.

6 CHAIRMAN PREISSE: We can do that after
7 we adjourn, right?

8 DIRECTOR ANTHONY: Yes.

9 CHAIRMAN PREISSE: Entertain a motion to
10 adjourn.

11 MEMBER SINNOTT: So moved.

12 MEMBER HAAS: Second.

13 DIRECTOR ANTHONY: All in favor.

14 We stand adjourned.

15 (Thereupon, the meeting was concluded at
16 3:13 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 Thursday, March 6, 2014, and carefully compared with my original stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5829)

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