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APPEARANCES:

Franklin County Prosecutor's Office
By Mr. Tim Lecklider
Assistant Prosecuting Attorney
373 South High Street, 13th Floor
Columbus, Ohio 43215

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown,
Executive Assistant to the Board

Ms. Chelsea Faulkner,
Office of the Secretary of State.

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P R O C E E D I N G S

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DIRECTOR ANTHONY: Good afternoon,
everyone. I will call the Franklin County Board of
Elections meeting to order.

The roll call, Kimberly Marinello.

MS. MARINELLO: Here.

DIRECTOR ANTHONY: Gregory Haas.

MR. HAAS: Here.

DIRECTOR ANTHONY: And Bradley Sinnott.

MR. SINNOTT: Here.

DIRECTOR ANTHONY: We do have a quorum
present.

And the first item on the agenda would be
the approval of the minutes for the December 18, 2014
and the January 5, 2015 meeting.

MR. HAAS: I move that this Board approve
the minutes of December 18, 2014 and the January 5,
2015 of the Franklin County Board of Elections as
submitted.

MR. SINNOTT: Second.

DIRECTOR ANTHONY: All those in favor.

(Vote taken; motion passed.)

1 DIRECTOR ANTHONY: I will pass this
2 around for everyone to sign.

3 The second item on the agenda would be
4 the voter registration challenges.

5 Dana.

6 MR. WALCH: We had 28 voter registration
7 challenges that were filed by Ms. Carol Bicking of
8 1599 Climbing Fig Drive, Blacklick, Ohio. The
9 challenges were properly filed. We sent notice to
10 everybody whose voter registration was challenged
11 explaining that they could attend the Board meeting
12 and speak on their behalf or be represented by
13 counsel, as is true anytime a voter registration
14 challenge is submitted, which is according to law and
15 the direction of the Secretary of State's Office.

16 So first usually what we do, is there
17 anybody whose registration was challenged who is in
18 attendance today?

19 I don't think I see anybody, other than
20 some familiar faces that I see. I see that
21 Ms. Bicking is here.

22 Ms. Bicking, do you want to say anything
23 prior to us --

24 MS. BICKING: Not really.

1 MR. WALCH: The staff here at the Board
2 did investigate all these, as we always do. We not
3 only use the evidence given to us by the person
4 making the challenge, but we obviously follow up on
5 that and ensure that everything is in order.

6 The 28 registrations that were challenged
7 in this case -- I forget how many addresses it was,
8 20 addresses, maybe -- were found to be vacant lots.
9 A number of them, the houses had been torn down
10 within the last year or two. We did confirm that
11 through the County Auditor's Office and through the
12 U.S. Postal Service for legitimate mailing addresses
13 and did find all of these to not be at this time
14 operative, for lack of a better word, operative
15 addresses.

16 The recommendation of our staff -- and we
17 did have a bipartisan team in our Voter Services
18 Department check into all of this. What our
19 recommendation is to you is to keep these people on
20 the list, on the voter registration list, but
21 restrict those addresses because there is no dwelling
22 there anymore, but keep the people on the list, and
23 they would then be required to vote a provisional
24 ballot if they do attempt to vote at a different

1 address. This keeps them on the list but requires
2 them to vote a provisional if they've moved and just
3 not updated their address.

4 MR. SINNOTT: All 28 represent the same
5 situation?

6 MR. WALCH: Yes.

7 MR. SINNOTT: Registered to a vacant lot?

8 MR. WALCH: That's correct.

9 So our recommendation here is in Exhibit
10 A, which has been our usual practice with similar
11 situations in the past.

12 MS. MARINELLO: I move that the Board
13 accept the recommendation of the Board of Elections
14 staff listed in Exhibit A regarding that voter
15 registration challenges filed by Ms. Carol Bicking of
16 1599 Climbing Fig Drive, Blacklick, Ohio.

17 DIRECTOR ANTHONY: Is there a second?

18 MR. SINNOTT: Second.

19 DIRECTOR ANTHONY: All those in favor say
20 aye.

21 (Vote taken; motion passed.)

22 DIRECTOR ANTHONY: Motion carries.

23 The next item on the agenda would be the
24 contract with EMCS. They basically support our voter

1 registration system.

2 MR. WALCH: This is the vendor that does
3 our Integrity voter registration system. This was a
4 contract executed a couple years ago that did have
5 three -- what's the word I'm looking for,
6 Counselor? -- extensions to it. This would be the
7 final year extension on that contract. They provided
8 us very good service in the past. They're actually
9 the ones who developed the system to begin with so it
10 makes them uniquely qualified to provide service to
11 us on this. So we are asking for your approval for
12 an extension on that contract in the amount of
13 \$51,051.26 for calendar year 2015.

14 MR. HAAS: I move that the Board
15 authorize the director and deputy direct to enter
16 into a subcontract with Election Management
17 Consulting Services in the amount of \$51,051.26 for
18 continued support on the Integrity system in the
19 calendar year 2015.

20 DIRECTOR ANTHONY: Is there a second?

21 MS. MARINELLO: Second.

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

24 Opposed, say nay.

1 (Vote taken; motion passed.)

2 DIRECTOR ANTHONY: Motion carries.

3 That's all that we have on this short
4 agenda. We will be getting in touch with you guys in
5 the next couple of weeks. As you all know, the
6 deadline for candidate petitions is coming up this
7 Wednesday, and so we're going to be in the business
8 of validating those and then setting up the meetings
9 so we can certify them to the ballot.

10 MR. HAAS: I'd like to raise two points
11 because of the confusion over -- with the State
12 Central Committee races in the democratic primary
13 last year about petitions, and I just feel that for
14 anybody who is taking a petition out, that they need
15 to understand that the Board did not err in its
16 decision initially about the petitions, that
17 signatures have to match. They're required to.

18 It was in the process of the hearing that
19 we obviously had an issue later. And I think it's
20 very important for all -- everybody who has a
21 petition out there to understand the rules, and, you
22 know, for those to be reiterated for anybody who may
23 have the wrong impression because of the Supreme
24 Court decision. The Supreme Court decision was about

1 our post hearing, which is another issue that I think
2 we should discuss.

3 But whether we are going to do that -- I
4 mean, the reason to do that is so we don't end up in
5 court, so if people are going to challenge us and we
6 have to go to court anyhow, why are we basically
7 pretending to be a judicial body and hearing
8 challenges to our initial decision?

9 However, I mean, I think it's very
10 important that everybody who is bringing a petition
11 in here and filing it understands the signatures have
12 to match what's on the voter registration card. And
13 I'm just concerned, I don't want to go through that
14 again, and I think there could be some people who
15 misinterpret the whole legal challenge, they maybe
16 misinterpret that we have more latitude, that we can
17 be reckless with the petitions that we accept.

18 The rules are very clear and I really
19 think it would be worth the director and deputy
20 director to send a letter to everybody who is filing
21 the petition to say, just so there is no
22 misunderstanding about what happened last year, that
23 was a decision about the process post filing, but the
24 filings, what is considered a good signature is still

1 mandated by the Revised Code, and it's very clear.

2 There was ambiguity in our hearing
3 afterwards, but there was no ambiguity in terms of
4 the Board employees and the determination on the
5 petitions in the first place, so I really think that
6 everybody who is going to bring a petition in here
7 needs to understand that.

8 MR. SINNOTT: When we pick up a petition
9 or we download one online, are you seeing a set of
10 instructions that say --

11 MR. HAAS: You can find them.

12 MR. SINNOTT: -- on each elector should
13 sign using --

14 MR. HAAS: There was a gigantic
15 misunderstanding about the one thing which we've all
16 had over the years, about a signature matching. For
17 instance, I've challenged this Board in the past
18 about a signature matching because the signer may
19 have a unique way of signing a particular letter in
20 their name, you know. If they come in here and say
21 that's how my A has always looked. That's how I know
22 that is my signature, then you are kind of obligated
23 if it does match to say that's the same person.

24 Somebody prints on the voter registration form then

1 signs in script on the petition, that's not a valid
2 signature.

3 That's not what happened last year. I
4 mean, I think that people who are circulating the
5 petitions and the people signing those need to
6 understand they need to tell people the signature has
7 to match your voter registration card. That was not
8 thrown out by the Supreme Court. That was not
9 challenged by the Supreme Court. It was our process
10 afterwards that was challenged.

11 DIRECTOR ANTHONY: If what I'm hearing is
12 correct, and we may need some legal verification, we
13 have in the past allowed folks if there was some
14 signature in question, that they could come back
15 before this Board and argue that case before us, and
16 that's where we got into that situation.

17 MR. HAAS: It cost money. I just believe
18 we bent over backwards on that, and I don't think --
19 it's a legal issue at that point. We had done our
20 job and made our determination based on what the
21 Republicans and Democrats looked at on the petitions.
22 We make our motion. At that point I would ask to
23 call the Secretary of State's Office. Does every
24 county have a hearing for challenges before the Board

1 for a signature count for petitions?

2 MS. FAULKNER: I'll ask.

3 MR. HAAS: I don't know, but I do know
4 this. I know we walked into -- by trying to do that,
5 we walked into a legal issue.

6 MR. SINNOTT: Yes, we did.

7 MR. HAAS: It was misinterpreted, and
8 it's like if this kind of thing is going to go to
9 court anyhow, why are we putting ourselves in a
10 position, as we did last year, of bending over
11 backwards for somebody and then it being
12 misconstrued?

13 So the two things would be to make sure
14 everybody who has a petition out there understands
15 you got to follow the law. It's very simple. The
16 signatures have to match.

17 The second thing I would say is if you
18 have a problem with our decision, take it to court.

19 DIRECTOR ANTHONY: Okay.

20 MR. WALCH: Yes. I think one of the
21 things, Mr. Haas, that happened with that -- and I
22 actually agree with everything you said here. If
23 there's a challenge to a signature that comes up
24 through the petition process, this Board does have to

1 hear that --

2 MR. HAAS: Right.

3 MR. WALCH: -- to see if it is a
4 legitimate challenge. I think what we got caught up
5 in the last time was offering the Board to appeal a
6 decision of the Board.

7 MR. HAAS: Right.

8 MR. WALCH: That's what happened to us
9 last time. We had determined that that petition was
10 insufficient but gave an appeal to that. Are you in
11 agreement with that?

12 MR. HAAS: Total agreement. Somebody
13 comes in and says, yeah, I sometimes sign with a big
14 G and sometimes sign with a printed G on Gregory
15 Haas, but my two As are always the same. That's how
16 I know nobody forged my signature. So if you have --

17 MR. WALCH: We just had this training
18 with everybody last week. We do this before every
19 petition filing deadline with all the staff who will
20 be checking the petitions. They are instructed to be
21 lenient, but look for some similarities in there.
22 Not everybody does sign their signature exactly the
23 same. I don't sign mine exactly the same every time,
24 but you can look at my Ds or my Ws in my last name,

1 and usually those are always the same. As long as
2 there is some commonality like that, usually that
3 will qualify as a good signature.

4 MR. HAAS: But if it is too subtle for us
5 to pick up, the person comes in. I think we had
6 Dominic Parretti, who had a couple people who came in
7 and said this is the way we do our As and whatever.
8 I mean, we should hear that about whether is it a
9 good signature.

10 But to get into the whole appeal of the
11 decision process I just think, you know, I think we
12 bent over backwards and we ended up actually looking
13 like we --

14 MR. WALCH: We had egg on our face.

15 MR. HAAS: Yes.

16 DIRECTOR ANTHONY: So what would you like
17 for us to do again?

18 MR. HAAS: Well, is it a motion?

19 Brad, what do you think?

20 MR. SINNOTT: We are on the record
21 explaining here our concern. I can't think of any
22 action the Board would take at this point that would
23 be proper that would implement the sentiment that you
24 just expressed.

1 MR. HAAS: I guess in terms of the
2 Secretary of State, I would like to understand what
3 other counties do.

4 DIRECTOR ANTHONY: We can do that.

5 MR. WALCH: We can definitely check that.

6 DIRECTOR ANTHONY: Yes.

7 MR. HAAS: I would like us to avoid --

8 MR. WALCH: I think Bill and I are in
9 agreement with that one for sure.

10 MR. HAAS: And the prosecutor.

11 MR. WALCH: And the prosecutor,
12 absolutely.

13 MR. SINNOTT: The next step is to get the
14 report from the Secretary of State about what
15 the process is if there is a situation similar to the
16 Zach Scott matter, and at least the Central Ohio
17 counties. I think you have that within your
18 jurisdiction, right?

19 MS. FAULKNER: Yes.

20 MR. SINNOTT: Okay.

21 DIRECTOR ANTHONY: We can do that.

22 MR. HAAS: The other thing, I guess, I
23 would just like the director and deputy director to
24 think about sending a letter out to everybody that

1 requested a petition to reiterate the rules what is a
2 legitimate signature.

3 DIRECTOR ANTHONY: All right.

4 MR. HAAS: If we have some close
5 petitions and one or two that didn't match at all, we
6 are going to have chaos.

7 MR. SINNOTT: All that being said, I move
8 we adjourn.

9 MS. MARINELLO: I second that.

10 DIRECTOR ANTHONY: All those in favor.

11 (Vote taken; motion passed.)

12 DIRECTOR ANTHONY: We stand adjourned.

13 (The meeting adjourned at 3:47 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Monday, February 2, 2015, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson,
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires April 5, 2019.

(RFA-77642)

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