

BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
: Regular Meeting :
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PROCEEDINGS

before Chairman Douglas J. Preisse, Director William A. Anthony, Jr., Deputy Director Dana Walch, and Board Members Kimberly E. Marinello, Bradley K. Sinnott, and Gregory K. Haas at the Franklin County Board of Elections, 1700 Morse Road, Columbus, Ohio, called at 3:17 p.m. on Monday, March 2, 2015.

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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

Mr. Jeffrey Mackey,
Manager, Election Operations
Franklin County Board of Elections

Ms. Carolyn S. Gorup,
Manager, Elections Technology,
Franklin County Board of Elections

Mr. Matthew C. Rushay,
Operations Department
Franklin County Board of Elections

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P R O C E E D I N G S

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DIRECTOR ANTHONY: Good afternoon,
everyone. I'd like to call the Franklin County Board
of Elections March meeting to order.

Roll call.

Kimberly Marinello.

MS. MARINELLO: Here.

DIRECTOR ANTHONY: Gregory Haas.

MR. HAAS: Here.

DIRECTOR ANTHONY: Douglas Preisse.

MR. PREISSE: Here.

DIRECTOR ANTHONY: Bradley Sinnott.

MR. SINNOTT: Here.

DIRECTOR ANTHONY: Mr. Chairman, we have
all four Board members present.

The first item on the agenda would be the
approval of the minutes from our February 2 meeting.

MR. HAAS: I move that the Board approve
the minutes of the February 2, 2015, meeting of the
Franklin County Board of Elections as submitted.

MR. SINNOTT: Second.

DIRECTOR ANTHONY: All those in favor say

1 aye.

2 (Vote taken; motion passed.)

3 DIRECTOR ANTHONY: Motion carries.

4 The second item on the agenda, we have
5 challenges before us.

6 Mr. Walch.

7 MR. WALCH: Ms. Bicking filed 26 voter
8 registration challenges. Before you you have Exhibit
9 A. Twenty-four of the 26 fall in sort of a category
10 that we are familiar where we do believe that those
11 are no longer usable addresses and that the voter is
12 not residing there, and what we would do in those
13 cases is mark the pollbook accordingly that that
14 voter has to vote from a new address, vote a
15 provisional ballot in a new precinct.

16 There are two, though, that you can see,
17 that is, 1542 Arlington Avenue on your sheet, James
18 and Helen Guy. This is a very unusual situation
19 where 1542 Arlington Avenue, it's the same street in
20 two different places, very odd situation. Mat Rushay
21 is here. He might be able to describe it better, but
22 these two voters, the 1542 Arlington Avenue address
23 that James and Helen Guy reside at actually is in
24 Marble Cliff. It has a Columbus mailing address, but

1 it actually is in Marble Cliff, and James and Helen
2 Guy are both at 1542 Arlington Avenue and have been
3 regular voters.

4 Matt, did I do okay?

5 MR. RUSHAY: That was right on the money.
6 You did okay.

7 DIRECTOR ANTHONY: I'm confused. What
8 has provoked the examination of these two?

9 MR. WALCH: There does appear to be a
10 vacant lot at 1542 Arlington Avenue in another
11 section of Arlington Avenue, and it's all the same
12 zip code.

13 MR. RUSHAY: It's two different zip
14 codes, so Arlington Avenue goes across two different
15 zip codes, and the address that James and Helen Guy
16 live at is in the Marble Cliff zip code, and they are
17 at that address and that is a recognizable address,
18 so our recommendation on that one is no modification
19 be made to that record whatsoever.

20 MR. SINNOTT: So the street number
21 1542 Arlington Avenue in Columbus is a vacant lot?

22 MR. RUSHAY: Yes.

23 MR. WALCH: Correct.

24 MR. SINNOTT: The address 1542 in Marble

1 Cliff is a residence?

2 MR. RUSHAY: Yes, sir.

3 MR. SINNOTT: And you will find Mr. and
4 Mrs. Guy there?

5 MR. RUSHAY: That is correct.

6 MR. WALCH: It's one street that goes
7 across two different communities in two different zip
8 codes.

9 MS. BROWN: We have it as Columbus.

10 MR. WALCH: The mailing address is, but
11 this portion of it is in Marble Cliff, so that's why
12 the recommendation on the spreadsheet is Mr. and
13 Mrs. Guy stay put, nothing to do there, nothing to
14 see.

15 MR. SINNOTT: Okay.

16 MR. HAAS: Dana, there are a few on here
17 that haven't voted since 2004. Why wouldn't those
18 have been purged by now if they haven't voted in
19 11 years?

20 MR. WALCH: You have two successive
21 federal elections. Then the clock starts ticking.
22 They could have had some activity, say, in 2005 or
23 2006. They just didn't vote. There is other
24 activity you can look at for purposes of their timing

1 out, so to speak, under NVRA. I don't know the exact
2 circumstance on each of these, but my guess would be
3 that somebody who has not voted since 2004 and hasn't
4 had any activity since then will probably purge out
5 pretty soon.

6 MR. HAAS: Yeah.

7 MS. MARINELLO: Mr. Chairman, I move that
8 the Board accept the recommendation of the Board of
9 Elections staff listed in Exhibit A regarding the
10 voter registration challenges filed by Ms. Carol
11 Bicking of 1599 Climbing Fig Drive, Blacklick, Ohio.

12 DIRECTOR ANTHONY: Is there a second?

13 MR. SINNOTT: I will.

14 DIRECTOR ANTHONY: All those in favor say
15 aye.

16 MR. PREISSE: I have a little discussion.

17 DIRECTOR ANTHONY: I'm sorry, discussion.

18 MR. PREISSE: I leaned over and asked
19 Brad, how did we come to this situation?

20 MR. SINNOTT: In particular, how can
21 there be a couple dozen people that we discover from
22 time to time registered to a vacant lot?

23 MR. WALCH: Many of the instances on this
24 we believe that the house was torn down somewhat

1 recently so they would have been there at one point.
2 Through the NVRA process, as Mr. Haas brought up,
3 there is a long period of time sometimes before we
4 can actually remove somebody, and we don't
5 necessarily get notices of a house being destroyed,
6 for example. So they can, you know --

7 MR. SINNOTT: So razed houses would be
8 the simple explanation?

9 MR. WALCH: It is an explanation. I
10 don't know it is the case in every instance. It is
11 certainly an explanation.

12 MR. HAAS: Looks like a number or them to
13 this address, 1953 Denune. I guess that was an
14 apartment building.

15 MS. BICKING: It's vacant now.

16 MR. HAAS: There's six at least at that
17 one address.

18 MR. WALCH: It appears from the picture
19 to have been a residential house, a house of some
20 sort. It's just not there anymore.

21 MR. HAAS: Very few of them, only a
22 handful, the two that we have that are actually this
23 weird address thing, but only a couple of them have
24 voted anytime recently.

1 MR. WALCH: Uh-huh.

2 MR. PREISSE: Okay, that satisfies my
3 curiosity.

4 DIRECTOR ANTHONY: Any more discussion or
5 question on that?

6 All those in favor say aye.

7 Opposed same sign.

8 (Vote taken; motion passed.)

9 DIRECTOR ANTHONY: Motion carries.

10 Next item on the agenda would be to
11 certify the write-in candidates to the ballot. Jeff
12 is not here.

13 MR. WALCH: Jeff is not here today. He
14 had a sick son this morning, but the only write-in
15 that we got was Ms. Selina Miller, who filed to run
16 as a write-in candidate for mayor of the City of
17 Columbus. The form she filed was all in due order.
18 Everything checks out okay, so our recommendation
19 would be that Ms. Miller be deemed a valid write-in
20 candidate for mayor.

21 MR. SINNOTT: The form was in good order?

22 MR. WALCH: Yes.

23 MR. SINNOTT: I move that Selina Miller
24 be certified as a write-in candidate for the office

1 of Mayor of the City of Columbus on the May 5, 2015,
 2 Primary Election ballot.

3 DIRECTOR ANTHONY: Is there a second?

4 MS. MARINELLO: Second.

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

7 (Vote taken; motion passed.)

8 DIRECTOR ANTHONY: The next item is
 9 several candidates withdrawals.

10 MR. WALCH: Three candidates for Columbus
 11 City Council, Zach Manifold, Francine Ryan, and Josh
 12 Jaffe withdrew as candidates for Columbus City
 13 Council. It has been our past practice to have the
 14 Board officially accept the withdrawal of candidates
 15 from the ballot. A candidate, of course, can
 16 withdraw anytime he or she desires, so the
 17 withdrawals were certainly in order.

18 DIRECTOR ANTHONY: Could we take them one
 19 at a time? The first one Zach Manifold.

20 MR. SINNOTT: I move that the Board
 21 accept the request of Zach Manifold to withdraw as
 22 candidate for the Columbus City Council and that his
 23 name shall not appear on the May 5, 2015, Primary
 24 Election ballot.

1 DIRECTOR ANTHONY: Is there a second?

2 MS. MARINELLO: Second.

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

5 (Vote taken; motion passed.)

6 DIRECTOR ANTHONY: Motion carries.

7 The next is Francine Ryan.

8 MR. HAAS: I move that the Board accept
9 the request of Francine Ryan to withdraw as a
10 candidate for Columbus City Council and that her name
11 shall not appear on the May 5, 2015, Primary Election
12 ballot.

13 DIRECTOR ANTHONY: Second?

14 MS. MARINELLO: Second.

15 DIRECTOR ANTHONY: All those in favor say
16 aye.

17 (Vote taken; motion passed.)

18 DIRECTOR ANTHONY: That motion carries as
19 well.

20 The third person Josh Jaffe.

21 MS. MARINELLO: I move that the Board
22 accept the request of Josh Jaffe to withdraw as a
23 candidate for Columbus City Council and that his name
24 shall not appear on the May 5, 2015, Primary Election

1 ballot.

2 DIRECTOR ANTHONY: Is there a second?

3 MR. HAAS: Second.

4 DIRECTOR ANTHONY: All those in favor say
5 aye.

6 (Vote taken; motion passed.)

7 DIRECTOR ANTHONY: Motion carries.

8 The next item is the certification of
9 replacement of candidates for the Columbus City
10 Council.

11 MR. WALCH: We had two candidates to come
12 in and replace Zach Manifold and Fran Ryan. The
13 replacement candidates, Jaiza Paige and Michael
14 Stinziano, were appointed by the Committee of Five
15 for Mr. Manifold and Ms. Ryan as replacement
16 candidates of those two withdrawn candidates.

17 MR. HAAS: I move that the Board accept
18 the February 23, 2015, appointment of Jaiza Paige and
19 Michael Stinziano as candidates for Columbus City
20 Council and that their names shall appear on the
21 May 5, 2015, Primary Election ballot.

22 DIRECTOR ANTHONY: Is there a second?

23 MS. MARINELLO: Second.

24 DIRECTOR ANTHONY: All those in favor say

1 aye.

2 (Vote taken; motion passed.)

3 DIRECTOR ANTHONY: Motion passes.

4 MR. WALCH: And then the withdrawal of
5 Josh Jaffe, the Committee of Five for his candidacy
6 appointed John Christopher Rush for his replacement
7 on Columbus City Council on the May 15, 2015, Primary
8 ballot.

9 MR. SINNOTT: I move that the Board
10 accept the February 23, 2015 appointment of John
11 Christopher Rush as a candidate for Columbus City
12 Council and that his name shall appear on the May 5,
13 2015, Primary Election ballot.

14 DIRECTOR ANTHONY: Is there a second?

15 MS. MARINELLO: Second.

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

18 (Vote taken; motion passed.)

19 DIRECTOR ANTHONY: That motion carries.

20 The next is to deny certification of
21 Johannes Christian for Columbus Board of Education.

22 MR. HAAS: Can we get like a status
23 report on that?

24 MR. WALCH: After our last meeting where

1 we did sort of a conditional certification to the
2 ballot, in checking the actual petitions,
3 Mr. Christian came up, I believe, about 31 signatures
4 short of the required 300 threshold.

5 As we do with every candidate who comes
6 up short on a petition, we went back through and
7 double and triple checked to see if there was
8 anywhere that signatures could be found, and we feel
9 very confident in checking those petitions
10 Dr. Christian's petition came up short of the 300
11 required.

12 MR. HAAS: Has Dr. Christian been
13 notified?

14 MR. WALCH: He has.

15 MR. HAAS: So he chose not to come today?

16 MR. WALCH: That is correct.

17 MR. HAAS: I move that the Board deny
18 certification of Johannes Christian as a candidate
19 for Columbus Board of Education on the May 5, 2015,
20 Primary Election ballot due to his petition
21 containing an insufficient number of valid signatures
22 necessary to qualify for the ballot.

23 MR. SINNOTT: Second.

24 DIRECTOR ANTHONY: All those in favor say

1 aye.

2 (Vote taken; motion passed.)

3 DIRECTOR ANTHONY: That motion carries.

4 The next motion is purchase of some
5 laptops.

6 MR. WALCH: We are -- Carolyn Gorup is
7 here. We have put out a bid -- correct, Carolyn?
8 -- for purchase of ten laptop computers. The best
9 bid was from MNJ Tech Public Sector, LLC. The amount
10 was for \$16,700. Since that's above the \$10,000
11 threshold for Bill and I to approve anything, we ask
12 the Board for approval to replace a number of laptops
13 we currently have here at the office and that are
14 quite old and cannot be upgraded out of Windows XP
15 into what we're all using now, which is Windows 7.
16 So it was time to replace a bunch of laptops, is what
17 it was. This was the best bid that we got from the
18 vendors that submitted bids.

19 MS. MARINELLO: I move that the Board
20 authorize the director and deputy director to open a
21 purchase order in the amount of \$16,700 to MNJ Tech
22 Public Sector, LLC, for the purchase of ten new
23 laptop computers.

24 DIRECTOR ANTHONY: Is there a second?

1 MR. SINNOTT: There is.

2 DIRECTOR ANTHONY: All those in favor say
3 aye.

4 (Vote taken; motion passed.)

5 DIRECTOR ANTHONY: That motion carries.

6 The next item on the agenda we have a
7 maintenance agreement with ES&S for our electronic
8 voting equipment, and it's that time again to ante up
9 to ES&S to the tune of several hundred thousand
10 dollars in order to keep the maintenance of the
11 hardware where it needs to be.

12 MR. PREISSE: Tell us a little more about
13 that.

14 MR. WALCH: This is an ongoing contract
15 we have with ES&S, who is our vendor for our
16 electronic touch screen voting devices, the
17 Ivotronics. This is an ongoing hardware maintenance
18 agreement that's been in a contract for a couple
19 years and it calls for an extension. This amount
20 that's on here is not an increase in any way from
21 last year's. It's the exact same amount from the
22 last time this was updated, so there was no increase
23 in it either. With the aging equipment, we certainly
24 feel this is necessary.

1 MR. HAAS: How many more years do we have
2 on this?

3 DIRECTOR ANTHONY: As long as we have the
4 machines. We have an option of renewing this. I
5 think these are four-year contracts.

6 MR. WALCH: This amount here is an
7 ongoing amount in the contract that's already in
8 place.

9 MS. MARINELLO: Aren't they supposed to
10 come and address us about the last glitch?

11 MR. WALCH: Yes. We did get a response
12 from them. I haven't had a chance to follow up back
13 with Delaware County, which is one of the things I
14 wanted to do prior to them coming in, and I haven't
15 had a chance to do that before, but we will still do
16 that. The staff here has read over the response that
17 we got from ES&S. I believe we are satisfied with
18 the response as to what happened in that instance,
19 and they already put items in place that we feel very
20 confident will prevent it from happening again.

21 DIRECTOR ANTHONY: But it also shows us
22 the vulnerability that we have in our 650s that we
23 need to certainly think about replacing them with the
24 latest version, so it it something to seriously

1 consider. As soon as possible we should think about
2 replacing those 650s.

3 But anyway, ES&S, the Ivotronics, we are
4 going to have them for a while, Ms. Marinello.
5 There's nothing at this time to replace them, so, I
6 mean, there is nothing in place to replace them, so
7 as of now, we have to do everything we can.

8 MS. MARINELLO: To keep moving on.

9 DIRECTOR ANTHONY: To keep them going.
10 We haven't had any problems with them, knock on wood,
11 so they have been good, hard-working machines, and we
12 keep the maintenance up. Our guys kind of keep them
13 serviced, and they're always here servicing them, so
14 it's something that we're going to have to do until
15 we can get something better. Whatever that is, we
16 don't know.

17 MR. WALCH: We actually just put them
18 through a kind of a preventive maintenance right
19 after the 1st of the year. The word we got back with
20 the fellow who helps us with the machines at this
21 point they are in fairly good condition. One of the
22 biggest worries he had was actually the carts we
23 transport them on. Those get banged around a little
24 bit, but, fortunately, over the years since we

1 consolidated the number of voting machines, we have
2 spare carts that we have been able to, for lack of a
3 better word, cannibalize for parts and things like
4 that, so he glad to hear we were in very good shape,
5 as it turns out, about the carts. We get wheels that
6 pop off and joints that break and things of that sort
7 on those carts, but we think we're in good shape
8 there because of having extras on that.

9 MR. HAAS: Based on that, I move that the
10 Board authorize the fiscal officer to open a purchase
11 order in the amount of \$212,175 to Election Systems &
12 Software for hardware maintenance on our Ivotronic
13 voting systems.

14 DIRECTOR ANTHONY: Is there a second?

15 MS. MARINELLO: Second.

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

18 (Vote taken; motion passed.)

19 DIRECTOR ANTHONY: Motion carries.

20 There was a desire to go into executive
21 session to discuss some personnel matters and legal
22 matters, so is there a motion from the Board to go
23 into executive session?

24 MR. HAAS: I think a few things. One,

1 just in terms of at least initial discussion in terms
2 of the personnel issue, but also the follow-up to our
3 last meeting, a few things I think are more
4 executive-session oriented and request the chair for
5 an opportunity to discuss maybe in executive session.

6 MR. SINNOTT: I don't know what it is.
7 Is it a legal and personnel matter?

8 MR. HAAS: Yes. There's a personnel
9 issue that's on the agenda which we actually don't
10 need to go into executive session on, but in terms of
11 some of the legal communication issues and follow-up
12 from our last meeting, I would like to take a few
13 moments in executive session.

14 MR. PREISSE: Okay.

15 MR. WALCH: Counsel, is that enough of a
16 reason for going into executive session? I know
17 there's only specific reasons we can give.

18 MR. LECKLIDER: Is it potentially an
19 imminent legal action?

20 MR. HAAS: A holdover -- nothing that I
21 think that requires action by the Board, but
22 certainly some questions about communication and some
23 of the issues from our last meeting.

24 MR. PREISSE: What is our threshold?

1 MR. HAAS: Anything legal. It's not
2 anything we're going to vote on.

3 MR. SINNOTT: We got to keep this inside
4 the law on this one. I think that's why we're
5 looking over to you. How much description do we need
6 to provide to the public to explain why we are going
7 into executive session?

8 MR. LECKLIDER: I will ask Board Member
9 Haas to enlighten me what it was at our last meeting.

10 MR. HAAS: I think there were a number of
11 issues that we discussed. I don't want to --
12 obviously, don't want to visit any of the decisions
13 we made specifically. But, you know, it's my
14 understanding if we have any legal question, that we
15 can raise that in executive session. That's not a
16 gray area. I don't really understand the confusion
17 on this. I also think that we are within our bounds
18 in terms of any personnel issue to discuss in
19 executive session.

20 MR. LECKLIDER: Particularly with respect
21 to the item on today's agenda.

22 MR. PREISSE: If it relates to that, that
23 sounds satisfactory.

24 MR. LECKLIDER: It relates to the

1 potential hiring of a public employee?

2 MR. HAAS: Well, there's two separate
3 issues.

4 MR. LECKLIDER: Which fall into the legal
5 category?

6 MR. HAAS: Right.

7 MR. PREISSE: So we are satisfied?

8 MR. LECKLIDER: Yes.

9 MR. PREISSE: Okay.

10 DIRECTOR ANTHONY: Roll call.

11 Kimberly Marinello.

12 MS. MARINELLO: Yes.

13 DIRECTOR ANTHONY: Gregory Haas.

14 MR. HAAS: Yes.

15 DIRECTOR ANTHONY: Douglas Preisse.

16 MR. PREISSE: Yes.

17 DIRECTOR ANTHONY: Bradley Sinnott.

18 MR. SINNOTT: Yes.

19 DIRECTOR ANTHONY: We are now in
20 executive session.

21 (Executive session.)

22 MR. SINNOTT: I move that the Board come
23 out of executive session and note there was no
24 decision made by Board during the time it was in

1 executive session.

2 MR. HAAS: Second.

3 DIRECTOR ANTHONY: Roll call.

4 Kimberly Marinello.

5 MS. MARINELLO: Yes.

6 DIRECTOR ANTHONY: Gregory Haas.

7 MR. HAAS: Yes.

8 DIRECTOR ANTHONY: Douglas Preisse.

9 MR. PREISSE: Yes.

10 DIRECTOR ANTHONY: Bradley Sinnott.

11 MR. SINNOTT: Yes.

12 DIRECTOR ANTHONY: We are now out of
13 executive session, and the next item on the agenda
14 would be the hiring of Zach Manifold to head up the
15 Absentee Ballot Department. We have been without
16 anyone there for some time. Zach comes to us well
17 qualified. He has an understanding of computers and
18 data and he has some experience in running campaigns
19 and all the things that you think would be needed in
20 that department. I highly recommend Zach Manifold
21 for that position.

22 MR. WALCH: As do I. He would be a great
23 hire.

24 MS. MARINELLO: I move that the Board

1 hire Zach Manifold as the manager of the Absentee
2 Ballot Department commencing on a date in March
3 determined by the director and deputy director at a
4 compensation rate of \$33.654 per hour.

5 DIRECTOR ANTHONY: Is there a second?

6 MR. HAAS: Second.

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

9 (Vote taken; motion passed.)

10 DIRECTOR ANTHONY: The motion carries.
11 The next item on the agenda is to
12 adjourn. Is there a motion?

13 MR. SINNOTT: There is.

14 DIRECTOR ANTHONY: A second?

15 MS. MARINELLO: I'll second.

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

18 (Vote taken; motion passed.)

19 DIRECTOR ANTHONY: We stand adjourned.
20 Thank you very much.

21 (The meeting adjourned at 3:59 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, March 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-77876)

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