

BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
: Special Meeting. :
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PROCEEDINGS

before Acting Chairman Bradley K. Sinnott, Deputy Director David Payne, Interim Director Zachary E. Manifold, and Board Members Gregory K. Haas and Kimberly E. Marinello, at the Franklin County Board of Elections, 1700 Morse Road, Columbus, Ohio, called at 3:07 p.m. on Monday, August 15, 2016.

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APPEARANCES:

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

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown
Mr. Jeffrey O. Mackey
Ms. Alicia Healy
Ms. Darlene Tompkins

Franklin County Board of Elections.

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1 Monday Afternoon Session,
2 August 15, 2016.

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4 DEPUTY DIRECTOR PAYNE: Good afternoon.
5 Thank you. Chairman Preisse has indicated that he
6 will not be here today, so I will go ahead and take
7 roll call.

8 Kimberly Marinello.

9 MEMBER MARINELLO: Here.

10 DEPUTY DIRECTOR PAYNE: Greg Haas.

11 MEMBER HAAS: Here.

12 DEPUTY DIRECTOR PAYNE: And Brad
13 Sinnott.

14 MEMBER SINNOTT: Here.

15 DEPUTY DIRECTOR PAYNE: It looks like we
16 have a quorum. Typically we designate someone as a
17 chairman. In past practice it's been Mr. Sinnott,
18 but --

19 MEMBER SINNOTT: I will serve.

20 DEPUTY DIRECTOR PAYNE: Fantastic.

21 Okay. Great. The first item on the agenda is the
22 approval of the minutes from the July 15th and August
23 1st meetings of the Franklin County Board of
24 Elections. I think they were sent to you and you had
25 an opportunity to look at them.

1 MEMBER MARINELLO: Yes. Mr. Chairman, I
2 move the Board approve the minutes of the July 15th,
3 2016, and August 1st, 2016, meetings of the Franklin
4 County Board of Elections.

5 MEMBER SINNOTT: Second.

6 DEPUTY DIRECTOR PAYNE: All those in
7 favor say aye.

8 (Vote taken.)

9 DEPUTY DIRECTOR PAYNE: All those
10 opposed, same sign.

11 The motion passes.

12 The filling of a vacancy in party
13 nomination is next. I think Jeff Mackey will be
14 leading us through that.

15 MR. MACKEY: Previously the Board had
16 heard from the Republican candidate for the 18th
17 State House of Representatives' District that she
18 would be withdrawing from that race, and then on
19 Thursday it looks like the subcommittee of the
20 Franklin County Republican Party of the 18th House
21 District met and nominated David -- or not nominated,
22 but certified David P. Todd to fill the vacancy in
23 that nomination that existed. I received that on
24 Friday, which was timely. I believe the deadline was
25 today to take care of filling vacancies and

1 nominations, so we do have that indication from the
2 party.

3 MEMBER SINNOTT: Very well. Having
4 received from the Franklin County Republican Party
5 the Certification of Selection of Candidate to Fill
6 Vacancy in Party Nomination, as prescribed by Revised
7 Code Section 3513.31, I move that the Board accept
8 the name of David P. Todd to replace Whitney Smith in
9 the race for State Representative, 18th District,
10 full term, commencing 1/1/2017.

11 DEPUTY DIRECTOR PAYNE: Is there a
12 second?

13 MEMBER HAAS: Second.

14 DEPUTY DIRECTOR PAYNE: All those in
15 favor of the nomination of David P. Todd signify by
16 saying aye.

17 (Vote taken.)

18 DEPUTY DIRECTOR PAYNE: All those
19 opposed, same sign.

20 Motion passes.

21 The next item on our agenda is the
22 provisional ballots for consideration, and our
23 supervisor in the Provisional Ballot Department is
24 Alicia Healy. She'll walk us through that.

25 MS. HEALY: Okay. You should have a

1 copy of the provisional count for the August 2nd
2 election. There was a total of 576 provisional
3 ballots cast. Out of those, 485 of those were good,
4 and as you can see underneath, the 001 Approved, and
5 then we have the 002, the NEOCH was 1. Out of those
6 576, 49 were rejected. We have a 006, which is a
7 form that's incomplete, we had 4 of those; 200 not
8 registered, there were 33; 450, they voted absentee
9 or signed the poll book, 2; Signature Mismatch, 3; no
10 ID, 2; and the 650, which they did not have the 12B
11 attached, so they voted at the wrong location, we
12 had 5.

13 DEPUTY DIRECTOR PAYNE: And the next
14 item on there, there were eight that we have to have
15 the Board review; is that correct?

16 MS. HEALY: Eight for Board review, yes.

17 DEPUTY DIRECTOR PAYNE: Okay. All
18 right.

19 MEMBER SINNOTT: Alicia, do you want to
20 provide us some commentary on what we're reviewing?

21 MS. HEALY: I will. So the first ballot
22 that you're going to see -- or envelope you're going
23 to look at --

24 You can give it to Brad, and he'll pass
25 it to Greg, to get a chance to take a look at it.

1 The first one that you'll come across,
2 the signature is different than what we have on file.
3 There should be a copy of a voter registration, a
4 couple of those actually, that shows the signature,
5 and then the signature that's on the provisional
6 envelope is not consistent with that.

7 MEMBER SINNOTT: If memory serves me, we
8 have traditionally looked for a match in the two
9 signatures before counting the ballot. Is that
10 right?

11 MS. HEALY: Correct.

12 (Discussion off the record.)

13 MEMBER SINNOTT: Alicia, are you going
14 to be presenting multiple ballots with the same issue
15 or does each one present a different question?

16 MS. HEALY: Each one is different.

17 MEMBER SINNOTT: Okay. Well, why don't
18 we entertain a motion, then, as to the first one
19 presented to us?

20 INTERIM DIRECTOR MANIFOLD: I always
21 think it's best not to say the name and do it as an
22 exhibit, Exhibit 1.

23 MEMBER HAAS: Exhibit 1?

24 MEMBER SINNOTT: If we do these
25 individually, you need to keep track.

1 INTERIM DIRECTOR MANIFOLD: Yes.

2 DEPUTY DIRECTOR PAYNE: Why don't we
3 call this one, then, Case No. 1 or Exhibit No. 1.

4 MEMBER HAAS: Exhibit No. 1.

5 MEMBER SINNOTT: Is there a motion?

6 MEMBER HAAS: I'll move that Exhibit No.
7 1 actually be rejected. I don't see any similarity
8 between the signatures.

9 MEMBER MARINELLO: I agree.

10 MEMBER SINNOTT: We have a motion and a
11 second.

12 Mr. Payne.

13 DEPUTY DIRECTOR PAYNE: All those in
14 favor of the motion signify by saying aye.

15 (Vote taken.)

16 DEPUTY DIRECTOR PAYNE: All those
17 opposed, same sign.

18 The motion passes.

19 Case No. 2.

20 MS. HEALY: So the next one that you
21 have before you, it has the first name and the last
22 name and the first name in the last name space there,
23 and then it has the last name as the middle name, but
24 if you look at the signature box, it has the first
25 name as the signature and the middle name as the last

1 of the signatures.

2 MEMBER SINNOTT: Okay. So, Alicia, in
3 the instance of Case No. 2, the whole problem is that
4 the -- the same name that has been put into both the
5 first name and last name boxes.

6 MS. HEALY: Yes.

7 MEMBER SINNOTT: But what appears to be
8 the correct last name has been inserted into the
9 middle name box.

10 MS. HEALY: Correct.

11 MEMBER HAAS: The signature matches.

12 MS. HEALY: Yes.

13 MEMBER HAAS: This looks like a -- I
14 move that Exhibit 2 be accepted. It's an easy
15 mistake to make. The signatures match.

16 MEMBER MARINELLO: I agree. I second.

17 MEMBER SINNOTT: Okay.

18 DEPUTY DIRECTOR PAYNE: All those -- did
19 we have a second?

20 MEMBER SINNOTT: Yes.

21 DEPUTY DIRECTOR PAYNE: Okay. All those
22 in favor of the motion signify by saying aye.

23 (Vote taken.)

24 DEPUTY DIRECTOR PAYNE: All those
25 opposed, same sign.

1 Motion passes.

2 MS. HEALY: The next one that you have
3 before you, the date of birth should be 9/12/1956,
4 but they used the 2016 as their birth year.

5 MEMBER MARINELLO: I've seen that.

6 MEMBER SINNOTT: It's straightforward.
7 Alicia, do you recall what our convention has been
8 when we've encountered this?

9 MS. HEALY: Accepted it.

10 MEMBER HAAS: Yeah.

11 MEMBER MARINELLO: I move to accept
12 Exhibit 3 to be counted.

13 MEMBER HAAS: Second.

14 DEPUTY DIRECTOR PAYNE: All those in
15 favor of the motion signify by saying aye.

16 (Vote taken.)

17 DEPUTY DIRECTOR PAYNE: All those
18 opposed, same sign.

19 Motion passes.

20 Case No. 4.

21 MS. HEALY: So it appears that the voter
22 wrote 1425 Oakland Road, but there is no Oakland Road
23 in Columbus. There is a Yorkland Road, 1425 Yorkland
24 Road, so we determined by looking at that -- because
25 it kind of appeared that he was writing Oakland, but,

1 again, there is no Oakland Road. There is a Yorkland
2 Road. There is a "Y" that's there, too, but you
3 can't tell if it was -- so we just wanted you to make
4 a final decision.

5 MEMBER SINNOTT: Is this person
6 registered to vote at Yorkland?

7 MS. HEALY: That is the new address.

8 MEMBER SINNOTT: Is that the new
9 registered address for this person?

10 MS. HEALY: I'm sorry. I have to look
11 at it. No, it is not. That's why he did the
12 provisional.

13 MEMBER SINNOTT: Okay. So the person
14 whose name that appears on the envelope had
15 previously been registered to address -- I'm sorry,
16 previously registered to vote at the address showing
17 on the envelope as the former address?

18 MS. HEALY: Correct.

19 MEMBER SINNOTT: Got it. Thank you,
20 Alicia.

21 MEMBER MARINELLO: That signature
22 matches?

23 MS. HEALY: Yes.

24 MEMBER MARINELLO: I can't make that
25 out.

1 MEMBER HAAS: That's Exhibit 4?

2 MEMBER SINNOTT: Yes.

3 MEMBER HAAS: I move that we accept
4 Exhibit 4. It looks like an honest mistake.

5 DEPUTY DIRECTOR PAYNE: Do we have a
6 second?

7 MEMBER MARINELLO: Second. Sorry.

8 DEPUTY DIRECTOR PAYNE: All those in
9 favor of the motion signify by saying aye.

10 (Vote taken.)

11 DEPUTY DIRECTOR PAYNE: All those
12 opposed, same sign.

13 Motion passes.

14 Case No. 5.

15 MS. HEALY: The signature that you see
16 below is illegible. We have a copy of the last
17 signature that we received in September of 2011. It
18 does not match it, but it appears that over time that
19 the signature has worsened; so we're not certain if
20 the poll worker asked the voter to put an X in the
21 signature block. There just was no indication of
22 that in the problem and correction page.

23 MEMBER SINNOTT: And this signature
24 sample that we had comes from five years ago?

25 MS. HEALY: Yes.

1 MEMBER SINNOTT: It's an X.

2 MEMBER HAAS: Yeah. The X is in the
3 signature. I think -- I move that we not accept
4 Exhibit 5. Is that where we are?

5 MEMBER MARINELLO: Yeah.

6 DEPUTY DIRECTOR PAYNE: Do we have a
7 second?

8 MEMBER MARINELLO: Second.

9 DEPUTY DIRECTOR PAYNE: All those in
10 favor of the motion signify by saying aye.

11 (Vote taken.)

12 DEPUTY DIRECTOR PAYNE: All those
13 opposed, same sign.

14 Motion carries.

15 MS. HEALY: So the poll worker wrote, if
16 you look at the bottom of the provisional envelope,
17 that the voter didn't want to walk to the correct
18 precinct, so the poll worker wrote a precinct in the
19 ballot style where the voter should have voted as
20 opposed to where the voter was, but the actual
21 location where the poll worker is located is a
22 multiple precinct and ballot style.

23 MEMBER SINNOTT: Okay. So, Alicia, this
24 is a wrong precinct/wrong location?

25 MS. HEALY: Correct.

1 MEMBER SINNOTT: Okay.

2 MS. HEALY: Normally we have the 12B
3 that's attached to it, but because the poll worker
4 did write it somewhere where we can see it --

5 MEMBER SINNOTT: There is a handwritten
6 notation at the bottom we believe that comes from the
7 poll worker saying that the voter was informed that
8 the voter had gone to the wrong place to vote, but
9 the voter said he didn't want to go anywhere else?

10 MS. HEALY: Correct.

11 MEMBER SINNOTT: All right.

12 INTERIM DIRECTOR MANIFOLD: I guess the
13 question is, does this count as a -- as a 12D; right?

14 MS. HEALY: Yes, it could count as a
15 12D.

16 INTERIM DIRECTOR MANIFOLD: The proper
17 procedure would have been if they gave him a 12D
18 saying that they've been notified they're in the
19 wrong location and still voted the ballot. I guess
20 the question is does that count as a 12D.

21 MEMBER SINNOTT: Our convention is to
22 not count wrong precinct/wrong location votes; is
23 that correct?

24 MS. HEALY: Correct.

25 (Discussion off the record.)

1 MEMBER HAAS: Exhibit 6?

2 DEPUTY DIRECTOR PAYNE: Exhibit 6, yes,
3 sir.

4 MEMBER HAAS: I move that we not accept
5 Exhibit 6, wrong precinct/wrong location.

6 DEPUTY DIRECTOR PAYNE: Do we have a
7 second to that.

8 MEMBER MARINELLO: Second.

9 DEPUTY DIRECTOR PAYNE: All those in
10 favor of the motion signify by saying aye.

11 (Vote taken.)

12 DEPUTY DIRECTOR PAYNE: All those
13 opposed, same sign.

14 Motion carries.

15 Case No. 7.

16 MS. HEALY: So here you have a poll
17 worker accounted for two provisional ballots in the
18 provisional book, but there was no documentation of
19 a voided ballot, so this envelope appears to have two
20 ballots in it, so we would have to open it to
21 determine whether the ballot should count or not,
22 because if there are two ballots in one and one says
23 yes and one says no, then we can't count it, but we
24 can give them both a credit, but just not count the
25 ballot or there could be a voided ballot in there.

1 Then we would know which one to --

2 MEMBER MARINELLO: So you need
3 permission to open it?

4 MS. HEALY: Yes.

5 MEMBER SINNOTT: Yes.

6 MEMBER HAAS: I move that Exhibit 6 --
7 is that where we're at?

8 DEPUTY DIRECTOR PAYNE: Seven.

9 MEMBER HAAS: Seven be opened and
10 reviewed. We don't know what's in there.

11 MEMBER SINNOTT: My sense is we would
12 have to know what's in here in order to know what to
13 do. Your motion is to open the ballot --

14 MEMBER HAAS: Yes.

15 MEMBER SINNOTT: -- and have staff
16 report back to us on the content?

17 MEMBER HAAS: Correct.

18 MEMBER MARINELLO: Yes.

19 MEMBER SINNOTT: Second.

20 DEPUTY DIRECTOR PAYNE: All those in
21 favor of the motion signify by saying aye.

22 (Vote taken.)

23 DEPUTY DIRECTOR PAYNE: All those
24 opposed, same sign.

25 Motion passes.

1 MS. HEALY: Okay. So the poll worker
2 wrote "prov" which means a provisional. In the
3 signature line in the poll book you'll see one of the
4 attached copies, but then it sounds like possibly she
5 voted on the machine. The poll worker also stated
6 that this envelope was filled out, a curb side
7 envelope, but that is not a curb side envelope. That
8 is an ADA envelope, so -- in looking also at the
9 envelope inside, it doesn't appear that it is
10 actually a ballot, and that, again, we would have to
11 open it to determine what's inside.

12 MEMBER SINNOTT: Alicia, I agree, there
13 does appear to be a ballot in that envelope.

14 MS. HEALY: Uh-huh.

15 MEMBER SINNOTT: Shall we --

16 MEMBER HAAS: I move that Exhibit 8 be
17 opened and reviewed and report back.

18 DEPUTY DIRECTOR PAYNE: All those in
19 favor of the motion signify by saying aye.

20 (Vote taken.)

21 DEPUTY DIRECTOR PAYNE: All those
22 opposed, same sign.

23 Motion carries.

24 Thank you, Alicia, for that good report.

25 So when we started, when she started her

1 report, we started with 485 provisional ballots that
2 were deemed appropriate and to be counted, and if my
3 counting is correct here, we added 3 to that, and so
4 that would make that number 488. Then the ballots
5 that were rejected, we started out with 49, and again
6 we added 3 to that to be rejected, so that number
7 becomes 52. And then we had 2 ballots that you asked
8 the staff to open, and we'll have a motion, I
9 believe, later on where we are opening -- you
10 instructed the staff to open ballots and report back
11 to you potentially at our next meeting, so would you
12 want these done the next meeting or would you want
13 these two today?

14 MEMBER SINNOTT: I think the thing that
15 makes sense is for the staff to go outside, carry out
16 the instruction to open the envelopes, and then make
17 a report to us still today.

18 DEPUTY DIRECTOR PAYNE: Perfect. Okay.
19 So we'll hold off on this next motion; correct?

20 MEMBER SINNOTT: Yes.

21 DEPUTY DIRECTOR PAYNE: Okay. But,
22 Alicia -- actually, I don't think I need you for this
23 next one.

24 So the extraction of provisional
25 ballots, we need approval for the staff to go extract

1 not only those two, but the other provisional ballots
 2 that we have.

3 MEMBER HAAS: The 34?

4 DEPUTY DIRECTOR PAYNE: Is that number
 5 34?

6 MS. HEALY: Correct.

7 DEPUTY DIRECTOR PAYNE: 34, yes.

8 MEMBER HAAS: We I move 36. Okay.

9 DEPUTY DIRECTOR PAYNE: It would be 36.
 10 My only point in there is that those 34 were going to
 11 be reported to you at the August -- you don't have to
 12 sit around today, unless you want to recess and wait,
 13 we can do that. Otherwise, we were going to do a
 14 report and report back to you August 22nd.

15 MEMBER SINNOTT: We don't need to
 16 specify a number.

17 DEPUTY DIRECTOR PAYNE: That's true.
 18 Okay.

19 MEMBER HAAS: We count the other two,
 20 though, just lumping those in, right, so it's all
 21 one?

22 MEMBER SINNOTT: I don't think we need
 23 to make a motion specifically as to a number.

24 MEMBER HAAS: No. I just wanted to be
 25 clear that's what we were doing.

1 DEPUTY DIRECTOR PAYNE: So you're going
2 to open those two and come back, and we'll add those
3 to this number, and then, yes, we're looking for a
4 motion for extraction now.

5 MEMBER HAAS: All right. I move that
6 the Board authorize the staff to extract the approved
7 provisional ballots.

8 MEMBER MARINELLO: Second.

9 DEPUTY DIRECTOR PAYNE: All those in
10 favor of the motion signify by saying aye.

11 (Vote taken.)

12 DEPUTY DIRECTOR PAYNE: All those
13 opposed, same sign.

14 The motion passes.

15 And the remaking of provisional ballots,
16 again we can recess and wait. The last time we did
17 this we thought it was best to -- we just have a
18 report back, so we would be looking for a motion
19 there, if you're so inclined.

20 MEMBER HAAS: It's up to you.

21 MEMBER SINNOTT: I think the motion as
22 proposed is fine.

23 MEMBER HAAS: I move that Board
24 authorize the staff to remake provisional ballots and
25 that these remade ballots shall be tabulated and

1 included in the official canvass of the results for
 2 the August 2nd, 2016, Special Election, with a report
 3 to be made to the Board at the meeting scheduled for
 4 August 22nd, 2016.

5 MEMBER MARINELLO: Second.

6 DEPUTY DIRECTOR PAYNE: All those in
 7 favor of the motion signify by saying aye.

8 (Vote taken.)

9 DEPUTY DIRECTOR PAYNE: All those
 10 opposed, same sign.

11 The motion passes.

12 That will also be the date of our
 13 certification of all of the numbers for the August
 14 2nd election.

15 Absentee deficiencies.

16 INTERIM DIRECTOR MANIFOLD: Darlene is
 17 here from my department.

18 MEMBER HAAS: Is this going to take a
 19 few minutes? I was just thinking we've got a lot of
 20 people from Upper Arlington here if we could --

21 DEPUTY DIRECTOR PAYNE: Okay. You want
 22 to --

23 MEMBER HAAS: If we could maybe go ahead
 24 and bump that up.

25 MEMBER SINNOTT: Greg, that would be

1 fine, I think, in the sense that --

2 Darlene, could you wait for us?

3 MS. TOMPKINS: I'm sorry?

4 MEMBER SINNOTT: Could you wait for us
5 for a moment?

6 MS. TOMPKINS: Okay.

7 MEMBER SINNOTT: We're going to take
8 another piece of business.

9 DEPUTY DIRECTOR PAYNE: The Upper
10 Arlington discussion, I'm going to let Jeff Mackey
11 describe what we've encountered over the last couple
12 weeks there, so --

13 MR. MACKEY: Quick background, in
14 January, I think, Upper Arlington had a council
15 member, Mike Schadek, resign. The city then
16 appointed Susan Ralph to the seat. In the meantime,
17 between then and now, we've had an indication from
18 another citizen of Upper Arlington that they would
19 like to run for an unexpired term at the election in
20 November.

21 Subsequently to that, we did receive two
22 petitions that we accepted at the counter; Omar
23 Ganoom, who is the individual that indicated he would
24 like to run for the unexpired term seat, and Susan
25 Ralph, who is a current sitting council member.

1 We've also received from Upper Arlington indication
2 that they do not provide for unexpired term elections
3 for their city council seats that become vacant.

4 In my experience and I believe our
5 counsel from the Prosecutor's Office agrees that we
6 defer to the city in those instances, when they tell
7 us something like that.

8 DEPUTY DIRECTOR PAYNE: I think it -- at
9 this point, I think it's probably --

10 MR. MACKEY: So if there is no election,
11 I'm not sure that the petitions mean anything.

12 DEPUTY DIRECTOR PAYNE: We've not
13 certified -- or we've not verified those petitions?
14 We are just simply taking them -- took them in and
15 time stamped them; is that correct? We've not
16 verified the --

17 MR. MACKEY: No. We did look at the
18 signatures.

19 DEPUTY DIRECTOR PAYNE: We did look at
20 the signatures?

21 MR. MACKEY: (Nods head.)

22 DEPUTY DIRECTOR PAYNE: Okay. So
23 they're okay in that regard?

24 MR. MACKEY: Actually, I don't know that
25 for certain.

1 DEPUTY DIRECTOR PAYNE: All right.

2 MEMBER SINNOTT: David, let me tell the
3 members of the board and staff and public that my
4 office has consulted with the City of Upper Arlington
5 on this subject, so I will refrain from participating
6 in the discussion or any related voting.

7 DEPUTY DIRECTOR PAYNE: I think it would
8 be appropriate to hear from counsel. I know Jeff
9 said that he conferred with you and you had a thought
10 on the subject.

11 MR. LECKLIDER: Well, Jeff is correct in
12 that, I think as probably you all are aware, as a
13 general policy this Board has deferred to the
14 municipality's interpretation of its own charter. In
15 this case, as I think you're aware, the City of Upper
16 Arlington has taken the position that its charter
17 does not allow for an election under these particular
18 circumstances; so that being the case, the -- the
19 petitions that have been filed, they're -- I don't
20 want to say they're meaningless. You might find a
21 little bit more politically correct term, I guess,
22 but there's no basis for their filing. Therefore,
23 there's no basis for any protest being filed, and
24 there's nothing more to be done, frankly, with
25 respect to the Board of Elections. There's no Board

1 action required under the circumstances.

2 MEMBER HAAS: Do we need to act to defer
3 to the city? Do we need to take any action to defer
4 to the city?

5 MR. LECKLIDER: No. And just an
6 additional comment, I mean typically, I think in most
7 cases, and again many of you have more actual
8 experience on the ground, so to speak, this has
9 occurred more often than that in respect to the City
10 of Columbus and their interpretation of their city
11 charter, and I think you would agree that the Board
12 has deferred in those instances, and I think a couple
13 of examples, you know, just in the last couple of
14 years we deferred to the City of Columbus'
15 interpretation of their city charter.

16 MEMBER HAAS: But we don't need to
17 proactively defer?

18 MR. LECKLIDER: That's correct.

19 MEMBER HAAS: Okay.

20 MR. LECKLIDER: And then just one more
21 comment, that the reason for the deferral is the city
22 has written its charter and so the city is presumed
23 to be expert with respect to that meaning of that
24 charter, and that's the reason for your deferral.

25 MEMBER HAAS: Okay. Is there any way --

1 can I ask if there's anybody here today that wants to
2 take issue with our counsel's interpretation?

3 (No response.)

4 MEMBER HAAS: All right. We're done,
5 then; right?

6 MEMBER SINNOTT: Do we need to have any
7 more discussion?

8 MEMBER HAAS: No.

9 MEMBER SINNOTT: We're shelving the
10 discussion item? Very well.

11 MR. McTIGUE: I have one question for
12 you. I'm sorry. I'm Don McTigue. I'm special
13 counsel, along with John Kulewicz here for the city.
14 Does the Board need to take action at all on these
15 petitions to at least reject them? Because otherwise
16 you have petitions sitting there that have been
17 filed. I'm not -- I don't know the answer, but it
18 seems like it might be safer to take action to
19 actually reject them. I just raise that for your
20 consideration.

21 MR. LECKLIDER: I don't know that you
22 have to actually formally reject them. Jeff might
23 want to make a comment here. I don't -- I think with
24 every cycle that there are probably petitions that
25 get filed and some that simply don't get processed.

1 Am I correct?

2 MR. MACKEY: Yes.

3 MR. LECKLIDER: To take formal action,
4 you want to recommend something to the Board with
5 respect to those that --

6 MR. MACKEY: I think the most recent
7 example, I have is that a couple of city council --
8 central committee people filed to run for seats that
9 don't exist. I think I included them in the list --
10 on the exhibit for rejecting. That the seat doesn't
11 exist is a little different than that. I think also
12 in the same primary election we had a couple
13 Libertarian issues that I did not include on that
14 exhibit because the Libertarians did not have a
15 primary election. So I guess I'd not present those
16 two.

17 MR. LECKLIDER: Okay.

18 MR. HAAS: This gentleman would like
19 to comment.

20 MR. BECKER: Thank you, Mr. Haas. "This
21 gentleman" is Jim Becker. I'm an attorney. I'm Mr.
22 Ganoom's counsel. We would agree with counsel for
23 the prosecutor, that you don't reject them if you're
24 not going to act on them.

25 MEMBER HAAS: Okay. I don't think we

1 need to take action. I think we'd want to defer to
2 our counsel and not take any action.

3 MEMBER SINNOTT: Okay. Darlene, you're
4 up.

5 MS. TOMPKINS: We have 12 returns,
6 absentee ballots for the Special Election, that
7 everything on them is correct except they left off
8 their birth dates, and if you'll look at Form
9 2015-27, then at the bottom, Section 3, and on the
10 second page where we've accepted them.

11 DEPUTY DIRECTOR PAYNE: The number is
12 12?

13 INTERIM DIRECTOR MANIFOLD: The page
14 number is 5-30 and 5-31. It's similar to what you
15 just did with the provisional.

16 MS. TOMPKINS: Everything else is
17 correct.

18 MEMBER SINNOTT: So, Darlene, you have
19 12 absentee ballots that you've given us, and the
20 only deficiency lies with the date of birth?

21 MS. TOMPKINS: Yes.

22 MEMBER SINNOTT: But all the other voter
23 information is complete and correct?

24 MS. TOMPKINS: Yes.

25 MEMBER SINNOTT: Thank you.

1 INTERIM DIRECTOR MANIFOLD: I believe
2 the last couple of elections we have accepted these.

3 MEMBER HAAS: We've accepted them?

4 INTERIM DIRECTOR MANIFOLD: Yes, the
5 circumstances. It takes a three Board -- three Board
6 vote. It takes a three "yes" vote.

7 MEMBER HAAS: Based on past practice, I
8 move that these absentee ballots be counted. It
9 looks like it's an oversight.

10 DEPUTY DIRECTOR PAYNE: Is there a
11 second to that?

12 MEMBER MARINELLO: Second.

13 DEPUTY DIRECTOR PAYNE: All those in
14 favor of the motion signify by saying aye.

15 (Vote taken.)

16 DEPUTY DIRECTOR PAYNE: All those
17 opposed, same sign.

18 The motion passes.

19 Do we need to do anything with the
20 remaking of any absentee ballots?

21 INTERIM DIRECTOR MANIFOLD: We do not
22 have any at this time. We don't have any remakes
23 right now.

24 MEMBER SINNOTT: It looks as though we
25 may have a report to receive on the content of the

1 two envelopes.

2 MS. HEALY: So the blue envelope had a
3 note in it.

4 MEMBER SINNOTT: The blue envelope was
5 Case No. -- which one?

6 MS. HEALY: No. 8.

7 MEMBER SINNOTT: Case No. 8 now.

8 MS. HEALY: There was no valid ballot
9 inside.

10 MEMBER SINNOTT: It does appear there is
11 no ballot inside the ballot envelope, but there is a
12 note. It would seem as though the motion would be
13 not to count that, as there is nothing to count.

14 MEMBER MARINELLO: Agreed.

15 MEMBER SINNOTT: Well, I will so move.

16 MEMBER HAAS: Second.

17 DEPUTY DIRECTOR PAYNE: All those in
18 favor of the motion signify by saying aye.

19 (Vote taken.)

20 DEPUTY DIRECTOR PAYNE: All those
21 opposed, same sign.

22 Motion passes.

23 And Ballot No. 7.

24 MS. HEALY: So there were two ballots in
25 that envelope. One was blank, and the other one they

1 did pass.

2 MEMBER SINNOTT: So Case No. 7 there
3 were two ballots in here, one was completely blank?

4 MEMBER MARINELLO: This is eight; right?

5 MS. HEALY: No. It's seven.

6 MEMBER SINNOTT: Seven, this is No. 7
7 now.

8 MS. HEALY: I put them in the wrong
9 order.

10 MEMBER SINNOTT: So considering Case No.
11 7, two ballots in it. One was completed. The other
12 had nothing on it at all.

13 MEMBER HAAS: I move that we don't count
14 the blank ballot.

15 MEMBER MARINELLO: I second that.

16 MEMBER SINNOTT: But we do count the one
17 that was completed?

18 MEMBER HAAS: And that we do count the
19 one that was completed.

20 DEPUTY DIRECTOR PAYNE: All those in
21 favor of that motion signify by saying aye.

22 (Vote taken.)

23 DEPUTY DIRECTOR PAYNE: All those
24 opposed, same sign.

25 Motion passes.

1 MEMBER SINNOTT: I think that was a
2 motion by Mr. Haas and a second by Miss Marinello.

3 DEPUTY DIRECTOR PAYNE: So when we left
4 the room, and we're going to need a motion here, so
5 when we left the room, we had the number 52 of
6 rejections, and we've had 1 more, so that number is
7 53. We had a number of 488 to accept, and we've had
8 1 accept, so that's 489; so I guess I would be
9 looking for a motion to accept 489 and to reject 53
10 provisional ballots.

11 MEMBER MARINELLO: I move to accept 489
12 provisional ballots and to reject 53.

13 MEMBER SINNOTT: I believe your motion
14 would also contemplate that all provisional ballots
15 deemed valid will be counted and included in the
16 official canvass results for the August 2, 2016,
17 Special Election?

18 MEMBER MARINELLO: Read my lips --

19 DEPUTY DIRECTOR PAYNE: All those in
20 favor of that -- was there a second?

21 MEMBER HAAS: I second that.

22 DEPUTY DIRECTOR PAYNE: All those in
23 favor of that motion signify by saying aye.

24 (Vote taken.)

25 DEPUTY DIRECTOR PAYNE: All those

1 opposed, same sign.

2 Motion passes.

3 I believe now, if there's any need to go
4 into executive session.

5 MEMBER MARINELLO: Pursuant to Ohio
6 Revised Code Section 121.22(G) (1&3), I move that the
7 Franklin County Board of Elections go into executive
8 session to consider the appointment, employment,
9 dismissal, discipline, promotion, demotion, and/or
10 compensation of a public employee.

11 MEMBER HAAS: Second.

12 MEMBER SINNOTT: Second.

13 DEPUTY DIRECTOR PAYNE: I believe this
14 requires a roll call vote.

15 Kim Marinello.

16 MEMBER MARINELLO: Yes.

17 DEPUTY DIRECTOR PAYNE: Greg Haas.

18 MEMBER HAAS: Yes.

19 DEPUTY DIRECTOR PAYNE: Brad Sinnott.

20 MEMBER SINNOTT: Yes.

21 DEPUTY DIRECTOR PAYNE: Motion passes.

22 We're in executive session.

23 - - -

24 (Board in executive session.)

25 - - -

1 MEMBER HAAS: I move that the Franklin
2 County Board of Elections adjourn from executive
3 session and that no votes or official actions were
4 taken during that executive session.

5 MEMBER SINNOTT: Second.

6 DEPUTY DIRECTOR PAYNE: I believe that
7 requires a voice vote as well.

8 Kim Marinello.

9 MEMBER MARINELLO: Yes.

10 DEPUTY DIRECTOR PAYNE: Greg Haas.

11 MEMBER HAAS: Yes.

12 DEPUTY DIRECTOR PAYNE: Brad Sinnott.

13 MEMBER SINNOTT: Yes.

14 DEPUTY DIRECTOR PAYNE: Motion passes.

15 MEMBER SINNOTT: I move that the
16 Franklin County Board of Elections accept the
17 resignation of Director William Anthony effective
18 August 15, 2016, and that the service of Zach
19 Manifold as Interim Director of the Board be
20 extended through the Board's meeting on September 6,
21 2016.

22 DEPUTY DIRECTOR PAYNE: Is there a
23 second?

24 MEMBER MARINELLO: Second.

25 DEPUTY DIRECTOR PAYNE: It's been

1 properly moved and seconded.

2 Kim Marinello.

3 MEMBER MARINELLO: Yes.

4 DEPUTY DIRECTOR PAYNE: Greg Haas.

5 MEMBER HAAS: Yes.

6 DEPUTY DIRECTOR PAYNE: And Brad

7 Sinnott.

8 MEMBER SINNOTT: Yes.

9 DEPUTY DIRECTOR PAYNE: Motion passes.

10 Now, as far as of filling the vacancy, Zach, do you
11 know the process? I know we have to advertise with
12 the Columbus Dispatch.

13 INTERIM DIRECTOR MANIFOLD: Correct,
14 correct. Here, let me pass this out. This is the
15 directive. I think it's 2015-24, Elections
16 Administration Directive laying out the
17 qualifications, and then if you look at Page 211, it
18 lays out for you what to do in the case of a vacancy.
19 So we'll be advertising the position in the largest
20 circulation newspaper in the county, obviously in the
21 Dispatch, for seven days, and then there's -- there's
22 a process for them to contact us, send in a resume.
23 There's also an evaluation criteria that the Board
24 had developed a few years back. Suzanne has it in
25 case anybody wants to know about it, to get a copy of

1 the evaluation criteria, and I think that's it. And
2 the ad starts tomorrow.

3 DEPUTY DIRECTOR PAYNE: And I believe
4 that requires a motion to accept that, the ability to
5 do that.

6 INTERIM DIRECTOR MANIFOLD: No.

7 DEPUTY DIRECTOR PAYNE: That was just a
8 point of information.

9 Before we adjourn, I want to introduce
10 Rebecca Hunt. Rebecca is our new legislative liaison
11 to the Board of Elections from the Secretary of
12 State.

13 MEMBER SINNOTT: Welcome.

14 DEPUTY DIRECTOR PAYNE: So she's been on
15 board a whole week.

16 Right?

17 MS. HUNT: Yes.

18 DEPUTY DIRECTOR PAYNE: We met last
19 week, and she seems very pleasant, and we're glad to
20 have you on board.

21 MS. HUNT: Thank you.

22 DEPUTY DIRECTOR PAYNE: I think that
23 concludes all of the business we had, unless
24 there's any --

25 MEMBER SINNOTT: Motion to adjourn.

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MEMBER HAAS: Second.

DEPUTY DIRECTOR PAYNE: All those in favor.

(Vote taken.)

DEPUTY DIRECTOR PAYNE: All those opposed.

Motion passes.

We are adjourned.

(Thereupon, the meeting was adjourned at 4:00 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, August 15, 2016, and carefully compared with my original stenographic notes.

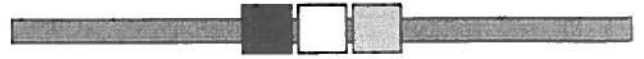
Valerie J. Sloas
Valerie J. Sloas, Registered Professional Reporter and Notary Public in and for the State of Ohio.

My commission expires June 10, 2021.
(VJS-81664)



August 2, 2016 Provisional Counts

TOTAL	576
Good	485
001 Aproved	484
002NEOCH	1
Rejected	49
006 Form Incomplete	4
200 Not Registered	33
450 Voted Absentee	2
500 Signature Mismatch	3
520 No ID	2
650 Wrong Location/Precinct	5
Unknown (Possible Remakes)	34
600 Possible Remakes (No 12-D attached	24
Unknown Ballot Style	10
Board Review	8



- UOCAVA Voters – A UOCAVA voter's board of elections must provide notice to the voter in the same manner in which the voter requested transmission of the ballot by the board to the voter (i.e., by e-mail, facsimile, or by mail, if application was made by mail or in person).

A completed Form 11-S must be received by the board of elections by the 7th day after an election,⁷³ or be post-marked by the 7th day after the election and received by the board of elections by the 10th day after the election, in order to cure the voter's defective absentee ballot identification envelope and have the ballot included in the official canvass, which may begin on the 11th day following the election.

B. Counting Absentee Ballots

In order for an identification envelope to be opened and the absentee ballot to be counted, the absentee voter must provide the following information on the absentee ballot ID envelope:⁷⁴

1. Name;⁷⁵
2. Residence Address, which must match the address at which the voter is registered.⁷⁶ Ohio law does not permit an absentee ballot identification envelope to be used as a voter registration form, change of name form, or change of address form. If the address on the absentee ballot identification envelope indicates that the voter's registration information is out of date and that the voter would be required to vote a provisional ballot, the absentee ballot cannot be counted;
3. Date of Birth—The birthdate is considered complete if the month and day match the month and day as reflected in the statewide voter registration database, the birthdate in the statewide voter registration

⁷³ R.C. 3509.06(D)(3)(b).

⁷⁴ R.C. 3509.06(D).

⁷⁵ R.C. 3509.06(D)(3)(a)(i).

⁷⁶ R.C. 3509.06(D)(3)(a)(iii).



database is January 1, 1800, or the board of elections has found by the vote of at least three members that the voter has completed satisfactorily all of the other required information (i.e.; name, residence address, signature, and identification);⁷⁷

4. Signature;⁷⁸ and
5. Proper Identification:⁷⁹
 - The voter's driver's license number;⁸⁰
 - The last four digits of the voter's Social Security number;⁸¹ or
 - A copy of a current and valid photo identification, a military identification, or a current (within the last 12 months) utility bill, bank statement, government check, paycheck, or other government document (other than a notice of voter registration mailed by a board of elections) that shows the voter's name and address.⁸²

Ohio law requires all absentee voters to place their ballot in the ID envelope and seal the envelope. The board of elections must clearly indicate that the ballot must be sealed within the ID envelope in order to count. If the board receives an absentee ballot that is not sealed in its identification envelope, the board must seal the envelope. If the ballot is not inside the identification envelope, avoid looking at the markings on the ballot, and place the ballot in the identification envelope and seal it.

All absentee ballots returned by the close of polls on Election Day, whether returned in person or by mail, must be included in the unofficial results if the ballots meet all other requirements of law.

⁷⁷ R.C. 3509.06(D)(3)(a)(iii).

⁷⁸ R.C. 3509.06(D)(3)(a)(iv).

⁷⁹ R.C. 3509.06(D)(3)(a)(v).

⁸⁰ R.C. 3509.06(D)(3)(a)(v)(I).

⁸¹ R.C. 3509.06(D)(3)(a)(v)(III).

⁸² R.C. 3509.06(D)(3)(a)(v)(III).