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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. Allison Murray
Ms. Carolyn S. Gorup
Mr. Zach Manifold

Franklin County Board of Elections.

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Tuesday Morning Session,
January 16, 2018.

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DEPUTY DIRECTOR PAYNE: We will go ahead and bring this meeting to order. It appears that we have a quorum. We will take attendance just to make sure with roll.

Kimberly Marinello.

MS. MARINELLO: Here.

DEPUTY DIRECTOR PAYNE: Michael Sexton.

MR. SEXTON: Yes.

DEPUTY DIRECTOR PAYNE: Doug Preisse.

(No response.)

DEPUTY DIRECTOR PAYNE: Brad Sinnott.

MR. SINNOTT: Here.

DEPUTY DIRECTOR PAYNE: We have a quorum.

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APPROVAL OF MINUTES

DEPUTY DIRECTOR PAYNE: The first order of business is approval of the December 15, 2017, Board meeting minutes. Those were sent out to all of the Board members. If there aren't any deletions, additions, or corrections, I would take a motion to approve the comments.

MEMBER SINNOTT: I move that the Board

1 approve the minutes of the December 15, 2017, meeting
2 of the Franklin County Board of Elections as
3 submitted.

4 DEPUTY DIRECTOR PAYNE: Is there a
5 second?

6 MEMBER MARINELLO: Second.

7 DEPUTY DIRECTOR PAYNE: All those in
8 favor, signify by saying aye.

9 All opposed, same sign.

10 (Vote taken; motion passes.)

11 DEPUTY DIRECTOR PAYNE: Motion carries.

12 - - -

13 EMCS CONTRACT

14 DEPUTY DIRECTOR PAYNE: The next order of
15 business is the EMCS contract. I will ask Carolyn
16 Gorup, our IT director, to give us a few brief
17 comments on that and kind of tell us what this is.

18 MS. GORUP: This is the annual contract
19 that we enter into with EMCS for support of our
20 Integrity voter registration system. We have been
21 doing this since 2009, and every year there's a five
22 percent increase, which brings it up to \$59,098.23,
23 and it also has the option next year of extending the
24 contract for another year for \$63,053.14.

25 MEMBER SINNOTT: So, Carolyn, we are

1 already in the contract that provides for a five
 2 percent annual increase?

3 MS. GORUP: Yes.

4 MEMBER SINNOTT: You are asking for
 5 approval of the contractual increase?

6 MS. GORUP: Yes.

7 DEPUTY DIRECTOR PAYNE: Any questions for
 8 Carolyn?

9 MEMBER SEXTON: I move that the Board
 10 authorize the director and deputy director to enter
 11 into a contract with Election Management Consulting
 12 Services in the amount of \$59,098.23 for continued
 13 support on the Integrity System in calendar year
 14 2018.

15 MEMBER SINNOTT: Second.

16 DEPUTY DIRECTOR PAYNE: All those in
 17 favor, signify by saying aye.

18 Opposed, same sign.

19 (Vote taken; motion passed.)

20 DEPUTY DIRECTOR PAYNE: Motion carries.

21 - - -

22 DOLLAR THRESHOLD FOR D/DD APPROVAL

23 DEPUTY DIRECTOR PAYNE: The next three
 24 items are for just preliminary discussion only. The
 25 first one would be presently we have a threshold for

1 the director and deputy director, anything in excess
2 of \$10,000 we bring to the Board. This is something
3 we need to talk about with our legal counsel if you
4 are so inclined to even do it. We haven't had those
5 conversations yet, if we would want to do that. We
6 also probably want to be talking to our procurement
7 officers to make sure.

8 DIRECTOR LEONARD: Really where it came
9 from with regard to our purchase orders, opening
10 purchase orders and making sure that we had
11 significantly -- whether or not we should have a
12 higher threshold for that and leads to also the
13 purchasing, the ability to enter into a contract for
14 whatever dollar threshold the Board would set. At a
15 certain point the director and deputy director should
16 be able to go ahead and execute a contract below a
17 certain threshold, and above that threshold just come
18 to the Board.

19 So we wanted to reevaluate based upon
20 some of the changes in the statute that relate to
21 those dollar thresholds for competitive bids and
22 looking at whether that would weigh in favor of
23 adjusting the contracting authority for the director
24 and deputy director upwards.

25 MEMBER SINNOTT: What are the current

1 limits?

2 DIRECTOR LEONARD: \$10,000.

3 MEMBER SINNOTT: So you can contract in
4 our name up to ten grand right now.

5 DIRECTOR LEONARD: And I can't think of
6 anything we've run into lately that has caused us
7 problems, but...

8 DEPUTY DIRECTOR PAYNE: I think the other
9 thing we're going to do is see what other agencies,
10 county agencies, what their threshold is just from a
11 comparison point of view. We haven't run into any
12 problems, but we thought --

13 DIRECTOR LEONARD: It's been a question,
14 what is our threshold? I mean, what level of
15 authority do we have to enter a contract? And then
16 there was some research done on some of the Board
17 minutes, and we were able to come upon the policy
18 that was approved back in July of 2009 that set forth
19 that amount as \$10,000.

20 So that might be something that is worthy
21 of review, and the Board members giving it some
22 thought as well, what the comfort level would be in
23 terms of threshold of authority by the director and
24 deputy director.

25 MEMBER SEXTON: So we've had this is in

1 place for nine years.

2 DIRECTOR LEONARD: Right.

3 MEMBER SEXTON: There really has been no
4 reason to go above it?

5 DIRECTOR LEONARD: I'm not aware of it.
6 That's why I do want to spend some time looking at it
7 as well.

8 MEMBER SINNOTT: I can't think of any
9 time in the last five years it seems as though we
10 were hamstrung because of that \$10,000 limit. The
11 Board meets regularly. We don't do a high volume of
12 contracting, but we can take a look at it, sure.

13 DEPUTY DIRECTOR PAYNE: Just in addition
14 to all the policies, we're looking at that as well.

15 Any other discussion or anything on that
16 item?

17 - - -

18 VOTING MACHINES

19 DEPUTY DIRECTOR PAYNE: If not, we will
20 discuss voting machines. As you know over the last
21 nine or so months, we've been looking at different
22 vendors. There are five approved vendors in the
23 state of Ohio, Hart, RBM, Dominion, Clear Ballot, and
24 ES&S. Our voting machines right now are 12 years
25 old, and they have a life expectancy of anywhere from

1 10 to 15, so we are in that area where we ought to be
2 looking at voting machines. I know the director has
3 been doing a lot of legwork and a lot of research, as
4 has our entire office.

5 DIRECTOR LEONARD: Well, we'll first give
6 you a sense of where the State funding issue is. At
7 our last conference this past week, the association
8 gave an update where the legislature stands on
9 funding for additional voting systems. The executive
10 director of the association explained to the Board
11 that they have been working both with the Kasich
12 administration, as well as the leadership in the
13 legislature, that they anticipate that there will be
14 some level of funding.

15 Secretary Husted put forward a proposal
16 for \$118 million in State funding. They believe that
17 they have a significant amount of support within both
18 political parties for support for funding a new
19 voting system. The exact amount is still subject to
20 question, but they do anticipate there will be some
21 funding, and they anticipate that the methodology for
22 funding will likely stay similar to what was done for
23 the poll pads, meaning based on a percentage of
24 registered voters.

25 That essentially developed a pie, which

1 is the entire amount of money that is available for
2 funding voting systems, and then looking at what
3 percentage Franklin County is of the entire state
4 voter registration rolls, and if that's 10 percent,
5 11 percent, then Franklin County would get that same
6 percentage of the amount, total amount, that is
7 available for voting machine funding.

8 MEMBER SINNOTT: What percentage of the
9 state's registered voters are we right now?

10 DIRECTOR LEONARD: That I don't know off
11 the top of my head.

12 DEPUTY DIRECTOR PAYNE: I think about 12
13 percent.

14 MEMBER SINNOTT: We're about 800,000 and
15 change.

16 DEPUTY DIRECTOR PAYNE: About 863,000.

17 MEMBER SINNOTT: How many registered
18 voters are there in Ohio?

19 DEPUTY DIRECTOR PAYNE: Carolyn, do you
20 know the total registration in the state?

21 MS. GORUP: I thought it was in the
22 neighborhood of 8 million.

23 DIRECTOR LEONARD: I feel like 11 percent
24 is sticking in my head. That was what we were given
25 for purposes of the electronic poll pads. Again, I

1 think that it's likely that will be the formula that
2 would be used. I think anything less than a formula
3 driven basis for providing those resources would
4 likely get challenged, and so I think the State would
5 likely have something that's very formula driven.

6 But they indicated the idea that you
7 would -- a county would be funded 100 percent for an
8 optical scan system. If you chose to get a system
9 beyond the basic optical scan system, then you would
10 be paying for it yourself.

11 (Mr. Preisse enters conference room.)

12 DIRECTOR LEONARD: We have begun
13 conversation with the commissioners over the latter
14 part of the summer as we were beginning our normal
15 budget cycle. We included a conversation with our
16 county commissioner budget staff and the county
17 commissioners themselves about the need for the
18 funding for voting machines because no matter what
19 the State gives, the County is going to have to be
20 prepared to fund, and they have expressed to us that
21 they will be ready to provide support for a new
22 voting system.

23 So in terms of exact dollar amounts,
24 there have been no specific commitments, but they
25 recognize that our system is aging, that we are in

1 need of a new voting system.

2 As David mentioned, we have spent a
3 significant amount of time over the course of the
4 latter part of summer looking at voting systems,
5 having the vendors come in, do demonstrations for us.
6 We spent a lot of time hands on with the machines.

7 We actually went to demonstrations that
8 were conducted by the County Commissioners
9 Association. They had expos for county commissioners
10 around the state. We went to several of them that
11 were close enough to drive to. We went to those, so
12 our staff has had ample opportunity to look at the
13 various systems. We spent some time going through
14 what we identified were the likes and dislikes about
15 each system.

16 Then we anticipate that we would come
17 back, probably within the next couple of weeks, come
18 back and whittle that group of five vendors down to
19 two, potentially three, vendors, and then from there
20 actually do a more in depth, having the vendor come
21 in and actually setting up our election on their
22 system to see how that would work, having our staff
23 work closely with our poll workers and our poll
24 worker trainers, working with the systems to see
25 exactly how they would work for us, also working

1 on -- essentially taking it through, not necessarily
2 a mock election, but taking it through every phase of
3 the election from setting the election up to training
4 our poll workers to really rigorously looking at how
5 we would transport these systems, how they would get
6 set up, get voter input about them, and then also on
7 the back end of it looking at how we would do the
8 post-election activities with that particular system,
9 and then, obviously, start talking about price and
10 start to try to identify how many pieces of each
11 particular equipment we would need in order to be
12 able to conduct an election.

13 We kind of initially put together a time
14 line for what we thought we would get for acquiring
15 the system, the idea being the fall of '17 would be
16 the preliminary evaluation, getting the public input
17 the first quarter of '18, which is what we're in
18 right now. We need to begin some price negotiation,
19 and the idea would be as soon as the legislature
20 approves a capital budget, which is what these funds
21 for the voting machines would be put in, in the
22 capital budget, as soon as legislature approves the
23 capital budget, we would be in a position to finalize
24 the contract with the selected vendors.

25 MEMBER SINNOTT: Do you expect there

1 would be a number of vendors that would be able to
2 satisfy the specifications?

3 DIRECTOR LEONARD: Yes, there are. There
4 are some in that evaluation process we felt wouldn't
5 or there were issues that would be complicated for us
6 to overcome, but we feel that there are vendors that
7 would satisfy the needs of Franklin County, and more
8 than one vendor that would be able to do that.

9 CHAIR PREISSE: Are they all American
10 companies?

11 DIRECTOR LEONARD: They are all certified
12 by the state of Ohio, and they all are American
13 companies. We haven't looked at exactly where their
14 equipment is manufactured. That's a worthwhile
15 question.

16 CHAIR PREISSE: I find when I'm hiring
17 somebody or buying something, checking with people
18 who already are in possession and using it, these
19 companies would probably provide testimonials, that
20 might be nice, if we could pick up the phone and call
21 some states or counties that are using them.

22 DIRECTOR LEONARD: The current system.

23 CHAIR PREISSE: Be interested in finding
24 out how they feel.

25 DIRECTOR LEONARD: I agree.

1 DEPUTY DIRECTOR PAYNE: I'd like the
2 record to reflect our chairman, Douglas Preisse, has
3 joined us.

4 So thank you, Mr. Chairman.

5 DIRECTOR LEONARD: But I do agree in
6 terms of taking that into account, looking at some.
7 We went down to see Hamilton County's system. They
8 have the Hart InterCivic. They don't have the exact
9 model that's currently being used, but they did it on
10 their system and expressed a great deal of
11 satisfaction with the Hart system. Again, it's not
12 the identical system, but fairly close to what Hart
13 is currently operating.

14 Obviously, ES&S, the one which is our
15 current vendor, is also under consideration, and our
16 experience with ES&S would be some of the factor, as
17 well as looking at some of the counties that have
18 their newest system.

19 One of the things we are looking at,
20 obviously, is ease of use for the public and our poll
21 workers, ADA compliance, security, both of the actual
22 equipment itself, but also the software, the ballot.
23 We're looking at operational ease of use from our
24 staff's standpoint in terms of its capability of
25 setting up the election, audibility, the audit

1 function, our logic and accuracy testing, how we
2 would actually operate in the Early Vote Center with
3 that particular system, and then how that system
4 operates with our current voter registration
5 software, with our Poll Pad software, how flexible is
6 the system to adjust to future needs of the
7 organization, and then financial stability,
8 reliability, and election experience of the company
9 that we would be going with, as well as maintenance,
10 transport, storage costs, some of those
11 considerations, and then, finally, the actual cost of
12 equipment, too, as well.

13 So we are on track where we want to be in
14 terms of the process, so we are in this first quarter
15 preparing to narrow down the group and be in
16 the position to be able to identify a vendor and a
17 system by the latter part of the first quarter, early
18 part of the second quarter, be in the position to
19 enter into a contract.

20 One of the things we did do last week is
21 I coordinated with a number of what I would consider
22 stakeholder groups, the League of Women Voters, some
23 of the Ohio disability rights groups. We talked to
24 Fran Ryan, who works with the City on a lot of senior
25 organizations. I actually reached out to the

1 County's Office on Aging, and they said that they
2 work closely with the groups that Fran works with in
3 terms of a lot of the senior citizen organizations.

4 We brought some of those representatives
5 in last week at the Election Conference, and all the
6 vendors were there under one roof. We had League of
7 Women Voters representatives, some of the
8 representatives from disability advocacy groups, as
9 well as senior citizens, and brought them in. David
10 and I and Steve Bulen took a group out to each of the
11 vendors so we got some input from them on what they
12 thought, what things they were thinking of in terms
13 of the systems, so we wanted to do our best to ensure
14 that we're getting that kind of input.

15 DEPUTY DIRECTOR PAYNE: We are going to
16 be doing additional open houses and that type of
17 thing, so if the Board has any other user groups you
18 would be interested in having see the machines and
19 use them and have demonstrations on, we would love to
20 see them in here.

21 DIRECTOR LEONARD: Right.

22 CHAIR PREISSE: Sounds like you did a
23 great due diligence.

24 DIRECTOR LEONARD: I thought we'd give
25 you that update.

1 CHAIR PREISSE: Good.

2 DIRECTOR LEONARD: I think the idea being
3 that we'd be in the position to do it by the second
4 quarter or so. Then that would really give us a full
5 year to do all the implementation, planning, and
6 community outreach, education so that we're ready to
7 implement in the May primary of '19.

8 DEPUTY DIRECTOR PAYNE: Any other
9 discussion on our voting machines?

10 - - -

11 EARLY VOTE CENTER MANAGERS

12 DEPUTY DIRECTOR PAYNE: In the past
13 you're aware that, for instance, in November of '17
14 we had two Early Vote Center managers, a Republican
15 and Democrat. Typically, in November of '18, we
16 would have that. The question is, do you want to
17 consider Early Vote Center managers for the May
18 primary?

19 I think in talking with Zach Manifold, we
20 can probably anticipate actually more voters in the
21 Early Vote Center in May of '18 than we actually had
22 in November of '17

23 Is that right?

24 MR. MANIFOLD: Yes. I think we'll
25 probably have 10 to 12 thousand this coming primary,

1 and I think we had, like, 8,800 last fall. We should
2 have more.

3 MEMBER SINNOTT: This is going to be a
4 high-interest primary.

5 DIRECTOR LEONARD: With 12 congressional
6 districts as well.

7 MEMBER SINNOTT: I don't see this as
8 being a close call. I think we need to have them.

9 DIRECTOR LEONARD: We will prepare a
10 different contract. In consultation, or actually,
11 the Auditor's Office, the County Auditor's Office,
12 expressed to us we need to change the way we pay the
13 individuals. As opposed to a lump-sum contract for
14 the term of the Early Vote Center, we actually have
15 to pay them -- they're not truly an independent
16 contractor. We restructured it as a daily rate, and
17 so what we will do is prepare that contract.

18 DEPUTY DIRECTOR PAYNE: We actually did
19 that the last cycle.

20 DIRECTOR LEONARD: We did it for the
21 November election.

22 MEMBER SINNOTT: When do we want to
23 employ the people?

24 DEPUTY DIRECTOR PAYNE: Do we do it the
25 week before early vote starts?

1 MR. MANIFOLD: I think that voting starts
2 Tuesday, April 10, so I think it's April 2, Monday,
3 April 2.

4 DEPUTY DIRECTOR PAYNE: Then we would go
5 a few days after.

6 MR. MANIFOLD: The Friday after the
7 election.

8 CHAIR PREISSE: Sounds like a good plan.

9 DIRECTOR LEONARD: What we do is take the
10 total amount, divide by the actual number of days of
11 the early vote, including Saturdays and Sundays,
12 figure out the daily rate, so Board of Elections
13 still has the fixed cost for what that vote manager
14 would cost the Board of Elections.

15 MEMBER SINNOTT: So we need to notify
16 these people by March.

17 DEPUTY DIRECTOR PAYNE: Perfect. That
18 would be good.

19 DIRECTOR LEONARD: Exactly. That was the
20 other part of bringing it to your attention.

21 DEPUTY DIRECTOR PAYNE: Before we finish
22 with the topic, one more thing, before we adjourn.
23 I'd like to introduce a couple people.

24 Patty Conkey, she teaches at Ohio State,
25 and Sam Hill is her student.

1 Patty, why don't you tell us real quick
2 what you do at Ohio State.

3 MS. CONKEY: Sure, so I work for what's
4 called the TOPS program, which stands for
5 Transitional Options Postsecondary Settings. All of
6 my students have intellectual disabilities, and my
7 actual piece of the program is to help my students
8 find internships in their areas of interest. That's
9 pretty much it in a very quick nutshell.

10 Sam is amazing with computers and
11 everything else. His parents also wanted a job site
12 on a COTA route, which this fits both of those, so
13 Sam is very excited to be here.

14 DEPUTY DIRECTOR PAYNE: Sam will be doing
15 a paid internship through April with us. Sam has
16 visited us several times over the last year or so and
17 had tours of the Board, registered to vote. His
18 excitement level of politics is almost unprecedented.
19 So we're very excited to have him on board.

20 I don't know if you want to say hello to
21 the Board. These are your employers here, Sam.

22 MR. HILL: Right.

23 MS. CONKEY: Thank you for having us.

24 CHAIR PREISSE: Thank you for what you
25 are doing.

1 Sam, welcome aboard. Glad you'll be
2 working with us here.

3 MR. HILL: Thanks.

4 MS. CONKEY: Thank you.

5 - - -

6 ADJOURNMENT

7 MEMBER SINNOTT: I move we adjourn.

8 MEMBER MARINELLO: Second.

9 DEPUTY DIRECTOR PAYNE: All those in
10 favor, signify by saying aye.

11 All opposed, same sign.

12 (Vote taken; motion passed.)

13 DEPUTY DIRECTOR PAYNE: We are adjourned.

14 (The meeting adjourned at 10:34 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, January 16, 2018, and carefully compared with my original stenographic notes.

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

My commission expires April 5, 2019.

(rfa-85829)

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