

BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

- - -

In Re: :  
: Regular Meeting. :  
:

- - -

PROCEEDINGS

before Chairman Douglas J. Preisse, Director Edward J. Leonard, Deputy Director David Payne, and Board Members Bradley K. Sinnott, Kimberly E. Marinello, and Michael Sexton, at the Franklin County Board of Elections, 1700 Morse Road, Columbus, Ohio, called at 3:00 p.m. on Thursday, March 1, 2018.

- - -

ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES:

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

On behalf of the Board.

McTigue & Colombo, LLC  
By Donald J. McTigue, Esq.  
545 East Town Street  
Columbus, Ohio 43215

Taft, Stettinius & Hollister, LLP  
By Donald C. Brey, Esq.  
65 East State Street, Suite 1000  
Columbus, Ohio 43215

ALSO PRESENT:

Ms. Suzanne Brown, Executive Assistant to the Board  
Jeffrey O. Mackey, Board of Elections

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

- - -

AGENDA ITEMS	PAGE
Approval of Minutes	4
Certification of Write-In Candidates for the May 8, 2018, Primary Election Ballot	4
Write-In Candidate Presentation for the May 9, 2018, Primary Election Ballot	5
Candidate Withdrawals	22
Petition Certification Reconsideration for the May 8, 2018, Primary Election, Mr. Dowds	24
Petition Certification Reconsideration for the May 8, 2018, Primary Election, Mr. Robinson	60
Hiring of Vote Center Managers	87
Adjourn	88

- - -

BOARD EXHIBITS	IDENTIFIED
A - List of Write-In Candidates for Board Certification, May 8, 2018, Primary	4
B - Withdrawals from the May 8, 2018, Primary Election Ballot	22

- - -

1 Thursday Afternoon Session,  
2 March 1, 2018,  
3 3:05 p.m.

4 - - -

5 DEPUTY DIRECTOR PAYNE: We'll call this  
6 meeting of the Franklin County Board of Elections  
7 March 1 meeting to order. We'll take roll.

8 Kim Marinello.

9 MEMBER MARINELLO: Here.

10 DEPUTY DIRECTOR PAYNE: Michael Sexton.

11 MEMBER SEXTON: Here.

12 DEPUTY DIRECTOR PAYNE: Doug Preisse.

13 CHAIRMAN PREISSE: Here.

14 DEPUTY DIRECTOR PAYNE: And Brad  
15 Sinnott.

16 MEMBER SINNOTT: Here.

17 DEPUTY DIRECTOR PAYNE: It appears that  
18 we have a quorum.

19 The first item on the agenda is the  
20 certification of write-in candidates for the May 8th,  
21 2018, Primary Election ballot, and I think you have  
22 Exhibit A that has our list of recommended write-in  
23 candidates, and Jeff Mackey is available to answer  
24 any questions to go over that.

25 MR. MACKEY: The Board received 14

1     Declarations of Intent to be a Write-in Candidate.  
2     On Exhibit A are 13 names of candidates who timely  
3     filed and whose declaration we found to be valid and  
4     sufficient. There's one candidate we'll have to  
5     discuss in a second.

6             MEMBER SINNOTT: So in between Candidate  
7     Chipps and Candidate Howard there's agreement from  
8     the bipartisan staff that these are valid write-in  
9     candidacy statements; correct?

10            MR. MACKEY: Correct.

11            MEMBER SINNOTT: I move that the Board  
12     certify the candidates listed on Exhibit A as valid  
13     write-in candidates for the offices they are seeking  
14     in the May 8, 2018, Primary Election ballot.

15            DEPUTY DIRECTOR PAYNE: There's been a  
16     motion. Is there a second?

17            MEMBER SEXTON: Second.

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

20            (Vote taken.)

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

23            (No response.)

24            DEPUTY DIRECTOR PAYNE: Motion carries.

25            The next item is a write-in candidate

1 presentation for Kristin Boggs, who our staff makes  
2 no recommendation and --

3 DIRECTOR LEONARD: I think we need to  
4 know the facts and circumstances surrounding the  
5 submission of the write-in candidacy where you need  
6 to -- we deemed it was most appropriate that it be  
7 determined by the Board directly.

8 CHAIRMAN PREISSE: And we are going to  
9 hear from the proponent and opponent side, I  
10 understand.

11 DIRECTOR LEONARD: In terms of the facts  
12 and circumstances surrounding it, do you want to  
13 outline for the Board or --

14 DEPUTY DIRECTOR PAYNE: There's a  
15 timeline that you have been given as it relates to  
16 Kristin Boggs and her candidacy for the 18th House  
17 District.

18 MEMBER SINNOTT: I would think that  
19 would be sufficient too. I don't know that we have  
20 to have an oral reiteration of that.

21 CHAIRMAN PREISSE: Yes. This has been  
22 distributed for review. This has (indicating) --

23 (Discussion off the record.)

24 CHAIRMAN PREISSE: Okay. So let's hear  
25 from the advocate. And I think since we've had some

1 discussion in the materials reviewed, let's try to  
2 keep our presentation to five minutes. Can we do  
3 that?

4 MR. McTIGUE: Yes, Mr. Chairman.

5 MR. LECKLIDER: Excuse me, Mr. Chairman.  
6 I think we should swear everybody in that's going to  
7 give testimony today.

8 CHAIRMAN PREISSE: Sure.

9 MEMBER SINNOTT: I don't think counsel  
10 is.

11 MR. McTIGUE: No, I'm not giving  
12 testimony.

13 MEMBER SINNOTT: Are you going to call  
14 any witnesses as a part of your presentation?

15 MR. McTIGUE: No.

16 MEMBER SINNOTT: Okay. It was a good  
17 suggestion, but we don't have any witnesses at this  
18 point.

19 MR. McTIGUE: And I say that, Mr.  
20 Sinnott, because I don't believe there's any facts  
21 that are in dispute here.

22 MEMBER SINNOTT: I agree.

23 MR. McTIGUE: I think this is a matter  
24 of application of the statute.

25 CHAIRMAN PREISSE: I suppose you might

1 want to introduce yourself, please, for the record.

2 MR. McTIGUE: Thank you. Mr. Chairman,  
3 I'm Don McTigue, and I represent Kristin Boggs. So,  
4 Mr. Chairman, Members of the Board, Miss Boggs filed  
5 a -- timely filed a Declaration of Intent to be a  
6 Write-in Candidate for State Representative. I don't  
7 think there's any question about the timeliness of  
8 that. The issue is that previous to that she had  
9 filed a Declaration of Candidacy and then withdrew  
10 that Declaration of Candidacy before filing her  
11 write-in declaration.

12 The statute involved here is a very  
13 wordy statute, but with regard -- to say the least,  
14 but once you distill things in that statute, which is  
15 3513.052, it becomes very clear what the statute  
16 prohibits and what the statute allows. The statute  
17 prohibits a person from simultaneously having two  
18 pending candidacies for the same election. In this  
19 case, the same election is the Primary Election.  
20 What the statute -- the statute starts out by saying  
21 that you cannot file for more than one at the same  
22 election, either by Declaration of Candidacy,  
23 Nominating Petition, or write-in, but then when you  
24 get all the way to the end of the statute, it has the  
25 exception. It provides that you can -- you can file



1 a second candidacy if you timely withdraw the first  
2 one, and it says that you can file that second  
3 candidacy either by petition or by write-in or by  
4 Declaration of Candidacy so long as you adhere to the  
5 applicable filing deadline. So the applicable filing  
6 deadline for a write-in, in this case Ms. Boggs  
7 withdrew her original petition before the deadline  
8 for filing as a write-in and before the Board of  
9 Elections had acted on the sufficiency or  
10 insufficiency of that petition, so there was nothing  
11 for the Board to review. She timely withdrew her  
12 candidacy on her first petition, so there was  
13 nothing, as I say, for the Board to review.

14 She then timely filed a write-in  
15 candidacy, timely because it was filed before the  
16 deadline for write-in candidates for the Primary.  
17 So, as I said, the statute here is aimed at  
18 prohibiting having simultaneous multiple candidacies  
19 and provides a way for you to not have simultaneous.  
20 It allows you to timely withdraw the first petition  
21 and then file the second one by the applicable  
22 deadline.

23 Furthermore, there -- the statute, when  
24 it was, I think, originally enacted, there was some  
25 question about whether you could withdraw and then

1 file a second time for the same office, but that has  
2 been answered by the Ohio Supreme Court that you can  
3 file for either the same office or a different  
4 office, and, in fact, the Secretary of State states  
5 the candidate guide says the same thing, and the  
6 Secretary of State's Election Officials Manual says  
7 the same thing and even cites the Coble case, the  
8 case that I'm referring to. So given all of those --  
9 or given all of that law, I believe that it's  
10 actually rather clear here that there is not any  
11 legal problem with this write-in candidacy, and I'd  
12 be happy to answer any questions.

13 MEMBER SINNOTT: Do you want to speak to  
14 the Canales-Flores case?

15 MR. McTIGUE: Well, the Canales-Flores  
16 case -- do you have a particular aspect of that case  
17 that you're referring to?

18 MEMBER SINNOTT: I presume you want to  
19 distinguish it from your cause.

20 MR. McTIGUE: I'm sorry?

21 MEMBER SINNOTT: I presume you want to  
22 distinguish it from the pending matter.

23 MR. McTIGUE: Well, I think it can be  
24 distinguished because in that case -- first of all,  
25 the Canales case was before the Coble case, if I

1 recall, and the Coble case actually distinguishes the  
2 Flores case and says that -- I believe in that case  
3 the Board of Elections -- in Canales the Board -- the  
4 Board of Elections had already acted upon the  
5 petition, to reject it, and, therefore, you  
6 couldn't -- you can't withdraw a petition that has  
7 already been rejected. There's nothing to withdraw  
8 because it's been rejected, and I think that that's  
9 the principal distinction.

10 CHAIRMAN PREISSE: Any other questions  
11 from the Board for Mr. McTigue?

12 MEMBER SEXTON: You've already mentioned  
13 the Coble case, which is --

14 MR. McTIGUE: Right, and the Coble case  
15 distinguishes Flores too, Flores-Canales.

16 CHAIRMAN PREISSE: Okay. Thank you.

17 Do we have -- I think we do have a  
18 similar approach as the --

19 MR. BREY: Thank you, Mr. Chairman. I  
20 saw your head nod, so I assumed that was for me.

21 CHAIRMAN PREISSE: Yes.

22 MR. BREY: My name is Donald Brey. I'm  
23 here to speak against the validity of the Boggs  
24 petition. The facts are undisputed. A Declaration  
25 of Candidacy was filed, and it was withdrawn after

1 the deadline for filing the Declaration of Candidacy,  
2 the deadline as it applies to Decorations of  
3 Candidacy, and then an attempt was made to file as a  
4 write-in -- Declaration of Candidacy, write-in  
5 candidate, prior to the deadline for Declaration of  
6 Intent for write-in candidate to be filed.

7 The general rule, absent an exception,  
8 in cases like this is you've got to reject the second  
9 application, unless there's an exception, and that's  
10 set forth in regards to 3513.054(1) as well as in  
11 3513.052(B), "A Board of Elections shall not accept  
12 for filing a declaration of intent to be a write-in  
13 candidate if that person for the same election has  
14 already filed a declaration of candidacy," unless  
15 there's an exception, and so Mr. McTigue is not  
16 accurate, I don't believe, in saying that the only  
17 thing the statute talks about are simultaneously  
18 being -- being a candidate, because the very statute  
19 that -- it's always been the case, you can't be two  
20 candidates for conflicting offices in the same  
21 election, but when the General Assembly passed House  
22 Bill 445 prior to the Canales case and prior to the  
23 other case we're talking about, that changed things a  
24 little bit.

25 Now, what about the exception? We both

1 agree that these general rules don't apply if the  
2 person timely withdrawals, but timely withdraw is  
3 defined by the statute in 3513.052(H)(2) as,  
4 "Withdrawing as a candidate before the applicable  
5 deadline for filing a declaration of candidacy,  
6 declaration of intent to be a write-in candidate, or  
7 nominating petition for the subsequent office for  
8 which the person is seeking to become a candidate at  
9 the same election," and here we're dealing not with  
10 Nominating Petitions, which are generally nonpartisan  
11 or independent candidacies often with localities or  
12 townships, where the Declaration of Candidacy is for  
13 statewide offices we're talking here, and write-ins  
14 can be for either one of them, but the applicable  
15 deadline for a Declaration of Candidacy had passed  
16 before the withdrawal of the Declaration of Candidacy  
17 by this candidate, and in the State ex rel. Coble, it  
18 was a little bit different because they withdraw the  
19 Declaration of Candidacy prior to the deadline for  
20 the Declaration of Candidacy petition, prior to the  
21 applicable deadline, and then they were able to  
22 refile before the applicable deadline a new petition.

23 In State ex rel. Canales-Flores it was a  
24 little bit different, Mr. McTigue is correct, that if  
25 the Board had acted, but there's nothing in the

1 statute that says anything about whether the Board  
2 acts or not. The statute says you withdraw before  
3 and after the applicable deadline, and in  
4 Canales-Flores they made no intent to withdraw the  
5 Declaration of Candidacy until the Declaration of  
6 Candidacy deadline had passed, and thus we believe  
7 that the statutes which were enacted to prevent  
8 successive and not just concurrent multiple  
9 candidacies under some circumstances, unless an  
10 exception applies.

11 There is no exception that applies here.  
12 A Declaration of Candidacy was filed. The applicable  
13 deadline for withdrawing the Declaration of Candidacy  
14 passed, and after that the Declaration of Candidacy  
15 passed, and, therefore, the subsequent filing is  
16 barred by 3513.041 and by 3513.052(B).

17 And if you have any questions.

18 CHAIRMAN PREISSE: Any questions from  
19 the Board?

20 MEMBER SINNOTT: No.

21 CHAIRMAN PREISSE: That was succinct.

22 MR. BREY: Thank you.

23 CHAIRMAN PREISSE: Thank you.

24 MEMBER SINNOTT: It sounds as though we  
25 have largely a legal question here. I would be

1 interested in the advice of our legal counsel.

2 (Discussion off the record.)

3 DIRECTOR LEONARD: He was asking me  
4 about whether -- what the Secretary of State's office  
5 had said. The Secretary said -- I reached out to  
6 legal counsel for the Secretary of State's office,  
7 and they essentially said the court has not addressed  
8 this type of fact pattern in this particular case,  
9 and so, therefore, you don't have any guidance from  
10 the Supreme Court on this particular fact pattern,  
11 which is obvious why both counsel are arguing that  
12 there is no previous case with a previous similar  
13 fact pattern; so that's what we got from the  
14 Secretary of State.

15 CHAIRMAN PREISSE: How about counsel?

16 MR. LECKLIDER: Well, in this particular  
17 instance I think what -- where we start is 3513.041,  
18 which addresses prohibition against filing -- this  
19 has to do with filing a declaration of write-in  
20 candidate where the candidate has already filed,  
21 which was the case here; again, in this particular  
22 instance filing a Declaration of Candidacy on  
23 February 1st, as you know. The deadline for so  
24 filing was February 7th, if I'm not mistaken, and we  
25 fast-forward, in 3513.052(G), this also states a

1 prohibition but makes reference to the exception, and  
2 the exception is unless it's timely withdrawn.  
3 Timely withdrawn is attempted to be defined in  
4 3513.052(H) (2), and you heard both counsel address  
5 their interpretation of the meaning of applicable  
6 deadline.

7 It's my view that the most reasonable  
8 interpretation of what applicable deadline means in  
9 this particular provision is the deadline for filing  
10 a Declaration for Candidacy, which then would have  
11 been February 7.

12 CHAIRMAN PREISSE: Okay.

13 DIRECTOR LEONARD: Might I add something  
14 to that interpretation? Obviously, I know I'm not  
15 counsel for the -- for the Board, but in that --

16 MEMBER SINNOTT: I'm sorry, are you  
17 speaking as the -- there are only four Board Members  
18 and one legal counsel present.

19 DIRECTOR LEONARD: Right. And as I say,  
20 if you -- if you want -- that's up to the Board.

21 CHAIRMAN PREISSE: I'm shying away from  
22 more opinion, I think at this moment.

23 MEMBER SINNOTT: Are you ready to  
24 entertain discussion?

25 CHAIRMAN PREISSE: Yeah.



1           MEMBER SINNOTT: Does anyone want to  
2 talk before me?

3           CHAIRMAN PREISSE: You're jumping at the  
4 bit.

5           MEMBER SEXTON: I can. I mean, I  
6 just -- I'm looking at a couple of things here. One  
7 is the Ohio Election Official Manual, Chapter 12,  
8 Page 10, Section 3, and it talks about the effect of  
9 withdrawal of a candidacy for the purpose of refileing  
10 the same or different office for the same election,  
11 and it says based on the Supreme Court's decision in  
12 State versus Coble, "A candidate who timely withdraws  
13 the person's candidacy prior to Board action on his  
14 nominating petition and prior to the filing deadline  
15 may file a new petition even if that petition is for  
16 the same office to be elected at the same election as  
17 the withdrawn petition as long as the Board has not  
18 officially acted," and we did not -- not act on this  
19 at the last meeting. So if you go further into the  
20 case and it says, you know, "...that the prohibition  
21 listed in R.C. 3513.261 and the other specified  
22 statutes does not bar a candidate from timely  
23 withdrawing a prior candidacy and resubmitting a  
24 timely candidacy for the same office or another  
25 office at the same election."

1                   CHAIRMAN PREISSE: That's still  
2 referring to the timely withdrawal. Who else wishes  
3 to comment?

4                   MEMBER SINNOTT: Kim, do you have  
5 anything you want to say?

6                   MEMBER MARINELLO: No. I've not read  
7 the materials.

8                   MEMBER SINNOTT: Well, then let me  
9 provide my understanding of the situation, and I'll  
10 conclude that with a motion. I agree that these  
11 facts are undisputed. On February 1st of this year  
12 Ms. Boggs filed a Declaration of Candidacy and  
13 petitions. Her declarations were unsigned on four of  
14 seven part-petitions. On February 7th of this year  
15 we reached the deadline for the filing of a  
16 Declaration of Candidacy. The record evidences no  
17 attempt to withdraw on Miss Boggs' part prior to the  
18 deadline. On February 13, some six days after the  
19 deadline, Ms. Boggs withdrew her petitions and  
20 Declaration of Candidacy. The next day she filed a  
21 Declaration of Intent now to be a write-in candidate  
22 for the same office and at the same election.

23                   I think relevant Revised Code Section  
24 3513.041, which states at Paragraph 2, and I'll quote  
25 for accuracy, "A Board of Elections shall not accept

1 for filing a declaration of intent to be a write-in  
2 candidate of a person seeking to become a candidate  
3 if that person, for the same election, has already  
4 filed a declaration of candidacy."

5 Revised Code Section 3513.052(B)  
6 similarly states, "A Board of Elections shall not  
7 accept for filing a declaration of intent to be a  
8 write-in candidate if that person, for the same  
9 election, has already filed a declaration of  
10 candidacy."

11 Now, there is an exception, of course,  
12 in Revised Code Section 3513.052(G), which states  
13 that the above prohibitions will not "disqualify a  
14 person from being a candidate for an office if that  
15 person timely withdraws as a candidate for any  
16 offices for which that person first sought to become  
17 a candidate," which takes us to what is the meaning  
18 of timely withdrawal in this context.

19 I note that we have been advised by our  
20 legal counsel that timely withdrawal in this instance  
21 would be a reference to the February 7 deadline. I  
22 do take note that the Coble decision from the Supreme  
23 Court, where Candidate Coble was permitted to  
24 withdraw his candidacy and to refile, but because he  
25 "timely withdrew as a candidate for Municipal Court

1 Judge before the application of the filing deadline  
2 of July 15, 2011, the deadline to file his  
3 petitions."

4 I do think the Canales-Flores decision  
5 from the Supreme Court also has some guidance for us  
6 here. It does precede the Coble case, but in that  
7 instance, and Canales-Flores is still good law, the  
8 candidate failed to withdraw his initial Declaration  
9 of Candidacy and petitions prior to the applicable  
10 deadline for filing a Declaration of Candidacy and  
11 was not permitted to be placed on the ballot.

12 I note that the Secretary of State's  
13 office has generally advised Boards of Elections that  
14 they should be guided by the instruction that is the  
15 legal counsel of the Board's attorney, which in this  
16 instance is the Prosecutor's Office. I am persuaded  
17 that in order for this write-in candidacy to be  
18 proper and placed on the May ballot, that there would  
19 have had to have been a deadline -- I'm sorry, there  
20 would have had to have been a withdrawal of the  
21 Declaration of Candidacy prior to the February 7  
22 deadline.

23 Accordingly, I move that the Board deny  
24 certification to Kristin Boggs as a valid write-in  
25 candidate for the office of State Representative,

1 18th District, on the May 8, 2018, Primary Election  
 2 ballot.

3 DEPUTY DIRECTOR PAYNE: Is there a  
 4 second?

5 CHAIRMAN PREISSE: Second.

6 DEPUTY DIRECTOR PAYNE: Should I take a  
 7 roll call vote?

8 MEMBER SINNOTT: You should.

9 DEPUTY DIRECTOR PAYNE: Kim Marinello.

10 MEMBER MARINELLO: No.

11 DEPUTY DIRECTOR PAYNE: Michael Sexton.

12 MEMBER SEXTON: No.

13 DEPUTY DIRECTOR PAYNE: Doug Preisse.

14 CHAIRMAN PREISSE: Yes.

15 DEPUTY DIRECTOR PAYNE: And Brad  
 16 Sinnott.

17 MEMBER SINNOTT: Yes.

18 DEPUTY DIRECTOR PAYNE: We have a 2/2  
 19 vote.

20 MEMBER SINNOTT: Is there anything that  
 21 we need to do to certify this to the Secretary for  
 22 resolution?

23 DEPUTY DIRECTOR PAYNE: Yes. We have 14  
 24 days from this time to get them the motion that was  
 25 made, the two position statements, so Kim and Mike

1 will write out a position, and you two will write out  
2 a position, and that goes to the Secretary of State,  
3 and they said that they will work on it quickly.

4 DIRECTOR LEONARD: Expeditiously.

5 DEPUTY DIRECTOR PAYNE: We have 14 days  
6 from today.

7 MEMBER SINNOTT: Very good. Thank you  
8 for that.

9 CHAIRMAN PREISSE: So we should, in  
10 everybody's interested, accomplish that as quickly as  
11 we practically can.

12 DEPUTY DIRECTOR PAYNE: Correct.

13 MR. MACKEY: On that, the point is that  
14 since we just certified a write-in candidate for that  
15 seat, that the write-in line will already appear on  
16 the ballot and thus will not prohibit our ability to  
17 move forward with the ballot.

18 MEMBER SINNOTT: So, yes, that is a  
19 happy coincidence, isn't it?

20 CHAIRMAN PREISSE: Okay, then.

21 DEPUTY DIRECTOR PAYNE: The next item on  
22 the agenda is candidate withdrawals, and I believe  
23 Jeff Mackey provided Exhibit B.

24 Do you want to go over that, Jeff?

25 MR. MACKEY: It was stapled to the back

1 of Exhibit A. Since the certification meeting on  
2 February 15th we had four candidates -- or three  
3 candidates, four offices, certified to the ballot,  
4 expressed their wish to withdraw their candidacies:  
5 Gary Chiero for both Representative to Congress, 12th  
6 District, Full Term, and Unexpired Term Republican;  
7 John Rosan for the Republican County Central  
8 Committee, Gahanna, Ward 3; and Deborah Johnson for  
9 the Republican County Central Committee, Upper  
10 Arlington, Ward 6.

11 MEMBER MARINELLO: I move that the Board  
12 accept the requests of the candidates listed on  
13 Exhibit B to withdraw as a candidate for the office  
14 they were seeking and that their names shall not  
15 appear on the May 8 Primary Election ballot.

16 DEPUTY DIRECTOR PAYNE: Is there a  
17 second?

18 CHAIRMAN PREISSE: Second.

19 DEPUTY DIRECTOR PAYNE: All those in  
20 favor signify by saying aye.

21 (Vote taken.)

22 DEPUTY DIRECTOR PAYNE: All opposed,  
23 same sign.

24 (No response.)

25 DEPUTY DIRECTOR PAYNE: Motion carries.

1           The next item is petition certification  
2 reconsideration for the May 8, 2018, Primary Election  
3 as it relates to Senate Candidate Nathan Dowds.

4           Jeff, do you want to provide the Board  
5 with any information regarding that?

6           MR. MACKEY: At the February 15th  
7 meeting Candidate Dowds' candidacy was not  
8 recommended for certification because we found that  
9 his petition lacked sufficient ballot signatures, 48  
10 of the 50 signatures required. There were two  
11 part-petitions where we were not able to count the  
12 signatures, one because he did not sign the  
13 Declaration of Candidacy and one because we found  
14 that the circulator statement to be invalid. It  
15 indicated a signature count of five signatures when  
16 six signatures were presented. We have since then  
17 received the Request for Reconsideration. There's a  
18 lot of information in your packet for Mr. Dowds.

19           DEPUTY DIRECTOR PAYNE: And we also  
20 received a protest as well; is that correct?

21           MR. MACKEY: That is correct.

22           DEPUTY DIRECTOR PAYNE: From James Hunt.

23           MEMBER SINNOTT: Okay. So there is a  
24 Request for Reconsideration, and then there's also a  
25 protest which seems to be anticipating the prospect



1 that the Board will act favorably on the Request for  
2 Reconsideration and direct Mr. Dowds' appearance on  
3 the ballot. Is that your understanding?

4 DIRECTOR LEONARD: That is correct, yes.

5 MEMBER SINNOTT: Okay. Well, it seems  
6 sufficient, then, to consider the reconsideration  
7 request and participatory protest at the same time.  
8 I don't know why we would have to hear the same  
9 subject twice.

10 DIRECTOR LEONARD: Right. Otherwise,  
11 you'd have a situation where you've ruled on the  
12 reconsideration. If you decided to put him on the  
13 ballot and then hear the protest and decide to take  
14 it back off the ballot, so --

15 MEMBER SINNOTT: Two sides to the same  
16 coin.

17 DIRECTOR LEONARD: Right.

18 CHAIRMAN PREISSE: That sounds rational.  
19 So we have the description from the staff. Now I  
20 suspect we will want to hear from Mr. McTigue again;  
21 right?

22 MR. McTIGUE: Yes.

23 CHAIRMAN PREISSE: Yeah, we'll try to be  
24 efficient with our time again.

25 MR. McTIGUE: Thank you. Mr. Chairman,

1 Members of the Board, I'm Don McTigue. I represent  
2 Mr. Dowds. I suppose I'm both the proponent and  
3 opponent, but first with regard to the proponent side  
4 of this, we have filed with the Board a Request for  
5 Reconsideration and a series of affidavits. There's  
6 three grounds for the Request for Reconsideration,  
7 but I'm going to spend my five minutes here just  
8 talking about the one that involves the most number  
9 of signatures which would make up the difference that  
10 we need to qualify the petition, and that is the one  
11 related to the Monica Moran part-petition.

12 We have submitted affidavits from all  
13 six signers on that petition and an affidavit from  
14 Monica Moran, the circulator, and also an affidavit  
15 from Mr. Dowds. The basic facts are that Monica  
16 Moran circulated that petition, collected five  
17 signatures on it, wrote five on the circulator's  
18 statement, turned in the petition to Mr. Dowds I  
19 think on -- or on the filing deadline. Mr. Dowds  
20 circulated all his other part-petitions, and  
21 basically he was scrambling on the filing deadline,  
22 which I believe was February 7th, to gather some more  
23 signatures, which he did on a number of his  
24 part-petitions. You can see -- if you want to look  
25 at those, you'll see signatures on the filing

1 deadline date. Unfortunately, one of the petitions  
2 that he handed to someone that he knew to sign was  
3 Monica Moran's. He thought he was handing her one of  
4 his that he had circulated. So Monica Moran knew  
5 nothing about the additional signature being added,  
6 so I don't think -- I think this is also a case  
7 where -- this is also a case where I don't think any  
8 of the facts are in dispute. There's been no  
9 evidence presented by the other side. I think again  
10 it's a legal question.

11           So the Board is quite familiar with the  
12 rule that is used in initially reviewing petitions,  
13 which is that the number in the circulator's  
14 statement can be higher than the number of signatures  
15 but can't be lower than the number, and that is what  
16 the Board uses when it is simply reviewing the  
17 petition in raw form, where all it has to review  
18 are -- is the petition and the voter registration  
19 records. The reason that opportunities for  
20 reconsideration exist is so that additional  
21 candidates can be presented to the Board, as we have,  
22 and then we can argue about whether or not this is a  
23 fatal defect or a non-fatal defect in light of the  
24 evidence that's been presented.

25           So I think what really guides this is

1 3501.38, Division F, which says, "Except as otherwise  
2 provided in 3501.382 of the Revised Code," which is  
3 not applicable here, "if a circulator knowingly  
4 permits an unqualified person to sign a petition...or  
5 permits a person to write a name other than the  
6 person's own on a petition...that petition paper is  
7 invalid; otherwise, the signature of a person not  
8 qualified to sign shall be rejected but shall not  
9 invalidate the other valid signatures on the paper."

10 So there's also case law that says that  
11 if a circulator's statement is false with regard to  
12 the signatures witnessed by the circulator, that that  
13 is also grounds for throwing out a part-petition.

14 Okay. So basically you have two instances for  
15 throwing out a part-petition: No. 1, the circulator  
16 knowingly permitted someone to sign someone else's  
17 name or knowingly permitted an unqualified person to  
18 sign or the circulator's statement is false with  
19 regard to the number of signatures he or she  
20 witnessed. So the facts, the undisputed facts here  
21 establish that the circulator -- the circulator's  
22 statement is not false. The circulator doesn't say  
23 that she witnessed six. She doesn't say she  
24 witnessed the one that she didn't witness. She says  
25 she witnessed five, and that is, in fact, how many

1 she witnessed. There was a signature added after the  
2 fact, but she never said that she witnessed that, not  
3 in her circulator statement, and she since has  
4 submitted an affidavit establishing that fact as  
5 well. So, you know, based on that and based on the  
6 fact that we're not talking about any fraudulent  
7 signature on the petition, there's no -- there is not  
8 grounds for throwing out that entire part-petition in  
9 light of the additional evidence submitted to the  
10 Board, and as the Board knows, based on the Zach  
11 Scott case, the Board cannot ignore the evidence  
12 presented to it. Now --

13 MEMBER SINNOTT: Mr. McTigue, isn't the  
14 evidence, though, that the circulator's certification  
15 of the number of signatures is different than the  
16 number of signatures actually found on the petition?

17 MR. McTIGUE: Yes, but the other -- but  
18 the evidence also establishes that her circulator's  
19 statement is not false because she -- she did not  
20 witness that sixth signature. Okay. So if she  
21 had -- if she had written six, that would be false.  
22 It would be a false circulator statement because she  
23 didn't witness six. So the evidence before the Board  
24 establishes that there are six signatures, yes, on  
25 the petition. She says she witnessed five. That's

1 what she says on the petition, and now with her  
2 affidavit she also says I witnessed five and I didn't  
3 witness that sixth one.

4 MEMBER SINNOTT: Has the Secretary given  
5 us any instruction on how to deal with this  
6 situation?

7 MR. McTIGUE: I don't believe so. I  
8 don't believe that there's any -- I'm not aware of  
9 any specific guidance from the Secretary on this  
10 situation.

11 MEMBER SINNOTT: Perhaps something in  
12 the Election Officials Manual?

13 MR. McTIGUE: Yes, but that -- that has  
14 to do when you're checking petitions initially, about  
15 the number being not -- how the number can't be  
16 lower.

17 MEMBER SINNOTT: But the law is  
18 different then than it is now?

19 MR. McTIGUE: No, that's not what I'm  
20 saying.

21 MEMBER SINNOTT: Sorry.

22 MR. McTIGUE: The Secretary of State has  
23 provided guidance to the Board in the Election  
24 Officials Manual and in various directives when, you  
25 know, checking, for example, statewide petitions, but

1 says the circulator's -- that the number of a  
2 circulator's statement, if it is -- if it is lower  
3 than the number of signatures on the petition, then  
4 you reject that part-petition, but that's Stage 1 and  
5 that could be the final stage if it is not taken to  
6 the next stage, which in this case we have taken it  
7 to the next stage by requesting reconsideration and  
8 providing additional evidence to the Board to  
9 establish that the circulator's statement is not  
10 false.

11 MEMBER SINNOTT: And we are drawing a  
12 different law that applies to different stages from  
13 what?

14 (Phone rings.)

15 MR. McTIGUE: I'm sorry. Could you  
16 repeat that?

17 MEMBER SINNOTT: Sure. I said from  
18 where are we drawing that there's a different law  
19 that applies to the different, I believe you're using  
20 the term, stages?

21 MR. McTIGUE: Yes. I think it comes  
22 from the -- the case law -- or, I'm sorry, the  
23 statute that I read, 3501.38, says that if the  
24 circulator knowingly permits the person to sign  
25 someone else's name or an unqualified person to sign,

1 then you throw out that part-petition, but it goes on  
2 to say otherwise, you do not. You only throw out the  
3 unqualified signature.

4 In this instance the unqualified  
5 signature would be the signature of the sixth person  
6 who signed afterwards, and there's case law that  
7 talks about circulator statements, when the  
8 circulator's statement is false, you can also --  
9 where the circulator says I witnessed six but the  
10 circulator didn't witness six, you throw that out,  
11 but here, that's not the situation that we're dealing  
12 with. We are dealing with a circulator's statement  
13 which is actually truthful. She witnessed five, and  
14 that's what she says; so it is a truthful  
15 circulator's statement.

16 Now, Mr. Brey has submitted a memo where  
17 he cites the -- the Rust case, okay, but the Rust  
18 case is -- and forgive me if I -- I just received the  
19 memo right before today's meeting, but the Rust case  
20 is factually very different. In the Rust case the  
21 circulator collected -- I'm just going to say like  
22 ten signatures, but the circulator concluded that  
23 five of them were no good because they were from the  
24 wrong county or the wrong district or something,  
25 okay, and so the circulator didn't cross any out, but



1 the circulator wrote hey, I witnessed five, because  
2 in the circulator's mind there's only five good  
3 signatures. The Court said in Rust that the  
4 circulator should have crossed out the names first,  
5 that the number couldn't be lower than what the  
6 circulator actually witnessed. The circulator  
7 witnessed ten, so the circulator should have said ten  
8 or should have crossed out the names. That is  
9 completely inapplicable to our situation here because  
10 the signature that we're talking about was added  
11 after the circulator completed the statement, and it  
12 wasn't --

13 CHAIRMAN PREISSE: Okay. I think --

14 MR. McTIGUE: It wasn't witnessed by the  
15 circulator.

16 CHAIRMAN PREISSE: You've made that  
17 point quite clear.

18 MR. McTIGUE: So I -- I don't know if  
19 I'm going to get a rebuttal, so I'm trying to  
20 anticipate the argument from the other side.

21 CHAIRMAN PREISSE: You only get -- you  
22 got ten minutes --

23 MR. McTIGUE: Okay.

24 CHAIRMAN PREISSE: -- so that's -- or  
25 11, so that's a wholesome description. Thank you.

1 You mentioned Mr. Brey. I think he's still here.

2 MEMBER SEXTON: Well, I --

3 CHAIRMAN PREISSE: Do any of the Board  
4 have questions for Mr. McTigue?

5 MEMBER SEXTON: This is only on this --  
6 Question 4 is on the two affidavits?

7 MR. McTIGUE: On what? I'm sorry.

8 MEMBER SEXTON: On the affidavits of  
9 Monica Moran and Nathaniel Dowds?

10 MR. McTIGUE: Yeah. It's on the --  
11 well, I don't think I need to get into addressing the  
12 other two right now. You have our argument there  
13 about one address isn't clear, transposition error,  
14 two numbers were transposed, and the other has to do  
15 with an individual who believes that she is indeed  
16 affiliated with the Democratic Party and not the  
17 Republican Party.

18 MEMBER SINNOTT: Mr. McTigue, before you  
19 leave, would you speak to the address transposition  
20 subject?

21 MR. McTIGUE: Yes, certainly. I think  
22 that the -- in that -- in this particular case there  
23 is just two numbers that are transposed, and we have  
24 an affidavit from the circulator -- I'm sorry, from  
25 the signer explaining her error, that, in fact,

1 she -- she states where she is registered to vote,  
2 which is the same as the voter registration record  
3 that the Board has, but that in writing her address  
4 she transposed two of the numbers.

5 MEMBER SINNOTT: But everything checks  
6 out about Sarah Ortman except the transposition of  
7 the street address; is that correct?

8 MR. McTIGUE: Yes. I believe so, yes.

9 MEMBER SINNOTT: All right.

10 CHAIRMAN PREISSE: Maybe we should --  
11 should we -- should we consider each of these three  
12 conditions separately and have the Board render its  
13 thoughts on each of these?

14 MEMBER SINNOTT: You mean address each,  
15 shall we say, category by separate motion?

16 CHAIRMAN PREISSE: Yeah.

17 MEMBER SINNOTT: Well, we could, if  
18 that's the Board's pleasure.

19 CHAIRMAN PREISSE: Well, there's three  
20 different -- three distinct types of issues at play  
21 here.

22 MEMBER SINNOTT: Yeah. I think you  
23 might want to deal with them on the other side.

24 CHAIRMAN PREISSE: On the first two  
25 or --

1 MEMBER SINNOTT: On everything.

2 CHAIRMAN PREISSE: Well, do we want to  
3 have Don speak to the last piece too while he's still  
4 up there?

5 MEMBER SINNOTT: You can do anything you  
6 want to do. You're the Chairman.

7 CHAIRMAN PREISSE: Why don't you --  
8 since you've done two, why don't you do the third?

9 MR. McTIGUE: That's just what I was  
10 going to ask you. You're talking about the protest  
11 filed by Mr. Hunt or what?

12 MEMBER SINNOTT: No. I think we're  
13 talking about the --

14 MR. McTIGUE: Oh, the party affiliation.

15 MEMBER SINNOTT: -- one involving Miss  
16 Patterson.

17 MR. McTIGUE: Okay. Well, I addressed  
18 it very quickly when Mr. Sexton asked me about it,  
19 but the affidavit she has filed indicates that since  
20 voting in the Presidential Primary, I believe, she  
21 has become actively involved in the Democratic Party  
22 and considers herself to be affiliated with the  
23 Democratic Party and requests that her signature be  
24 counted.

25 CHAIRMAN PREISSE: Okay. Thank you.

1           Are there any other questions for Mr.  
2     McTigue?

3           MR. McTIGUE: Mr. Chairman, in terms of  
4     the protest, are we going to do that next or --

5           CHAIRMAN PREISSE: I think we'll let Don  
6     speak to these same issues.

7           MEMBER SINNOTT: If I may, I think that  
8     there is complete identity of issues on the Request  
9     for Reconsideration and the protest. Do you agree?

10          MR. McTIGUE: I think if you read -- I  
11     think that there is some similarity in terms of  
12     what's being alleged by the other side, but if you  
13     also read what we filed today with the Board, where  
14     we -- we reviewed each of the grounds in the protest.  
15     We've shown by the Board's own records that the  
16     grounds for the protests are not valid.

17          DIRECTOR LEONARD: And might I suggest  
18     that the Board hear from counsel for the protest, Mr.  
19     Brey, and then if Mr. McTigue wants to respond to the  
20     protest, Mr. McTigue can respond to the protest.

21          MEMBER SINNOTT: Well, my sense is that  
22     we bring each counsel up one at a time, so if there  
23     are issues peculiar to the protest that Mr. McTigue  
24     wishes to address now, let's hear him out, and then  
25     we'll hear from, I understand, Mr. Brey, but before

1 we do that, I've heard two references now to  
2 documents that have been presented to the Board  
3 today, one a memorandum authored by Mr. Brey and  
4 another memorandum by Mr. McTigue.

5 MR. MACKEY: They should be in your  
6 folder. It would be towards the back of the --

7 DIRECTOR LEONARD: Of the protest  
8 folder.

9 MR. MACKEY: So underneath yours,  
10 unfortunately, because the Request for  
11 Reconsideration and then the --

12 DEPUTY DIRECTOR PAYNE: Do you want to  
13 point those out to me, Jeff?

14 MEMBER SINNOTT: I think I'll recognize  
15 it when I see it. I've just been through the entire  
16 folder.

17 CHAIRMAN PREISSE: I think there's a  
18 separate folder.

19 MR. MACKEY: It has the ones for the  
20 protest.

21 MR. BREY: If I may, Mr. Chairman, I  
22 believe both of them are on letterhead rather than a  
23 memorandum.

24 CHAIRMAN PREISSE: Both -- what was --

25 MR. BREY: Both Mr. McTigue's memorandum

1 and my memorandum are in the form of letters.

2 MEMBER SINNOTT: Can we pause for just a  
3 few minutes so we can read these two short documents?  
4 I thought it was oral presentations. I was unaware  
5 of their existence.

6 MR. MACKEY: You should actually have  
7 three documents.

8 MEMBER SINNOTT: Do you have another?

9 MR. MACKEY: Mr. McTigue filed two, one  
10 for the Request for Reconsideration -- you saw that  
11 one, the Request for Reconsideration.

12 DIRECTOR LEONARD: That would be in the  
13 file for Mr. Dowds.

14 MEMBER SINNOTT: For February 21, yes.

15 MR. MACKEY: Yes. You've got a second  
16 one in there for the protest and then that one  
17 (indicating).

18 MEMBER SINNOTT: Okay. But there are  
19 only two that are new; is that correct, Jeff? Two  
20 are dated March 1 and the other was dated February  
21 21.

22 MR. McTIGUE: I can clarify. We filed  
23 two today around 2:00. The second one is for the  
24 next matter.

25 MEMBER SINNOTT: Very good. Thank you.

1           MEMBER SEXTON: So we should have three  
2 things. One is --

3           MR. MACKEY: Yes.

4           DIRECTOR LEONARD: Three memos or  
5 letters, one from Mr. McTigue --

6           MEMBER SEXTON: So long as we have --

7           DIRECTOR LEONARD: There's one from Mr.  
8 McTigue dated February 21st. There's a memo or  
9 letter from Mr. Brey dated March 1st, and then  
10 finally another memo from Mr. McTigue dated March  
11 1st, which would be a response to Mr. Brey's memo.

12           MR. BREY: Actually, he filed his first,  
13 today.

14           DIRECTOR LEONARD: Okay. But  
15 anticipating you filing this letter.

16           MR. McTIGUE: I didn't know I'd have the  
17 pleasure of Mr. Brey's company until today.

18           DIRECTOR LEONARD: Does the Board have,  
19 Jeff, the letter directly from Mr. Hunt?

20           MR. MACKEY: Yes.

21           (Discussion off the record.)

22           CHAIRMAN PREISSE: I think the Board is  
23 prepared to hear from you, Mr. Brey.

24           MR. BREY: Thank you. My name is Donald  
25 Brey again, and I'm here this time on behalf James



1 Hunt, who has filed a protest, which, as was rightly  
2 pointed out, is really not ordered unless and until  
3 the reconsideration would be granted, because the  
4 reconsideration would put him back on the ballot, and  
5 we're certainly not protesting what the Board has  
6 done today. We agree that what the Board has done  
7 today was correct.

8           The key argument that was addressed by  
9 Mr. McTigue revolves around the Monica Moran  
10 part-petition, and we know how this happened because  
11 he filed affidavits. The affidavits said Mrs. Moran  
12 witnessed only five of the six signatures. Now, who  
13 is responsible for the sixth signature being put on  
14 there? Mr. Dowds. He handed somebody else's  
15 petition and had them sign it. And then who is  
16 responsible for filing that petition? They weren't  
17 filing 150 petitions. They were filing nine  
18 part-petitions with the Board of Elections. Who was  
19 responsible for filing the petition which had a false  
20 certification of the circulator, not a fraudulent  
21 one, but a false one, because he had caused an  
22 additional signature to be on there and didn't cross  
23 any of them out. Mr. Dowds, he's the one that wasn't  
24 filed. So if he wants to know who is responsible for  
25 the fact there's a problem with his part-petition, he

1 should look in the mirror.

2           The facts are undisputed. The Secretary  
3 of State has, in fact, given direction, express  
4 direction to this Board. At Page 11-9 of the  
5 Secretary of State's Election Official Manual, it  
6 says, "If the number of signatures reported in the  
7 circulator's statement is less than the...number of  
8 uncrossed-out signatures submitted on the  
9 part-petition...then the Board must reject  
10 the...part-petition." It doesn't say you must unless  
11 somebody files affidavits after the fact saying well,  
12 I only really meant these five of the six  
13 uncrossed-out signatures rather than the other one.  
14 You might want to read it that way, but that's not  
15 what it says, and this is a law -- you know, the  
16 law -- the general rule is elections laws should be  
17 strictly enforced unless they state that they are  
18 subject to substantial compliance, and Revised Code  
19 3501.38 is not a statute that has substantial  
20 compliance language, unlike the statutes that deal  
21 with the form of petitions, so the signatures and  
22 addresses may be dealt differently.

23           The Moran part-petition violated  
24 3501.38(E)(1), which says on each part-petition the  
25 circulator shall indicate the number of signatures

1 contained on it. There's nothing in that statute  
2 that says shall intend to. It says she shall do it.  
3 It's not as if it's a matter of her violating  
4 normally a duty or otherwise. It's a matter of the  
5 petition has to contain a certification on each  
6 petition paper by the circulator that indicates the  
7 number of signatures on it. It's not her fault that  
8 her candidate added a signature, didn't look at what  
9 he was filing with the Board of Elections and filed a  
10 false document that he either knew or should have  
11 known was false if he had done a minimal standards of  
12 reading your documents, just nine of them, before he  
13 filed with the Board of Elections.

14 Mr. McTigue has suggested well, let's  
15 not look at 3501.38(E), let's look at 3501.38(F), and  
16 38(F) talks about knowingly permitting an unqualified  
17 person to sign a petition paper. We're not dealing  
18 with that here. We're dealing with an inaccurate  
19 certification. We're not dealing with knowingly  
20 permitting a false or unknowingly permitting an  
21 unqualified person to sign on a petition paper.  
22 We're dealing with a certification, which on the four  
23 corners of what the Secretary of State has directed  
24 this Board to do, caused this whole part-petition to  
25 be invalid, and, in fact, if you take a look at the

1 Rust case, which Mr. McTigue referred to, they don't  
2 refer to 3501.38(F). They could have. They refer to  
3 3501.38(E)(1) and say that the part-petitions were  
4 invalid because the certification certified a lower  
5 number than the number of uncrossed-out signatures  
6 that were on that part-petition.

7 Now, Mr. Rust did say, and Mr. McTigue  
8 is correct about this, that the reason he did that,  
9 he said in affidavits after the fact, is because  
10 after the fact I realized that, let's say, five of  
11 the ten were not qualified signatures and I didn't  
12 want to certify that they were valid signatures, so I  
13 just certified the ones that I thought were valid and  
14 I gave you affidavits after the fact so you can sort  
15 out after the fact which ones I met and which ones I  
16 didn't meet, and after all you have Mr. Rust who will  
17 argue a process whereby you can have reconsideration,  
18 look at affidavits, so doesn't that make everything  
19 fine. Well, in Mr. Rust's case it did make  
20 everything fine, that his part-petition did not  
21 comply with 3501.38(E)(1) because the certification  
22 was still wrong and they're trying to change it,  
23 effectively pretending that you are crossing them out  
24 after the fact.

25 MEMBER SINNOTT: Mr. Brey --

1 MR. BREY: Yes, sir.

2 MEMBER SINNOTT: -- I'm interested in  
3 this notion that there's one body of law that applies  
4 when we're making the certification and there's  
5 another body of law when we move to a different  
6 stage, which is the Request for Reconsideration, an  
7 extra-statutory device that we've made available in  
8 this instance. Would you speak to that?

9 MR. BREY: I don't think that's fact. I  
10 think that the affidavit information, for example, if  
11 there's information that shows information that if  
12 known at the time might have changed the Board's  
13 decision, you know, yes, you take them into account,  
14 but generally what the courts are looking at, and you  
15 see this in the statutes, they're looking at matters  
16 that are discretionary. In other words, they're  
17 looking at matters of a statute such as the form of  
18 the petition and how you fill that out generally, not  
19 a 3501.38 matter, but I believe it's 3513.05 or 07,  
20 one of those that says that a petition shall be  
21 substantially in the following form, and then the  
22 courts have said that if it's a substantial  
23 compliance matter, you can consider evidence to  
24 decide whether or not the discretion should be  
25 exercised in a different way. But we have a

1 bright-line test when it comes to a certification of  
2 the number of the signatures uncrossed out on a  
3 ballot, and there is no case that is ever allowed or  
4 order a Board to reverse itself because it knocked  
5 out a part-petition where the certification was of  
6 fewer signatures than the number of uncrossed-out  
7 signatures on that part-petition. This never  
8 happened. The Secretary of State says you shouldn't  
9 do it, and if you want to cross out signatures, you  
10 do it before you file. You can't have a redo after  
11 the fact, and there's case law on that as well. I  
12 think this one is pretty clear.

13 As to the second ground for  
14 reconsideration on the address, I really haven't  
15 addressed that in the memo. The Board can make that  
16 judgment call I think on its own, but on the third  
17 one, as to Aubrey Patterson --

18 MEMBER SINNOTT: Well --

19 MR. BREY: Go ahead.

20 MEMBER SINNOTT: I do want to ask you  
21 about this, so is it your understanding that in the  
22 case of Miss Ortman, everything checked out, she is  
23 who she says she is except there was a transposition  
24 of the street address?

25 MR. BREY: I don't have any reason to

1 doubt that, and we're not claiming that. It is not  
2 part of Mr. Hunt's protest, of course, as has been  
3 pointed out. Protesting because we agree with what  
4 the Board did is an unusual way to present a protest.

5 In terms of the third one, which is the  
6 Aubrey Patterson thing, essentially Aubrey Patterson  
7 admits in her affidavit, she voted in the Republican  
8 Primary in 2016. She has not voted in any other  
9 Republican Primary since then, and she doesn't meet  
10 the definition of a -- therefore, doesn't meet the  
11 definition of a Democrat for purposes of signing a  
12 Democrat petition under 3513.05. The statute is  
13 pretty straightforward as is the Secretary of State's  
14 instructions. I quoted them on Page 3 of my March 1  
15 letter. There's not a lot of wiggle room here. You  
16 know, you either are or you aren't, and it's -- the  
17 Board really doesn't consider it policy, but the  
18 reason for this should be pretty clear. If, in fact,  
19 anybody could say well, I feel like a Republican  
20 today or I feel like a Democrat tomorrow and,  
21 therefore, I have the right to protest, the right to  
22 sign a partisan petition to somebody that I want  
23 rather than all these other people in the party that  
24 I don't like, and it basically opens up an  
25 opportunity to corrupt the entire party system, which

1 is why you have a bright-line test; did you vote in  
2 that party's Primary within the last two years or did  
3 you not vote in any other party's Primary within the  
4 last two years; if so, you can call yourself a member  
5 of that party for all purposes, and if not, you  
6 can't. It's explicit in the statute. It's explicit  
7 in the Secretary of State's instruction, and there's  
8 not a lot of wiggle room there.

9 In terms of the five grounds for Mr.  
10 Hunt's protest, I think you can ignore the first one  
11 because nobody is disputing the fact that the  
12 part-petition didn't have a signed Declaration of  
13 Candidacy. It was rejected and it was properly  
14 rejected, so there doesn't seem like there's anything  
15 to protest there. Ground No. 2 is exactly the same  
16 as the first argument of reconsideration. We've  
17 already argued it. Grounds 3 and 4 deal with  
18 signatures. They either match or they don't match.  
19 The staff has provided you with signatures to compare  
20 those with, and if the Board believes that the  
21 signature in three matches the historic signatures in  
22 three, you should reject that protest. If you think  
23 that they don't match, then you should accept that  
24 protest. The same is true with No. 4. No. 4 also  
25 presents -- I think Mr. McTigue just got the wrong



1 line, but really what we're dealing with is the  
2 signature of Doug Broshar and whether or not that's a  
3 permissible signature for what was previously signed  
4 as Stephen Broshar, and again, the Board is going to  
5 have to make that judgment.

6 The fifth one, you know, obviously none  
7 of these really matter if -- if the Morgan petition  
8 is tossed out, the candidacy isn't going to go  
9 forward anyway, but if the -- the last one deals with  
10 Morgan Coakley and whether or not she was a  
11 registered voter in Franklin County at the time she  
12 filed this. As of February 6, which is the date she  
13 filed it, she was registered in Fairfield County, is  
14 my understanding, and she signed the petition that  
15 day. The rule, as Mr. McTigue has pointed out, is  
16 are you a registered voter on the date the petitions  
17 were filed. The petitions were filed on February 7.  
18 On February 6 our understanding is that she filed a  
19 request with the Secretary of State online to  
20 change -- to have a new registration from Fairfield  
21 to Franklin, Franklin County, to have the Secretary  
22 of State send that to the Board of Elections of  
23 Franklin County. It becomes a new registration when  
24 it is received by the Board of Elections in Franklin  
25 County, not when it's filed with the Secretary of

1 State, just like when you put a registration, a paper  
2 one in the mail. It's not the date of the time stamp  
3 of the post office that changes the registration.  
4 It's the date it's received by the Franklin County  
5 Board of Elections, and the Franklin County Board of  
6 Elections did not receive that change in registration  
7 until February 8th, the day after those petitions  
8 were filed. As it turns out a week later she also  
9 changed her registration within Franklin County.

10 That's the argument there. It's sort of  
11 an obscure argument frankly, and it's one that  
12 involves getting into some of the weeds as to was she  
13 or wasn't she, you know. It came up initially  
14 because when our folks checked it out, they couldn't  
15 find any hide nor hair of her having registered  
16 anywhere, and I understand that was what the staff  
17 had indicated in their -- in their memo, too, which  
18 you got a copy of that memo with the signatures, and  
19 I -- you know, what I'm telling you is that based  
20 upon my understanding of what the staff understands  
21 and if they understand it differently, I would go  
22 with what they tell you since they've got the  
23 records.

24 DIRECTOR LEONARD: We have -- we get  
25 registrations that get filed at the libraries and

1 treasurer's office, and if it's filed before the  
 2 registration deadline, if it's filed at the -- if  
 3 it's received by the library or by the -- by the  
 4 treasurer's office or the Department of Job and  
 5 Family Services, that's timely.

6 CHAIRMAN PREISSE: Does the Board have  
 7 any questions for --

8 Are you --

9 MR. BREY: I'm done, unless you have  
 10 questions for me.

11 MEMBER SINNOTT: Nothing further.

12 MR. BREY: Unless you want to open up  
 13 another --

14 CHAIRMAN PREISSE: Any questions for Mr.  
 15 Brey?

16 MEMBER SINNOTT: No.

17 CHAIRMAN PREISSE: Okay. Thanks, Don.  
 18 Well, what do you think?

19 MEMBER SINNOTT: Does it make sense to  
 20 everyone to consider the three categories in the  
 21 Request for Reconsideration separately? We have the  
 22 Moran petitions. We have the Ortman address, and we  
 23 have the, I believe, Patterson affiliation.

24 MEMBER MARINELLO: Yes.

25 MEMBER SEXTON: So those are two of

1 the -- are you looking at --

2 CHAIRMAN PREISSE: I'm looking at --

3 MEMBER SINNOTT: The Request for  
4 Reconsideration, it seems to me those fit in three  
5 categories. There's the Moran --

6 CHAIRMAN PREISSE: Yeah, that's what  
7 makes sense to me, is that we would -- because  
8 they're all different issues, and we've heard  
9 arguments on both sides of each of those, so --

10 MEMBER SINNOTT: Let me speak first to  
11 what I think is the easy one, and that's the  
12 transposition error on Ortman. I think it's  
13 completely clear that Ms. Ortman is qualified to sign  
14 the petition. She simply wrote 603 -- I'm sorry.  
15 She wrote 3067 instead of 6037 as her street address,  
16 although I do believe that in -- unless we have a  
17 statutory instruction that gives us some latitude, a  
18 strict construction of the elections statutes, I  
19 think disqualifying her signature on the basis of  
20 that numerical error would be hyper-technical, and  
21 for that reason I would move the counting of Sarah  
22 Ortman's signature on the ballot petition.

23 MEMBER MARINELLO: I second it.

24 DEPUTY DIRECTOR PAYNE: Is that a  
25 second?

1 MEMBER MARINELLO: Yes.

2 DEPUTY DIRECTOR PAYNE: All those in  
3 favor signify by saying aye.

4 (Vote taken.)

5 DEPUTY DIRECTOR PAYNE: All opposed,  
6 same sign.

7 (No response.)

8 DEPUTY DIRECTOR PAYNE: Motion carries.

9  
10 CHAIRMAN PREISSE: I think -- I guess I  
11 would speak to Point 3 or Issue 3. I think it's  
12 pretty tried and true you're a Democrat or you're a  
13 Republican or you're another party or you're  
14 unaffiliated based on your voting pattern.

15 MEMBER SINNOTT: Can you speak to the  
16 Patterson scenario, Jim?

17 CHAIRMAN PREISSE: Yes. I'm speaking to  
18 the matter of Aubrey Patterson, where frankly, it's  
19 to my satisfaction, Aubrey states -- is Aubrey a she?

20 MR. McTIGUE: Yes.

21 CHAIRMAN PREISSE: There's a note it  
22 could be a male or a female. She voted in the  
23 Republican Primary. To my mind, that can be amended  
24 at the next partisan Primary, but it hasn't yet, and  
25 so I would move that --

1           MEMBER SINNOTT: Do you want to  
2 entertain discussion before you make a motion?

3           CHAIRMAN PREISSE: We can have  
4 discussion before or after the motion.

5           MEMBER SINNOTT: Usually it precedes,  
6 but you're the Chairman.

7           CHAIRMAN PREISSE: Does anybody want to  
8 weigh in on that before I make a motion?

9           MEMBER SEXTON: I would agree. It's  
10 your party affiliation. I mean, it goes till the  
11 next Primary, which would be May 8, 2018.

12          MEMBER MARINELLO: I agree.

13          MEMBER SINNOTT: Okay. Well, I agree  
14 with that as well. I think that's plain from the  
15 Secretary of State's Election Official Manual. It's  
16 plain in the statute, Revised Code Section 3513.05.  
17 I really don't think that we have any discretion on  
18 this one. I don't think we ought to count the  
19 signature.

20          CHAIRMAN PREISSE: With that satisfying  
21 any discussion, I would move that the Board not count  
22 the signature of Aubrey Patterson.

23          DEPUTY DIRECTOR PAYNE: Is there a  
24 second?

25          MEMBER SINNOTT: There is.

1 MEMBER SEXTON: Second.

2 DEPUTY DIRECTOR PAYNE: It being  
3 properly moved and seconded, all those in favor  
4 signify by saying aye.

5 (Vote taken.)

6 DEPUTY DIRECTOR PAYNE: All opposed,  
7 same sign.

8 (No response.)

9 DEPUTY DIRECTOR PAYNE: Motion carries.

10 CHAIRMAN PREISSE: Which brings us to  
11 the matter of the Monica Moran petition.

12 MEMBER SINNOTT: Well, here's my view, I  
13 think we are dealing with undisputed facts. There's  
14 a part-petition which contains six signatures and  
15 none were crossed out before it was tendered. The  
16 circulator has certified that she witnessed five  
17 signatures. The candidate added a sixth signature to  
18 the petition and filed all six. I would not suggest  
19 for a moment that anyone was intending on performing  
20 an act of fraud here, but those are the facts.

21 The Secretary of State has given us  
22 instruction through the Election Official Manual that  
23 in exactly such a situation we must reject the  
24 petition as a whole. The part-petition statute,  
25 Revised Code section 3501.38(E)(1), seems to speak to

1 the situation as well. It reads, and I'll quote for  
2 accuracy, "On each petition paper, the circulator  
3 shall indicate the number of signatures contained on  
4 it and shall sign a statement made under penalty of  
5 election falsification that the circulator witnessed  
6 the affixing of every signature...."

7 I also think that the Rust case from the  
8 Supreme Court is instructive. It has been discussed  
9 by both counsel. We might have a different case if  
10 the signature had been crossed out before filing, but  
11 that would not be the facts of this matter.

12 So for those reasons, I move that we not  
13 count the signatures contained on the part-petition  
14 circulated by Monica Moran.

15 DEPUTY DIRECTOR PAYNE: Is there a  
16 second?

17 CHAIRMAN PREISSE: Second.

18 DEPUTY DIRECTOR PAYNE: Would we like a  
19 roll call vote?

20 MEMBER SEXTON: Yes. Can I moment  
21 first?

22 DEPUTY DIRECTOR PAYNE: Sure.

23 MEMBER SEXTON: I would just say we have  
24 before us five signatures from Monica Moran. We have  
25 signed affidavits from I believe all five folks



1 that -- the voters who did sign, and my view is that  
2 we should count the five signatures that are in  
3 question.

4 CHAIRMAN PREISSE: Okay.

5 DEPUTY DIRECTOR PAYNE: Anything else?  
6 We'll take a roll call vote.

7 Kim Marinello.

8 MEMBER MARINELLO: No.

9 DEPUTY DIRECTOR PAYNE: Michael Sexton.

10 MEMBER SEXTON: No.

11 DEPUTY DIRECTOR PAYNE: Doug Preisse.

12 CHAIRMAN PREISSE: Yes.

13 DEPUTY DIRECTOR PAYNE: And Brad  
14 Sinnott.

15 MEMBER SINNOTT: Yes.

16 DEPUTY DIRECTOR PAYNE: We have a 2/2  
17 vote. That will go to the Secretary -- well, I guess  
18 we've got to -- yeah, that would go to the Secretary  
19 of State as well.

20 CHAIRMAN PREISSE: I think that's the  
21 case.

22 MEMBER SINNOTT: Let me -- before we  
23 heard the excellent presentation from both counsel,  
24 my impression was that the same issues were presented  
25 by the Requests for Reconsideration as the

1 anticipatory protests. Having heard the  
2 presentations now and having seen the documents  
3 submitted to us on March 1, I don't think that's the  
4 case. I think that there is an identity of issues as  
5 to -- for Items 1 and 2, but when we get into the  
6 business of comparing signatures, that's something  
7 that's outside the Requests for Reconsideration.

8 I would -- I would be content, and I'll  
9 be guided by the judgment of my colleagues, I would  
10 be content to not act on the protest until we know  
11 whether there is anything to protest, that is, until  
12 the Secretary has broken the tie on our vote on  
13 certification to the ballot.

14 CHAIRMAN PREISSE: That makes sense to  
15 me, to handle that if it needs to be handled. Then  
16 if it doesn't, then it's moot.

17 MEMBER SINNOTT: What I'm saying is that  
18 as I look at Mr. Hunt's protest, there are five items  
19 here, and the first two -- on Protest Item No. 1, it  
20 seems to be moot. Protest No. 2 relates to the Moran  
21 petitions, which we don't know how that's going to  
22 turn out, and then we get into analyzing signatures  
23 after that, which is a subject that we didn't deal  
24 with in addressing the Requests for Reconsideration.  
25 So I would be content, and I generally like to have

1 sort of advanced notice of what we're going to be  
2 talking about, I would be content to see how the  
3 Secretary resolves the certification question before  
4 taking up Items 3, 4, and 5, the validity of  
5 individual signatures based on a comparison.

6 CHAIRMAN PREISSE: That makes sense to  
7 me.

8 MEMBER SEXTON: I concur.

9 CHAIRMAN PREISSE: I don't think we need  
10 to take any action to achieve that, do we?

11 MEMBER SINNOTT: I believe, then, we  
12 will not take a vote on the protest until we see  
13 whether there is anything to protest.

14 DIRECTOR LEONARD: Which means you may  
15 have to come back if the court reverses the decision.

16 MEMBER SINNOTT: Or the Secretary.

17 DIRECTOR LEONARD: Or the Secretary of  
18 State reverses the decision.

19 MEMBER SINNOTT: Well, if the Secretary  
20 votes to place Mr. Dowds on the ballot, then we would  
21 need to hear the protest.

22 DIRECTOR LEONARD: Right, right.

23 MEMBER SINNOTT: I think we're ready for  
24 the next item.

25 CHAIRMAN PREISSE: I think we are.

1           DEPUTY DIRECTOR PAYNE: The next item is  
2 petition certification reconsideration for the May  
3 8th, 2018, Primary Election regarding James Robinson  
4 and his candidacy for Franklin County Auditor. I  
5 don't know that there is -- or is there? Is there  
6 anybody --

7           MR. McTIGUE: On the opponent's side.

8           CHAIRMAN PREISSE: Here it is. I  
9 don't -- do we have -- well, give us an overview, and  
10 then we'll see if anybody wishes to speak.

11          DEPUTY DIRECTOR PAYNE: Jeff, you want  
12 to give an overview on that?

13          MR. MACKEY: At the February 15th  
14 meeting the Board did not recommend for certification  
15 the petition of James Robinson for Franklin County  
16 Auditor because Mr. Robinson's petition was found not  
17 to have sufficient valid signatures. We have found  
18 46 valid signatures and you need 50. We have since  
19 received from Mr. Craig Wiley requests for you to  
20 reconsider that decision, presented items that he  
21 believes -- are signatures that he believes should  
22 have been counted towards the total valid signatures  
23 presented on Mr. Robinson's petition. I've  
24 prepared --

25          MEMBER SINNOTT: You're referring to the

1 February 23 letter to the Board?

2 MR. MACKEY: Right.

3 MEMBER SINNOTT: Is Mr. Wiley a  
4 Democrat?

5 MR. MACKEY: Yes. He lives in Franklin  
6 County. He's a registered voter.

7 MEMBER SINNOTT: It looks as though you  
8 prepared something for us to examine.

9 MR. MACKEY: To help you I have also  
10 made copies of his petitions to try to help you. If  
11 it's still not clear, I have the originals up here.  
12 You might be able to discern further if you need to.

13 MEMBER SINNOTT: So this illustrates  
14 some of the issues described in Mr. Wiley's protest?

15 MR. MACKEY: Yes. If you'd like, we can  
16 go through those.

17 MEMBER SINNOTT: I suppose hearing what  
18 you have found or noted upon reconsideration would be  
19 interesting. It sounds like this is very technical,  
20 having to do with signatures and street addresses.  
21 Is that fair, Jeff?

22 MR. MACKEY: That is fair, yes, and one  
23 duplicate.

24 MEMBER SINNOTT: Okay. Well, why don't  
25 you share with us your --

1           MR. MACKEY: All right. The first  
2 consideration there is on Part-Petition 972, Line 27  
3 and also Line 7. Mr. Wiley contends that Tessie  
4 Stanford has signed the petition twice. The first  
5 time we came upon that signature we invalidated it  
6 because it was printed, did not match the signature  
7 on file. The second time we got to that signature,  
8 we indicated it as a duplicate, extending direction  
9 from us to our main valiant signature verifiers is  
10 that if you run across this case and realize it, and  
11 in a broad sense of accepting valid signatures when  
12 we can, to uncode the original invalidated signature,  
13 give credit to the signature that was good, part the  
14 bad signature as the dup. In a sense of fairness to  
15 the person that signed the petition, I've included  
16 both signatures there.

17           MEMBER SINNOTT: So we threw out both  
18 the printed and the cursive signatures?

19           MR. MACKEY: Correct.

20           MEMBER SINNOTT: And there is a Tessie  
21 Stanford at 8314 Bellow Park Drive, Reynoldsburg,  
22 Ohio?

23           MR. MACKEY: There is.

24           MEMBER SINNOTT: She's a Democrat?

25           MR. MACKEY: Yes.

1                   MEMBER SINNOTT:   Okay.   How about the  
2 next one, Emanuel Adams?

3                   MEMBER MARINELLO:   And we've got a voter  
4 registration signature.

5                   MR. MACKEY:   On my document I have both  
6 lines from the -- Part-Petition Line 7 and Line 27  
7 and the signatures that we'll need to validate.

8                   CHAIRMAN PREISSE:   So tell us about  
9 Emanuel Adams.

10                   MR. MACKEY:   Okay.   So the Board did not  
11 read -- it appears he's registered at 5176 Stone  
12 Ridge Road South.   He was not -- I guess reading  
13 that, was what he wrote there, so we disqualified it  
14 for not being registered at that address.

15                   CHAIRMAN PREISSE:   Is that a signature  
16 below, floating on the paper from the --

17                   MR. MACKEY:   Yes.

18                   CHAIRMAN PREISSE:   From the registration  
19 card.

20                   MEMBER SINNOTT:   So like Ms. Ortman a  
21 couple minutes ago, he's one digit off on his street  
22 address?

23                   MR. MACKEY:   Or his pen slipped or  
24 whatever.

25                   CHAIRMAN PREISSE:   Then you've got --

1                   MR. MACKEY: Three, Sarah Laasmar. I'm  
2 not sure -- I believe we disqualified it because  
3 whoever was checking it didn't find this person at  
4 this address. I think that was just a miss on our  
5 part probably, based on what I'm looking at there.

6                   CHAIRMAN PREISSE: What was the miss?

7                   MR. MACKEY: It should have been  
8 counted.

9                   CHAIRMAN PREISSE: Okay. What about  
10 four?

11                   MR. MACKEY: Teia Mack, there is -- the  
12 Board did not find her at 1271 22nd Avenue. They're  
13 reading -- our staff did not find her. They're  
14 reading of that address was different.

15                   MEMBER SINNOTT: She wrote 1272, not  
16 1271?

17                   MR. MACKEY: It appears so.

18                   MEMBER SINNOTT: Otherwise, she checked  
19 out?

20                   MR. MACKEY: Correct. Her complete  
21 information is listed below there.

22                   CHAIRMAN PREISSE: But I think her  
23 street, 22nd Avenue.

24                   MR. MACKEY: No. 5, signed Sharon Adams,  
25 registered as Sharon Jackson. The petitioner here



1 indicates -- I don't know if they know this in fact  
2 or they're guessing -- she got married to Emanuel  
3 Adams, signed her married name instead of the name  
4 that we have on file.

5 MEMBER SINNOTT: Emanuel Adams is the  
6 name of Case No. 2 on this protest.

7 MR. MACKEY: It's not the same person.

8 MEMBER SINNOTT: And you think that  
9 because one is the III and the other is --

10 MR. MACKEY: Correct. There is an  
11 Emanuel Adams registered at 3551 Delpport Way, I'd  
12 guess Jr.

13 MEMBER SINNOTT: Gotcha.

14 CHAIRMAN PREISSE: What are we looking  
15 at after the 5th, on this two-page document?

16 MR. MACKEY: After No. 5, if you flip  
17 that over to No. 6. Satasha Jordan, it's Line 25. I  
18 had to grab a lot of it because it hangs down through  
19 Line 27, I believe, there. Staff did not find her at  
20 what they interpreted was the address she wrote on  
21 the petition. It was rejected for not being  
22 registered at that address.

23 MEMBER SINNOTT: So she's registered at  
24 4185 Bowman Meadow Drive in Canal?

25 MR. MACKEY: In Canal.

1           MEMBER SINNOTT: Okay. And then the one  
2 beneath that was thrown out, too?

3           MR. MACKEY: Also No. 7. I'm pretty  
4 sure the person checking that one rejected her as  
5 being at -- indicating 205 Riverdale instead of 1905.  
6 You might want to look at the actual part-petition to  
7 get a little clearer picture of the smudge there at  
8 the beginning of her address.

9           MEMBER SINNOTT: But Sharine Jordan is  
10 registered on Riverdale in Columbus as a Democrat?

11          MR. MACKEY: Yes.

12          MEMBER SINNOTT: And then what about  
13 Lenart?

14          MR. MACKEY: Mr. Lenart is not a  
15 registered voter. His registration has been  
16 canceled. If you were researching this and his  
17 notice that it said canceled instead of active or  
18 inactive, you might include that in your Request for  
19 Reconsideration, but I'm not sure why it would be  
20 there otherwise.

21          CHAIRMAN PREISSE: So you say he is not  
22 registered?

23          MR. MACKEY: He is not registered. His  
24 registration was canceled. Or his record was  
25 canceled.

1           MEMBER SINNOTT: So to make our  
2 consideration organized, the first one is the printed  
3 signature and the cursive signature and the  
4 disqualification of both.

5           MR. MACKEY: Correct.

6           MR. McTIGUE: Mr. Chairman, I filed a  
7 Memorandum in Opposition. I'd like to -- there's no  
8 proponent here, but --

9           CHAIRMAN PREISSE: Can we pause to read  
10 this?

11          MR. McTIGUE: Certainly. I can go  
12 through it very quickly as well.

13          MEMBER SINNOTT: I think as soon as we  
14 get these sort of categorized, we can hear from Mr.  
15 McTigue.

16          MEMBER SEXTON: I was thinking maybe if  
17 Mr. Mackey could just run through these eight real  
18 quick and then --

19          MEMBER SINNOTT: Yeah. It's a good  
20 idea, Chairman.

21          CHAIRMAN PREISSE: Okay. Sounds like a  
22 good idea -- well, I'm not sure I'm clear what you  
23 want him to do that he didn't just do.

24          MEMBER SINNOTT: Well, I think that we  
25 can group some of these.

1 CHAIRMAN PREISSE: Categorize the nature  
2 of the --

3 MEMBER SINNOTT: The issues. We have  
4 the cursive and the printed on Stanford, and then we  
5 have a number off on the street address on Adams. We  
6 have -- I'm not quite sure what the issue is on three  
7 any longer. Jeff, can you help me out?

8 MR. MACKEY: No. 3, I'm not sure that  
9 should have been in there.

10 MEMBER SINNOTT: That was just --

11 MR. MACKEY: We probably should have  
12 counted that one, as long as you guys agree that that  
13 signature is within --

14 MEMBER SINNOTT: Ms. Mack, she was off a  
15 digit on her street address; correct?

16 MR. MACKEY: Correct.

17 MEMBER SINNOTT: Jackson is using a  
18 different last name. Jordan seems to be another  
19 street number problem.

20 MR. MACKEY: Correct.

21 MEMBER SINNOTT: Sharine Jordan is also  
22 a street number problem.

23 MR. MACKEY: Correct.

24 MEMBER SINNOTT: And then Mr. Lenart is  
25 simply not registered now?

1 MR. MACKEY: Right.

2 MEMBER SINNOTT: Okay. Got it. Thank  
3 you. That was helpful to me anyway.

4 CHAIRMAN PREISSE: Okay. All right.  
5 We'll hear from Mr. McTigue, then.

6 MR. McTIGUE: Thank you, Mr. Chairman.  
7 I'm Don McTigue, and actually I represent Mr.  
8 Stinziano, a candidate in this race. I have a couple  
9 of things I'll address, and I'll go through this very  
10 quickly.

11 First of all, the first issue we raised  
12 in the memorandum we filed is that Mr. Wiley lacks  
13 any standing to file this. While he is a registered  
14 Democrat, this is not a situation of filing a  
15 protest. He's filing a Request for Reconsideration.  
16 He's not the candidate. He's not a circulator. He's  
17 not even a signer. He's not an attorney. He can't  
18 represent the candidate based on the Cooker  
19 Restaurant case which we cited. So to the extent  
20 he's attempting to act on behalf of the candidate,  
21 Mr. Robinson, he's not permitted to do that, and the  
22 Board of Elections is not entitled to -- or should  
23 not review his Request for Reconsideration. It's  
24 pretty clear.

25 MEMBER SINNOTT: I was interested in

1 that too, Mr. McTigue. Now, we just heard a Request  
2 for Reconsideration that you presented.

3 MR. McTIGUE: Yes.

4 MEMBER SINNOTT: Would you agree that  
5 that is outside the statute, that is, there is no  
6 reconsideration statute unlike the protest statute?

7 MR. McTIGUE: Yes. In fact, I think you  
8 used the phrase "extra-statutory."

9 MEMBER SINNOTT: Yes.

10 MR. McTIGUE: And I caught that, and I  
11 agree, it is, and I think that the -- these  
12 reconsideration hearings are granted at the  
13 discretion of the Board, but on the other hand, the  
14 person who is bringing the Request for  
15 Reconsideration I believe still has to have standing.  
16 Be that as it may --

17 MEMBER SINNOTT: What creates standing  
18 to make a Request for Reconsideration?

19 MR. McTIGUE: Well, I think here what's  
20 standing would be either to be -- basically standing  
21 is you have to be able to vindicate some kind of  
22 right that you have here. He's not the candidate, so  
23 he's not trying to get himself on the ballot. He's  
24 not a circulator defending against petitions that  
25 he's circulated where signatures were rejected. He's

1 not a signer of the petition seeking to have his --  
2 you know, the petition that he signed, have that --  
3 or even the candidate that he signed the petition  
4 for, to get that candidate on the ballot, because he  
5 had -- he'd be -- he'd be invested in that if he had  
6 at least signed the petition.

7 MEMBER SINNOTT: But if we had put Mr.  
8 Robinson on the ballot, you would have no objection  
9 to his filing a protest as a member of Mr. Robinson's  
10 party?

11 MR. McTIGUE: Under the statute  
12 involving protests, you are correct that a member of  
13 the same party can file a protest by the deadline for  
14 filing a protest.

15 MEMBER SINNOTT: Okay.

16 MR. McTIGUE: So with regard to Tessie  
17 Stanford, this is the one where it was printed and  
18 then cursive, our argument here is that if you  
19 actually look at the cursive signature and compare  
20 that to your records, that is clearly not her  
21 signature. The printed one is obviously she printed  
22 it and you can read it, but if you actually -- and if  
23 I refer you to Page 2 of our memo, up at the top, on  
24 the left-hand side you have how she signed or  
25 somebody signed the petition, and on the right you

1 have from the Board's records what her signature  
2 looks like on file. The signature on the petition is  
3 no match at all, so it should either be rejected as  
4 illegible or not genuine.

5 I understand Mr. Mackey's point about  
6 just, you know, we shouldn't -- we shouldn't have  
7 rejected it as being a dup, a duplicate, and I'm not  
8 arguing his point there. What I'm saying here is  
9 that while you shouldn't reject it as a dup, it's  
10 clearly not the same person based on the signature.

11 MEMBER SINNOTT: And you're untroubled  
12 by the fact that we know that there is a registered  
13 Democrat named Tessie Stanford living at 8314 Bellow  
14 Park Drive in Reynoldsburg?

15 MR. McTIGUE: Yes, but there could be --  
16 that's true, but there could be other people living  
17 at that address as well who are registered voters and  
18 perhaps Democrats, and it might be one of those other  
19 people who signed. I just -- I -- the argument here  
20 from the -- not the protester, but the requester of  
21 reconsideration is that this is Tessie's signature,  
22 but we have not --

23 CHAIRMAN PREISSE: We're called on all  
24 the time to compare signatures and --

25 MR. McTIGUE: Exactly. You compare



1 signatures all the time, I agree, and I'm just saying  
2 if you look at that, it's not the same signature.  
3 And let me point out one more fact, and this is going  
4 to be repeated on some later ones, on all the address  
5 issues, the proponent here for reconsideration did  
6 not submit a single affidavit. He didn't go out to  
7 Tessie and get an affidavit from Tessie. He's not  
8 even here today. There's no evidence before the  
9 Board that this is Tessie's signature other than for  
10 you to examine your own records, and those records do  
11 not establish that it's her signature.

12           With regard to Emanuel Adams, which is  
13 this issue about an address being off by one number,  
14 the last numeral, it's not a transposition error but  
15 a different numeral, here's -- the problem is that  
16 you're saying this is the same as the other case,  
17 Miss Ortman, I believe, right, where there was  
18 transposed numbers. The difference is Miss Ortman  
19 gave us an affidavit that says she made a mistake.  
20 Here you have no evidence that he didn't move. You  
21 have no evidence that this is a mistake. He wrote  
22 down under penalty of election falsification that  
23 this was his address. It could be a mistake, and if  
24 it was a mistake, I'd have no problem, but you've got  
25 to have some evidence, folks. You just can't, you

1 know, decide on your own, oh, he made a mistake,  
2 without some evidence. You're starting point is it  
3 has -- the registration address on the petition has  
4 to be the same that he's listed, the same as --

5 CHAIRMAN PREISSE: The evidence we  
6 regularly consult is indeed what you suggest, those  
7 are our records.

8 MR. McTIGUE: Yes, exactly, and your  
9 records have a different address, and maybe he --  
10 it's different from the one he gave, and indeed it  
11 could be a mistake, but you're guessing.

12 MEMBER SINNOTT: So as we assess the  
13 probability, of course there's never going to be an  
14 Aristotelian certainty, but as we assess the  
15 probability that the Emanuel Adams, III who signed  
16 this petition is the one who lives at 5176 Stone  
17 Ridge Drive, do you think that we have no indications  
18 that this is not that Democratic voter?

19 MR. McTIGUE: Well, but the indication  
20 you have is that this -- the signature matches, I  
21 assume, okay, the voter registration for this person  
22 at a different address than the one he's listed on  
23 the petition. Maybe he moved across the street, even  
24 versus odd. I don't know. I don't know what the  
25 facts are.

1           MEMBER SINNOTT: Do you think it would  
2 suggest to a reasonable mind the probability that he  
3 moved across the street?

4           MR. McTIGUE: Well, it happens, I think,  
5 a lot. I moved across the street; okay? I moved  
6 across the courtyard where I currently live. I lived  
7 in a house on South High Street. I didn't have to  
8 hire a moving truck. I got a four-wheel cart and we  
9 moved across the courtyard, okay, so it is -- it  
10 happens, and the slippery slope here is you're making  
11 decisions without any evidence as to whether this was  
12 a mistake or whether he actually did move. That's  
13 the slippery slope.

14           CHAIRMAN PREISSE: I would say that the  
15 preponderance of evidence is that this is the same  
16 guy. The signature matches. The street is the same,  
17 the county, the city, the -- the III -- one, two,  
18 three -- after his name, but anyway, go on.

19           MR. McTIGUE: Well, yeah, I mean, I  
20 agree all of that's the same. The question is  
21 whether or not he wrote down his right house number  
22 or his wrong house number, and you have no evidence  
23 one way or the other on that.

24                   Moving on to Sharon Jackson, I mean,  
25 this is the one about the marriage. It's alleged

1 that, you know, she's the same as Sharon Adams, but  
2 there's no evidence presented to the Board. It's  
3 just -- it's a mere allegation. It's like filing a  
4 complaint in court with no evidence. You make  
5 allegations, and that's what he's doing, making an  
6 allegation. You don't -- you don't have any  
7 information here that this is -- that she is married  
8 and now her name -- or, I'm sorry, that her name --  
9 yeah, that she's registered as Sharon Jackson, but  
10 you have no evidence presented to you that she got  
11 married and changed her name to Sharon Adams.  
12 Furthermore, in addition to no evidence, the law  
13 requires a person who gets married to update their  
14 registration form with their new name, and that's the  
15 name then you would use; so her registration is not  
16 up to date either in addition to no evidence.

17 Next is the Satasha Jordan. Here it's  
18 the house number issue. Okay. There's a big  
19 difference here. I mean, we're talking about being  
20 off by a thousand numbers; okay? She is a registered  
21 voter at 4185. She wrote 3184.

22 MEMBER SEXTON: I'm sorry, Mr. McTigue,  
23 which --

24 MR. McTIGUE: I'm on Satasha Jordan,  
25 which is -- sorry, I don't have the code.

1 MEMBER SEXTON: Okay.

2 DIRECTOR LEONARD: It would be on the  
3 back page Mr. Mackey prepared for us.

4 MR. McTIGUE: So -- and, again, if you  
5 want to engage in that slippery slope of probability  
6 without any evidence, the issue here is she got two  
7 numbers wrong, one of which moves her a thousand  
8 houses away.

9 The next one, Sharine Jordan is very  
10 similar to what I just said. Here she wrote 2000 --  
11 or, I'm sorry, 205 on the petition. She is  
12 registered at 1905. Now, you can, as I think Mr.  
13 Mackey suggested, you can look at what she -- how she  
14 wrote on the -- her address on the petition, and he  
15 suggested maybe it's a smudge, but it doesn't look  
16 like a smudge to me. It looks like very clearly 205.  
17 I don't see any smudge mark there. That's a  
18 situation where, you know, if you want to bring  
19 something like this to the Board, give us some  
20 affidavits, you know, so that the Board has some  
21 evidence to go on. And then --

22 MEMBER SINNOTT: Mr. McTigue, I want to  
23 turn for just a moment to the argument that you were  
24 making about the Democratic voter who lived on  
25 Bowman, the one before this past one. You said that

1 it would be improper to have her be off a thousand  
2 house numbers. Didn't you just urge in the case of  
3 Ms. Ortman that we approve her when her transposition  
4 error rendered her off nearly 3,000 house numbers?

5 MR. McTIGUE: Yes, and the difference --  
6 there's two differences, Mr. Sinnott. No. 1, we have  
7 an affidavit from Ms. Ortman explaining the  
8 transposition error, and, No. 2, it is a  
9 transposition error, whereas with Satasha Jordan, it  
10 is not a transposition error.

11 MEMBER SINNOTT: I presume you would  
12 concede that counting the number of house numbers  
13 would not be the basis for a proper decision.

14 MR. McTIGUE: I think it could be. I  
15 think it is something of a matter of degree, except  
16 that you still need evidence. Ultimately you need  
17 evidence from that voter as to where they really  
18 live.

19 CHAIRMAN PREISSE: We make decisions on  
20 the Board's records all the time without --  
21 without --

22 MEMBER SINNOTT: Extraneous evidence,  
23 yeah.

24 MR. McTIGUE: Right. Well, this is  
25 extraneous -- you know, the requirement would be

1 extraneous evidence, but when you say you rely on the  
2 Board's records, that's what the staff did here. The  
3 staff relied on the Board's records and threw out the  
4 signature.

5 DIRECTOR LEONARD: Jeff, do you know if  
6 these are apartment complexes?

7 MR. MACKEY: I don't have any idea.

8 CHAIRMAN PREISSE: Next.

9 MR. McTIGUE: Next. Okay. Well, the  
10 next one, actually I think we're in agreement, that  
11 this is -- this is Geoffrey Lenart, that he's not  
12 registered to vote, so there's not much more to say  
13 on that one. Thank you.

14 CHAIRMAN PREISSE: Thank you. Well,  
15 should we consider these categorically?

16 MEMBER SINNOTT: I think we should.  
17 That makes sense.

18 CHAIRMAN PREISSE: I do too. In review,  
19 we've got --

20 MEMBER MARINELLO: Should we take them  
21 one at a time?

22 CHAIRMAN PREISSE: Well, we've got --  
23 categorically I think we have four that address  
24 issues and one not registered, which we're unlikely  
25 to do very much about. A married name, one that

1 staff says we shouldn't -- we just simply shouldn't  
2 count it. It looks like staff error, and the -- and  
3 the accident of crossing out a duplicate. Do you  
4 wish to --

5 MEMBER SINNOTT: I think Kim just  
6 suggested that we consider these by category, and I  
7 think that we can do that efficiently. The category  
8 of Ms. Jackson, who signed as Ms. Adams, that's  
9 simply a different name, and I would move that we not  
10 count the Sharon Jackson signature for that reason.  
11 I think I said that correctly.

12 DEPUTY DIRECTOR PAYNE: Is that in the  
13 form of a motion?

14 CHAIRMAN PREISSE: He did.

15 DEPUTY DIRECTOR PAYNE: Is there a  
16 second?

17 MEMBER MARINELLO: I'll second that.

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

20 (Vote taken.)

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

23 (No response.)

24 DEPUTY DIRECTOR PAYNE: Motion carries.

25 MEMBER SINNOTT: And then we have Mr.



1 Lenart, who seems not to be registered at all, and  
2 for that reason I would move that his signature not  
3 be counted.

4 MEMBER SEXTON: Second.

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

7 (Vote taken.)

8 DEPUTY DIRECTOR PAYNE: All opposed,  
9 same sign.

10 (No response.)

11 DEPUTY DIRECTOR PAYNE: Motion carries.

12 MEMBER SINNOTT: And then we have the  
13 case of Tessie Stanford, who has both printed her  
14 name and signed her name, and we have not counted  
15 either. Of course, that also presents the question  
16 as to whether we're satisfied that when Miss Stanford  
17 was signing her address of 8314 Bellow Park Drive,  
18 that she was who she purports to be.

19 Finding there to be enough similarity in  
20 the cursive signature between what we have on record  
21 and what was placed on the petition, I would move the  
22 counting of the signature on Line 27 and not the  
23 counting of the printed signature at Line 7.

24 DEPUTY DIRECTOR PAYNE: Is there a  
25 second?

1 CHAIRMAN PREISSE: Second.

2 DEPUTY DIRECTOR PAYNE: Do we want a  
3 roll call vote?

4 CHAIRMAN PREISSE: Let's try a voice  
5 vote.

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

8 (Vote taken.)

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

11 (No response.)

12 DEPUTY DIRECTOR PAYNE: Motion carries.

13 MEMBER SINNOTT: And then we have the  
14 four Democratic voters who have placed a street  
15 address which doesn't match exactly what we have at  
16 the Board, but in every other respect they appear to  
17 be who they say they are, that is, everything else  
18 checks out, and I think that those voters would be  
19 Ms. Laasmar, Ms. Mack, Satasha Jordan, and Sharine  
20 Jordan.

21 MR. MACKEY: Not Miss Laasmar. Don't  
22 include her in that one.

23 MEMBER SINNOTT: I'm sorry?

24 MR. MACKEY: Not Miss Laasmar. Don't  
25 include her in that one.

1 MEMBER SINNOTT: Okay. Forgive me.

2 CHAIRMAN PREISSE: It's Emanuel Adams,  
3 III.

4 MEMBER SINNOTT: Good catch. Okay. So  
5 we're talking about --

6 MEMBER SEXTON: Lines -- I have Line 2,  
7 Line 4, Line 6, and Line 7 --

8 MR. MACKEY: I agree.

9 MEMBER SEXTON: -- is the address.

10 MEMBER SINNOTT: And, Michael, by name  
11 that would be Adams, Mack, Satasha Jordan, and  
12 Sharine Jordan?

13 CHAIRMAN PREISSE: That's what I have.

14 MEMBER SEXTON: Right.

15 MEMBER SINNOTT: Thank you. I believe  
16 that to a probability those four Democratic voters  
17 are who they purport to be. I think they merely made  
18 a mistake in entering their street number. I would  
19 not want to disenfranchise them as the signer of an  
20 election petition as we did with Ms. Ortman.

21 I would move the counting of their  
22 signatures.

23 DEPUTY DIRECTOR PAYNE: Is there a  
24 second?

25 CHAIRMAN PREISSE: Second.

1 MR. SEXTON: I would just add that I  
2 would oppose that in the sense that Mr. McTigue, I  
3 think, made a good argument that unlike Mrs. Ortman,  
4 there is no evidence before us, we don't know if that  
5 person lives at the address, just to make that point.

6 CHAIRMAN PREISSE: Fine. For a little  
7 further discussion, we are called to examine Board  
8 records all the time, and there's long precedence for  
9 us rendering decisions based on our best judgment and  
10 the high probability that the records are generally  
11 up to date, and -- and whether it's examining  
12 differences in signatures, slight or sometimes great,  
13 we've very often exercised leniency in consideration  
14 of the voter's right to participate in the process  
15 that they, by a preponderance of evidence, they have  
16 attempted to do and have done; so I think the lack of  
17 an affidavit in cases like this, we are faced with  
18 these all the time without --

19 MEMBER SEXTON: This is also -- you  
20 know, they have brought this, asked us for a hearing  
21 and brought us really no evidence on these voters,  
22 and it is, you know, the hearing that we're asked to  
23 have, and we simply have to vote, you know, without  
24 any evidence. You know, these people might have  
25 made a simple mistake. They might not be living at

1 that address. I'm just saying we don't have anything  
2 before us that would validate that.

3 MEMBER SINNOTT: If I may, I would call  
4 for your understanding of these records to make sure  
5 that I'm clear about this. So there is an Emanuel  
6 Adams, III who is registered at 5176 Stone Ridge  
7 Drive South who is a Democrat?

8 MR. MACKEY: Correct.

9 MEMBER SINNOTT: And there is a Teia  
10 Mack who is registered to vote at 1271 East 22nd  
11 Avenue who is a Democrat?

12 MR. MACKEY: Correct.

13 MEMBER SINNOTT: And there is a Satasha  
14 Jordan who is registered at 4185 Bowman Meadow Drive  
15 in Canal Winchester who is a Democrat?

16 MR. MACKEY: Correct.

17 MEMBER SINNOTT: And there is a Sharine  
18 Jordan who is registered to vote at 1905 Riverdale  
19 Road in Columbus who is a Democrat; is that correct?

20 MR. MACKEY: Correct.

21 MEMBER SINNOTT: Okay. It sounds like  
22 we need a roll call.

23 DEPUTY DIRECTOR PAYNE: It's been  
24 properly moved and seconded. We'll do roll call.

25 Kim Marinello -- all those in favor of

1 the motion.

2 Kim Marinello.

3 MEMBER MARINELLO: No.

4 DEPUTY DIRECTOR PAYNE: No.

5 Michael Sexton.

6 MEMBER SEXTON: No.

7 DEPUTY DIRECTOR PAYNE: Doug Preisse.

8 CHAIRMAN PREISSE: Yes.

9 DEPUTY DIRECTOR PAYNE: And Brad

10 Sinnott.

11 MEMBER SINNOTT: Yes.

12 CHAIRMAN PREISSE: We have not addressed  
13 the Sarah Laasmar matter, have we?

14 MEMBER SINNOTT: No.

15 CHAIRMAN PREISSE: This is -- this is  
16 the voter that staff is suggesting the signature  
17 should have been counted as it appears there's no  
18 reason it shouldn't have been.

19 MEMBER SINNOTT: On the basis that I  
20 can't see how Ms. Laasmar's signature could have been  
21 disqualified in the first place, I move that we count  
22 her signature.

23 DEPUTY DIRECTOR PAYNE: A second?

24 MEMBER SEXTON: Second.

25 DEPUTY DIRECTOR PAYNE: All those in

1 favor signify by saying aye.

2 (Vote taken.)

3 DEPUTY DIRECTOR PAYNE: All opposed,  
4 same sign.

5 (No response.)

6 DEPUTY DIRECTOR PAYNE: Motion carries.

7 MR. MACKEY: At this point he's only got  
8 48 valid signatures.

9 MEMBER SINNOTT: I believe that to be  
10 true, but we split on four different ones, so those  
11 four would go to the Secretary, correct, to cast the  
12 tie-breaking vote; so at this point, until the  
13 Secretary weighs in, we don't know if Mr.  
14 Patterson -- or, I'm sorry, if Mr. Robinson is on the  
15 ballot. Is that everybody's understanding?

16 MEMBER MARINELLO: Yes.

17 MEMBER SEXTON: Is that yours?

18 CHAIRMAN PREISSE: Yes. It makes sense  
19 to me, yes.

20 DEPUTY DIRECTOR PAYNE: The final item  
21 on the agenda is the hiring of Vote Center managers  
22 for the May Primary. It has been suggested that the  
23 Republicans would like to hire Joe Healy in that  
24 spot, and the Democratic Party would like to hire  
25 Brian McCann. Both have served in the past, and both

1 have done very good jobs.

2 CHAIRMAN PREISSE: They actually served  
3 together, didn't they?

4 DEPUTY DIRECTOR PAYNE: They have served  
5 together, that's correct.

6 CHAIRMAN PREISSE: All right.

7 MEMBER MARINELLO: I move the Board  
8 authorize the Director and Deputy Director to hire  
9 Joseph Healy and Brian McCann to manage the Early  
10 Vote Center located at 1700 Morse Road, Columbus,  
11 Ohio at a daily rate of 312.50, an amount not to  
12 exceed \$10,500. The date of hire will be April 2nd,  
13 2018, the end date will be May 11, 2018.

14 CHAIRMAN PREISSE: Second.

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

17 (Vote taken.)

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

20 (No response.)

21 DEPUTY DIRECTOR PAYNE: Motion carries.

22 MEMBER SINNOTT: Move to adjourn.

23 CHAIRMAN PREISSE: Second.

24 DEPUTY DIRECTOR PAYNE: All those in  
25 favor --



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Vote taken; motion passes.)

(Thereupon, the hearing was adjourned at

5:00 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, March 1, 2018, 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-86284)



Exhibit A: Write-In Candidates Recommended for Board Certification to the May 8, 2018 Primary  
Election Ballot

**State Senator: Katherine Chipps (Democratic)**

3rd Senate District Full Term

**State Senator: Jeff Brown (Green)**

15th Senate District Full Term

**State Representative: Erin Gibbons (Democratic)**

18th House District Full Term

**State Representative: Torin Jacobs (Green)**

18th House District Full Term

**County Central Committee: Daniel T. Bonner (Republican)**

Columbus Ward 13 Full Term

**County Central Committee: April G. Herbster (Republican)**

Columbus Ward 17 Full Term

**County Central Committee: Daniel L. Coleman (Republican)**

Columbus Ward 26 Full Term

**County Central Committee: Amber Renea Tawney (Republican)**

Columbus Ward 55 Full Term

**County Central Committee: Timothy D. Rush (Republican)**

Columbus Ward 58 Full Term

**County Central Committee: Adam J. Kuhn (Republican)**

Columbus Ward 59 Full Term

**County Central Committee: Christopher Bidwell (Republican)**

Columbus Ward 61 Full Term

March 1, 2018

Franklin County Board of Elections

Exhibit A: Write-In Candidates Recommended for Board Certification to the May 8, 2018 Primary  
Election Ballot

**County Central Committee: Christopher Rodriguez (Republican)**  
Whitehall Ward 1 Full Term

**County Central Committee: Brandon R. Howard (Republican)**  
Whitehall Ward 4 Full Term

## **Kristin Boggs – Validity of Declaration of Intent to be a Write-in Candidate**

From OEM Chapter 12:

**R.C. 3513.041** prohibits a person from being a write-in candidate if the person has already filed to be a candidate for the same election (and not timely withdrawn pursuant to the Coble decision, discussed below) or has become a candidate for the same election. The statute provides, in pertinent part: A board of elections shall not accept for filing the declaration of intent to be a write-in candidate of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code\* \* \*. (Emphasis added.)

Effect of withdrawal of candidacy for purpose of refiling for same or different office for same election Based on the Supreme Court's decision in State ex rel. Coble, a candidate who timely withdraws that person's candidacy prior to board action on his nominating petition and prior to the filing deadline may file a new petition even if that petition is for the same office to be elected at the same election as the withdrawn petition as long as the board has not officially acted on the petition.

The following individuals were certified at the February 15 meeting and have subsequently indicated they wish to withdraw their candidacy.

Gary Chiero – Representative to Congress – 12<sup>th</sup> District, Full Term

Gary Chiero – Representative to Congress – 12<sup>th</sup> District, Unexpired Term

John Rosan – Republican County Central Committee, Gahanna Ward 3

Deborah Johnson – Republican County Central Committee, Upper Arlington  
Ward 6