

BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
: Special Meeting. :
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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 E. Sexton, at the Franklin County Board of Elections, 1700 Morse Road, Large Hearing Room, Columbus, Ohio, called at 10:00 a.m. on August 24, 2018.

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APPEARANCES:

Franklin County Prosecutor's Office
By Mr. Timothy A. Lecklider, Esq.
and Mr. Nick A. Soulas, Jr., Esq.
Assistant Prosecuting Attorneys
373 South High Street, 13th Floor
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On behalf of the Board.

ALSO PRESENT:

Ms. Mellissia Fuhrmann, Esq., Bd. of Elections
Ms. Alicia Healy, Bd. of Elections
Mr. Zachary Manifold, Bd. of Elections
Mr. Gene Shell, Bd. of Elections
Mr. Jeffrey O. Mackey, Bd. of Elections
Ms. Carla D. Patton, Bd. of Elections
Ms. Suzanne M. Brown, Executive Assistant
to the Board

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1 Friday Morning Session,
2 August 24, 2018,
3 10:10 a.m.

4 - - -

5 DEPUTY DIRECTOR PAYNE: All right.
6 Welcome. The first roll -- or order of business
7 today is to do the roll to make certain we have a
8 quorum. I'll take roll.

9 Kim Marinello.

10 MEMBER MARINELLO: Here.

11 DEPUTY DIRECTOR PAYNE: Mike Sexton.

12 MEMBER SEXTON: Here.

13 DEPUTY DIRECTOR PAYNE: Doug Preisse.

14 CHAIRMAN PREISSE: Here.

15 DEPUTY DIRECTOR PAYNE: Brad Sinnott.

16 MEMBER SINNOTT: Here.

17 DEPUTY DIRECTOR PAYNE: We do indeed
18 have a quorum, Mr. Chairman.

19 The first item on the agenda is the
20 remaking of absentee ballots, and I'll call Zach
21 Manifold to the podium to give a quick report, if you
22 could.

23 MR. MANIFOLD: Good morning.

24 CHAIRMAN PREISSE: Good morning.

25 MR. MANIFOLD: So we have 46 total

1 remakes of absentee ballots. We had 44 that were --
2 that showed up on Election Day, 22 in the afternoon
3 mail and then 22 that showed up in the final pickup
4 at 7:30 of mailed ballots.

5 What you'll see is they're all skewed.
6 They're kind of -- they just got turned. When the
7 printer printed them, they turned, and our tabulators
8 will not run the ballot without remaking them. We
9 think they all showed up on Election Day, and then
10 in -- we had two today in the remaining ballots, so
11 we think what happened is maybe Thursday or Friday,
12 the final mail-out ballots, we had this batch of
13 ballots, they just skewed when the printer printed
14 them. We'll go ahead and show you. Yeah, you can
15 just flip through them and see what we're talking
16 about, but please try to keep them in order because
17 that just makes it easier on us.

18 MR. SHELL: You can turn them sideways
19 to see what we're talking about.

20 (Discussion off the record.)

21 MEMBER SINNOTT: Speak up.

22 MR. SHELL: What I was telling them is
23 if they look at the ballot as it turned sideways,
24 they can tell from the bottom of the ballot, the gap
25 from the bottom to the top, as it goes to the top it

1 widens out, and also the squares that were preprinted
2 on these ballot pages, the crosshairs from the pdf
3 that was printed over top does not line up to those
4 squares, and that's what caused the ballot not to be
5 scanned into the scanners.

6 CHAIRMAN PREISSE: So that -- would you
7 call that a printing skew?

8 MR. SHELL: I would call that a printer
9 skew, yes, printing error (indicating).

10 MEMBER SEXTON: I assume these are all
11 the same?

12 MR. SHELL: They are all the same.

13 MEMBER SINNOTT: Well, Gene, thank you
14 for that, although we all have to question your
15 choice of apparel today.

16 MR. SHELL: I'm -- I knew it was coming
17 up, and that's okay.

18 MEMBER SINNOTT: So, Zach, your report
19 is that the conclusion of the bipartisan staff is
20 that there are 46 absentee paper ballots that need to
21 be remade?

22 MR. MANIFOLD: Correct. That is
23 correct.

24 MEMBER SINNOTT: Then I move that the
25 Board authorize the staff to remake 46 absentee paper

1 ballots and that these remade ballots shall be
2 tabulated and included in the official canvass of the
3 results for the August 7, 2018, Special Election,
4 with a report to be made to the Board later today.

5 MEMBER MARINELLO: Second.

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

8 (Vote taken.)

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

11 (No response.)

12 DEPUTY DIRECTOR PAYNE: The motion
13 carries.

14 The next item on the agenda is
15 provisional ballots, and I'll ask Mel to come up to
16 the podium and to give a brief report. I believe we
17 have 1,349 provisional ballots. Of that I think
18 1,161 we'll be recommending as counting, and then
19 there are another 171 that we will be recommending
20 that the Board reject. And then after this Mel will
21 go to the -- the remakes, but let's just stick with
22 the good and the bad for right now.

23 MS. FUHRMANN: Sure. Good morning,
24 everyone.

25 MEMBER MARINELLO: Good morning.

1 CHAIRMAN PREISSE: Good morning.

2 MS. FUHRMANN: So, as David mentioned,
3 the Voter Services staff and Alicia and myself do
4 recommend for approval a hundred -- I'm sorry, 1,125
5 ballots that are approved, 36 ballots that need
6 remade. And would you like me to move on to the
7 ballots that are going to be rejected?

8 CHAIRMAN PREISSE: Yes.

9 MS. FUHRMANN: Okay. So we had a total
10 of 171 ballots that we recommend be rejected for the
11 following reasons: We had two provisional ballots
12 that had an invalid address; we had 99 ballots of
13 voters who were simply not registered; one
14 provisional ballot where the date of birth of the
15 voter was missing; three of the provisional voters
16 also voted absentee; one provisional voter where the
17 signature does not match, 22 provisional votes where
18 there was no ID given; and 43 provisional ballots
19 where the voter was in the wrong location, also known
20 as wrong church, wrong pew, for a total of 171
21 ballots that we recommend be rejected by the Board
22 this morning.

23 DEPUTY DIRECTOR PAYNE: Can you give me
24 again the total of -- the total number of ballots to
25 be counted? Did that add up 1,161?

1 MS. FUHRMANN: Yes.

2 DEPUTY DIRECTOR PAYNE: Okay. Thank
3 you.

4 MS. FUHRMANN: 1,125 approved, 36
5 remakes, that's 1,161.

6 DEPUTY DIRECTOR PAYNE: Perfect. Thank
7 you.

8 MEMBER SINNOTT: Mel, so the Republican
9 and Democratic staff would be reporting to us that
10 there are 1,161 provisional ballots for which there's
11 agreement that they should be counted; right?

12 MS. FUHRMANN: That's correct.

13 MEMBER SINNOTT: And the Republican and
14 Democratic staff are reporting that there are 171
15 provisional ballots that cannot be counted; is that
16 correct?

17 MS. FUHRMANN: That's correct.

18 MEMBER SINNOTT: Then you have 17
19 additional provisional ballots that will require our
20 examination today; right?

21 MS. FUHRMANN: Yes, sir.

22 DEPUTY DIRECTOR PAYNE: Are there any
23 other questions for Mel?

24 If not, I'd entertain a motion.

25 MEMBER SEXTON: I move that the Board

1 approve the counting of 1,161 provisional ballots and
 2 a rejection of 171 provisional ballots, that all
 3 provisional ballots deemed valid will be counted and
 4 included in the official canvass results for the
 5 August 7, 2018, Special Election.

6 CHAIRMAN PREISSE: Second.

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

9 (Vote taken.)

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

12 (No response.)

13 DEPUTY DIRECTOR PAYNE: Motion carries.

14 What we would like to do is send the
 15 staff off to begin opening those provisional
 16 envelopes that you deemed appropriate for counting.
 17 If I could have a motion to allow for the extraction
 18 of those provisional ballots.

19 MEMBER SINNOTT: I move that the Board
 20 authorize the staff to extract the approved
 21 provisional ballots.

22 MEMBER MARINELLO: Second.

23 DEPUTY DIRECTOR PAYNE: All those in
 24 favor signify by saying aye.

25 (Vote taken.)

1 DEPUTY DIRECTOR PAYNE: All opposed,
2 same sign.

3 (No response.)

4 DEPUTY DIRECTOR PAYNE: Motion carries.
5 So someone will alert the staff that --
6 fantastic.

7 Let's go now to the next item on the
8 agenda, which is the 17 provisional ballots for Board
9 consideration, and we'll end up putting those 17 into
10 a category of either those that we would like to
11 count or those that should be rejected.

12 So, Mel, you want to --

13 MS. FUHRMANN: Sure.

14 DEPUTY DIRECTOR PAYNE: -- start us off
15 there.

16 MS. FUHRMANN: Thank you, David. So now
17 we will move on to the fun part of the process, which
18 are the provisionals for Board review. On the table
19 in front of me I have a total of 17 ballots, and
20 Alicia is going to help me this morning in presenting
21 those to you for your review.

22 I have the first six ballots.
23 Provisionals 1 through 6 are various signature
24 issues.

25 MEMBER SINNOTT: Thank you. Mel, I'm

1 going to hold these right here for the time being.

2 MS. FUHRMANN: Sure.

3 MEMBER SINNOTT: When you say various
4 signature issues, what do you mean?

5 MS. FUHRMANN: So on Provisional 1 and
6 2 -- we'll start with Provisionals 1 and 2. Those
7 were what we call signature mismatches, where the
8 signature on the front of the provisional ballot
9 did not match what we had in our database system,
10 and we're presenting those for your review this
11 morning.

12 MEMBER SINNOTT: Thank you. So on one
13 and two, you want us to compare the signature on
14 the envelope to the signature on record at the
15 Board?

16 MS. FUHRMANN: Yes, which I put on top
17 there. There's a copy of what we have on file there
18 on top with the ballot for your comparison. The
19 first individual voter I believe was a circumstance
20 where she signed her married name on the provisional
21 ballot, but the signature we have on file was her
22 maiden name.

23 MEMBER SINNOTT: Why do you believe that
24 to be true?

25 MS. FUHRMANN: Based on the fact that

1 she did not file a name change, a formal name change
2 with the Board of Elections, and you'll see by the
3 signature on the provisional that it -- it is not
4 even close to what her maiden name was, so we're sort
5 of making an assumption there, taking a leap of
6 faith, but asking for the Board's review this
7 morning.

8 MEMBER SINNOTT: Are you aware of any
9 standard that we should apply in making this
10 determination such as something that's been described
11 in a Secretary of State directive?

12 MS. FUHRMANN: The directive does not
13 give any guidance on this particular issue other than
14 an individual voter should vote provisionally when
15 they've had a name change and they've not updated
16 their records with the Board. However, we can only
17 assume that might be the case here.

18 MEMBER SINNOTT: Well, there needs to be
19 a match between the name on the provisional envelope
20 and the name of the registrant; correct?

21 MS. FUHRMANN: Yes.

22 MEMBER SINNOTT: I think we'll do these
23 one at a time.

24 (Discussion off the record.)

25 MEMBER SINNOTT: If no one objects, on

1 the top sheet of this package I'm going to put No. 1
 2 for purpose of identification (indicating).

3 And, Mel, the top sheet shows the
 4 signature that is on record at the Board; correct?

5 MS. FUHRMANN: Yes.

6 DIRECTOR LEONARD: May I ask, does the
 7 identification information matches for the voter on
 8 the envelope and what we have on file?

9 MS. FUHRMANN: Yes.

10 DIRECTOR LEONARD: Driver's license
 11 number or last four --

12 MS. FUHRMANN: Yes.

13 DIRECTOR LEONARD: -- of the Social
 14 Security number?

15 MS. FUHRMANN: That all matches.

16 DIRECTOR LEONARD: Thank you.

17 (Discussion off the record.)

18 CHAIRMAN PREISSE: We should vote on
 19 this individually.

20 MEMBER SINNOTT: Yeah. My suggestion
 21 from my colleague is that we vote on these 17 one at
 22 a time, because, among other things, I think we may
 23 be encountering different issues as to each.

24 From my examination, the registered
 25 voter is Kelly Kuhn, but that is not the name that

1 appears on the envelope of the provisional ballot. A
 2 different -- a different name has been signed. For
 3 that reason, I would move for rejection of that
 4 particular provisional ballot.

5 CHAIRMAN PREISSE: Second.

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 On to Provisional Ballot No. 2.

14 MS. FUHRMANN: Thank you. Provisional
 15 Ballot No. 2 is a more straightforward example of
 16 where the signature on the provisional envelope does
 17 not match what we have on record in our database
 18 system. I've attached a couple of examples that I
 19 printed out from our system to the provisional ballot
 20 for your review this morning.

21 MEMBER SINNOTT: For identification I'm
 22 going to mark the top sheet of this one No. 2
 23 (indicating).

24 And, Mel, you're saying that what caused
 25 the staff to bring this to our attention is that you

1 didn't see any similarity between the signature that
2 appears on the provisional envelope and the signature
3 that we have on record; correct?

4 MS. FUHRMANN: Yes. There was a
5 question about the similarity of the signatures. And
6 again, I'll note for the record that the -- the
7 required identifiers did match in our system, whether
8 it's the Social Security number -- the driver's
9 license number that was given, that was a match in
10 our system; so the issue is simply one of signature
11 match.

12 MEMBER SINNOTT: Okay.

13 CHAIRMAN PREISSE: I appreciate that
14 bipartisan staff reviewed and the opportunity for the
15 Board as a whole to review the signature in question.
16 I find there is substantial similarity and match, so
17 I would move that the provisional ballot marked No. 2
18 indeed be included --

19 MEMBER SINNOTT: Second.

20 CHAIRMAN PREISSE: -- in the count.

21 DEPUTY DIRECTOR PAYNE: All those in
22 favor signify by saying aye.

23 (Vote taken.)

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

1 (No response.)

2 DEPUTY DIRECTOR PAYNE: Motion carries.

3 Ballot -- Provisional Ballot No. 3.

4 MS. FUHRMANN: Okay. So Ballot No. 3 is
 5 a slightly different scenario. You'll see upon
 6 reviewing Provisional No. 3 that the voter signed
 7 simply with an X, and then there is a notation that
 8 that was witnessed by her guardian. I believe the
 9 voter is Shaddock. Is that correct?

10 MEMBER SINNOTT: Yes, you're right, Mel.

11 MS. FUHRMANN: Okay. And then we have
 12 also attached for review some earlier examples of the
 13 voter's signature where you can see perhaps a
 14 progression and an inability to sign her signature,
 15 perhaps due to some sort of progressive illness.

16 MEMBER SINNOTT: I'm going to mark this
 17 one No. 3 on the cover (indicating).

18 (Discussion off the record.)

19 MEMBER SINNOTT: Well, the way I see it
 20 is we're comparing the letter X on the envelope to
 21 the signature on record. That's not a match, so I
 22 move that we not count No. 3.

23 CHAIRMAN PREISSE: Second.

24 DEPUTY DIRECTOR PAYNE: All those in
 25 favor signify by saying aye.

1 (Vote taken.)

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

4 (No response.)

5 DEPUTY DIRECTOR PAYNE: Motion carries.
6 Provisional Ballot No. 4.

7 MS. FUHRMANN: Okay. Moving on to the
8 fourth provisional ballot for review, again this was
9 an instance where the bipartisan staff felt that
10 there is a possible signature mismatch between what's
11 on the provisional ballot, and then there is attached
12 at the top of that provisional ballot the signature
13 that we have on record.

14 MEMBER SINNOTT: I'll mark the cover
15 sheet No. 4 (indicating).

16 Mel, the issue this presents, in the
17 estimation of the staff, is that the signature on the
18 envelope just doesn't look the same as the signature
19 on record; correct?

20 MS. FUHRMANN: Yes. The issue presented
21 is that there was some question as to whether there
22 was a significant match between the two signatures.

23 THE FLOOR: Can you speak up so that we
24 can hear you in the back? We're having trouble
25 hearing you -- not you, but some of the gentlemen

1 (inaudible).

2 CHAIRMAN PREISSE: We'll endeavor to do
3 that.

4 THE FLOOR: Thank you.

5 CHAIRMAN PREISSE: Thank you.

6 MEMBER SINNOTT: Mel, what you've given
7 to us is a cover sheet, in this instance is simply a
8 photocopy of the envelope itself; right?

9 MS. FUHRMANN: May I?

10 MEMBER SINNOTT: Sure, please.

11 MEMBER SEXTON: So on this one are we
12 comparing this to this (indicating)?

13 MS. FUHRMANN: So, yeah, this is the
14 same thing. You're actually comparing this to this.

15 MEMBER SEXTON: Comparing this and this?

16 MS. FUHRMANN: Yes.

17 MEMBER SINNOTT: So I think the answer
18 to my question was yes; correct?

19 MS. FUHRMANN: Yes. My apologies.

20 MEMBER SEXTON: I would think that does
21 not match, and the motion, therefore, it should not
22 be counted.

23 MEMBER SINNOTT: Second.

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

1 (Vote taken.)

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

4 (No response.)

5 DEPUTY DIRECTOR PAYNE: Motion carries.
6 Provisional Ballot No. 5.

7 MS. FUHRMANN: The issue before the
8 Board again is an issue of a possible mismatched
9 signature. The provisional voter's last name is
10 Cusick, and you should have attached to that
11 provisional ballot a copy of the signature that we
12 have on file in our voter database system.

13 MEMBER SINNOTT: Mel, this seems to be
14 another instance where the cover sheet -- well -- no.
15 It's actually the second page of what you've given to
16 us is a photocopy of the envelope itself; right?

17 MS. FUHRMANN: May I?

18 MEMBER SINNOTT: Sure, please.
19 Approach.

20 (Discussion off the record.)

21 MEMBER SINNOTT: Speak up so our court
22 reporter can hear you.

23 MS. FUHRMANN: Yes, it is a photocopy.
24 This was a county -- the county provisional where we
25 had to verify if the person was registered in Athens

1 County as well. However, it was determined -- it was
 2 determined that it is appropriately before our Board
 3 for review, and so I would refer you to the signature
 4 from the Secretary of State's office.

5 MEMBER SINNOTT: Okay. So on the cover
 6 sheet I'm going to mark this --

7 CHAIRMAN PREISSE: Five.

8 MEMBER SINNOTT: -- No. 5 (indicating).

9 And, Mel, on the cover sheet is the
 10 signature that is on record, and then the second
 11 sheet is merely a photocopy of the envelope --

12 MS. FUHRMANN: Yes.

13 MEMBER SINNOTT: -- that we're
 14 examining?

15 MS. FUHRMANN: That's correct.

16 (Discussion off the record.)

17 MEMBER SEXTON: They're close.

18 MEMBER SINNOTT: In my estimation, the
 19 two signatures are close enough to be counted. I
 20 would move the counting of Provisional No. 5.

21 MEMBER MARINELLO: Second.

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

24 (Vote taken.)

25 DEPUTY DIRECTOR PAYNE: All opposed,

1 same sign.

2 (No response.)

3 DEPUTY DIRECTOR PAYNE: Motion carries.
4 Provisional Ballot No. 6.

5 MS. FUHRMANN: This is our last
6 provisional. It falls under the heading of signature
7 issues. Again, we have here a provisional voter.
8 The bipartisan staff determined that -- there was
9 some questions about whether the signature on the
10 envelope significantly matched what we had on file in
11 our system. I believe that I attached two examples
12 that we had from this particular voter for your
13 review.

14 MEMBER SINNOTT: Okay. And I'm going to
15 mark the cover of this one No. 6 (indicating).

16 THE FLOOR: Again, could you please try
17 and speak up? This is a public meeting. Please try
18 and speak up. We can hear your administrator very
19 well. Please try and speak up. Thank you.

20 MEMBER SINNOTT: Do we have a mic? Do
21 we have a microphone?

22 DEPUTY DIRECTOR PAYNE: Yeah. Suzanne
23 is going to hook up the microphone system.

24 CHAIRMAN PREISSE: We'll see if that --
25 if the sound system will work. We're not sure it

1 will.

2 DIRECTOR LEONARD: And I think the
3 concern is with the back.

4 CHAIRMAN PREISSE: Let's give it a shot.
5 Let's proceed while she's trying, and we'll speak up.
6 Where were we?

7 MEMBER MARINELLO: No. 6.

8 DEPUTY DIRECTOR PAYNE: Six.

9 CHAIRMAN PREISSE: Six.

10 DEPUTY DIRECTOR PAYNE: Provisional
11 Ballot 6.

12 MS. FUHRMANN: We're just submitting
13 Provisional No. 6 for signature review.

14 CHAIRMAN PREISSE: Okay.

15 MS. FUHRMANN: I have attached two
16 examples there from our system where this voter had
17 voted previously and had the occasion to sign her
18 name or his name, and I'm submitting that for your
19 review to the original signature.

20 MEMBER SINNOTT: Okay. It's also true
21 that if you have set yourself up in the back of the
22 room and are having difficulty hearing, you may feel
23 free to move to open seats nearer to the Board.
24 There are a number of them available.

25 (Comments from the floor.)

1 MEMBER MARINELLO: Can't hear you.

2 CHAIRMAN PREISSE: We can't hear you.

3 (Comments from the floor.)

4 CHAIRMAN PREISSE: Okay. That's just --
5 that's just right. Thank you.

6 THE FLOOR: And speak slow, speak more
7 slowly also.

8 MEMBER SEXTON: Mr. Chairman, I think
9 this is a vote that should be counted. I move that
10 this vote be counted.

11 CHAIRMAN PREISSE: It's been moved that
12 the vote should be counted. I will second the
13 motion.

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

16 (Vote taken.)

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

19 (No response.)

20 DEPUTY DIRECTOR PAYNE: Motion carries.

21 MS. FUHRMANN: Thank you. Alicia and I
22 will now move on to the second category of
23 provisionals for Board review, and these will be
24 categorized as date of birth issues.

25 Provisional Ballot No. 7, we have a

1 voter who had indicated on the provisional ballot
2 that their date of birth year is different than the
3 date of birth year that we have on file. I believe I
4 have enclosed on top of that ballot a copy of that
5 voter's original registration or something
6 comparable, in which the voter indicated that their
7 date of birth year was something different than what
8 he indicated was -- what he indicated on his
9 provision.

10 MEMBER SINNOTT: Okay. So we are now
11 considering a batch of provisional ballots that are
12 being brought to our attention because there was not
13 a match between the date of birth appearing on the
14 envelope and the date of birth that we have on
15 record?

16 MS. FUHRMANN: That's correct.

17 MEMBER SINNOTT: Do we have any
18 instruction as to the standard that we are to apply
19 in order to resolve this discrepancy?

20 MS. FUHRMANN: The directive does not
21 provide any instruction as to Provisional Ballot No.
22 7 specifically.

23 MEMBER SINNOTT: I'm not sure I
24 understand that, Mel. So if there's a -- a
25 difference between the date of birth on an envelope

1 and the date of birth on record, do we have any
2 instruction as to what to do with that, that is,
3 what's the standard that we're to apply in deciding
4 whether to count it or not?

5 MS. FUHRMANN: I'm going to read into
6 the record the -- the standard that is set forth in
7 Secretary of State's Directive Chapter No. 6. "The
8 month and day of the voter's date of birth on the
9 affirmation statement must match the month and" --
10 date -- "day of the voter's date of birth in the
11 voter registration database, unless one of the two
12 following exceptions apply: The voter's date of
13 birth in the database is 1/1/1800, or the Board of
14 Elections finds by a vote of at least three members
15 that the voter has met all other requirements of
16 Division (B) (3) of Ohio Revised Code 3505.183," and
17 those requirements are given. I'm happy to read them
18 into the record if you'd like.

19 MEMBER SINNOTT: I think you should.

20 MS. FUHRMANN: Okay.

21 MEMBER SINNOTT: I'm not recalling what
22 they are.

23 MS. FUHRMANN: Okay. The requirements
24 of (B) (3), Ohio Revised Code 3505.183, are, one, "The
25 provisional voter is registered to vote"; two, "The

1 provisional voter is eligible to cast a ballot in the
2 precinct and for the election in which the individual
3 cast the ballot"; three, "The provisional voter
4 provided all of the information required (i.e.,
5 printed name, signature, date of birth, and current
6 address and provided identification on Election Day
7 or during the seven days following the election)";
8 four, if the vote -- "If the provisional voter
9 provided his or her Social Security number, driver's
10 license, or state identification number, that number
11 is not different than the number contained in the
12 Statewide Voter Registration Database"; five, "The
13 provisional voter provided his or her current
14 address"; and six, "If the provisional voter has been
15 challenged, he or she provided information necessary
16 to resolve the challenge during the seven days
17 following the election or the Board resolved the
18 challenge in favor of the voter at a hearing."

19 MEMBER SINNOTT: Okay. Well, I'm going
20 to mark the cover sheet No. 7 so that we can identify
21 it (indicating).

22 And I notice that the date of birth that
23 appears on the envelope is not 1/1/1800; correct,
24 Alicia and Mel?

25 MS. FUHRMANN: That's correct.

1 MEMBER SINNOTT: So I think we are into
2 the (B) (3) arena. Have the two of you examined the
3 (B) (3) criteria to determine whether they're all
4 satisfied?

5 MS. FUHRMANN: Yes, we have.

6 MEMBER SINNOTT: And are those criteria
7 satisfied?

8 MS. FUHRMANN: Yes.

9 MEMBER SINNOTT: Okay.

10 MS. FUHRMANN: For your reference,
11 Alicia has also included a copy of Chapter 6 of the
12 Secretary of State's directive in your material, if
13 you would like to refer to it at any time.

14 DIRECTOR LEONARD: The section she's
15 referring to is located at Pages 6-11 and 6-12.

16 MEMBER SEXTON: So on this one we are
17 off on -- my understanding is that it's an issue
18 between 11/19/63 and 11/19/62?

19 MS. FUHRMANN: That is correct.

20 CHAIRMAN PREISSE: I think you've, Mel,
21 laid out for us and for the record this -- the
22 information contained here satisfies all the
23 provisions that would -- other than date of birth,
24 it's clear that we could count this, so I would move
25 that we do indeed count provisional ballot marked No.

1 7.

2 MEMBER MARINELLO: Second.

3 DEPUTY DIRECTOR PAYNE: All those in
4 favor 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 Provisional Ballot No. 8.

11 MS. FUHRMANN: We have another date of
12 birth issue with Provisional Ballot No. 8. You will
13 see written on the provisional ballot is an -- what
14 we would consider an incomplete date of birth, where
15 the voter gave the month and year of her birth but
16 neglected to put, I believe, the day, the actual day
17 of her birth. Attached to the ballot you will see a
18 piece of documentation that we printed out from I
19 believe another county Board of Elections, and she
20 did, in fact, list her complete date of birth, month,
21 day, and year.

22 MEMBER SINNOTT: Okay. I'll mark the
23 face of this one No. 8 (indicating).

24 MEMBER MARINELLO: And all the other
25 information matches?

1 MS. FUHRMANN: Yes.

2 MEMBER SINNOTT: So the envelope shows
3 June 6 of 1999 as being the date of birth, but on our
4 record we show the date of birth as being June 22 of
5 1999.

6 MS. FUHRMANN: That's correct.

7 MEMBER SINNOTT: And so this is not a
8 1/1/1800 case.

9 MS. FUHRMANN: No, sir, it is not.

10 MEMBER SINNOTT: But you and Alicia
11 agree that the (B) (3) standards are all satisfied?

12 MS. HEALY: Correct.

13 MS. FUHRMANN: Yes.

14 CHAIRMAN PREISSE: Similar to No. 7, I
15 move that Provisional Ballot No. 8 be counted as it
16 satisfies all other requirements --

17 MEMBER MARINELLO: Second.

18 CHAIRMAN PREISSE: -- but date of birth.

19 DEPUTY DIRECTOR PAYNE: Is there a
20 second?

21 MEMBER MARINELLO: Second.

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

24 (Vote taken.)

25 DEPUTY DIRECTOR PAYNE: All opposed,

1 same sign.

2 (No response.)

3 DEPUTY DIRECTOR PAYNE: Motion carries.
4 Provisional Ballot No. 9.

5 MS. FUHRMANN: This is an instance where
6 the voter on Provisional No. 9, Miss Schrock, the
7 date of birth, the year specifically that she gave on
8 her provisional ballot does not -- does not match
9 what we have in our records.

10 MEMBER SINNOTT: Well, there is no cover
11 sheet on this one, but I see that there is a No. 9
12 that has already been placed on the envelope in the
13 upper left-hand corner.

14 MS. FUHRMANN: That's right, and the
15 reason there is no additional documentation with this
16 particular voter is because we did not have any
17 documents in which to reference that I could print
18 out for your review. For example, we do not have an
19 original voter registration in which to -- to
20 reference. We checked the Secretary of State's
21 website, which, of course, references the -- the
22 Bureau of Motor Vehicles information that is on file,
23 and it gave us a different birth year.

24 MEMBER SINNOTT: So in this instance
25 you're comparing a BMV date of birth --

1 MS. FUHRMANN: That's correct.

2 MEMBER SINNOTT: -- to what appears on
3 the envelope, and they don't match?

4 MS. FUHRMANN: That's correct.

5 MEMBER SINNOTT: And this is not a
6 1/1/1800 case, so are you -- Alicia and Mel, are you
7 pointing to us that all the (B) (3) criteria are
8 satisfied?

9 MS. FUHRMANN: Yes, sir.

10 MEMBER SEXTON: On this one it's 1964
11 instead of 19 -- it's 1944 instead of 1964?

12 MS. FUHRMANN: Correct.

13 MEMBER SEXTON: And all the other -- you
14 said all the other requirements --

15 MS. FUHRMANN: Correct, yes.

16 MEMBER SEXTON: -- do match?

17 Mr. Chairman, I vote -- move that we --
18 we count the Provision No. 9.

19 CHAIRMAN PREISSE: Second.

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

22 (Vote taken.)

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

25 (No response.)

1 DEPUTY DIRECTOR PAYNE: Motion carries.
 2 Provisional Ballot No. 10.

3 MS. FUHRMANN: Provisional Ballot No.
 4 10 -- excuse me -- is an instance where the
 5 provisional voter has written, presumably by mistake,
 6 the date of birth year as 2018.

7 MEMBER SINNOTT: It does have a cover
 8 sheet, so I'll mark this as ten (indicating).

9 MS. FUHRMANN: I did enclose
 10 documentation showing the correct date of birth that
 11 we have on file for that voter.

12 MEMBER SINNOTT: Okay. So this is not a
 13 1/1/1800 case.

14 MS. FUHRMANN: No, sir.

15 MEMBER SINNOTT: Alicia and Mel, can you
 16 report that all the criteria of (B) (3) are satisfied?

17 MS. FUHRMANN: Yes.

18 MS. HEALY: Yes.

19 MEMBER MARINELLO: Mr. Chairman, I move
 20 that Ballot No. 10 be counted.

21 MEMBER SINNOTT: Second.

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

24 (Vote taken.)

25 DEPUTY DIRECTOR PAYNE: All opposed,

1 same sign.

2 (No response.)

3 DEPUTY DIRECTOR PAYNE: Motion carries.
4 Provisional Ballot No. 11.

5 MS. FUHRMANN: The same situation as
6 Provisional Ballot No. 10, the provisional voter
7 wrote the year 2018 as their date of birth.

8 DEPUTY DIRECTOR PAYNE: Do we have 11?

9 MS. HEALY: I have 11 here.

10 CHAIRMAN PREISSE: Let's see it.

11 MS. FUHRMANN: And there's attached
12 documentation showing what we have on record as that
13 voter's date of birth.

14 MEMBER SINNOTT: Okay. I'm going to
15 mark No. 11 on this first sheet (indicating).

16 It is not a 1/1/1800 case, is it?

17 MS. FUHRMANN: No, sir.

18 MEMBER SINNOTT: Alicia and Mel, can you
19 report that all the -- all the criteria of (B)(3) are
20 satisfied in this instance?

21 MS. HEALY: Yes.

22 MEMBER MARINELLO: I move that Ballot
23 No. 11 be counted.

24 CHAIRMAN PREISSE: Second.

25 DEPUTY DIRECTOR PAYNE: All those in

1 favor of the motion 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 Provisional Ballot No. 11 -- or 12
8 rather.

9 MS. FUHRMANN: Thank you, David. We now
10 move on to our final series of provisional ballot
11 issues in question, and you should have before you
12 Provisional Ballots 12 and 13. This is a rather
13 unique instance that we have where we have two
14 ballots outside of two provisional envelopes. You'll
15 see that the ballots were not placed inside of the
16 envelopes, but the provisional envelopes themselves
17 were filled out in their entirety, and both Alicia
18 and myself deemed them to be valid aside from the
19 fact that the ballots are outside of the envelopes.

20 I'll further note for the record that
21 this appears to be a husband and a wife, who
22 presumably voted at the same paper ballot table
23 together at the same time.

24 DIRECTOR LEONARD: If I may ask, and all
25 ballots in that particular voting location were

1 otherwise accounted for? All other provisions cast
2 in that were accounted for?

3 MS. FUHRMANN: Yes.

4 DIRECTOR LEONARD: So --

5 MEMBER SINNOTT: Okay. Well, to begin
6 with, there's no cover sheet on this packet, but
7 there are two envelopes inside, provisional
8 envelopes, one with a "12" in red ink in the upper
9 left-hand corner and the other a "13" in red ink in
10 the upper left-hand corner. Where does this blue
11 folder come from (indicating)?

12 MS. FUHRMANN: Mr. Sinnott, that is
13 the -- the poll worker's workbook that they submit at
14 the end of election night, and they have an
15 opportunity to make notes on what I believe is the
16 last page of that workbook as to any voting
17 irregularities or anything unusual that happened
18 regarding provisional ballots.

19 MEMBER SINNOTT: So, in simple terms, at
20 the end of the night, from this polling location what
21 we had sort of left would have been envelopes now
22 marked 12 and 13 and then two ballots, but the
23 ballots weren't inside the envelopes?

24 MS. FUHRMANN: That's correct.

25 MEMBER SINNOTT: And, Ed, I believe your

1 question was to the effect, and Mel then confirmed
2 this, that everything else about that precinct
3 checked out, that polling place.

4 DIRECTOR LEONARD: As it relates to the
5 provisional ballots. Those provisional ballots would
6 have been returned to the Board of Elections in a
7 green provisional ballot bag that was sealed, and so
8 when it was returned and opened, that's when -- if
9 there were any other provisionals from that precinct,
10 they were in that ballot bag as well as this -- these
11 two ballots, envelopes and ballots.

12 MS. FUHRMANN: That's correct.

13 MEMBER SINNOTT: Mel, do we have
14 anything that provides us with the instruction or
15 standard on how to deal with a situation such as this
16 from the Secretary of State's directive or otherwise?

17 MS. FUHRMANN: Mr. Sinnott, I confirmed
18 with Steve Bulen, the manager of our PEO Department,
19 and asked him about this situation. He informed me
20 that it is the duty of the voter to actually place
21 their ballot inside of the provisional envelope. He
22 further indicated that paper ballot judges are
23 reluctant to touch any provisional ballots themselves
24 and that, therefore, it would -- the -- the paper
25 ballot judge would have not been permitted to insert

1 the ballot itself inside the envelope.

2 If I may approach, I would confirm that
3 there's no further notes in the PEO workbook.

4 MEMBER SINNOTT: Sure (indicating).

5 MS. FUHRMANN: For the record, there was
6 nothing further of note in the PEO workbook that
7 indicates anything unusual about those circumstances.

8 CHAIRMAN PREISSE: And when the ballot
9 bag was returned on election night, what happened to
10 it? I mean, where -- what's been the travelings of
11 these documents (indicating)?

12 MS. FUHRMANN: So that is how those
13 provisional ballots came to us from that particular
14 LID. In other words, they were returned to us in the
15 green provisional bag just as you see them today.

16 CHAIRMAN PREISSE: And then the bag was
17 opened by bipartisan staff?

18 MS. FUHRMANN: Yes.

19 CHAIRMAN PREISSE: And then this
20 discrepancy was noted?

21 MS. FUHRMANN: That's correct.

22 CHAIRMAN PREISSE: And these documents
23 were put together?

24 MS. FUHRMANN: Yes.

25 CHAIRMAN PREISSE: And into this blue

1 folder?

2 MS. FUHRMANN: That's right.

3 CHAIRMAN PREISSE: And it's been under
4 our staff's monitoring since?

5 MS. FUHRMANN: That's correct. The only
6 additional step that I might add is that Alicia and
7 myself both evaluated the provisional ballot -- or
8 the provisional envelope for its validity, and
9 everything checked out as far as the five points
10 mandated by the Secretary of State's office.

11 MEMBER SINNOTT: Are you talking about
12 the (B) (3) standards?

13 MS. FUHRMANN: Yes.

14 MEMBER SINNOTT: But this is not an
15 instance where we have a date of birth problem on the
16 envelope?

17 MS. FUHRMANN: No, sir, it is not.

18 MEMBER SINNOTT: Yeah. So, Mel, you
19 talked to Steve, and Steve said that his instruction
20 to the poll workers is don't -- don't do anything
21 yourselves with the provisional ballots and the
22 envelopes?

23 MS. FUHRMANN: That's correct.

24 MEMBER SINNOTT: Can you -- is there
25 anything that the General Assembly has said or

1 Secretary of State's office has said on the subject
2 of the ballot is outside the envelope?

3 MS. FUHRMANN: No, Mr. Sinnott, not that
4 I'm aware of, and Mr. Leonard can certainly chime in
5 on this if I'm wrong --

6 DIRECTOR LEONARD: No.

7 MS. FUHRMANN: -- but I believe that is
8 the reason for our bringing it --

9 MR. LEONARD: Right.

10 MS. FUHRMANN: -- to you this morning,
11 is that this is a very unusual circumstance.

12 DIRECTOR LEONARD: Yes. We've had
13 certain instances where it's one envelope and one
14 ballot outside of the envelope, those types of
15 circumstances, but a circumstance like this where
16 you've got two ballots and two envelopes out --
17 two -- two envelopes with two ballots outside of the
18 envelope --

19 MEMBER SINNOTT: Well, what has the
20 Board's past practice been when we've had a single
21 ballot outside a single envelope?

22 DIRECTOR LEONARD: We had some of those
23 instances in just this past primary, and we counted
24 such ballots, as long as the affirmation is complete
25 in all other respects.

1 CHAIRMAN PREISSE: What are these
2 marked?

3 MEMBER SINNOTT: These are 12 and 13.

4 CHAIRMAN PREISSE: I move that the
5 ballots, provisional ballots marked 12 and 13 be
6 included in the count.

7 MEMBER SEXTON: Second.

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

10 (Vote taken.)

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

13 (No response.)

14 DEPUTY DIRECTOR PAYNE: Motion carries.
15 Provisional Ballot 14.

16 MS. FUHRMANN: Provisional Ballot No.
17 14, we have one provisional envelope with two
18 ballots, and I would like to note that there is a
19 note in the blue PEO workbook from the poll worker
20 regarding this particular situation.

21 MEMBER SINNOTT: Okay. Well, to begin
22 with, there's no cover sheet on this one, but there
23 is a red "14" in the upper left-hand corner of the
24 provisional envelope.

25 Alicia and Mel, the situation is at the

1 end of the night we have -- we're getting back one
2 provisional envelope, but we have two ballots outside
3 it.

4 MS. FUHRMANN: That's correct.

5 MEMBER SINNOTT: And we've already
6 talked about the standard and the degree of
7 instruction for us; correct?

8 MS. FUHRMANN: Yes, sir, we have, and we
9 found --

10 MR. LEONARD: We have had a situation
11 similar to this during the most recent primary where
12 we had multiple ballots inside of an envelope and
13 looked at the ballots and determined one was voted
14 and one was not, and we counted the voted ballot, and
15 the rest of it, the -- the second ballot that was not
16 cast, on which no votes were cast, that that ballot
17 be discarded.

18 MEMBER SINNOTT: I remember that one.
19 That's not this case, though, no.

20 DIRECTOR LEONARD: Slightly different,
21 yes.

22 MEMBER MARINELLO: Were these two
23 ballots inside the envelope or --

24 MS. FUHRMANN: No.

25 MEMBER MARINELLO: -- outside? They

1 were outside it?

2 MS. FUHRMANN: Yes. And I will note
3 that Alicia and I checked the provisional ballot and
4 all the (B)(3) criteria are met.

5 MEMBER SINNOTT: This one strikes me as
6 being significantly different than 12 and 13. In
7 this instance we have one provisional envelope and
8 two ballots, and I don't think -- we don't have any
9 information about which one to count or how this --

10 MEMBER MARINELLO: One of them has not
11 voted.

12 MEMBER SEXTON: One, yeah.

13 MEMBER MARINELLO: One has no vote. It
14 hasn't been marked.

15 CHAIRMAN PREISSE: Let me see.

16 (Discussion off the record.)

17 MEMBER SINNOTT: We still have two
18 ballots and only one envelope. I don't see a
19 reliable basis on which to count either ballot, so I
20 would move that we not count Provisional 14.

21 CHAIRMAN PREISSE: Second.

22 DEPUTY DIRECTOR PAYNE: All those --

23 MEMBER MARINELLO: The voted one or the
24 non-voted one?

25 CHAIRMAN PREISSE: Well, they're --

1 they're both --

2 MEMBER MARINELLO: Both the same, no
3 vote.

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

6 (Vote taken.)

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

9 (No response.)

10 DEPUTY DIRECTOR PAYNE: Motion carries.
11 Provisional Ballot 15.

12 MS. FUHRMANN: In this instance we have
13 one provisional ballot and one envelope. The only
14 thing unusual about this circumstance is that the
15 ballot was not placed in the envelope. We have no
16 notes from the poll worker in the PEO notebook.

17 MEMBER SINNOTT: Okay. Well, to start
18 again, there is no cover sheet, but there is a red
19 "15" in the upper left-hand corner of the provisional
20 envelope.

21 Mel, would you say that again?

22 What's -- what's the issue here?

23 MS. FUHRMANN: The issue here is simply
24 one ballot and one envelope and the ballot was simply
25 not placed in the envelope by the voter. We have no

1 notes from the poll worker as to why that happened.

2 MEMBER SINNOTT: But everything else
3 checks out in terms of number of votes cast in this
4 polling place?

5 MS. FUHRMANN: Yes.

6 MEMBER SINNOTT: So this is essentially
7 again our 12 and 13 situation, although here we have
8 a single envelope and a single ballot?

9 MS. FUHRMANN: That's correct. This
10 voter met all of the (B) (3) criteria as well.

11 MEMBER MARINELLO: I move that the
12 envelope marked 15 be counted.

13 CHAIRMAN PREISSE: Second.

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

16 (Vote taken.)

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

19 (No response.)

20 DEPUTY DIRECTOR PAYNE: The motion
21 carries.

22 Provisional Ballot 16.

23 MS. FUHRMANN: Thank you, David. To
24 really understand the situation with Provisional
25 Ballot 16 we need to also look at Provisional Ballot

1 17. What we have here is --

2 MEMBER SINNOTT: Mel, we have -- are
3 they both in the same blue -- yes, they are.

4 MS. FUHRMANN: Yes.

5 MEMBER SINNOTT: Okay. Pardon me.

6 MS. FUHRMANN: This is an unusual
7 situation where we have two envelopes, as you can
8 see. Both of those envelopes met the (B) (3)
9 criteria. However, we have both ballots inside of
10 one envelope. We -- we weighed both envelopes, and
11 one of them is empty and has no ballot, and then the
12 other envelope has both ballots contained in it.

13 DIRECTOR LEONARD: Are there any other
14 facts and circumstances relating to the envelopes
15 that indicate there's a relationship between the two
16 envelopes?

17 MS. FUHRMANN: Yes.

18 DIRECTOR LEONARD: So --

19 MS. FUHRMANN: Yes. This is also a
20 situation involving what looks like a husband and a
21 wife, who presumably voted together at the same paper
22 ballot table, at the same time.

23 MEMBER SINNOTT: Okay. So there's no
24 cover sheet on this one, but there is -- excuse me.
25 In the case of -- one envelope has a red "16" in the

1 upper left-hand corner, and a red "17" in the upper
2 left-hand corner of the other. Same last names,
3 registered to the same address; correct?

4 MS. FUHRMANN: Yes.

5 MEMBER SINNOTT: Okay. I think I got
6 it.

7 CHAIRMAN PREISSE: And there's no
8 instruction on this particular abnormality in the
9 Secretary of State's manual or otherwise as far as --

10 MS. FUHRMANN: No, Chairman.

11 CHAIRMAN PREISSE: -- the two voters?

12 MS. FUHRMANN: I would urge you to
13 consult the PEO workbook that Mr. Sexton has for any
14 notes, but I do not believe there was any further
15 notation from the poll worker regarding this
16 particular situation. The moral of this story might
17 be don't take your spouse with you to vote.

18 MEMBER SINNOTT: All right. Well, under
19 these unusual circumstances, I think there are
20 common-sense indications that we have two voters
21 voting provisionally. Both ballots wound up in one
22 envelope and none wound up in the other. I would
23 count 16 and 17 under that circumstance.

24 CHAIRMAN PREISSE: Second.

25 DEPUTY DIRECTOR PAYNE: All those in

1 favor of the motion signify by saying aye.

2 (Vote taken.)

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

5 (No response.)

6 DEPUTY DIRECTOR PAYNE: The motion
7 carries.

8 By my math, I show that the Board
9 accepted 13 of the 17 --

10 MEMBER MARINELLO: Yes.

11 DEPUTY DIRECTOR PAYNE: -- and rejected
12 4 of the 17.

13 MEMBER MARINELLO: That's what I have.

14 DEPUTY DIRECTOR PAYNE: Does that match
15 with the folks out there?

16 MS. HEALY: Yes.

17 DEPUTY DIRECTOR PAYNE: I would
18 entertain a motion, then, to accept 13 of the
19 provisional ballots and the rejection of 4 -- and
20 maybe we don't even need to do that --

21 MR. LEONARD: No.

22 DEPUTY DIRECTOR PAYNE: -- because we've
23 already --

24 MR. LEONARD: Correct.

25 DEPUTY DIRECTOR PAYNE: -- we've already

1 done that at a single -- okay.

2 DIRECTOR LEONARD: But there will need
3 to be a motion to extract.

4 MEMBER SINNOTT: I move that the Board
5 authorize the staff to extract the additional 13
6 approved provisional ballots.

7 MEMBER MARINELLO: Second.

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

10 (Vote taken.)

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

13 (No response.)

14 DEPUTY DIRECTOR PAYNE: Motion carries.

15 The remaking of any provisional ballots
16 that might take place with the opening of these, I
17 would entertain a motion to permit the staff to
18 remake these ballots.

19 MEMBER MARINELLO: Okay. I move that
20 the Board authorize the staff to remake provisional
21 ballots and that these remade ballots shall be
22 tabulated and included in the official canvass of the
23 results for the August 7, 2018, Special Election,
24 with a report to be made by the Board later today.

25 CHAIRMAN PREISSE: Second.

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

3 (Vote taken.)

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

6 (No response.)

7 DEPUTY DIRECTOR PAYNE: The motion
8 carries.

9 MEMBER SINNOTT: So, David, have we
10 reached the point now where we've done everything we
11 need to do to get the staff counting?

12 DEPUTY DIRECTOR PAYNE: Yes.

13 MEMBER SINNOTT: Then, Mr. Chairman, I
14 ask that we take a few minutes of comfort break.

15 CHAIRMAN PREISSE: Good idea, a pause.

16 MS. FUHRMANN: Thank you for your
17 patience.

18 MEMBER SINNOTT: Mel, that was an
19 excellent report.

20 MS. FUHRMANN: Very good.

21 MEMBER SINNOTT: Yes, it really was.

22 MS. FUHRMANN: Thank you.

23 MEMBER SINNOTT: Excellent presentation
24 of the issues we needed to decide. Thank you very
25 much.

1 MS. FUHRMANN: Thank you for your
2 patience this morning.

3 CHAIRMAN PREISSE: We're just going to
4 pause for a few minutes to run down the hall, if
5 anybody wants to.

6 (Recess taken.)

7 CHAIRMAN PREISSE: Folks, I think we're
8 going to get started.

9 DEPUTY DIRECTOR PAYNE: Excuse me.
10 We're going to resume the meeting.

11 The next item on the agenda are issues
12 recommended for approval to the November ballot, and
13 I believe there are 21 listed as Exhibit A.

14 CHAIRMAN PREISSE: I'm going to thank
15 everybody for your attendance today and your
16 patience. We're moving on to the subject of issues.
17 Everyone in the room knows that there's a few of
18 these that may be mildly contentious. There are a
19 few potential protests. I think everybody has
20 already witnessed the able administrative abilities
21 of my colleague, my colleague to my right, who
22 happens to be a brilliant lawyer and the only one of
23 the four of us who is a brilliant lawyer, also great
24 experience in running a contentious meeting called
25 the Franklin County Republican Central Committee. So

1 Brad is going to help walk us through these issues,
2 and we appreciate the cooperation, attention, and
3 patience of the audience and all participants.

4 MEMBER SINNOTT: Well, thanks, Doug.
5 I'd be happy to lead the discussions for a while, but
6 I'll point out that I'm a co-equal member of the
7 Board, and I'm not here to practice law.

8 The next matter for consideration would
9 be issues recommended for approval by the bipartisan
10 staff to the November ballot.

11 Jeff, I think you have a report on that
12 subject.

13 MR. MACKEY: I believe you have before
14 you what we're calling Exhibit A. Exhibit A has --

15 DIRECTOR LEONARD: Jeff, if you would
16 speak up for the benefit of everyone.

17 MR. MACKEY: Sure. I believe you have
18 Exhibit A, 21 issues encompassing various things,
19 levies, bond issues, charter amendments, a referendum
20 is in there. All have been reviewed by staff and
21 were timely filed, found to be valid and sufficient,
22 including legal review by our able attorney at the
23 Prosecutor's Office. These do not include any issues
24 that have had a formal protest filed against them.

25 MEMBER SINNOTT: Okay. Jeff, what

1 you've done is you've provided to us a list which is
2 Exhibit A, by prior marking, that shows 21 levies,
3 proposed charter amendments. I believe that would be
4 the full universe; right? There are levies, tax --
5 well, levies, tax increases --

6 MR. MACKEY: Bond issues. There's a
7 referendum in there.

8 MEMBER SINNOTT: Okay. But the common
9 theme of these 21 proposals is that the Board has
10 heard from no one in opposition to these appearing on
11 the ballot, and for that reason the staff is
12 recommending that we act on them as once in placing
13 them on the ballot.

14 MR. MACKEY: Correct.

15 DIRECTOR LEONARD: I think the other
16 thing to point out, Mr. Sinnott, is that they -- each
17 of these issues or questions in all other respects
18 have satisfied the requirements in order to be placed
19 on the ballot.

20 MEMBER SINNOTT: That's what I
21 understood, yes. Thank you.

22 MEMBER MARINELLO: I move that the Board
23 recommend for approval to the November 6, 2018,
24 General Election ballot those issues listed on
25 Exhibit A and that these petitions and issues were

1 filed timely and found to be valid and sufficient.

2 CHAIRMAN PREISSE: Second.

3 DEPUTY DIRECTOR PAYNE: All those in
4 favor of the motion 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 The next item is the Columbus Community
11 Bill of Rights.

12 Mr. Chairman.

13 MEMBER SINNOTT: Next we turn to the
14 subject of an initiative petition concerning a ballot
15 issue that has been proposed for the electors of the
16 City of Columbus, commonly referred to as the
17 Community Bill of Rights. The Board has not yet
18 voted to place the matter on the November ballot.
19 That subject now comes before the Board.

20 How to proceed in this instance is a
21 challenging matter. Decisions by other boards about
22 the placement of issues on the ballot raised by
23 initiative petition have become a common subject for
24 litigation in recent years. Further, within the last
25 couple of years, the General Assembly created a

1 statute giving Boards of Elections specific
2 instruction on how to proceed when an initiative
3 petition concerning a ballot issue is proposed for
4 the electors of a city.

5 The constitutionality of that
6 instruction from the General Assembly, found in
7 Revised Code Section 3501.11(K) and Revised Code
8 Section 3501.38(M), has been challenged by three of
9 the seven members of the Ohio Supreme Court in the
10 Espen decision from October of last year.

11 Significantly, however, three is not a majority of
12 seven. The three justices who would hold the General
13 Assembly's enactment unconstitutional constitute a
14 minority of the Court. Accordingly, their opinion in
15 Espen constitutes a lead opinion, but it is not the
16 law of the State of Ohio.

17 It is Justice Fischer, writing only four
18 months ago, in the Khumprakob case, who aptly
19 describes the state of the law in his dissent.

20 Interestingly, Justice Fischer is one of the justices
21 in the minority of three who joined in that lead
22 opinion in Espen. The Paragraph 15 in Justice
23 Fischer's excellent dissent he writes as follows:

24 "Espen does not resolve this case because the lead
25 opinion in that case, joined by only three justices,

1 did not articulate a holding of this Court."

2 Thus, as of today, we have a specific
3 instruction on how to proceed given to us by the Ohio
4 General Assembly. I understand that to be the law of
5 the State of Ohio, and I am prepared to follow the
6 instruction of the statute.

7 Now, before describing what the General
8 Assembly has instructed us to do in this instance, I
9 will note a couple of things that have occurred to me
10 as I reflected on this matter. First, the
11 instruction given to us by the General Assembly is
12 one that a Board of Elections is ill-equipped to
13 follow. It's an instruction to perform a highly
14 technical and complicated legal analysis relative to,
15 among other things, the Home Rule provisions of
16 Ohio's Constitution.

17 The members of the Board of Elections in
18 this state are generally not lawyers. Where there
19 are lawyers serving on boards, as is true of me, we
20 sit as co-equal members of the board and we're not
21 practicing law on behalf of the board. The boards
22 have no legal staff. The boards have no legal
23 research capabilities. We have on staff no legal
24 researchers or writers. The making of the
25 determination required by the current statutes is a

1 task ill-suited for a Board of Elections. Were I a
2 legislator, I would vote against the adoption of such
3 statutes.

4 I also share the concerns of the three
5 justices who joined in the lead opinion in *Espen*,
6 relative to the constitutionality of the statutes.
7 It's hard to imagine a more clear instruction to an
8 administrative body that it perform the judicial
9 function of assessing the constitutionality of a
10 statute enacted by the General Assembly. If I were a
11 judge, I would hold the statutes unconstitutional,
12 but I'm here today neither as a legislator nor a
13 judge. I'm here today as a member of a county Board
14 of Elections.

15 The instruction I have received from our
16 legislature is to do this, quoting now from
17 3501.38(M), "The Board of Elections shall examine the
18 petition to determine whether the petition falls
19 within the scope of a municipal political
20 subdivision's authority to enact by initiative,
21 including, if applicable, the limitations placed on
22 Sections 3 and 7 of Article XVIII of the Ohio
23 Constitution on the authority of municipal
24 corporations to adopt local police, sanitary, and
25 other similar regulations...." We are also told,

1 "The petition shall be invalid if any portion of the
2 petition is not within the initiative power."

3 After rendering that instruction, the
4 General Assembly then tells the Board, "After making
5 a determination under Division (M) (1) (a) or (b) of
6 this section, the Board of Elections shall promptly
7 transmit a copy of the petition and a notice of the
8 Board's determination to the office of Secretary of
9 State."

10 Because this is an instruction of the
11 legislature, and no court of competent jurisdiction
12 has held the statutes containing that instruction to
13 be unconstitutional, I believe that not only our
14 authority but our obligation is to make the
15 determination required of us by the General Assembly.

16 We have had the benefit of writings from
17 proponents and opponents of this measure being placed
18 on the ballot. After having examined the proposal
19 known as the Community Bill of Rights, and
20 considering the arguments presented by proponents and
21 opponents, I now make the following motion: I move
22 that in satisfaction of the statutory instruction of
23 Revised Code Section 3501.11(K) (2) and
24 3501.38(M) (1) (a) and (2), that the Board determine
25 that the initiative petition proposing the Community

1 Bill of Rights is invalid and that the provisions of
2 the petition fall outside the scope of a municipal
3 political subdivision's authority to enact by
4 initiative because of limitations placed by Sections
5 3 and 7 of Article XVIII of the Ohio Constitution,
6 noting the particular bases that the proposal calls
7 for the regulation of oil and gas extraction and
8 transportation, the regulation of corporations, and
9 the creation of new causes of action.

10 That is my motion. Is there a second?

11 CHAIRMAN PREISSE: Second.

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

14 (Vote taken.)

15 DEPUTY DIRECTOR PAYNE: All opposed same
16 sign.

17 (No response.)

18 DEPUTY DIRECTOR PAYNE: The motion
19 carries.

20 MEMBER SINNOTT: Now having made the
21 determination required by statute, Ed and David, will
22 you please see --

23 DEPUTY DIRECTOR PAYNE: Sure.

24 MEMBER SINNOTT: -- to it that our
25 decision is transmitted promptly to the Secretary of

1 State?

2 DEPUTY DIRECTOR PAYNE: We will do as
3 well.

4 MEMBER SINNOTT: Now, the Board is
5 mindful that we are meeting on the 24th of August.
6 There have been writings on the merits of the
7 placement of the Columbus Bill of Rights on the
8 November ballot tendered by two lawyers. One is
9 Derek Clinger, under dates of August 9, 2018, and an
10 undated writing submitted subsequent to that. The
11 other is Terry Jonathan Lodge, who has written in
12 opposition to Mr. Clinger's position by way of a
13 letter dated August 17, 2018.

14 It appears that at the time that these
15 writings were prepared, counsel were proceeding on
16 the premise that the Board would make the
17 determination that the Community Bill of Rights would
18 appear on the November ballot. Accordingly, Mr.
19 Clinger described his writing as being in support of
20 a protest, and Mr. Lodge wrote that his was a
21 response to a protest. Logically, Mr. Lodge is the
22 one who would want to protest on behalf of his
23 clients the determination just made by the Board.

24 Is Mr. Lodge present?

25 MR. LODGE: I am.

1 MEMBER SINNOTT: Mr. Lodge, if you will
2 affirm that you wish to protest the determination
3 just made by the Board, then we will consider your
4 writing to be in protest, and we will allow both
5 Messrs. Lodge and Clinger to be heard.

6 Mr. Lodge, do you wish to be heard in
7 protest to the determination just made by the Board?

8 MR. LODGE: Yes, sir.

9 MEMBER SINNOTT: If you would, please,
10 go to the lectern, introduce yourself, and for the
11 sake of having an orderly proceeding today, if you
12 could limit your oral presentation to five minutes,
13 and I'll ask Mr. Clinger to do the same when he
14 speaks in response.

15 MR. LODGE: Very good.

16 CHAIRMAN PREISSE: Do you want to swear
17 him in?

18 MEMBER SINNOTT: No.

19 MR. LODGE: That was a very interesting
20 exposition. My name is Terry Lodge. I'm an
21 attorney. I've been practicing for 39 years in Ohio,
22 in Toledo. My business --

23 THE FLOOR: The microphone, please.

24 MR. LODGE: My business address is --

25 CHAIRMAN PREISSE: That's a media

1 microphone, not --

2 MR. LODGE: I can make it louder.

3 (Multiple speakers at once.)

4 MEMBER SINNOTT: Mr. Lodge, hold for a
5 moment and we'll use the public address microphone.

6 CHAIRMAN PREISSE: Can you make it
7 taller, Ed?

8 MR. LEONARD: Yeah.

9 MR. LODGE: All right. I'll try again.

10 MEMBER SINNOTT: Very good.

11 MR. LODGE: Okay. I'm Terry Lodge.
12 I've been practicing for 39 years in Toledo. My
13 business address is 316 North Michigan Street, Suite
14 520, Toledo. And yes, I'm entering an appearance on
15 behalf of the petition committee.

16 As a -- as a mechanical matter, I'd like
17 to move Exhibits A, B, C, and D that were attached to
18 our letter of last week into the record, just so --
19 as well as the letter itself, if that needs to be
20 done.

21 MEMBER SINNOTT: Mr. Lodge, your writing
22 and its attachments will be considered a part of the
23 record before the Board.

24 MR. LODGE: Very good. I appreciate
25 your preparatory comments, Mr. Sinnott. What

1 disturbs me about the Board of Elections' vote, among
2 other issues, is the fact that even though you have
3 an instruction from the General Assembly, you have
4 supposedly discretion to reject that instruction or
5 at least to apply it and still vote to place the Bill
6 of Rights on the ballot.

7 In 2015, the Ohio Supreme Court, in
8 State ex rel. Youngstown versus Mahoning County Board
9 of Elections, 2015-Ohio-3761, which is cited in our
10 letter, stated the following with regard to a very
11 similar proposal that was before the Mahoning Board
12 of Elections, "The boards of elections, however, do
13 not have authority to sit as arbiters of the legality
14 or constitutionality of a ballot measure's
15 substantive terms. An unconstitutional amendment may
16 be a proper item for referendum or initiative."

17 The principle is, even if illegal, the
18 people have an absolute unfettered constitutional
19 right to decide, to vote. If the Columbus City
20 Council were in the middle of its three readings of
21 the Bill of Rights, if they undertook to simply
22 initiate the passage of it, that is local legislators
23 under the Charter of Columbus, no one could
24 successfully walk into any level of court in the
25 State of Ohio and get some type of injunctive relief

1 stopping the Columbus City Council from deliberating
2 and even passing the Bill of Rights.

3 The people, by the Amendment of 1912,
4 the people were extended the right to be
5 co-legislators with whatever levels of government
6 they wished to act as an equal to. That is what they
7 have done. They have proposed legislation. The Ohio
8 General Assembly, in its united state, apparently
9 doesn't understand that there is a Constitution and
10 that there are at least 25 Ohio Supreme Court
11 decisions dating from 1913 that uphold the very
12 simple premise that Boards of Elections and election
13 officials are restricted to inquiring into matters of
14 form and not substance when it comes to initiated --
15 initiatives as well as referendums, that Boards of
16 Elections and city councils and village councils
17 don't have a veto power simply because they think
18 that this might be illegal if passed, that portions
19 of it are things I don't personally agree with, or
20 even my county prosecutors told me we need to just
21 focus them down.

22 This decision, as well reasoned as your
23 preparatory comments were, Mr. Sinnott, I
24 respectfully submit that the General Assembly has
25 passed an unconstitutional law, which is certainly

1 not the first time in Ohio history, that the Ohio
2 Supreme Court has sent a very significant signal that
3 it is doomed at some point, if not -- if not right
4 now, if not today, it is doomed, because it is so
5 irrationally set up.

6 You aren't a court. As much time and
7 deliberation and consultation as you may have
8 undertaken, you aren't a court. That is a
9 post-election role that the parsing of legality and
10 illegality, preserving those portions that might be
11 legal, vetoing things that aren't legal is reserved
12 to the courts, who have been doing it for a very long
13 time in Ohio.

14 I respectfully request that the Board
15 reconsider and place the measure on the ballot.
16 Thank you.

17 MEMBER SINNOTT: Thank you. Thank you,
18 Mr. Lodge, and I congratulate you on exactly five
19 minutes of presentation.

20 MR. LODGE: That's a first.

21 MEMBER SINNOTT: Mr. Clinger, do you
22 wish to be heard?

23 MR. WALLACE: Thank you, Mr. Sinnott.
24 My name is Ben Wallace. I signed the protest letter
25 on behalf of the protestor, Mr. Clinger. I'm an

1 attorney. My law firm, I'm with McTigue & Colombo.
2 I'm here with John McTigue as well today, and on
3 behalf of the protestor, Mr. Chairman and Mr.
4 Sinnott, the rest of the Board, I would agree with
5 Mr. Sinnott's characterization of the ruling in
6 Espen. The controlling decision was not joined by a
7 majority of the Court, and, therefore, does not
8 control this Board's decision today.

9 We would also agree with the reasoning
10 of the Board on the substance of the motion that the
11 proposed ordinance is outside a municipal authority.
12 We would also note that in the protest letter and the
13 subsequent memorandum, we laid out other grounds for
14 invalidating the proposed ordinance under the
15 Columbus Charter, and we would ask to move to include
16 the protest -- the protest letter and the memo in the
17 record of this proceeding.

18 MEMBER SINNOTT: And, Mr. Wallace, your
19 writing as submitted to the Board will be considered
20 a part of the record in this matter.

21 MR. WALLACE: Okay. Yes. Thank you,
22 and that is all I have.

23 MR. LODGE: I wonder if I may make one
24 reply observation, sir, one minute.

25 MEMBER SINNOTT: Mr. Lodge, I'll give

1 you 15 seconds.

2 MR. LODGE: Very good. Thank you. I'll
3 see if I can make that timely. In Wood County last
4 year, while House Bill 463 was in legal effect, the
5 Wood County Board of Elections did place on the
6 ballot a very similar measure to the Bill of Rights,
7 and the problem precisely is the statute now makes 88
8 separate courts out of the Boards of Election, and
9 some -- some voters will have rights in their
10 counties, other voters won't have in their counties.
11 It's a big problem. It is a separation-of-powers
12 problem that cannot be fixed by a General Assembly
13 statute. Thank you.

14 MEMBER SINNOTT: Thank you, Mr. Lodge.

15 Having now considered the protest to the
16 Board's prior determination regarding the Community
17 Bill of Rights, I move that the protest be denied for
18 the reasons cited in the motion making the
19 determination.

20 Is there a second?

21 MEMBER SEXTON: Second.

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

24 (Vote taken.)

25 DEPUTY DIRECTOR PAYNE: All opposed,

1 same sign.

2 (No response.)

3 DEPUTY DIRECTOR PAYNE: The motion
4 carries.

5 THE FLOOR: Our friends have worked very
6 hard to get these signatures. It's a single issue.
7 It's been approved by the city council.

8 CHAIRMAN PREISSE: I'm sorry --

9 THE FLOOR: The lawyers have approved
10 it.

11 THE FLOOR: The General Assembly doesn't
12 get to take constitutional rights.

13 (Multiple speakers at once.)

14 THE FLOOR: I'm an individual person and
15 my vote and my voice not included, but -- you know,
16 all the signatures that were collected, we're
17 volunteers. We're not paid people. These are people
18 that want clean water in our city, and this is a part
19 of democracy and we're supposed to be able to
20 participate in our democracy? That's what we're here
21 doing. We have followed all the loops. Why didn't
22 somebody say that originally, that you know what,
23 it's just going to be thrown out because of the
24 General Assembly? You know, why are we out there
25 collecting signatures for anything, then?

1 MEMBER SINNOTT: Okay. I'm going to
2 intervene at this point. This is not an open
3 community forum.

4 THE FLOOR: That's fine.

5 MEMBER SINNOTT: This is a business
6 meeting of the Board of Elections, and we're now
7 engaging in a quasi-judicial function. There are
8 going to be many opportunities for you to be heard in
9 your opinions on the subject of the Board today, but
10 it's not going to be during the course of this
11 particular --

12 THE FLOOR: (Inaudible.) And right now
13 is not the opportunity and --

14 MEMBER SINNOTT: Madam --
15 (Multiple speakers at once.)

16 MEMBER SINNOTT: Ma'am --
17 (Multiple speakers at once.)

18 MEMBER SINNOTT: We are going to go into
19 recess.

20 THE FLOOR: Yeah, I figured you would.
21 That's fine.

22 (Multiple speakers at once.)

23 THE FLOOR: General Assembly in a very
24 gerrymandered state --

25 MEMBER SINNOTT: Friends --

1 THE FLOOR: -- I have to say.

2 MEMBER SINNOTT: Friends, I welcome you
3 to stay and observe, but you are going to be
4 observing the Board of Elections as it goes about its
5 business. You will not be interrupting the Board of
6 Elections as it goes about its business.

7 THE FLOOR: For the record --

8 (Multiple speakers at once.)

9 MEMBER SINNOTT: We will --

10 (Multiple speakers at once.)

11 MEMBER SINNOTT: We will recess --

12 THE FLOOR: Did you look at what the
13 county prosecutor --

14 MEMBER SINNOTT: We will recess --

15 THE FLOOR: -- recommended to this
16 Board, yes or no?

17 MEMBER SINNOTT: We are going to be in
18 recess while order is restored in the room.

19 (Recess taken.)

20 - - -

21 CHAIRMAN PREISSE: Okay. Let's resume.

22 MEMBER SINNOTT: Next we turn to an
23 initiative petition which proposes to enact an
24 ordinance in Grandview Heights. It appears as though
25 the ordinance is sometimes referred to as the Green

1 Space Overlay District. This is an instance where
2 the Board has received an August 7 writing from
3 Attorney Eugene Hollins, writing on behalf of the
4 City of Grandview Heights, and an August 16
5 response -- this is not a dramatic pause, I'm looking
6 for where I am in my notes -- prepared by Mr.
7 Clinger, representing three proponents of the Green
8 Space Overlay District.

9 As a preliminary matter, I received a
10 letter from Mr. Clinger dated August 17 which I
11 should address. Mr. Clinger asked me to recuse
12 myself from consideration of whether the proposal
13 should be placed on the ballot, saying that it is his
14 "understanding" that my law firm "provided input on
15 the drafting of the protest filed by the city." He
16 also says that one of my law partners has represented
17 in a zoning matter in Grandview Heights owners of
18 property that would "be affected by the petition" and
19 that these property owners have been outspoken in
20 their opposition to the petition.

21 As to the suggestion that my law firm
22 has played any role in the drafting of the protest, I
23 have inquired, and that is a factually inaccurate
24 suggestion. That is not true, and I will not recuse
25 myself on that basis.

1 As to the suggestion that a lawyer or
2 other professional should recuse himself from the
3 consideration of any matter that could have an effect
4 on a client or business associate, I can identify no
5 legal basis for such a contention. None is cited in
6 the August 17 letter.

7 My law firm has no client in the matter
8 before the Board today, the question of whether the
9 initiated ordinance should be put on the ballot. All
10 of us who sit on a Board of Elections might have
11 clients or business associates who could be affected
12 by a measure being put on the ballot and that
13 measure's subsequently being approved by the voters
14 in a jurisdiction. Probably some such measures
15 affect multiple clients and business associates, some
16 positively and others negatively. That is not,
17 however, a proper basis for a recusal. In this
18 instance, it is also true that I am not voting on the
19 measure itself, only addressing whether the measure
20 satisfies the standards for being put on the ballot.

21 I appreciated the opportunity to consult
22 with the staff of the Secretary of State's office and
23 the staff at the Ohio Elections Commission. They
24 were helpful in reaching the conclusion that there is
25 no "affected by" standard when it comes to the

1 question of whether a board member should recuse
2 himself. Similarly, the observation that my law firm
3 has one or more clients outspoken in political
4 support for or against a measure that might become
5 subject to popular vote is not a basis for recusal.

6 It is important that public officials
7 not acquiesce to every request for recusal, as that
8 invites gamesmanship on the part of interested
9 parties and deprives the body of the benefit of its
10 full strength. There should be recusal only -- only
11 in the event of a proper basis, and none exists here.
12 Accordingly, I will participate in the consideration
13 of the Grandview Heights subject.

14 This matter reaches us in the same
15 posture as did the Community Bill of Rights. There
16 is no point in repeating the observations that I
17 earlier made about the difficulty of a board's
18 situation under the terms of modern statute.

19 For the reasons earlier stated, I
20 perceive the Board has having an obligation to make
21 the determination of whether the petition falls
22 within the scope of the city's authority to enact the
23 proposal via initiative. We are told our
24 consideration must extend to Sections 3 and 7 of
25 Article XVIII of the Ohio Constitution. If any

1 portion of the petition is not within the initiative
2 power, the petition shall be held invalid.

3 We have the benefits -- I'm sorry, we
4 have the benefit rather of writings from proponents
5 and opponents of this measure. After having examined
6 the proposal known as the Grandview Heights Green
7 Space Overlay District and considering the arguments
8 presented by proponents and opponents, I now make the
9 following motion: I move that in satisfaction of the
10 statutory instruction of Revised Code Section
11 3501.11(K) (2) and 3501.38(M) (1) (a) and (2), that the
12 Board determine that the initiative petition
13 proposing the Grandview Heights Green Space Overlay
14 District is invalid and that the provisions in the
15 petition fall outside the scope of a municipal
16 political subdivision's authority to enact by
17 initiative because of limitations placed by Sections
18 3 and 7 of Article XVIII of the Ohio Constitution,
19 the initiative petition is also a challenge to an
20 administrative and not a legislative action, and on
21 the particular bases described in the August 7, 2018,
22 correspondence to Director Leonard from Attorney
23 Hollins.

24 Is there a second on that motion?

25 CHAIRMAN PREISSE: Second.

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

3 MEMBER SEXTON: If I may before --

4 MEMBER SINNOTT: There can be
5 discussion.

6 MEMBER SEXTON: I believe that the
7 arguments in the petition in response to the protest
8 filed by the City of Grandview Heights are
9 persuasive. I believe that petitioners are seeking
10 to enact this through initiative petition and is
11 within the authority of the municipality to enact
12 and, therefore, appropriate for placement on the
13 ballot.

14 Therefore, I would vote no on the motion
15 to deny certification of the petition.

16 CHAIRMAN PREISSE: We've had a motion
17 and it's been seconded, and you were about to --

18 DEPUTY DIRECTOR PAYNE: All those --

19 CHAIRMAN PREISSE: If there's no more
20 discussion, we can call the roll.

21 DEPUTY DIRECTOR PAYNE: Is there any
22 more discussion?

23 All those in favor of the motion
24 presented by Chairman Sinnott --

25 MEMBER SINNOTT: Well, let's see. Is

1 there any discussion?

2 MEMBER MARINELLO: I believe that the
3 Green Space Overlay District, which would be a
4 legislature action, that the municipality itself
5 could do it and, therefore, a matter that -- you
6 know, for an initiative petition, so I would --

7 (Discussion off the record.)

8 MEMBER MARINELLO: That it would be an
9 appropriate matter for an initiative petition.

10 MEMBER SINNOTT: Well, we now have a
11 motion and a second. There's been discussion. I
12 think we're now ready for a vote.

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

15 MEMBER SINNOTT: Aye.

16 CHAIRMAN PREISSE: Aye.

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

19 MEMBER SEXTON: Nay.

20 MEMBER MARINELLO: Nay.

21 DEPUTY DIRECTOR PAYNE: Okay.

22 There's --

23 MEMBER SINNOTT: Why don't you do a roll
24 call on this particular matter.

25 DEPUTY DIRECTOR PAYNE: I will do it.

1 Kim Marinello.

2 MEMBER MARINELLO: No.

3 DEPUTY DIRECTOR PAYNE: Michael Sexton.

4 MEMBER SEXTON: No.

5 DEPUTY DIRECTOR PAYNE: Doug Preisse.

6 CHAIRMAN PREISSE: Yes.

7 DEPUTY DIRECTOR PAYNE: And Brad

8 Sinnott.

9 MEMBER SINNOTT: Yes.

10 DEPUTY DIRECTOR PAYNE: It's a tie-tie
11 vote -- or two vote --

12 Do you want to tell what happens in --

13 DIRECTOR LEONARD: It is an appropriate
14 matter to submit to the Secretary of State to break
15 the tie. We have, as is set forth in -- well, as set
16 forth in the Election Official Manual, the protocol
17 is for the two members to draft a memorandum in
18 support of their position, and the two members
19 against to do so as well, that that would be
20 submitted by the Chair or the Director within 14 days
21 after the tie vote occurs. In this instance, that
22 would be by September 6th, and again, we would submit
23 the exact motion that was presented, the statements
24 from both parties, as well as all the minutes and all
25 the documentation to the Secretary of State to break

1 the tie.

2 MEMBER SINNOTT: So we're evenly split
3 on this one, so we'll send it over to the Secretary
4 for a decision. Because we are talking about a
5 matter that relates to the November ballot, let's go
6 to work, Board Members, as quickly as we can and get
7 our positions prepared, and we'll submit those
8 simultaneously.

9 DIRECTOR LEONARD: Yes.

10 MEMBER SINNOTT: And then they can be
11 forwarded to the Secretary, and we'll see what the
12 Secretary says. So in light of the fact that we've
13 not made a determination today, it would be premature
14 for there to be a protest or presentation on a
15 protest. We understand what our mission is, and
16 we'll go about satisfying it.

17 DIRECTOR LEONARD: Thank you, Mr.
18 Sinnott.

19 MEMBER SINNOTT: So now we're at a
20 point -- do we have any news from staff?

21 DEPUTY DIRECTOR PAYNE: We do. We have
22 one voter intent issue that they would like to bring
23 before the Board, and they just left to get it, and
24 so -- that will allow them to continue the run, and
25 we can take that before we -- we recess, if that's

1 the Board's pleasure.

2 (Recess taken.)

3 DEPUTY DIRECTOR PAYNE: We have one
4 voter intent issue that I'll let Zach talk to.

5 MR. MANIFOLD: Yes. We have one voter
6 intent question for the Board that came from the
7 provisional ballots. The voter has marked the
8 co-channel all the way over on the left, and so we
9 need your guidance, determination on what to do with
10 that.

11 MEMBER SINNOTT: Okay. Do we need some
12 sort of identifying mark on this or -- is it a single
13 instance? Is that correct?

14 MR. SHELL: Uh-huh, yes.

15 MEMBER SINNOTT: Well, I'm not going to
16 put anything on the ballot itself. There's only one,
17 and we should not be confused about what it is.

18 And, Zach and Gene, would you state
19 again what the problem is.

20 MR. MANIFOLD: Just that the voter
21 marked the co-channel all the way over to the left
22 instead of filling out the bubble.

23 MEMBER SINNOTT: Okay.

24 CHAIRMAN PREISSE: Now, this is the
25 entirety of the ballot; right?

1 MR. SHELL: Yes. And the co-channels do
2 line up with the bubbles. That's their purpose.

3 MEMBER SINNOTT: This is an original
4 ballot. Is there a photocopy of it that can be
5 placed in the record? I think we -- we should do
6 that. We can do it after we take action, but I think
7 the record should contain a picture of the ballot
8 that we're addressing now. Zach, if you'll provide
9 that to the court reporter immediately at the
10 conclusion of this action, that would be helpful.

11 My take is that the voter didn't cast a
12 ballot, that is, the voter didn't make any marking on
13 the ballot that would allow us to identify who the
14 voter wanted to vote for, so I would -- I move that
15 we not count this ballot.

16 CHAIRMAN PREISSE: Second.

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

19 (Vote taken.)

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

22 (No response.)

23 DEPUTY DIRECTOR PAYNE: Motion carries.

24 MEMBER SINNOTT: Please make a copy.

25 MR. SHELL: We'll make a copy and --

1 MEMBER SINNOTT: And give it to the
2 court reporter.

3 MR. SHELL: -- get it back to the Board.
4 Okay.

5 MEMBER SINNOTT: Thank you.

6 MR. SHELL: Thank you.

7 DEPUTY DIRECTOR PAYNE: At this point I
8 believe the staff needs about 40 minutes or so to
9 continue their -- their work, and so if we could take
10 a recess and then come back, and we'll be doing the
11 final certification of the 12th Congressional
12 District results.

13 DIRECTOR LEONARD: Do we want to set an
14 approximate time to reconvene for the sake of the
15 record?

16 CHAIRMAN PREISSE: How about ASAP?

17 MEMBER SINNOTT: I think we're probably
18 talking about 1:00.

19 DIRECTOR LEONARD: Okay.

20 CHAIRMAN PREISSE: Approximately 1:00.

21 MEMBER SINNOTT: Okay. Well, I think
22 you just said we're in recess.

23 CHAIRMAN PREISSE: We're in recess.

24 - - -

25 (Recess taken from 12:25-1:09 p.m.)

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- - -

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CHAIRMAN PREISSE: We're back in order.

3

DEPUTY DIRECTOR PAYNE: The next item on agenda would be to hear from Zach Manifold and give us a report on remakes of provisional and absentees.

6

MR. MANIFOLD: Good afternoon.

7

MEMBER SINNOTT: Good afternoon.

8

MR. MANIFOLD: We had -- we have remade the 46 absentee ballots. On top of that we had 75 regular absentee ballots that came back after Election Day that were good, so we ended up at 121 as the absentee total that was good after Election Day that's added into your certification results. It shows up under "absentee paper." Then provisionals, we ended up -- you guys started out with 36 possible remakes. When we -- when we opened the envelopes, we ended up with 6 remakes, so 30 of those 36 had the proper ballot in them, so we were just able to go ahead and count that, and we ended up with 1,174, was the final provisional good count.

21

22

23

MEMBER SINNOTT: Zach, let me interrupt. What is the report that you're referring to? Do we have -- I have two sheets of paper in front of me.

24

25

DEPUTY DIRECTOR PAYNE: What are you -- are you -- are you operating off a sheet of paper?

1 MR. MANIFOLD: No. I was just -- in the
2 certification, the final -- you guys did have a --

3 MS. HEALY: Provisional.

4 MR. MANIFOLD: There's a provisional
5 one.

6 CHAIRMAN PREISSE: There's an EL-45 and
7 an EL-45A.

8 MEMBER SINNOTT: Do you want us to refer
9 now to the provisional final report?

10 MS. HEALY: Yes.

11 MR. MANIFOLD: Yes. I think it says six
12 remakes on there. It should have six.

13 MEMBER SINNOTT: Okay. Thank you.

14 MR. MANIFOLD: That was -- on your
15 earlier report it said 36. So, yeah, that -- that
16 has switched to 6, and 30 of them did not have to be
17 remade; so your final total for provisionals was
18 1,174.

19 MEMBER SINNOTT: Okay.

20 DEPUTY DIRECTOR PAYNE: Any questions
21 or -- for Zach?

22 MEMBER SINNOTT: That's it.

23 DEPUTY DIRECTOR PAYNE: All right. Now
24 we'll move to certification, and you can give us the
25 final results of the election.

1 MS. PATTON: In front of you you have
2 three sheets of paper. The first two sheets labeled
3 EL-45 on the right-hand side and EL-45A on the second
4 sheet, both indicating on the upper left-hand corner
5 that they're Franklin County only, these are the
6 results of the official canvass done by bipartisan
7 staff here at the Board. That result is just in
8 Franklin County, reveals just the Franklin County
9 vote for the 12th Congressional and expired rates.
10 This includes all the provisionals, 1,174 of them,
11 the additional 121 absentees received after Election
12 Day, as well as any other votes that may have not
13 been recorded on election night; so we -- we
14 respectfully ask that these be the results that we
15 certify for the 12th Congressional Franklin County
16 only.

17 MEMBER SINNOTT: Thank you.

18 DEPUTY DIRECTOR PAYNE: Can you -

19 MS. PATTON: The EL-45 has the
20 breakdown. 45A has the breakdown by group, absentee,
21 paper, in-house, early votes, Election Day paper,
22 Election Day machines, and provisionals.

23 MEMBER SINNOTT: Carla, do you see the
24 report that shows a run date of today at 12:49?

25 MS. PATTON: Yes, sir. We completed the

1 canvass today at 12:49.

2 MEMBER SINNOTT: Okay. So that is
3 the -- that's the complete -- describe to me again
4 what that 12:49 run report is.

5 MS. PATTON: This was the first report
6 we ran after inputting all the provisional ballots
7 this afternoon. All the other ballots were added
8 earlier, prior to the provisionals today. They were
9 all done today, so at roughly 12:48 we would have
10 completed the reporting of the Franklin County votes
11 into the tabulation system, at which time we
12 generated the Franklin County only reports.

13 MR. LEONARD: And that would be a
14 summary report?

15 MS. PATTON: A summary report.

16 DIRECTOR LEONARD: Versus the next one,
17 which is a detailed report.

18 MEMBER SINNOTT: So the run report at
19 12:55 is showing us what?

20 MS. PATTON: The run report that was ran
21 at 12:55 includes votes for all counties that are
22 involved in the 12th Congressional District.

23 MEMBER SINNOTT: So the 12:55 report
24 shows the outcome throughout the entire 12th?

25 MS. PATTON: That's correct. Right now

1 we're asking that the results that are reflected on
2 the report with the run date of 8/24/18 at 12:49 p.m.
3 be certified as the Franklin County results.

4 MEMBER SINNOTT: Are we ready for a
5 motion?

6 CHAIRMAN PREISSE: Yes.

7 MEMBER SINNOTT: I move that the Board
8 certify and declare as final the official canvass of
9 the votes cast at the August 7, 2018, Special
10 Election as submitted by staff.

11 MEMBER SEXTON: Second.

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

14 (Vote taken.)

15 DEPUTY DIRECTOR PAYNE: All opposed,
16 same sign.

17 (No response.)

18 DEPUTY DIRECTOR PAYNE: Motion carries.
19 Do you want to address a recount or not
20 a recount? Are we outside of an automatic recount?

21 MS. PATTON: The third report in that
22 stack with a run date of 8/24/18 at 12:55 p.m.
23 includes all the votes for the entire 12th
24 Congressional, including those six counties that
25 report to us, as the most populous county. The --

1 when you take the total number of the votes cast for
2 a candidate, you come up with a total of 208,141
3 votes cast. If you take one half of one percent of
4 that, that number is 1,040. In order for an
5 automatic recount to occur, the vote difference would
6 have had to fall at 1,040 votes or less. Currently
7 the difference is 1,680 votes; therefore, we are not
8 inside of an automatic recount phase, and we would
9 recommend that you certify the results of the entire
10 12th Congressional as reported on the EL-45 report
11 dated 8/24/18 at 12:55 p.m.

12 CHAIRMAN PREISSE: I think that we ought
13 to.

14 DEPUTY DIRECTOR PAYNE: We certified
15 Franklin County. I think we just certify that we've
16 received the other six counties' results.

17 MS. PATTON: As the most populous
18 county, we need to certify the entire vote of the
19 entire district.

20 DIRECTOR LEONARD: I think the
21 terminology used in the statute is the declarative
22 results.

23 MEMBER SINNOTT: Well, I believe we just
24 did that too. The motion that we just approved,
25 "certify and declare as final the official canvass of

1 the votes cast at the August 7...Special Election as
 2 submitted by staff."

3 DIRECTOR LEONARD: In Franklin County.

4 MEMBER SINNOTT: No, it didn't say that.
 5 We can do another one.

6 CHAIRMAN PREISSE: This is a belt and
 7 suspenders, as you like to say.

8 MEMBER SINNOTT: There is that belt and
 9 suspenders approach. We're going to do another one.
 10 I move that the Board certify and declare as final
 11 the official canvass of the entire 12th Congressional
 12 District of the votes cast at the August 7, 2018,
 13 Special Election as submitted by staff.

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 (No response.)

20 DEPUTY DIRECTOR PAYNE: Motion carries.

21 The final item on the agenda would be
 22 the hiring of vote center managers. Typically for
 23 the November election we would hire a Republican
 24 manager, a Democratic manager for our Early Vote
 25 Center. The daily rate that we traditionally pay

1 these individuals is \$312.50, for a total amount not
2 to exceed 10,500, a daily rate of \$312.50. We would
3 hire them, and correct me if I'm wrong, Zach, from
4 October 1st to November 9th.

5 MR. MANIFOLD: (Nods head.)

6 DEPUTY DIRECTOR PAYNE: And I don't know
7 that we have names at this meeting. Maybe we do --
8 okay. We do not have names at this point, but we
9 would like authorization for us to hire them at the
10 recommendation of the Board members here.

11 MEMBER SEXTON: Mr. Chairman, I move
12 that the Board authorization the Director and Deputy
13 Director to hire a Republican manager and a
14 Democratic manager to manage the Early Vote Center
15 located at 1700 Morse Road, Columbus, Ohio at a daily
16 rate of \$312.50, an amount not to exceed \$10,500.
17 The date of the hire will be October 1st, 2018, and
18 the end date will be November 9th, 2018.

19 CHAIRMAN PREISSE: Second.

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

22 (Vote taken.)

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

25 (No response.)

1 DEPUTY DIRECTOR PAYNE: Motion carries.

2 That's the end of our formal meeting.

3 MEMBER SINNOTT: I move we adjourn.

4 DEPUTY DIRECTOR PAYNE: Is there a
5 second?

6 MEMBER SEXTON: Second.

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

9 (Vote taken.)

10 DEPUTY DIRECTOR PAYNE: All opposed same
11 sign.

12 (No response.)

13 DEPUTY DIRECTOR PAYNE: We are
14 adjourned.

15 (Thereupon, the hearing was concluded at
16 1:20 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Friday, August 24, 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-87730)

**ISSUES RECOMMENDED FOR APPROVAL FOR THE
NOVEMBER 6, 2018 GENERAL ELECTION**

Revised 8/20/2018 8:30 A.M.

#	Subdivision	Purpose	Rate
#	Dublin City School District – Proposed Bond Issue and Tax Levies (Additional)	<p>Bonds – Expanding, renovating, and improving the high schools; acquiring, renovating, furnishing and equipping existing facilities; constructing, furnishing, and equipping two new elementary schools and one middle school, with related site improvements and appurtenances thereto; repairing, improving, and maintaining existing school buildings and facilities; and acquiring land, and interest in land relating thereto</p> <p>Levy – Acquisition, construction, enlargement, renovation, and financing of permanent improvements</p> <p>Levy – Current operating expenses</p>	<p>Bonds - \$195,000,000; 3.41 mills, \$0.341 per \$100 of valuation, for 30 years</p> <p>Levy – 2 mills, \$0.20 per \$100 of valuation, for a continuing period of time, commencing in 2019</p> <p>Levy – 5.9 mills, \$0.59 per \$100 of valuation, for a continuing period of time, commencing in 2018</p>
#	Grandview Heights City School District – Proposed Bond Issue and Tax Levy (Additional)	<p>Bonds – Constructing school facilities; renovating, repairing, improving, and constructing additions to existing school facilities, including safety and security improvements; furnishing and equipping the same; and improving the sites thereof</p> <p>Levy – Current operating expenses</p>	<p>Bonds - \$55,250,000; 7.51 mills, \$0.751 per \$100 of valuation, for 38 years</p> <p>Levy - 1 mill, \$0.10 per \$100 valuation, continuing period of time, commencing in 2018</p>
#	South-Western City School District – Proposed Bond Issue	Constructing, furnishing, and equipping new school facilities, buildings, and infrastructure, with related site improvements and appurtenances thereto under the Ohio Facilities Construction Commission Classroom Facilities assistance Program	\$93,400,000; 1.86 mills, \$0.186 per \$100 of valuation, for 38 years

**ISSUES RECOMMENDED FOR APPROVAL FOR THE
NOVEMBER 6, 2018 GENERAL ELECTION**

Revised 8/20/2018 8:30 A.M.

#	Subdivision	Purpose	Rate
#	Whitehall City School District – Proposed Bond Issue and Tax Levy (Additional)	<p>Bonds – Renovating, improving and constructing additions to school facilities, including safety and security improvements, under the Classroom Facilities Assistance Program; furnishing and equipping the same; and improving the sites thereof; and acquiring land and interest in land as necessary</p> <p>Levy – Acquisition, construction, enlargement, renovation, and financing of permanent improvements</p>	<p>Bonds - \$6,590,000; 1.41 mills, \$0.141 per \$100 of valuation, for 31 years</p> <p>Levy – 2 mills, \$0.20 per \$100 of tax valuation, continuing period of time, commencing in 2018</p>
#	Worthington City School District – Proposed Bond Issue	<p>Renovating, repairing, improving, furnishing, equipping and constructing additions to various permanent improvements; purchasing school buses and related transportation equipment; site improvements; and acquisition of land and interest in land</p>	\$89,000,000; 2.58 mills, \$0.258 per \$100 of valuation, for 30 years
#	Worthington City School District – Proposed Tax Levy (Additional)	Current Expenses – The original tax is first proposed to be levied in 2018, the first increment in 2019, the second increment in 2020 and the third increment in 2021	May increase in three increments of not more than 2 mills from an original rate of 2.9 mills (\$0.29 per \$100 of valuation) to a maximum rate of 8.90 mills (\$0.89 per \$100 of valuation), continuing period of time.
#	Metro Parks – Proposed Tax Levy (Replacement with Increase)	Developing, improving, maintaining and operating the park district, greenway trails, and other properties of the park district; acquiring, developing, improving, maintaining and operating additional lands for park and trail purposes; and conserving and improving natural resources, wildlife habitat and streams and natural areas	<p>Replace 0.75 mill</p> <p>Increase 0.20 mill</p> <p>Total 0.95 mill, \$0.095 per \$100 of valuation, for 10 years, commencing in 2019.</p>

**ISSUES RECOMMENDED FOR APPROVAL FOR THE
NOVEMBER 6, 2018 GENERAL ELECTION**

Revised 8/20/2018 8:30 A.M.

#	Subdivision	Purpose	Rate
#	City of Bexley – Proposed Tax Levy (Replacement with Increase)	Constructing, reconstructing, resurfacing and repairing streets, alleys, sidewalks and other similar improvements	Replace 2.5 mills Increase 1 mill Total 3.5 mills, \$0.35 per \$100 of valuation, continuing period of time.
#	City of Gahanna – Proposed income tax increase	Three quarters of the revenue from the increase be dedicated to capital improvements and the remainder to general municipal operations	An additional 1% for a total rate of 2.5%
#	City of Grandview Heights – Proposed Charter Amendment	As proposed in ordinance 2018-20	
#	City of Grandview Heights – Referendum of Ordinance 2018-08	An ordinance to prohibit the retail dispensing of medical marijuana within the city	
#	City of Hilliard – Proposed Charter Amendment	Changes the city’s form of government from “Mayor-City Council” to “City Council-City Manager”	
#	City of Upper Arlington – Proposed Charter Amendment	To amend the charter of the city as recommended by the Charter Review Commission and set forth in Ordinance 55-2018	
#	City of Whitehall – Proposed Charter Amendment	Succession of Mayor and Acting Mayor	
#	City of Whitehall – Proposed Charter Amendment	Term Limits of Certain Elected Officials	
#	City of Whitehall – Proposed Charter Amendment	Refer to individuals using gender neutral language	
#	City of Worthington – Proposed Electric Service Aggregation Program	To authorize all actions necessary to effectuate an opt-out electric service aggregation program pursuant to R.C. 4928.20	
#	Village of Minerva Park – Charter Commission	Shall a commission be chosen to frame a charter?	
#	Blendon Township Police District – Proposed Tax Levy (Additional)	Police Protection Levy	5.75 mills, \$0.575 per \$100 of valuation, continuing period of time, commencing in 2019
#	Hamilton Township – Proposed Tax Levy (Renewal with Increase)	Fire Protection Levy	Renew 3 mills, increase 4 mills; Total 7 mills, \$0.70 per \$100 of valuation, 5 years, commencing in 2018
#	Perry Township – Proposed Tax Levy (Renewal)	General construction, reconstruction, resurfacing and repair of streets, roads and bridges	1.5 mills, \$0.15 per \$100 of valuation, 5 years, commencing in 2018

OFFICIAL SPECIAL CONGRESSIONAL GENERAL ELECTION BALLOT

WORTH 1-A 01

A Franklin County, Ohio B General Election C August 7, 2018

Instructions to Voter

- **To vote:** completely darken the oval (●) to the left of your choice.
- Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.
- If you mark the ballot for more choices than permitted, that contest or question will not be counted.
- **If you make a mistake or want to change your vote:** return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.

For Representative to Congress (12th District) (Unexpired term ending 1-3-2019) (Vote for not more than 1)

- Danny O'Connor**
Democratic
- Troy Balderson**
Republican
- Joe Manchik**
Green

Page 1 of 1
End of Ballot

A WORTH 1-A 01 B ABS B.S. #0186 C Typ:01 Seq:0186 Spl:01

Board Member Signatures

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1/16 OD