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**APPEARANCES:**

**FRANKLIN COUNTY PROSECUTOR'S OFFICE**  
By Timothy A. Lecklider, Esq.  
Assistant Prosecuting Attorney  
373 South High Street, 13th Floor  
Columbus, Ohio 43215  
(614) 525-3520,

On behalf of the Board.

**Also present:**

Suzanne Brown, Executive Assistant to the  
Board, Director, and Deputy Director  
Mellissia Fuhrmann, Voter Services Manager  
Matt Kelly, Absentee Voting  
Gene Shell, Absentee Voting  
Jeffrey Mackey, Petitions & Campaign Finance  
Steve Bulen, Kids Voting  
Mark Brown, Attorney for Libertarian Party  
Carla Patton, Elections Operations

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1                   DEPUTY DIRECTOR PAYNE:    It looks  
2 like we have a quorum, but I'll take roll to make  
3 certain.

4                   Kim Marinello?

5                   MEMBER MARINELLO:    Here.

6                   DEPUTY DIRECTOR PAYNE:   Mike  
7 Sexton?

8                   MEMBER SEXTON:        Here.

9                   DEPUTY DIRECTOR PAYNE:   Doug  
10 Preisse?

11                   CHAIRMAN PREISSE:     Here.

12                   DEPUTY DIRECTOR PAYNE:   Brad  
13 Sinnott?

14                   MEMBER SINNOTT:        Here.

15                   DEPUTY DIRECTOR PAYNE:   Indeed we do  
16 have a quorum.

17                   The first item on the agenda is the  
18 approval of the May 2, 2019 minutes. We sent those  
19 to you via e-mail.

20                   If there aren't any corrections or  
21 deletions or additions, I would entertain a motion  
22 to accept the minutes.

23                   MEMBER MARINELLO:     Mr. Chairman, I  
24 move that the Board approve the minutes of the May  
25 2, 2019 meeting of the Franklin County Board of

1 Elections.

2 MEMBER SINNOTT: Second.

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

5 (Vote taken.)

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

8 (No response.)

9 DEPUTY DIRECTOR PAYNE: Motion  
10 carries.

11 The next item on the agenda is  
12 provisional ballots for consideration, and I'll  
13 call on Mel Fuhrmann to give the report.

14 MS. FUHRMANN: Good afternoon.  
15 Mellissia Fuhrmann for Voter Services this  
16 afternoon.

17 So I have only three provisional  
18 ballots to be considered this afternoon. All three  
19 consider -- all three under consideration have to  
20 do with date of birth issues. And I am happy to  
21 have you evaluate them either each individually or  
22 as a whole, whichever you would prefer.

23 DIRECTOR LEONARD: Members, these  
24 are, as stated in the Secretary of State's  
25 directives, when it comes to birth dates, if

1 there's anything in the provisional ballot  
2 application on the front of the envelope, if  
3 there's anything that purports to be a birth date,  
4 as long as it purports to be a birth date, whether  
5 it's correct or the year is wrong or the month is  
6 wrong, it's acceptable, but it is something that  
7 the Board has to make a decision on.

8                   So I just wanted to refresh your  
9 recollection on what the Secretary of State's  
10 guidance is on that situation.

11                   MEMBER SINNOTT:     So we're all in  
12 agreement that we have to act, but we have no  
13 discretion.

14                   CHAIRMAN PREISSE:    Is that the  
15 case, each of these three there was something  
16 written on them as the director described?

17                   MS. FUHRMANN:     That's correct. In  
18 all three instances, there's something unusual  
19 about the date of birth. However, everything else  
20 on the front of the provisional affirmation checked  
21 out.

22                   As Director Leonard alluded, the  
23 Secretary of State does give us guidance on that.  
24 I'm happy to read that into the record if you're  
25 interested in hearing it. In the alternative, I'm

1 also happy to tell you what is wrong with the date  
2 of birth with each of these provisional voters.

3 CHAIRMAN PREISSE: Well, why don't  
4 you quickly tell us. I think we should here the  
5 deficiencies.

6 MS. FUHRMANN: Sure.

7 DEPUTY DIRECTOR PAYNE: Do they  
8 have the same cheat sheet that I have?

9 MS. FUHRMANN: They do. Or they  
10 should, yes.

11 CHAIRMAN PREISSE: That's the  
12 provisional report?

13 DEPUTY DIRECTOR PAYNE: Yes. It  
14 tells date of birth issues on each one.

15 Go ahead.

16 MS. FUHRMANN: So the first ballot  
17 for consideration is Weldon Milbourne. Date of  
18 birth for this person is listed as 9/2/1988, and  
19 the date of birth we had on record was 9/22/1988.  
20 If you'd like to review.

21 MEMBER SEXTON: All right.

22 MS. FUHRMANN: The second voter for  
23 consideration is John Wade. His date of birth is  
24 listed as 5/8/19. He simply wrote the current  
25 year. We have his date of birth listed on record

1 as 5/8/1938. And I have that if you'd like to  
2 review it.

3 And then the last voter for review  
4 is Mr. Rufus Robinson. He listed June 20, 1928 as  
5 his birthday and we had something different on  
6 record. I believe it was off by one year. We had  
7 like 1929 instead of 1928.

8 DEPUTY DIRECTOR PAYNE: Mel, am I  
9 correct there were a total of 366 provisional  
10 ballots for this election?

11 MS. FUHRMANN: That's correct.

12 DEPUTY DIRECTOR PAYNE: As of  
13 today, prior to taking up these three for Board  
14 consideration, we have 295 that we would recommend  
15 for approval, an additional 10 that potentially  
16 need to be remade, but those would be in the  
17 approval category?

18 MS. FUHRMANN: Yes.

19 DEPUTY DIRECTOR PAYNE: So that's  
20 305 provisionals that we would recommend approve.

21 MS. FUHRMANN: Correct.

22 DEPUTY DIRECTOR PAYNE: There's  
23 categories of non-registered, non-signatures, date  
24 of birth missing, absentee, already voted absentee,  
25 signature mismatch, ID issues, and then the 650

1 category. That adds up to 58 that we would  
2 recommend for non-approval.

3 So starting with prior to these  
4 three, we have 305 we would recommend for approval,  
5 58 that we would move or recommend that they not be  
6 approved, and then wherever you put these three,  
7 would add to one or both of those categories.

8 MEMBER SINNOTT: So if we add the  
9 three we just looked at, over which we have no real  
10 discretion, that takes us to 308 in the approved  
11 count.

12 DEPUTY DIRECTOR PAYNE: That's  
13 correct.

14 CHAIRMAN PREISSE: We could just  
15 increase the number to 308 and take care of it that  
16 way, right?

17 MS. FUHRMANN: Agreed.

18 DIRECTOR LEONARD: You probably  
19 should address the three birth dates. You don't  
20 have to separate each one individually, but I think  
21 as a group you should indicate that you're going to  
22 accept or reject the three with birth date issues.

23 MEMBER MARINELLO: I move that the  
24 provisional ballots with the discrepancies on the  
25 birth dates, the three be accepted and added into

1 the approved.

2 MEMBER SINNOTT: Second.

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

5 (Vote taken.)

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

8 (No response.)

9 DEPUTY DIRECTOR PAYNE: Motion  
10 carries.

11 I think we need to now do the  
12 308/58.

13 MEMBER SEXTON: 308 or --

14 DEPUTY DIRECTOR PAYNE: 308.

15 MEMBER SEXTON: Mr. Chairman, I  
16 move the Board approve the counting of 308  
17 provisional ballots and the rejection of 58  
18 provisional ballots and that all provisional  
19 ballots deemed valid will be counted and included  
20 in the official canvas results for the May 7, 2019  
21 primary election.

22 CHAIRMAN PREISSE: Second.

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

25 (Vote taken.)

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

3 (No response.)

4 DEPUTY DIRECTOR PAYNE: Motion  
5 carries.

6 The next we have these 360 -- well,  
7 we have 308 provisional envelopes that we need to  
8 extract. So what we would like to have is a motion  
9 for the Board to allow the staff to extract those  
10 308 provisional ballots.

11 MEMBER SINNOTT: I move the Board  
12 authorize the staff to extract the approved  
13 provisional ballots.

14 MEMBER MARINELLO: Second.

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

17 (Vote taken.)

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

20 (No response.)

21 DEPUTY DIRECTOR PAYNE: Motion  
22 carries.

23 The next item we can either have --  
24 if we have any remakes of those 306 that we're  
25 opening, we can either bring them back to the Board

1 or past practice has been that you authorize the  
2 Board to remake those and then give a report later  
3 on today about those that are being remade.

4 So whatever the preference of the  
5 Board might be.

6 MEMBER MARINELLO: I move that the  
7 Board authorize the staff to remake the provisional  
8 ballots and that these remade ballots shall be  
9 tabulated and included in the official canvas of  
10 the results for the May 7, 2019 primary election,  
11 with a report to be made to the Board later today.

12 MEMBER SINNOTT: Second.

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

15 (Vote taken.)

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

18 (No response.)

19 DEPUTY DIRECTOR PAYNE: Motion  
20 carries.

21 DIRECTOR LEONARD: The staff will  
22 return if there are any voter intent issues as it  
23 relates to those provisionals, but otherwise the  
24 remakes will be done.

25 DEPUTY DIRECTOR PAYNE: The

1 remaking of, I believe, five absentee ballots.

2 Thank you, Mel.

3 MS. FUHRMANN: Thank you.

4 DEPUTY DIRECTOR PAYNE: Turn that  
5 over to Gene Shell and Matt Kelly.

6 MR. KELLY: Good afternoon. This  
7 is my first election, so I'm not sure about the  
8 process here, but we do have -- we have five  
9 ballots that we have determined that need to be  
10 remade. The machine will not scan them and they  
11 will not count unless we have -- unless we have  
12 remade ballots that we can scan. So we're asking  
13 for five of these remakes to be approved.

14 And then we have two ballots here  
15 that we cannot tell what the voter intent was with  
16 the markings. And I'll have Gene speak to that,  
17 because I think the issue with these two ballots  
18 was just on one of the issues or two of the issues.

19 MR. SHELL: The Exhibit 1 -- I took  
20 the liberty of marking the two ballots as Exhibit 1  
21 and Exhibit 2. Exhibit 1 has a question on Issue  
22 Number 7. We're not quite sure what the voter is  
23 trying to tell us to do there. We would like some  
24 direction.

25 MEMBER SINNOTT: Why don't we do

1 these one at a time.

2 CHAIRMAN PREISSE: Yeah.

3 MEMBER SINNOTT: With respect to  
4 what has been given to us as Exhibit 1, I move that  
5 we count Exhibit 1 as a vote for Issue 7.

6 CHAIRMAN PREISSE: Second.

7 DEPUTY DIRECTOR PAYNE: It's been  
8 properly moved and seconded to count as for Issue  
9 7. Properly moved and seconded. All those in  
10 favor signify by saying aye.

11 (Vote taken.)

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

14 (No response.)

15 DEPUTY DIRECTOR PAYNE: Motion  
16 carries.

17 MR. SHELL: Exhibit 2 is a little  
18 more questionable. Each of the Issues 7, 8, 9, 10  
19 and 11 need to be looked at to get some direction  
20 on how you wish us to go forward with that ballot.

21 MEMBER MARINELLO: Mr. Chairman, on  
22 Exhibit 2, I move that on the Bond Issue Number 7,  
23 would be for the bond issue. On Number 8 would be  
24 for the bond issue. Number 9 would be against the  
25 bond issue. Ten would be against the bond issue

1 and 11 will be for the bond issue.

2 CHAIRMAN PREISSE: Second.

3 DEPUTY DIRECTOR PAYNE: Motion has  
4 been properly moved and seconded. All those in  
5 favor of the motion of voting 7 for, 8 for, 9  
6 against, 10 against, 11 for indicate by voting aye.

7 (Vote taken.)

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

10 (No response.)

11 DEPUTY DIRECTOR PAYNE: Motion  
12 carries.

13 MR. SHELL: Thank you very much.  
14 There are still five remakes that don't require  
15 voter intent. They're just soiled or ripped and  
16 they won't run through.

17 MR. KELLY: Coffee stain.

18 MEMBER SINNOTT: What do you need  
19 from us then?

20 MR. KELLY: Just authority to  
21 remake the ballots and scan them. The five.

22 MEMBER SEXTON: So, Mr. Chairman, I  
23 move the Board authorize the staff to remake five  
24 absentee paper ballots and that this remade ballot  
25 shall be tabulated and included in the official

1 canvas of the results for the May 7, 2019 primary  
2 election, with a report to be made to the Board  
3 later today.

4 CHAIRMAN PREISSE: Second.

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

7 (Vote taken.)

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

10 (No response.)

11 DEPUTY DIRECTOR PAYNE: Motion  
12 carries.

13 Next item on the agenda is the  
14 protest of candidacy of Robert Bender. I believe  
15 we have individuals here at least on behalf of  
16 Mr. Bender. Not certain about the protestor's  
17 side, but we do have a number of folks here from  
18 the Bender said.

19 I'll call on Jeff Mackey to give a  
20 brief report to the Board.

21 MR. MACKEY: So we received the  
22 original petition filing from Mr. Bender on  
23 February 6th. Validated that petition, 13  
24 signatures were required, submitted 22. Staff  
25 found 13 valid signatures. We certified that

1 petition at the Board's meeting on February 19th,  
2 and following on February 22nd, we received a  
3 protest against that petition bringing into  
4 question several of the signatures that were  
5 validated by staff.

6 The protest was timely filed by the  
7 deadline of February 22nd at 4:00.

8 DEPUTY DIRECTOR PAYNE: So the  
9 minimum number of signatures necessary for  
10 certification was 13?

11 MR. MACKEY: Correct.

12 DEPUTY DIRECTOR PAYNE: And that's  
13 what we originally certified?

14 MR. MACKEY: Yes.

15 DEPUTY DIRECTOR PAYNE: Do we have  
16 exhibits of the protest filed?

17 MR. MACKEY: They're the Secretary  
18 of State's guidance on signatures and comparison of  
19 the signature on the petition versus the signature  
20 on file. Questions about that?

21 CHAIRMAN PREISSE: What are these  
22 three pages, page 2, 3 and 4? What are we looking  
23 at? What are those?

24 MR. MACKEY: So each page has two  
25 signatures on it. So Petition 907, the number that

1 we gave, the sequence number of the petition, and  
2 then the line number that the signature appears on.

3 DIRECTOR LEONARD: These are the  
4 signatures that the protestor questioned?

5 MR. MACKEY: Yes.

6 MEMBER MARINELLO: The one below it  
7 is the signature on file?

8 MR. MACKEY: Correct.

9 MEMBER SINNOTT: Jeff, you gave to  
10 us a document that was five bullet points and a  
11 caption of signatures. What are those five bullet  
12 points?

13 MR. MACKEY: That is the direction  
14 from the Secretary of State Election Official  
15 Manual, how to validate signatures.

16 MEMBER SEXTON: So this first one  
17 on page 2, lines 4 and 5 --

18 MEMBER MARINELLO: It's 5.

19 MR. MACKEY: Just line 5, yes. It  
20 just went up into line 4, grabbed both of those.  
21 So you can see the whole signature there.

22 MEMBER SEXTON: So in this case  
23 it's line 5?

24 MR. MACKEY: Line 5, correct.

25 MEMBER SEXTON: Versus the

1 signature that's on 5.

2 MR. MACKEY: Correct.

3 MEMBER MARINELLO: On the matter of  
4 7, line 6 -- I see she probably -- she probably  
5 goes by the middle name.

6 MR. MACKEY: That's my assumption.

7 MEMBER MARINELLO: Is that a deal  
8 breaker?

9 MR. MACKEY: No.

10 MEMBER SINNOTT: Jeff, having  
11 reviewed the protest, do you have any  
12 recommendations for us regarding the counting of  
13 these signatures in question?

14 MR. MACKEY: Since I'm the one that  
15 validated most of these signatures, I could say  
16 they were all within the bounds of what we  
17 generally look for.

18 MEMBER SINNOTT: Even after  
19 reviewing them again?

20 MR. MACKEY: I guess --

21 MEMBER SINNOTT: Because you're  
22 allowed to change your mind.

23 MR. MACKEY: Biggest stretch is the  
24 top of the line, the third page there, the last  
25 page.

1 CHAIRMAN PREISSE: Arvind Sagar?

2 MR. MACKEY: Yes.

3 MEMBER SINNOTT: You have in front  
4 of us what looks to be a newly filed response to  
5 the protest.

6 Do we have somewhere in front of us  
7 the protest itself?

8 MR. MACKEY: Did you give them the  
9 protest?

10 DEPUTY DIRECTOR PAYNE: Do you have  
11 the protest?

12 MS. BROWN: Whatever Jeff gave me  
13 is what I have. I can get it.

14 DEPUTY DIRECTOR PAYNE: We probably  
15 do need that.

16 MEMBER SINNOTT: We have to see the  
17 protest before we act on it. That would be a good  
18 thing to remember, too.

19 MEMBER MARINELLO: The very last  
20 thing on Delacruz, what are we looking at, is that  
21 just an enlargement?

22 MR. MACKEY: On that one, the  
23 signature on the registration form was the first  
24 one there with the kind of blue title bar, and then  
25 in order to validate that signature, I went a

1 little deeper into our records on file, found a  
2 pollbook signature that did match the signature on  
3 the petition. That's from the 2016 general  
4 election.

5 CHAIRMAN PREISSE: Say that again.

6 MR. MACKEY: The part that I  
7 circled in red there is the signature in the 2016  
8 general election pollbook of Olandino Delacruz.

9 MEMBER MARINELLO: What's the one  
10 right beside it?

11 MR. MACKEY: The pollbook, the  
12 paper pollbooks used to have a picture of the  
13 signature we have on file from the registration  
14 next to the blank box and you would sign in the  
15 blank box.

16 MEMBER SINNOTT: Would it make  
17 sense for us to take a moment to read this  
18 three-page letter that has been submitted by  
19 Mr. Brown? He says he's the attorney for the  
20 Libertarian Party? Apparently it came in today. I  
21 have not read nor seen it.

22 CHAIRMAN PREISSE: Yes, it does.

23 MR. BROWN: May I speak if the  
24 Board will acknowledge me?

25 MEMBER SINNOTT: Who are you?

1 MR. BROWN: I represent Mr. Bender  
2 also.

3 MEMBER SINNOTT: You're not  
4 Mr. Brown?

5 MR. BROWN: I am.

6 MEMBER SINNOTT: You are Mr. Brown,  
7 okay. Very good. I suspect you'll have an  
8 opportunity to do that after we've read this.

9 MR. BROWN: I think I can save you  
10 a lot of time.

11 CHAIRMAN PREISSE: We're going to  
12 pause and read it and then come right back to you.

13 Does it make sense to hear  
14 Mr. Brown?

15 Mr. Brown, would you like to --  
16 wait.

17 MEMBER SINNOTT: Before we hear  
18 from the respondent, do you want to see if  
19 anybody's here for the protestor?

20 CHAIRMAN PREISSE: Is there anybody  
21 here for the protestor? Representing the protestor  
22 or the protestor?

23 Looks like not.

24 MR. BROWN: I think we have a lot  
25 of reasons to dismiss this protest. First off --

1                   MEMBER SINNOTT:    Would you state  
2 your name?

3                   MR. BROWN:    My name is -- I'm  
4 sorry. My name is Mark Brown. I represent the  
5 Libertarian Party and loss of Mr. Robert Bender.  
6 I'm an attorney.

7                   But given the fact that the  
8 protestor has not shown, he's presented no evidence  
9 at all that he has even standing to file this  
10 protest. He has to be a member of the Libertarian  
11 Party, according to the statute. There's no  
12 evidence he is. In fact, that's the end of that  
13 protest all by itself.

14                   If you decide to go any farther than  
15 that, I would ask that the Board state for the  
16 record your authority to do so.

17                   MEMBER SINNOTT:    Keep going. This  
18 is your time to speak.

19                   MR. BROWN:    Yes, but I do not  
20 believe that anything that happens right now is  
21 legal, until you've identified your authority to  
22 take whatever action you're taking right now.

23                   CHAIRMAN PREISSE:    We haven't taken  
24 any action yet and we have the authority to  
25 discuss.

1 MR. BROWN: Well, you're sitting  
2 around looking at signatures and considering  
3 whether or not to strike them. That seems to me to  
4 be action that you have no authority to take.

5 MEMBER SINNOTT: Have you anything  
6 else to say, Counselor?

7 MR. BROWN: Well, I do. It's  
8 clearly established that this Board has no  
9 authority given this late date to consider whether  
10 or not Mr. Bender's candidacy in the May 7th  
11 primary was lawful or not. So what you're doing is  
12 irrelevant. And I ask that you identify for the  
13 record so that we can take this to the Ohio Supreme  
14 Court what authority you're acting under.

15 MEMBER SINNOTT: Is that your  
16 presentation?

17 MR. BROWN: Presentation, as I  
18 presented the cases, the Whitman case, the Yeager  
19 case, they make it clear that you are to promptly  
20 set this hearing. You did not. You had to address  
21 the candidacy of Mr. Bender for the primary at  
22 least 60 days before the primary. You did not.

23 Clearly established law has it you  
24 have no authority to do what you're doing.

25 MEMBER SINNOTT: Thank you,

1 Mr. Brown.

2                   What I heard Mr. Bender's counsel  
3 say is that he had two objections to the Board even  
4 acting on this. One is he contends that the  
5 protestor is not a member of the Libertarian Party  
6 and, therefore, cannot raise the protest. And then  
7 he says that this proceeding is untimely because  
8 Mr. Bender believes he proposed himself as a  
9 candidate in a primary election and this is now  
10 post-primary.

11                   So why don't we deal with that first  
12 subject first and --

13                   CHAIRMAN PREISSE: I don't think  
14 that's part of your letter, is it?

15                   MR. BROWN: I did not put that in  
16 my letter, because I assumed the protestor would be  
17 here. He's not here. He's got no evidence to show  
18 he's a member of the Libertarian Party. This case  
19 fails.

20                   MEMBER SINNOTT: Does counsel have  
21 an opinion about whether the protestor must be a  
22 member of the Libertarian Party at the time of the  
23 protest in order to have standing to raise the  
24 protest?

25                   MR. LECHLIDER: My general

1 understanding?

2 DIRECTOR LEONARD: With other cases  
3 involving parties, democrat, republicans, has to be  
4 a member in a pre-primary.

5 MEMBER MARINELLO: Has there been  
6 any research on our part to find out if he is a  
7 member or has been?

8 MEMBER SINNOTT: Easy enough to  
9 determine whether he's a member of the Libertarian  
10 Party.

11 MR. MACKEY: He's currently  
12 unaffiliated in our registration database. He has  
13 not voted in a Libertarian primary at the last  
14 election that there was available, but there hasn't  
15 been a libertarian primary election for several  
16 years.

17 MEMBER SINNOTT: Do we have any  
18 past practice on this subject?

19 DIRECTOR LEONARD: I'm not aware of  
20 any.

21 MR. LECHLIDER: I'm sorry, I didn't  
22 hear the question.

23 MEMBER SINNOTT: I said, do we have  
24 any past practice on this subject, that is,  
25 requiring that a member of the party being a

1     protestor to challenge a candidate from that party?

2                     MR. LECHLIDER:     I think that has  
3     been the practice.

4                     DIRECTOR LEONARD:     I've only been  
5     here since '16, so I don't know.

6                     MR. LECHLIDER:     I can't cite a  
7     specific case.

8                     MR. BROWN:     The Whitman case does  
9     that.

10                    MEMBER SINNOTT:     Thank you. We're  
11     not having a general discussion in the room right  
12     now. Thank you.

13                    How about this second subject having  
14     to do with the timeliness of hearing the protest,  
15     because I can recall discussion at prior meetings  
16     on that subject and apparently it was the view of  
17     staff at that time that because there was not a  
18     primary election in Reynoldsburg on the Libertarian  
19     side, that we were not bound to decide the matter  
20     even by the time of the primary election.

21                    DEPUTY DIRECTOR PAYNE:     We had two  
22     similar situations and we dealt with both of them  
23     the same way. One was the Mingo situation where  
24     that person was not going to be on the primary  
25     ballot nor was Bender going to be on the primary

1 ballot.

2                   DIRECTOR LEONARD:    Again, the  
3 factual circumstances are slightly different that  
4 we may have been interpreting both instances  
5 against the same -- same set of rules, whereas this  
6 one may not be as applicable as it was for the  
7 Mingo protest, because it's a nonpartisan race,  
8 and, therefore, they all go to the general election  
9 ballot.

10                   Although, I guess there was no  
11 primary in that, either the democratic judicial  
12 side of that or the republican judicial side of  
13 that.

14                   MEMBER SINNOTT:    Tim, what do you  
15 think about that subject?

16                   MR. LECHLIDER:    Well, I wasn't --  
17 there was a staff discussion, I wasn't part of that  
18 discussion.  What I'm hearing here is that there  
19 was not a primary.

20                   MEMBER SINNOTT:    There was clearly  
21 not a primary in Reynoldsburg.

22                   MR. LECHLIDER:    And I'm looking at  
23 3501.39 to see if there is any reference, any  
24 prerequisite with respect to a primary.

25                   MR. MACKEY:       Reynoldsburg is a

1 charter municipality and their charter does speak  
2 to not having to hold the primary if there are more  
3 candidates than seats.

4 MR. LECHLIDER: I think we had some  
5 in Reynoldsburg.

6 CHAIRMAN PREISSE: I think that was  
7 Hilliard.

8 MR. MACKEY: This is a Board  
9 council seat.

10 MR. LECHLIDER: I think, although I  
11 think cited in the letter that's been presented,  
12 (C) (1), 3501.39 (C) (1), it's on the last page of  
13 the letter.

14 MR. MACKEY: I'm not sure that's  
15 applicable, because Reynoldsburg's filing deadline  
16 is 90 days before the primary.

17 DIRECTOR LEONARD: Seems to be  
18 going towards is not the timing of the filing, it's  
19 the timing of the action that the Board has to  
20 take, at least according to what they're  
21 representing.

22 MEMBER SINNOTT: Here's what I  
23 would suggest that we do. Because we have a couple  
24 of issues that have been raised by a writing and an  
25 oral presentation today that we've not had an

1 opportunity to research or consider, so we're  
2 getting caught cold by the subjects, and I'd rather  
3 get this right as opposed to do too quickly. We  
4 have a meeting on Monday of next week. If today's  
5 consideration of the protest is untimely, it's  
6 going to be no more untimely on Monday. So as  
7 opposed to making complicated legal determinations  
8 on the fly, why don't we continue the consideration  
9 of the protest until Monday. And in the interim,  
10 if staff and the county prosecutor's office would  
11 work on addressing the issues raised today by  
12 Mr. Bender's counsel, and for purposes of giving us  
13 a report on the subject on Monday when we  
14 reconvene, I think that will allow us to make a  
15 more deliberate decision.

16 CHAIRMAN PREISSE: I couldn't agree  
17 more.

18 MEMBER SINNOTT: Perhaps we ought  
19 to vote to continue until Monday for consideration  
20 of the protest.

21 DEPUTY DIRECTOR PAYNE: Is there a  
22 motion for that?

23 MEMBER SINNOTT: Well, I will move  
24 that we continue the consideration of the protest  
25 until Monday. I think we have our June 3 meeting.

1 CHAIRMAN PREISSE: Second.

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

4 (Vote taken.)

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

7 (No response.)

8 DEPUTY DIRECTOR PAYNE: Motion  
9 carries.

10 MEMBER SINNOTT: I think the staff  
11 and the prosecutor's office will work together and  
12 give us a report on these two interesting legal  
13 questions raised by Mr. Brown.

14 DEPUTY DIRECTOR PAYNE: What time,  
15 just for the folks out there, what time was that  
16 meeting scheduled?

17 DIRECTOR LEONARD: 3:00.

18 MEMBER SINNOTT: Thank you.

19 DEPUTY DIRECTOR PAYNE: The next  
20 item on the agenda is the Kids Voting contract.  
21 I'm going to turn that over to Steve Bulen to  
22 address that.

23 MR. BULEN: Thank you, Deputy  
24 Director Payne, Mr. Chairman, members of the Board.  
25 Good to see you, and I want to say thank you for

1 once again considering the renewal of this  
2 contract.

3 We enjoy a great partnership with  
4 Kids Voting organization. They provide us Youth at  
5 the Booth poll workers and they've done a great job  
6 since '05.

7 Since November of '05, they've given  
8 us 15,298 poll workers. We surpassed the 15,000  
9 mark last November. Sixty different high schools  
10 have participated in the program throughout those  
11 years. In May we had 78 students. Spring is  
12 always a little bit lower and we didn't have a full  
13 election this time around, so there were several  
14 pockets throughout the county that high schools  
15 didn't participate. We did have 12 schools. Canal  
16 Winchester is back with us, so we're glad to have  
17 them back.

18 We had two former Youth at the  
19 Booth. Kimberly Hutchinson Tavernier (phonetic).  
20 She was in the program in 2011 and she served as a  
21 voting location manager this past May. And then we  
22 have Patricia Sharp. This was her second election  
23 as a voting location deputy and she served in the  
24 program in 2016. So we're continuing to look for  
25 our former Youth at the Booth students and promote

1       them into other positions.

2                       And something new that took place in  
3       November, the Kids Voting organization offered two  
4       \$500 scholarships to students who qualified and  
5       they're going to offer that every election.

6                       And to qualify, the student needs to  
7       go through training and pass the training program.  
8       Needs to serve on election day, get good remarks  
9       from the voting location manager, be in good  
10       standing with his or her teacher, and then upon  
11       graduation, attend either a college or university  
12       or trade school to receive the \$500 scholarship.  
13       And those are given at random to two students.

14                      So we're excited about that. We  
15       think that will help with recruiting and students  
16       being interested.

17                      CHAIRMAN PREISSE:     Who's your  
18       primary contact with this organization these days?

19                      MR. BULEN:     Our department works  
20       with Deb Koch, Jane McMeekin and Suzanne Helmick.  
21       Edwin England is the representative of the  
22       Educational Council and so they're the umbrella of  
23       the Kids Voting.

24                      CHAIRMAN PREISSE:     So the  
25       superintendent, who's the signatory here, is the



1 an opportunity for us to recruit among young  
2 people, and having young people at the polling  
3 locations helps in terms of technology. Having  
4 younger people who are more comfortable with  
5 technology working with our older poll workers who  
6 are less comfortable with it. It's a good  
7 combination. Introducing them into that process so  
8 that they at some point in the future become our  
9 regular poll workers.

10 CHAIRMAN PREISSE: Do any of them  
11 work at the early vote center?

12 MR. BULEN: Because of the  
13 longevity of the need for that, it's a little more  
14 difficult, because they're still students; however,  
15 one day the school allows them off and they're able  
16 to serve on election day.

17 DIRECTOR LEONARD: And we're able  
18 to take the training to them as well.

19 MR. BULEN: Yes. We do train  
20 on-site as well as offer at other locations for  
21 those that can't make it that particular day.

22 DEPUTY DIRECTOR PAYNE: Steve, can  
23 you speak to any anecdotal information about older  
24 poll workers that said they were thinking about  
25 maybe retiring, but once they heard that there were

1 going to be young people there, they stick around.

2 MR. BULEN: They stick around  
3 knowing there's going to be support there for the  
4 new technological pieces of equipment that we're  
5 introducing. So it brings life to the poll  
6 workers. You know, just encourages them to see the  
7 students involved, so...

8 CHAIRMAN PREISSE: Good.

9 MEMBER MARINELLO: I move that the  
10 Board give authorization to enter into a contract  
11 with the Educational Service Center of Central Ohio  
12 (Kids Voting Central Ohio) for an amount not to  
13 exceed \$45,000 for the 2019 election cycle, and  
14 thank Kids Voting for their continued participation  
15 in the Franklin County Board of Elections' Youth at  
16 the Booth program.

17 DEPUTY DIRECTOR PAYNE: Is there a  
18 second?

19 MEMBER SINNOTT: There is.

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

22 (Vote taken.)

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

25 (No response.)

1                   DEPUTY DIRECTOR PAYNE:    Motion  
2 carries.

3                   I'm going to run real quick and see  
4 where we are in the process and report back.

5                   DIRECTOR LEONARD:  I'll circulate  
6 two copies of the contract.  The top copy, the last  
7 page of each copy is the signature page, and on the  
8 top copy is the signed -- approved as to form by  
9 the county prosecutor.  And so once they've been  
10 signed by all the Board members, we'll get the  
11 signature from the representative from Kids Voting.

12                  MEMBER SINNOTT:    I move the Board  
13 recess until 3:30 p.m. today, at which time we'll  
14 reconvene to certify the results of the May 7, 2019  
15 primary election.

16                  DEPUTY DIRECTOR PAYNE:  Is there a  
17 second?

18                  CHAIRMAN PREISSE:    Second.  
19 (Vote taken.)

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

22                  (No response.)

23                  DEPUTY DIRECTOR PAYNE:  Motion  
24 carries.

25                  (A recess was taken.)

1                   CHAIRMAN PREISSE:    We're out of  
2 recess.

3                   DEPUTY DIRECTOR PAYNE:    Do we want  
4 to give -- are you giving the report on the four  
5 remakes as well?   Matt, can you give us a report  
6 on the provisional remakes?

7                   MR. KELLY:    Right.   We scanned all  
8 the provisional ballots that were approved and we  
9 scanned a total of 308 and all but four of them  
10 scanned correctly.   We did have to remake four  
11 ballots due to tearing at the bottom.   So we remade  
12 those ballots and included them, and that total is  
13 now 308 as you guys approved.

14                  DEPUTY DIRECTOR PAYNE:    Thank you  
15 for that report.   Do you want to give us a report  
16 on the certification, Carla?

17                  MS. PATTON:    You have two reports  
18 in front of you.   The first one up in the upper  
19 right-hand corner is labeled as Franklin County  
20 Only.   After bipartisan teams have canvassed all  
21 the votes, we are recommending that you certify the  
22 results as seen in the Franklin County Only results  
23 for the May 7th primary special election.

24                  We are -- we have no recounts as a  
25 result of these results.

1                   MEMBER SINNOTT:   Looks like all the  
2 results are outside the mandatory recount.

3                   MS. PATTON:     Yes, sir.

4                   CHAIRMAN PREISSE:   Can you walk us  
5 through the top -- the chart, election day  
6 precincts reporting, 625.

7                   MS. PATTON:     So for this election  
8 we had 625 splits that were active for the  
9 election.  So that's what the 625 is reflective of.  
10 You've got a total of 44,686 votes that were cast,  
11 which represents a 7.34 percent turnout.

12                   You also have the republican  
13 breakdown and the nonpartisan breakdown with the  
14 only republicans reporting in the city of  
15 Reynoldsburg Ward 4, you had a 30.69 percent  
16 turnout of the republicans in that ward.

17                   MEMBER SINNOTT:   That is a  
18 ward-specific number in Reynoldsburg?

19                   MS. PATTON:     Yes, sir.

20                   MEMBER SINNOTT:   There were no  
21 democratic primaries across the county.  All right.

22                   CHAIRMAN PREISSE:   What's the 782  
23 figure?

24                   MS. PATTON:     That's how many  
25 registered voters are in the 4th Ward of

1 Reynoldsburg as registered as republicans. So out  
2 of the 782 registered republicans, 240 of them  
3 voted.

4 CHAIRMAN PREISSE: I see.

5 MEMBER SINNOTT: Okay.

6 MEMBER SEXTON: Should we do these  
7 separately for the Franklin County Only or does  
8 this include --

9 MS. PATTON: Yes, that's a separate  
10 motion.

11 MEMBER SEXTON: Well, I would move  
12 the Board certify and declare as final the official  
13 canvas of the votes cast at the May 7, 2019 primary  
14 election as submitted by staff for Franklin County  
15 Only.

16 DEPUTY DIRECTOR PAYNE: Is there a  
17 second?

18 CHAIRMAN PREISSE: Second.

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

21 (Vote taken.)

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

24 (No response.)

25 DEPUTY DIRECTOR PAYNE: Motion

1 carries.

2 MS. PATTON: The second report that  
3 was presented to you is the Franklin County Most  
4 Populous report. This includes only the races in  
5 which other counties were responsible for reporting  
6 to us the results for races that overlapped into  
7 their counties. Reynoldsburg 4th Ward republican,  
8 Canal Winchester Local School District proposed tax  
9 levy and five Columbus bond issues all fall outside  
10 of Franklin County and Fairfield and/or Delaware  
11 County.

12 This report reflects the results as  
13 certified by those two counties and we ask that you  
14 declare the results of these races with the  
15 inclusion of those overlapped results.

16 CHAIRMAN PREISSE: Okay.

17 MEMBER SEXTON: So, for instance,  
18 proposed bond issue City of Columbus Number 7,  
19 health and safety, these are the total numbers from  
20 just outside --

21 MS. PATTON: Those are the total  
22 numbers of Franklin County and Delaware and  
23 Fairfield Counties as well.

24 MEMBER SEXTON: 33,000 is how many  
25 were totally cast on Issue 7?

1 MS. PATTON: Correct.

2 CHAIRMAN PREISSE: You want to do  
3 it?

4 MEMBER SEXTON: I move the Board  
5 certify and declare as final the official canvas of  
6 the votes cast at the May 7, 2019 primary election  
7 as submitted by staff for Franklin County Most  
8 Populous.

9 DEPUTY DIRECTOR PAYNE: Is there a  
10 second?

11 MEMBER MARINELLO: Second.

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

14 (Vote taken.)

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

17 (No response.)

18 DEPUTY DIRECTOR PAYNE: Motion  
19 carries.

20 I don't believe there's any other  
21 business to come before the Board.

22 DIRECTOR LEONARD: I'm circulating  
23 the report the Secretary of State requires the  
24 signature of all the Board members.

25 DEPUTY DIRECTOR PAYNE: Okay.

1 Thank you.

2 If there is no other business to  
3 come before the Board, I'd entertain a motion to  
4 adjourn.

5 MEMBER MARINELLO: I move to  
6 adjourn.

7 MEMBER SINNOTT: Second.

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

10 (Vote taken.)

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

13 (No response.)

14 DEPUTY DIRECTOR PAYNE: Motion  
15 carries.

16 We're adjourned.

17 - - -

18 Thereupon, the proceedings were  
19 adjourned at approximately 3:45 p.m.

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C E R T I F I C A T E

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THE STATE OF OHIO:

SS:

COUNTY OF FRANKLIN:

I, Linda A. Schilt, a Court Reporter and Notary Public in and for the State of Ohio, do hereby certify that the foregoing is a true, correct, and complete written transcript of the proceedings in this matter;

That the foregoing was taken by me stenographically and transcribed by me with computer-aided transcription;

That the foregoing occurred at the aforementioned time and place;

That I am not an attorney for or relative of any of the parties and have no interest whatsoever in the event of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 10th day of June, 2019.

/s/Linda A. Schilt  
Notary Public, State of Ohio

My Commission Expires: July 29, 2019.

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