

BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
: Regular Meeting. :

- - -

APRIL 6, 2020

PROCEEDINGS OF REMOTE MEETING OF THE

FRANKLIN COUNTY BOARD OF ELECTIONS

VIA ZOOM MEETING

before Chairman Douglas J. Preisse, Director Edward Leonard, Deputy Director David Payne, and Board Members Bradley K. Sinnott, Kimberly E. Marinello, and Michael Sexton, on Monday, April 6, 2020, beginning at approximately 3:00 p.m., and concluding at approximately 3:23 p.m.

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APPEARANCES:

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

On behalf of the Board.

Also present:

Antone White, Executive Assistant to the
Board, Director, and Deputy Director

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I N D E X

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Monday Afternoon Session
April 6, 2020
3:00 p.m.

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DEPUTY DIRECTOR PAYNE: Let's take
roll call.

Is Kim Marinello present?

MEMBER MARINELLO: Here.

DEPUTY DIRECTOR PAYNE: Is Mike
Sexton present?

MEMBER SEXTON: Here.

DEPUTY DIRECTOR PAYNE: Is Doug
Preisse present?

CHAIRMAN PREISSE: Here.

DEPUTY DIRECTOR PAYNE: And Brad
Sinnott?

MEMBER SINNOTT: Yes.

DEPUTY DIRECTOR PAYNE: We do have a
quorum.

The first item on the agenda is the
approval of minutes. And I believe you were all
sent a copy of the minutes from the March 16th,
2020, meeting of the Franklin County Board of
Elections.

If there aren't any additions,
corrections, or deletions I would entertain a

1 motion to accept those minutes.

2 MEMBER MARINELLO: Okay. Kim
3 Marinello here.

4 I move that the Board approve the
5 minutes of the March 16th, 2020 meeting of the
6 Franklin County Board of Elections as submitted.

7 DEPUTY DIRECTOR PAYNE: Is there a
8 second?

9 CHAIRMAN PREISSE: Second.

10 DEPUTY DIRECTOR PAYNE: So all those
11 in favor of the motion -- I will go through the
12 roll.

13 Kim Marinello.

14 MEMBER MARINELLO: Yes.

15 DEPUTY DIRECTOR PAYNE: Mike Sexton.

16 MEMBER SEXTON: Yes.

17 DEPUTY DIRECTOR PAYNE: Doug
18 Preisse.

19 CHAIRMAN PREISSE: Yes.

20 DEPUTY DIRECTOR PAYNE: And Brad
21 Sinnott.

22 MEMBER SINNOTT: Yes.

23 DEPUTY DIRECTOR PAYNE: All right.

24 The motion carries.

25 The next item on the agenda is a

1 candidate withdrawal. We received an email from
2 Eric Connelly, who is a Democrat candidate for
3 State Senate in the 16th District, asking to
4 withdrawal from the race.

5 MEMBER SINNOTT: This is Brad
6 Sinnott.

7 I move that the Board accept the
8 withdrawal of Eric Connelly, Democratic candidate
9 for the State Senate, 16th District, and that any
10 votes for Mr. Connelly not be tabulated.

11 DEPUTY DIRECTOR PAYNE: Is there a
12 second?

13 MEMBER MARINELLO: Marinello,
14 second.

15 DEPUTY DIRECTOR PAYNE: It's been
16 properly moved and seconded. I'll take the roll
17 call.

18 Kim Marinello.

19 MEMBER MARINELLO: Yes.

20 DEPUTY DIRECTOR PAYNE: Mike Sexton.

21 MEMBER SEXTON: Yes.

22 DEPUTY DIRECTOR PAYNE: Doug
23 Preisse.

24 CHAIRMAN PREISSE: Yes.

25 DEPUTY DIRECTOR PAYNE: And Brad

1 Sinnott.

2 MEMBER SINNOTT: Yes.

3 DEPUTY DIRECTOR PAYNE: The motion
4 carries.

5 The next item on the agenda is the
6 Piedmont contract. And we have been using the
7 location at 750 Piedmont Avenue as a location for
8 storage, but more importantly we use it for a lot
9 of our training of poll workers.

10 I don't know if you want to speak to
11 any of that, Director, about what we use our
12 Piedmont facility for.

13 DIRECTOR LEONARD: Other than to say
14 it really has been a good location for us. Again,
15 we've got plenty of space. We had some heating and
16 cooling issues when we first started using it, but
17 those have gotten straightened out.

18 It has served as a great location
19 for us to do poll worker training, the Practice
20 Makes Perfect, and now we've actually been able to
21 utilize some space for the additional equipment
22 that we've been getting.

23 And again, it's worked out really
24 well for us and we'd like to continue using it.

25 And again, we'll be looking at negotiating with

1 them for the potential to use it beyond the
2 November election. It's really turned out to be a
3 great space.

4 DEPUTY DIRECTOR PAYNE: And so the
5 cost of this extension from April 1st through
6 November 30th is \$24,000 payable to the City of
7 Columbus.

8 Are there any questions concerning
9 that contract extension?

10 If not, I would entertain a motion.

11 MEMBER SEXTON: This is Michael
12 Sexton.

13 I would move that the Board
14 authorize the Director and Deputy Director to enter
15 into a second extension contract with the City of
16 Columbus in the amount of \$24,000 for the continued
17 use of the Piedmont building at 750 Piedmont
18 Avenue, from April 1st, 2020 through November 30th,
19 2020.

20 DEPUTY DIRECTOR PAYNE: Is there a
21 second?

22 CHAIRMAN PREISSE: Doug Preisse will
23 second it.

24 DEPUTY DIRECTOR PAYNE: There's been
25 a motion and a second. I will do roll call.

1 Kim Marinello.

2 MEMBER MARINELLO: Yes.

3 DEPUTY DIRECTOR PAYNE: Michael

4 Sexton.

5 MEMBER SEXTON: Yes.

6 DEPUTY DIRECTOR PAYNE: Doug

7 Preisse.

8 CHAIRMAN PREISSE: Yes.

9 DEPUTY DIRECTOR PAYNE: And Brad

10 Sinnott.

11 MEMBER SINNOTT: Yes.

12 DEPUTY DIRECTOR PAYNE: Motion

13 carries.

14 The next item on the agenda is the
15 purchase of blank ballot card stock. As you can
16 imagine, with the addition of our election and the
17 mandate that it be done by paper, we had to
18 purchase a lot of additional ballot stock. This
19 amount of ballot stock will take us hopefully
20 through this election as well as the November
21 election.

22 I don't know if you want to mention
23 anything else on that, Director.

24 DIRECTOR LEONARD: No. Again, I
25 think it gets us where we need to be. I think it's

1 advantageous for us to try and make this purchase
2 as early as we can to make sure we have it.

3 DEPUTY DIRECTOR PAYNE: I think this
4 goes with everything. We've been trying at the
5 Franklin County Board of Elections to try to get
6 out early all of this stuff so that we're not left
7 waiting. And I think it's proved to be
8 advantageous in that we are ahead of a lot of other
9 counties in being able to do what we were mandated
10 to do during this election.

11 So if there aren't any questions or
12 comments, I'd entertain a motion.

13 MEMBER MARINELLO: This is Kim
14 Marinello.

15 And Mr. Chariman, I move the Board
16 authorize the purchase of 600,000 sheets of
17 full-size paper ballot stock (14 inches by
18 one-and-a-half-inch tab) at State term pricing in
19 the amount of \$55,000.

20 DEPUTY DIRECTOR PAYNE: Is there a
21 second?

22 CHAIRMAN PREISSE: Second, Doug
23 Preisse.

24 DEPUTY DIRECTOR PAYNE: It's been
25 properly moved and seconded. I'll take roll.S

1 Kim Marinello.

2 MEMBER MARINELLO: Yes.

3 DEPUTY DIRECTOR PAYNE: Mike Sexton.

4 MEMBER SEXTON: Yes.

5 DEPUTY DIRECTOR PAYNE: Doug

6 Preisse.

7 CHAIRMAN PREISSE: Yes.

8 DEPUTY DIRECTOR PAYNE: And Brad

9 Sinnott.

10 MEMBER SINNOTT: Yes.

11 DEPUTY DIRECTOR PAYNE: The motion
12 carries.

13 The next item on the agenda is poll
14 worker pay. And we have a number of poll workers.
15 As you know, it takes anywhere from 3,000 to 4,000
16 poll workers to pull off an election, and we had a
17 lot of those folks signed up. And because of the
18 postponement of the election, there obviously
19 wasn't a need for all of these poll workers or any
20 of the poll workers for that matter. And the idea
21 would be to pay them each 50 percent of what they
22 would have otherwise made if we actually needed
23 them to perform an election.

24 I don't know. Tim Lecklider, do you
25 have any comments or concerns or Nick Soulas

1 regarding this?

2 DIRECTOR LEONARD: Well, David, in
3 talking with Tim Lecklider I think the best course
4 of action is not to move forward today on any
5 resolution pertaining to it until we get greater
6 clarity on the question of the legal authority to
7 do it.

8 Our staff has gone through the whole
9 process of identifying those who would be eligible
10 for it, and what we were contemplating was the idea
11 of 50 percent of what they would have received.
12 But there has been discussion at the county level
13 that there was a request -- Well, the commissioners
14 are supportive of it, our state auditor -- or our
15 county auditor is supportive of it; but there is
16 just some questions that have arisen about whether
17 the Board of Elections has the legal authority to
18 do so.

19 Until we get some greater clarity on
20 that question either from the state auditor's
21 office or from our prosecutor's office, it may be
22 best at this point to simply hold off on any formal
23 resolution by the Board.

24 MEMBER SINNOTT: The county
25 prosecutor has expressed some doubt about whether

1 the Board could pay poll workers for work that was
2 not done. Is that the essence of the issue?

3 DIRECTOR LEONARD: Yes, that is the
4 essence of the issue.

5 MEMBER SINNOTT: Okay. Well, in
6 light of that, then, I think we ought to give the
7 others in county government some time to
8 contemplate the Board's authority to take action.

9 DIRECTOR LEONARD: I had kind of
10 planned out how we could word it so the Board could
11 take action, but it just seemed to make more
12 sense -- instead of trying to create a contingency
13 that the Board could authorize the Director and
14 Deputy Director contingent on approval or some
15 authorization it just seemed to make more sense to
16 simply hold off on that.

17 MEMBER SEXTON: Ed, this is Michael
18 Sexton.

19 Do we have any time frame on when we
20 would be able to make a decision on this?

21 DIRECTOR LEONARD: I'd ask Tim
22 Lecklider if he could give us any insight.

23 (Discussion off the record for
24 reporter clarification.)

25 MEMBER SEXTON: Michael Sexton.

1 I asked the question on if we had a
2 time frame on when we could resolve this issue.

3 MR. LECKLIDER: Is it to me, Ed?
4 This is Tim Lecklider speaking.

5 DIRECTOR LEONARD: This is Ed
6 Leonard. Yes, Tim, if you would be able to speak
7 to that question.

8 MR. LECKLIDER: Board Member Sexton,
9 we would certainly endeavor to be able to be in a
10 position to give advice as soon as possible. I
11 can't give you a definite time, but I would hope
12 that it would be within a matter of days.

13 MEMBER SEXTON: This is Mike Sexton
14 again.

15 I was just wondering if we were
16 going to be able to do this at our next meeting or
17 the next time we come together, either via phone or
18 whatever, for our next meeting.

19 MR. LECKLIDER: This is Tim
20 Lecklider speaking.

21 I would hope without question that
22 we would be in a position to provide more
23 definitive advice no later than the Board's next
24 meeting, if not sooner.

25 MEMBER SEXTON: Okay. Michael

1 Sexton, again. Thank you.

2 CHAIRMAN PREISSE: This is Doug
3 Preisse.

4 I think we just sort of passed on
5 that. We don't need a motion. Right?

6 DIRECTOR LEONARD: This is Ed
7 Leonard.

8 That would be correct, there's no
9 need for a motion at this time.

10 DEPUTY DIRECTOR PAYNE: This is
11 David Payne. Then we'll move on to the next item
12 on the agenda which is rescheduling Good Friday as
13 a day off.

14 We had scheduled Good Friday, which
15 is this Friday, April 10th, as a day off for our
16 Board of Elections. But because of the ongoing
17 election and the amount of absentee ballots that we
18 have coming in and going out, we need to have the
19 staff work and have the Board of Elections open on
20 Good Friday. And what we would ask would be that
21 going forward the full-time employees be given a
22 floating personal day that they should use of their
23 choosing between May 20th, 2020 and December 31st,
24 2020.

25 DIRECTOR LEONARD: This is Ed

1 Leonard speaking.

2 Just to clarify, the reason is that
3 originally the Board of Elections employees had to
4 work on another public holiday earlier in the year;
5 and therefore, we rescheduled those holidays to
6 April 10th and then there's another one that got
7 scheduled the Friday before Memorial Day weekend.
8 And then, unfortunately, because of the workload,
9 we have to change that. So therefore, to
10 reschedule that public holiday we're giving them a
11 floating holiday.

12 (Discussion off the record for
13 reporter clarification.)

14 MEMBER MARINELLO: Are we ready for
15 a motion?

16 DEPUTY DIRECTOR PAYNE: This is
17 David. I believe we are.

18 MEMBER MARINELLO: Okay. This is
19 Marinello.

20 I move that the Board of Elections
21 remain open on Friday, April 10th, and that
22 Franklin County Board of Elections employees
23 full-time will be given a floating personal day to
24 be used at a date of their choosing between
25 May 20th, 2020 and December 31st, 2020.

1 DEPUTY DIRECTOR PAYNE: This is
2 David Payne.

3 Is there a second?

4 CHAIRMAN PREISSE: This is Doug
5 Preisse. I'll second it.

6 DEPUTY DIRECTOR PAYNE: It's been
7 properly moved and seconded.

8 Kim Marinello.

9 MEMBER MARINELLO: Yes.

10 DEPUTY DIRECTOR PAYNE: Mike Sexton.

11 MEMBER SEXTON: Yes.

12 DEPUTY DIRECTOR PAYNE: Doug
13 Preisse.

14 CHAIRMAN PREISSE: Yes.

15 DEPUTY DIRECTOR PAYNE: And Brad
16 Sinnott.

17 MEMBER SINNOTT: Yes.

18 DEPUTY DIRECTOR PAYNE: Thank you.

19 The next item on the agenda is a pay
20 raise for two part-time employees. Tim Beck, who
21 works in the warehouse and hasn't had a pay raise
22 in eight years. He's one of our senior people back
23 there that does great work for us. And then the
24 other is Arnold Tompkins who has been working -- in
25 addition to all the other jobs that he does around

1 here he's been working with our day drivers and
2 doing a lot of logistic organizing concerning
3 Monday night's setup of our polling locations and
4 others. So we would like to see both of those
5 gentlemen get a pay raise. We think they're both
6 deserving.

7 I don't know, Director, if you want
8 to add anything to that.

9 DIRECTOR LEONARD: No. This is Ed
10 Leonard speaking. But they were not on our list --
11 it was not included in that increase that the
12 Board did.

13 MEMBER SINNOTT: This is Sinnott.
14 What is Beck's current rate of pay
15 and what is Tompkins' rate?

16 DIRECTOR LEONARD: Tim Beck's
17 current rate of pay is \$20.80.

18 MEMBER SINNOTT: I move that the
19 Board authorize a pay raise for Tim Beck, who
20 serves as a warehouse worker part time, retroactive
21 to January 6th, 2020, to a rate of \$22 per hour,
22 and Arnold Tompkins, who serves in the election
23 administration department, to a rate of \$17 per
24 hour also retroactive to January 6th, 2020.

25 MEMBER MARINELLO: This is

1 Marinello. Second.

2 DEPUTY DIRECTOR PAYNE: It's been
3 properly moved and seconded. I will take roll.

4 Kim Marinello.

5 MEMBER MARINELLO: Yes.

6 DEPUTY DIRECTOR PAYNE: Mike Sexton.

7 MEMBER SEXTON: Yes.

8 DEPUTY DIRECTOR PAYNE: Doug
9 Preisse.

10 CHAIRMAN PREISSE: Yes.

11 DEPUTY DIRECTOR PAYNE: And Brad
12 Sinnott.

13 MEMBER SINNOTT: Yes.

14 DEPUTY DIRECTOR PAYNE: Motion
15 carries.

16 The final item on the agenda is for
17 increased spending authority for the Director and
18 the Deputy Director. During this time of
19 emergency, State of Emergency, as directed by
20 Governor DeWine, we would ask for an increased
21 spending limit from 10,000 to 50,000 just so that
22 we can purchase any necessary items that come down
23 the pike that we are not presently aware of.

24 And we have received a couple of
25 items like that that we have had to do retroactive

1 and we'd prefer not to do items like that
2 retroactive. We would rather have the authority if
3 the Board sees fit. And then, again, when we get
4 back to some sort of normalcy in the state of Ohio
5 as it relates to the Coronavirus, we can move back
6 to the spending authority of \$10,000.

7 DIRECTOR LEONARD: This is Ed
8 Leonard.

9 Obviously, as we've done in the
10 past with additional authority, we can provide a
11 report at the next meeting of the expenditures that
12 we have additional authority for.

13 MEMBER SINNOTT: This is Sinnott.

14 So how does this work in the real
15 world when the Director and Deputy Director
16 undertake to spend money within authority granted
17 to them by the Board? Do you countersign the check
18 or how does that work?

19 DIRECTOR LEONARD: This is Ed
20 Leonard speaking.

21 What we do is we both sign the
22 purchase order and then the Director and Chairman
23 Preisse each sign -- oh, gosh -- I think it's the
24 authorization we send to the county auditor's
25 office.

1 DEPUTY DIRECTOR PAYNE: This is
2 David Payne.

3 It does require both the Director
4 and the Deputy Director to agree; and then, of
5 course, the Director and the Chairman of the Board
6 to agree.

7 Did that answer your question, Board
8 Member Sinnott?

9 MEMBER SINNOTT: It did. Thank you.

10 DEPUTY DIRECTOR PAYNE: If there
11 aren't any further questions or comments, I'd
12 entertain a motion.

13 MEMBER SEXTON: Mr. Chairman, this
14 is Michael Sexton.

15 I move that the Board grant the
16 Director and Deputy Director joint spending
17 authority to increase their spending limit from
18 \$10,000 to \$50,000 during the Governor's State of
19 Emergency.

20 CHAIRMAN PREISSE: This is Doug
21 Preisse. I second the motion.

22 DEPUTY DIRECTOR PAYNE: This is
23 David.

24 It's been probably moved and
25 seconded. I will take roll.

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Kim Marinello.

MEMBER MARINELLO: Yes.

DEPUTY DIRECTOR PAYNE: Mike Sexton.

MEMBER SEXTON: Yes.

DEPUTY DIRECTOR PAYNE: Doug

Preisse.

CHAIRMAN PREISSE: Yes.

DEPUTY DIRECTOR PAYNE: And Brad

Sinnott.

MEMBER SINNOTT: Yes.

DEPUTY DIRECTOR PAYNE: Motion

carries.

That's all that I have on the agenda for today. Unless there is any new business, I'd entertain a motion to adjourn and thank everybody for getting through this. It was a unique meeting. It's the first one virtual. So I think we stumbled through it. So I appreciate it.

MEMBER MARINELLO: Mr. Chariman, I move to adjourn. This is Marinello.

DEPUTY DIRECTOR PAYNE: Is there a second?

MEMBER SINNOTT: Sinnott. There is.

DEPUTY DIRECTOR PAYNE: Kim
Marinello.

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MEMBER MARINELLO: Yes.

DEPUTY DIRECTOR PAYNE: Mike Sexton.

MEMBER SEXTON: Yes.

DEPUTY DIRECTOR PAYNE: Doug

Preisse.

CHAIRMAN PREISSE: Yes.

DEPUTY DIRECTOR PAYNE: And Brad

Sinnott.

MEMBER SINNOTT: Yes.

DEPUTY DIRECTOR PAYNE: We are
adjourned. Thank you very much.

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Thereupon, the proceedings were
concluded at approximately 3:23 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, Carla D. Castle, a Professional 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 virtual 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 23rd day of April, 2020.

/s/Carla D. Castle
Notary Public, State of Ohio

My Commission Expires: September 29, 2021.

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