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THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
:
Regular Meeting. :

- - -

August 16, 2021

PROCEEDINGS AS AMENDED OF

THE FRANKLIN COUNTY BOARD OF ELECTIONS

before Chairman Douglas J. Preisse, Director Antone White, Deputy Director David Payne, and Board Members Kimberly E. Marinello, Michael Sexton, and Josh Jaffe, on Monday, August 16, 2021, beginning at approximately 2:02 p.m., and concluding at approximately 3:00 p.m.

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APPEARANCES:

FRANKLIN COUNTY PROSECUTOR'S OFFICE
Jeanine Hummer, Esquire
Assistant Prosecuting Attorney
373 South High Street, 13th Floor
Columbus, Ohio 43215,

On behalf of the Board.

ALSO PRESENT:

Mel Fuhrmann
Erin Gibbons
Jeff Mackey
Carla Patton

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1 Monday Afternoon Session
2 August 16, 2021
3 2:02 p.m.

4 - - -

5 DEPUTY DIRECTOR PAYNE: I will go
6 ahead and take roll.

7 Kim Marinello.

8 MEMBER MARINELLO: Here.

9 DEPUTY DIRECTOR PAYNE: Mike Sexton.

10 MEMBER SEXTON: Here.

11 DEPUTY DIRECTOR PAYNE: Doug
12 Preisse.

13 CHAIRMAN PREISSE: Here.

14 DEPUTY DIRECTOR PAYNE: And Josh
15 Jaffe.

16 MEMBER JAFFE: Here.

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

19 The first item on the agenda is the
20 approval of the August 2nd, 2021 minutes.

21 MEMBER SEXTON: Mr. Chairman, I move
22 that the Board approve minutes of the August 2nd,
23 2021 meeting of the Franklin County Board of
24 Elections.

25 CHAIRMAN PREISSE: Second.

DEPUTY DIRECTOR PAYNE: It's been

1 moved and seconded. I'll take roll.

2 Kim Marinello.

3 MEMBER MARINELLO: Yes.

4 DEPUTY DIRECTOR PAYNE: Mike Sexton.

5 MEMBER SEXTON: Yes.

6 DEPUTY DIRECTOR PAYNE: Doug

7 Preisse.

8 CHAIRMAN PREISSE: Yes.

9 DEPUTY DIRECTOR PAYNE: And Josh

10 Jaffe.

11 MEMBER JAFFE: Yes.

12 DEPUTY DIRECTOR PAYNE: Motion

13 carries.

14 The next item on the agenda are
15 provisional ballots, and I'll call on Mel Fuhrmann
16 to walk us through that.

17 MS. FUHRMANN: Good afternoon. My
18 name is Mel Fuhrmann. I'm the manager of Voter
19 Services. Voter Services processed a total of 216
20 provisional ballots in the August special. We have
21 a total 196 to recommend to be accepted and a total
22 of 18 to be rejected, and we have two provisionals
23 that have date of birth issues for the Board's
24 review.

25 DEPUTY DIRECTOR PAYNE: Would it be

1 appropriate to go approve the 196, Mr. Chairman,
2 and then we can talk about the 18 and the
3 additional two or --

4 CHAIRMAN PREISSE: That sounds like
5 a straightforward plan.

6 MEMBER MARINELLO: I move that the
7 Board approve the counting of 196 provisional
8 ballots and that all provisional ballots deemed
9 valid will be counted and included in the official
10 canvass results for the August 3, 2021 Special
11 Congressional Primary Election.

12 MEMBER SEXTON: Second.

13 DEPUTY DIRECTOR PAYNE: It's been
14 properly moved and seconded. I will take roll.
15 Kim Marinello.

16 MEMBER MARINELLO: Yes.

17 DEPUTY DIRECTOR PAYNE: Mike Sexton.

18 MEMBER SEXTON: Yes.

19 DEPUTY DIRECTOR PAYNE: Doug
20 Preisse.

21 CHAIRMAN PREISSE: Yes.

22 DEPUTY DIRECTOR PAYNE: And Josh
23 Jaffe.

24 MEMBER JAFFE: Yes.

25 DEPUTY DIRECTOR PAYNE: Motion

1 carries.

2 Mel, do you want to walk us through
3 the 18 provisional ballots that you're recommending
4 that we not count?

5 MS. FUHRMANN: Sure.

6 So we have 10 provisionals where the
7 voters were not registered anywhere within the
8 state of Ohio. We had 7 provisional ballots where
9 the voters were in the wrong precinct and the wrong
10 location; in other words, we found that they did
11 not live in the 15th Congressional District. We
12 had one voter who did not provide any form of
13 identification. And then, as I mentioned before,
14 we have two provisionals for Board review where the
15 voter provided an incorrect year for their date of
16 birth.

17 DEPUTY DIRECTOR PAYNE: Would it be
18 appropriate, Mr. Chairman, to discuss the 18, if
19 there are any questions concerning that? I think
20 Mel did a pretty good job of --

21 CHAIRMAN PREISSE: I don't have any
22 questions. Gang? Let's keep going.

23 MEMBER SEXTON: Mr. Chairman, I move
24 that the Board reject the counting of 18
25 provisional ballots as identified by category in

1 Exhibit A and that all provisional ballots rejected
2 will not be counted or included in the official
3 canvass results for the August 3rd, 2021 Special
4 Congressional Primary Election.

5 CHAIRMAN PREISSE: Second.

6 DEPUTY DIRECTOR PAYNE: It's been
7 properly moved and seconded. I'll take roll.

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 Josh
16 Jaffe.

17 MEMBER JAFFE: Yes.

18 DEPUTY DIRECTOR PAYNE: Motion
19 carries.

20 The next item would -- Would we want
21 to approve the extraction of those 196 provisional
22 ballots?

23 MEMBER JAFFE: I move the Board
24 authorize the staff to extract the approved
25 provisional ballots.

1 MEMBER MARINELLO: Second.

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

4 Kim Marinello.

5 CHAIRMAN PREISSE: Do we have to
6 take roll on every vote? We don't have to take
7 roll on every vote, do we?

8 MS. HUMMER: No.

9 CHAIRMAN PREISSE: So let's not do
10 it -- If we do it -- We're going to save five
11 seconds, not much, but --

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

14 (Vote taken.)

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

17 (No response.)

18 DEPUTY DIRECTOR PAYNE: Motion
19 carries.

20 CHAIRMAN PREISSE: Thank you.

21 DEPUTY DIRECTOR PAYNE: You're
22 welcome.

23 MS. HUMMER: To be clear, unless
24 there's a request for a roll call vote, and there
25 wasn't.

1 DEPUTY DIRECTOR PAYNE: Perfect.

2 There are two provisional --

3 So you'll release your staff to --

4 MS. FUHRMANN: I think Sara just
5 gave the okay.

6 Then I do have the two --

7 DEPUTY DIRECTOR PAYNE: Perfect.

8 MS. FUHRMANN: -- where, as I
9 mentioned, the voter provided their correct month
10 and correct day for their date of birth, but we had
11 two voters that provided the year 2021 as the year
12 of their birth, which is a common mistaken. And
13 the Ohio Revised Code does say that if at least
14 three of the Board members find the voter has met
15 all the other requirements under Ohio Revised Code
16 3505.183 that we can still approve and count these
17 two provisional ballots. I do have copies of the
18 front of the provisional affirmation statement if
19 you would like to see them; or if you would like to
20 take my word for it, that's okay, too.

21 CHAIRMAN PREISSE: Let's take a
22 quick look at them.

23 MS. FUHRMANN: Sure.

24 CHAIRMAN PREISSE: Not that we don't
25 take your word, but we've got the material right

1 there so we might as well avail ourselves of it.

2 MS. FUHRMANN: And if it's helpful,
3 I can read the wording of the Ohio Revised Code, as
4 well.

5 CHAIRMAN PREISSE: Why don't you go
6 ahead and do it, Mel. It's short and we're going
7 to look at these.

8 MS. FUHRMANN: Okay. The
9 requirements of division (B) (3) under Ohio Revised
10 Code 3505.183 are, one, the provisional voter is
11 registered to vote; two, the provisional voter is
12 eligible to cast a ballot in the precinct and for
13 the election in which the individual cast the
14 ballot; three, the provisional voter provided all
15 the information required, for example, the printed
16 name, signature, date of birth, current address,
17 and provided the identification on election day;
18 four, if the provisional voter provided their
19 Social Security number, driver's license or state
20 identification number and that number is not
21 different than the number contained in the
22 statewide voter registration database; five, the
23 provisional voter provided their current address;
24 and six, if the provisional voter has been
25 challenged -- which none of these voters were --

1 but if they had, that they provided information
2 necessary to resolve the challenge during the seven
3 days following the election.

4 CHAIRMAN PREISSE: Thank you.

5 Looks straightforward to me.

6 MEMBER SEXTON: To me, too.

7 MS. FUHRMANN: And I will note for
8 the record that both of those voters met all of
9 those requirements under 3505.183.

10 CHAIRMAN PREISSE: Thank you.

11 MS. HUMMER: I would just ask that
12 your motion references a Ohio Revised Code section.

13 MEMBER SEXTON: Pursuant to Ohio
14 Revised Code 3505.183 I move that the Board approve
15 the counting of two additional provisional ballots
16 and rejection of zero provisional ballots and that
17 all provisional ballots determined valid will be
18 counted and included in the official canvass
19 results for the August 3rd, 2021 Special
20 Congressional Primary Election.

21 CHAIRMAN PREISSE: I second the
22 motion.

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

25 (Vote taken.)

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

3 (No response.)

4 DEPUTY DIRECTOR PAYNE: Motion
5 carries.

6 Probably be appropriate to have a
7 motion to extract.

8 CHAIRMAN PREISSE: Yes.

9 MS. FUHRMANN: And if I could just
10 note one more thing for the record. That would
11 bring the grand total recommended to accept, it
12 would bring it up to 198 with your approval of the
13 two date of birth issues. Total recommended to
14 accept, 198.

15 CHAIRMAN PREISSE: We don't know
16 that yet. Right?

17 MEMBER JAFFE: Well, we already
18 accepted the previous one, so --

19 MS. HUMMER: In order to go back,
20 you can move to reconsider that original motion for
21 accepting 196 provisionals and amend it to --

22 CHAIRMAN PREISSE: Do we have to do
23 that?

24 MS. HUMMER: I think you've already
25 voted to accept 196, so you want to --

1 MEMBER MARINELLO: Can I add it on
2 to this motion?

3 CHAIRMAN PREISSE: Yeah. I should
4 think.

5 MEMBER MARINELLO: I move that the
6 Board authorize the staff to extract the additional
7 two approved provisional ballots and that brings
8 the number of recommended counting to 198
9 provisional ballots.

10 CHAIRMAN PREISSE: Second.

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

13 (Vote taken.)

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

16 (No response.)

17 DEPUTY DIRECTOR PAYNE: Motion
18 carries.

19 The next item would be -- I think
20 it's been past practice to authorize the staff to
21 remake any of the provisional ballots,
22 authorization for that.

23 MEMBER JAFFE: I move that the Board
24 authorize the staff to remake provisional ballots
25 and the remade ballots be tabulated and included in

1 the official canvass of the results for the
2 August 3rd, 2021, Special Congressional Primary
3 Election, with a report to be made to the Board
4 later today.

5 CHAIRMAN PREISSE: Second.

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

8 (Vote taken.)

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

11 (No response.)

12 DEPUTY DIRECTOR PAYNE: Motion
13 carries.

14 MS. FUHRMANN: Thank you very much.

15 DIRECTOR WHITE: Thank you, Mel.

16 DEPUTY DIRECTOR PAYNE: The next
17 item would be provisional ballots for
18 consideration, but we won't know that until after
19 they open. So we'll skip that. And if there are
20 any for Board review, we would take it up at that
21 time.

22 I'll turn it over to Jeff Mackey for
23 the selection of voting locations. We're required
24 by the Secretary of State to perform an audit on
25 our Congressional race.

1 MR. MACKEY: So I have here --
2 Jeff Mackey, manager of Petitions
3 and Campaign Financing.

4 -- the list of all the 91 locations
5 in the Special Congressional Primary Election. The
6 last time we did an audit we began using the
7 Random.org to generate our randomly selected
8 location selections instead of the dice, which were
9 not as easy to use, and it worked out pretty well
10 for us last time. We numbered the 91 voting
11 locations with the numbers 101 through 191, and we
12 need to get to at least five percent of the total
13 votes cast in the Special Congressional Primary
14 Election for the audit.

15 MEMBER JAFFE: So roll the dice
16 until it adds up to five percent?

17 MR. MACKEY: Yeah. Right.

18 So if you would like, I will go
19 ahead and start here and click our generate button.
20 109. So 109 LID is 1122 and had 97 voters. We can
21 check that here real quick. 109, LID 1122, 97
22 voters. Looks like it's working right.

23 DIRECTOR WHITE: Jeff, will you call
24 out these numbers for the record.

25 MR. MACKEY: The second number was

1 130 for LID 2035. The third number was 174 for LID
2 4018. Fourth number is 106 for LID 1074.

3 CHAIRMAN PREISSE: Where's the total
4 that's accruing?

5 MR. MACKEY: Up here. Sorry.

6 CHAIRMAN PREISSE: Okay. There it
7 is.

8 MR. MACKEY: Fifth number, 167 for
9 LID 3038 and that has taken us over the five
10 percent mark. All right. All set.

11 CHAIRMAN PREISSE: Okay.

12 DEPUTY DIRECTOR PAYNE: I think we
13 should maybe make a motion.

14 CHAIRMAN PREISSE: Well, yes. We
15 just did that backwards.

16 Why don't you just say in the motion
17 as was just selected.

18 MEMBER SEXTON: As was just selected
19 by staff, in the race for the 15th Congressional
20 District which requires an audit I move that the
21 Board conduct an audit of the 15th
22 Congressional District by voting locations using
23 Location Identification numbers for each of the
24 voting locations in the 15th Congressional
25 District.

1 CHAIRMAN PREISSE: Second.

2 DEPUTY DIRECTOR PAYNE: It's been
3 moved and seconded.

4 All those in favor of the motion
5 signify by saying aye.

6 (Vote taken.)

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

9 (No response.)

10 DEPUTY DIRECTOR PAYNE: Motion
11 carries.

12 We need to set a date for the actual
13 audit. I believe the Ohio Secretary of State is
14 interested in coming to watch our audit and maybe
15 bring some members of the press along with him.

16 MEMBER MARINELLO: I move that the
17 Board set the post-election audit to begin
18 September 1st, 2021 at 9 a.m. and that the audit be
19 conducted in accordance with Secretary of State
20 Directive 2012-56 and to be held at the Franklin
21 County Board of Elections, 1700 Morse Road.

22 CHAIRMAN PREISSE: Second.

23 DEPUTY DIRECTOR PAYNE: It's been
24 moved and seconded.

25 All those in favor of the motion

1 signify by saying aye.

2 (Vote taken.)

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

5 (No response.)

6 DEPUTY DIRECTOR PAYNE: Motion
7 carries.

8 The next item on the agenda is the
9 withdrawal of Don Kline. I'll, again, turn this
10 over to Jeff Mackey for explanation.

11 MR. MACKEY: What was that date?
12 August 2nd? I forgot to bring my materials.

13 MEMBER JAFFE: I have August 4th.

14 MR. MACKEY: So on August 4th we
15 received a notice from candidate for Franklin
16 County Municipal Court Don Kline indicating that he
17 wished to withdraw as a candidate for that seat
18 which was the term commencing 1-2-2022.

19 CHAIRMAN PREISSE: Okay.

20 MEMBER JAFFE: I move that we accept
21 the withdrawal of Don Kline for Judge of the
22 Franklin County Municipal Court.

23 Do we want to talk -- Should that be
24 two motions to talk about the replacement or --

25 DEPUTY DIRECTOR PAYNE: I think we

1 thought we could all do that in one --

2 MEMBER JAFFE: Why don't you tell us
3 about the replacement.

4 MR. MACKEY: Later that day we also
5 received the appropriate form from the nominating
6 committee appearing on Mr. Kline's petition for
7 candidacy indicating that they had met and selected
8 William S. Ireland to fill that vacancy in his --
9 in that position for the Franklin County Municipal
10 Court, full term commencing 1-2-2022.

11 MEMBER JAFFE: And we also have here
12 the acknowledgment from Mr. Ireland accepting the
13 designation.

14 So is your opinion that all of this
15 is proper and timely and all the necessary --

16 MR. MACKEY: Viewed by staff and
17 found to be timely filed, valid, and sufficient.

18 MEMBER JAFFE: All right. In that
19 case, I move that we accept the withdrawal of Don
20 Kline for Judge of the Franklin County Municipal
21 Court, full term commencing 1-2-2022, and accept
22 the nomination of William S. Ireland to fill that
23 vacancy and that his name will appear on the
24 November 2nd, 2021 General Election ballot.

25 MEMBER SEXTON: Second.

1 DEPUTY DIRECTOR PAYNE: It's been
2 moved and seconded.

3 All those in favor of the motion
4 signify by saying aye.

5 (Vote taken.)

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

8 (No response.)

9 DEPUTY DIRECTOR PAYNE: Motion
10 carries.

11 The next item on the agenda would be
12 a pay raise for Sara Ziemba, who is our Supervisor
13 of the Voter Services Department. She is presently
14 making \$22.56 cents an hour, and we'd like to take
15 her to \$25 per hour, and we would like to start
16 that pay raise today if approved by the Board.

17 CHAIRMAN PREISSE: Sounds good to
18 me. You're doing a great job.

19 MS. ZIEMBA: Thank you.

20 MEMBER JAFFE: Well, if there's no
21 discussion, I move that we increase the pay of Sara
22 Ziemba, Supervisor of the Voter Services
23 Department, from \$22.56 an hour to \$25 per hour and
24 that the pay increase would begin today, August
25 16th, 2021.

1 MEMBER SEXTON: Second.

2 DEPUTY DIRECTOR PAYNE: It's been
3 properly moved and seconded.

4 All those in favor of the motion
5 signify by saying aye.

6 (Vote taken.)

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

9 (No response.)

10 DEPUTY DIRECTOR PAYNE: Motion
11 carries.

12 Congratulations, Sara.

13 MS. ZIEMBA: Thank you.

14 DEPUTY DIRECTOR PAYNE: The next
15 item on the agenda would be to hire Joshua Hart as
16 a clerk for the Voter Services Department. Josh
17 comes to us from the great state of Texas and is
18 highly recommended by one of our Board members --
19 maybe both of our Boards members -- maybe all four
20 of our Board members. Josh Jaffe, we would like
21 to -- Josh Hart came in today, and I think he's in
22 the back there somewhere raising his hand so you
23 can put a face with a name. We're down a couple of
24 people in Voter Services so it will be great to
25 have Josh on board and we look forward to working

1 with him.

2 CHAIRMAN PREISSE: Sounds good.

3 We've heard good things, Josh.

4 MEMBER JAFFE: Well, I now move that
5 the Board hire Josh Hart to serve in the Voter
6 Services Department as a full-time employee at a
7 rate of \$16.11 and a start date of today, August
8 16th, 2021.

9 MEMBER MARINELLO: Second.

10 DEPUTY DIRECTOR PAYNE: It's been
11 properly moved and seconded.

12 All those in favor of the motion
13 signify by saying aye.

14 (Vote taken.)

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

17 (No response.)

18 DEPUTY DIRECTOR PAYNE: Motion
19 carries.

20 Congratulations, Josh.

21 MR. HART: Thank you.

22 DIRECTOR WHITE: Welcome.

23 DEPUTY DIRECTOR PAYNE: The next
24 item -- I'll turn this over to our Director, Antone
25 White, for explanation of hiring of Chris Binder.

1 DIRECTOR WHITE: Thank you, David.
2 You have a resume before you for
3 Christopher Binder who comes to us by way of
4 Louisiana and he is a graduate of Southeastern
5 Louisiana University. He's been here in central
6 Ohio since the spring of 2018. He's served in a
7 variety of capacities since he's been here, mostly
8 as a political consultant or a campaign manager.
9 He's worked for a number of campaigns. But Chris
10 has really made central Ohio his home and wants to
11 be here.

12 And we hired Chris back in June to
13 come in part time to help manage our online poll
14 worker training. And as the Board is aware, last
15 year during the pandemic we implemented online poll
16 worker training as a part of our regular training
17 to our poll workers. It's now a really integrated
18 part of our process. So Chris came in. He helped
19 to manage that while we had a void with our
20 training coordinator position, and really he proved
21 himself to be very invaluable during that time.
22 He's worked well with staff, our managers, our
23 trainers, and he's assisted in the training
24 coordination of all of our poll workers for the
25 August Special Election.

1 So with that, we'd like to bring
2 Chris on full time as our training coordinator to
3 work in the PEO department at a rate of \$25.24 an
4 hour pending your approval. And Mr. Binder is
5 sitting right here to put a face to the name.

6 CHAIRMAN PREISSE: Sounds good.
7 Thank you for that report, Antone.

8 MEMBER SEXTON: Mr. Chairman, I move
9 the Board hire Chris Binder who will serve as the
10 Supervisor of the Precinct Election Officials
11 Department as a full-time employee at a rate of
12 \$25.24 per hour and a start date of August 16,
13 2021.

14 CHAIRMAN PREISSE: Second.

15 DEPUTY DIRECTOR PAYNE: It's been
16 moved and seconded.

17 All those in favor of the motion
18 signify by saying aye.

19 (Vote taken.)

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

22 (No response.)

23 DEPUTY DIRECTOR PAYNE: Motion
24 carries.

25 Congratulations, Chris.

1 CHAIRMAN PREISSE: Welcome aboard.

2 DEPUTY DIRECTOR PAYNE: We're all
3 excited to have Chris on board. No one is more
4 excited than Steve Bulen.

5 The next item on the agenda is the
6 purchase of warehouse carts. Antone, do you want
7 to walk us through that?

8 DIRECTOR WHITE: Sure. Happy to do
9 so.

10 Back in February, February 16th, at
11 our regular Board meeting the Board approved the
12 purchase of 24 carts for the purposes of
13 transporting and storing our ADA signage that we
14 use at polling locations. These carts were to
15 replace sort of the old method of storing them on
16 skids which was really not an efficient way to
17 store them or transport them. And so the Board
18 approved the purchase of \$11,149 for that purpose
19 back in February.

20 Subsequent to that meeting, we
21 purchased the carts and when they arrived they
22 just -- they were not of quality. Many of the
23 carts were -- had broken joints and just the entire
24 quality of the purchase was not up to standards.

25 So I asked our warehousing logistics

1 manager, Patrick Harris, to return the carts and
2 let's start over. So he did so. He went back, he
3 researched, got three more quotes, found a quote
4 that he liked and he purchased one cart and brought
5 it in to make sure it was going to be of the
6 quality and standard that we were looking for. It
7 was.

8 And so now we come today to ask for
9 the Board to approve the purchase of 23 additional
10 carts at a cost of \$16,496. Now, that is more, but
11 we've gotten a better quality cart that we feel
12 good with.

13 MEMBER MARINELLO: That sounds
14 awesome.

15 I move that the Board authorize the
16 purchase of 23 metal carts at \$717.22 each for the
17 storage and transport of ADA signage. The total
18 expenditure for the carts would be a total of
19 \$16,496,06.

20 CHAIRMAN PREISSE: Second.

21 DEPUTY DIRECTOR PAYNE: It's been
22 moved and seconded.

23 All those in favor of the motion
24 signify by saying aye.

25 (Vote taken.)

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

3 (No response.)

4 DEPUTY DIRECTOR PAYNE: Motion
5 carries.

6 The next item on the agenda is poll
7 worker online training licenses. I'll call on our
8 newest full-time employee, Chris Binder, who's been
9 on board four and a half minutes, to explain that.

10 MR. BINDER: The Adobe Captivate is
11 the system that we use to allow all of our poll
12 workers to access the online training portion of
13 their PEO training. It's a vital part of our
14 entire training process. It allows our poll
15 workers to be prepared to go to their in-person
16 training. It gives them a refresher on everything
17 that we do. And it's also a way for us to
18 internally figure out which poll workers might need
19 a little extra help and which poll workers might
20 need to come back for Practice Makes Perfect.

21 DEPUTY DIRECTOR PAYNE: Chris, this
22 doesn't take the place of our in-person training,
23 it just augments our --

24 MR. BINDER: It just augments our
25 in-person training.

1 MEMBER SEXTON: When would we start?
2 Would we start using it for this election or --

3 MR. BINDER: We have already started
4 using it. I believe the first time that we used it
5 was in November of 2020. And so we basically
6 purchased a license from Adobe for a year and this
7 is us essentially renewing a service that we
8 already use.

9 MEMBER SEXTON: So we will be using
10 it again in November?

11 MR. BINDER: Yes.

12 CHAIRMAN PREISSE: Sounds good.

13 MEMBER JAFFE: I move the Board
14 approve the purchase of 3,500 online training
15 licenses from ENGAGE so poll workers can do online
16 training. Total cost for the purchase, \$40,820.

17 MEMBER MARINELLO: Second.

18 DEPUTY DIRECTOR PAYNE: It's been
19 moved and seconded.

20 All those in favor of the motion
21 signify by saying aye.

22 (Vote taken.)

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

25 (No response.)

1 DEPUTY DIRECTOR PAYNE: Motion
2 carries.

3 The next item on the agenda would be
4 the certification of candidates to the November
5 2nd, 2021 ballot. I'll turn that over to Jeff
6 Mackey.

7 MR. MACKEY: Before we talk about
8 the candidates that we are going to certify, we did
9 have one candidate request a unique ballot name
10 that I wanted to go over. Make sure I don't need
11 to change my exhibit or anything like that.

12 A candidate for New Albany City
13 Council, Edward Joseph Fellows, requested to appear
14 on the ballot as Chip Fellows. Four years ago he
15 did the same thing. The Board said that he could
16 not do that based on the guidance from the
17 Secretary of State under nicknames, which says that
18 a candidate's nickname may be printed on the ballot
19 if the nickname is a natural derivative of the
20 candidate's legal name. I think we discussed that
21 and determined that Chip is not a natural
22 derivative of either Edward or Joseph.

23 CHAIRMAN PREISSE: Are you saying
24 Chip?

25 MR. MACKEY: Like chocolate chip,

1 chip off the old block.

2 CHAIRMAN PREISSE: Yeah. This very
3 matter came up to us four years ago?

4 MR. MACKEY: Yes.

5 DIRECTOR PREISSE: I have a
6 recollection of that.

7 MR. MACKEY: We said no.

8 CHAIRMAN PREISSE: I was thinking of
9 Bud Zappitelli. Didn't we say no to Bud
10 Zappitelli?

11 MR. MACKEY: Yes. We also always
12 say no to --

13 CHAIRMAN PREISSE: And if we had a
14 Peggy come before us whose real name was Margaret
15 they couldn't use it.

16 MS. HUMMER: Yes. A natural
17 derivative.

18 MR. MACKEY: Qualified as a natural
19 derivative.

20 MEMBER JAFFE: Kip Greenhill in
21 Upper Arlington is another one. He's always as
22 Francis. Right? Seems like we're being
23 consistent.

24 DEPUTY DIRECTOR PAYNE: Does that
25 require any action by the Board?

1 CHAIRMAN PREISSE: I don't think so.
2 We just provide the guidance really to the
3 candidate.

4 MS. HUMMER: It's a not on his birth
5 certificate or anything along that line. Right?

6 MR. MACKEY: Right.

7 MEMBER JAFFE: I am seeing that his
8 ballot name has got two typos in it on -- in
9 Exhibit B.

10 MR. MACKEY: Okay. Edward Joseph
11 Fellows. I tried to fix that quick this morning.
12 I must have tried to fix it too quick. I'll make
13 sure to correct that. If you would like to correct
14 your exhibits there.

15 CHAIRMAN PREISSE: We ready to move
16 on?

17 MEMBER MARINELLO: I move that the
18 Board certify to the November 2nd, 2021 General
19 Election ballot those candidates listed on
20 Exhibit B and that these petitions were timely
21 filed and found to be valid and sufficient.

22 CHAIRMAN PREISSE: Second.

23 DEPUTY DIRECTOR PAYNE: It's been
24 moved and seconded.

25 All those in favor of the motion

1 signify by saying aye.

2 (Vote taken.)

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

5 (No response.)

6 DEPUTY DIRECTOR PAYNE: Motion
7 carries.

8 The next item on the agenda are
9 candidates not recommended for certification. Do
10 you want to walk us through each one of those,
11 Jeff?

12 MR. MACKEY: You have before you
13 Exhibit B which includes candidate petitions that
14 staff reviewed and --

15 DIRECTOR WHITE: It's C, I believe.

16 MR. MACKEY: Exhibit C. Sorry.

17 -- staff examined and found to be
18 invalid or insufficient. You want me to go through
19 each one or -- I'm happy to read through the
20 exhibit there.

21 CHAIRMAN PREISSE: Give us a second
22 to look at it. I don't think we need to go through
23 it since you provided it unless one of the other
24 Board members wishes to.

25 MR. MACKEY: The number that appears

1 in brackets on there would be the required number
2 of signatures.

3 CHAIRMAN PREISSE: Gotcha.

4 DEPUTY DIRECTOR PAYNE: Jeff, is it
5 fair to say that whenever we're recommending a
6 candidate not appear on the ballot that we make
7 multiple efforts to attempt to see if there is a
8 way to get that candidate on the ballot that goes
9 through multiple passes that we --

10 MR. MACKEY: Correct. Every
11 petition is reviewed at least twice. Petitions
12 that look to be invalid or insufficient are
13 reviewed at least four times.

14 CHAIRMAN PREISSE: Well, we've had
15 candidates come in in the past and ask to try to
16 reverse the decision by examining petitions. Has
17 each of these potential candidates been notified?

18 MR. MACKEY: No. They will be
19 notified after this meeting.

20 CHAIRMAN PREISSE: Okay.

21 MEMBER JAFFE: In each of these
22 cases they didn't have enough valid signatures
23 whether that's because there's a petition page
24 error or just not enough valid signatures?

25 MR. MACKEY: Right. Ultimately each

1 ends up not having enough valid signatures because
2 of some error or another.

3 MEMBER JAFFE: I'm satisfied with
4 the staff review.

5 CHAIRMAN PREISSE: I am, too.

6 MEMBER JAFFE: Unless anybody has
7 any other questions, I move that the Board deny
8 certification to the candidates appearing on
9 Exhibit C on the basis that their petitions were
10 either not filed timely or found by staff to be
11 invalid or insufficient and that these candidates
12 will not appear on the November 2nd, 2021 General
13 Election ballot.

14 MEMBER SEXTON: I'll second.

15 DEPUTY DIRECTOR PAYNE: It's been
16 moved and seconded.

17 All those in favor of the motion
18 signify by saying aye.

19 (Vote taken.)

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

22 (No response.)

23 DEPUTY DIRECTOR PAYNE: Motion
24 carries.

25 The next item on the agenda would be

1 certification of questions and issues to appear on
2 the November 2nd, 2021 ballot.

3 MR. MACKEY: Before we do that, we
4 did have two candidates on a joint petition that I
5 wanted to discuss further because we weren't sure
6 what to do with them.

7 Candidates on a joint petition for
8 Educational Service Center of Central Ohio, Joyce
9 Galbreath and Chermal (phonetic) London, submitted
10 a petition consisting of six part petitions. One
11 of the part -- Actually, I have copies here.

12 So the first part petition they did
13 not fill out the statement of candidacy at all. So
14 we did not count any signatures on that part
15 petition.

16 CHAIRMAN PREISSE: Where are we
17 looking?

18 MR. MACKEY: Under the statement of
19 candidacy above where they indicated their names.
20 So we did not verify any signatures on that page.

21 On the next five they did indicate
22 that they were running for Educational Service
23 Center of Central Ohio, but in the Educational
24 Service Center of Central Ohio there are two
25 subdistricts, the Franklin Subdistrict and the

1 Delaware Union Subdistrict. They did not on their
2 petition indicate which subdistrict they are
3 running for. I think we can assume that they are
4 running for the subdistrict in which they reside.
5 But if you will refer to Exhibit C, the second page
6 there, candidate petitions. So our statutes
7 prescribing the form of candidate petitions
8 generally require substantial compliance as Board
9 Member Jaffe just indicated. And when there is an
10 error or omission on a petition form, the board of
11 elections must determine whether the prospective
12 candidate substantially complied with the form of
13 the petition. In determining whether the
14 prospective candidate substantially complied with
15 the form of the petition, the inquiry is typically
16 fact specific, which I think this is. Under the
17 office section in the Ohio Education Official
18 Manual it says the declaration or statement of
19 candidacy signed by the prospective candidate must
20 identify the office sought so that both electors
21 signing the petition and the board of elections are
22 able to ascertain from the petition which office
23 the candidate seeks.

24 CHAIRMAN PREISSE: And Jeff, you're
25 telling us that there are two sets of members --

1 MR. MACKEY: They call them
2 subdistricts. One is the Delaware Union
3 Subdistrict and one is the Franklin Subdistrict.

4 CHAIRMAN PREISSE: They are elected
5 simultaneously?

6 MR. MACKEY: Yes. Both will be on
7 the ballot this time.

8 CHAIRMAN PREISSE: And then they
9 come together in a single ward?

10 MR. MACKEY: Yes. So I would equate
11 it to the Ohio House, each being elected from a
12 district and then coming together in the
13 legislature.

14 MEMBER JAFFE: Are there enough
15 valid signatures on all of the pages that they did
16 correctly fill out excluding the one blank one?

17 MR. MACKEY: They do have, if we
18 count these last five part petitions, sufficient
19 signatures to qualify for the ballot.

20 MEMBER MARINELLO: So this other
21 stuff doesn't really matter because they got what
22 they need?

23 MR. MACKEY: Right. Well, the first
24 page we didn't count at all, the first part
25 petition. The other five part petitions, if you

1 decide that it has met the burden of sufficiency,
2 that they have sufficient signatures on those five
3 to qualify for the ballot.

4 MEMBER MARINELLO: Even without the
5 subdistrict down or --

6 MR. MACKEY: Well, if you decide
7 that the subdistrict needs to be on there, then,
8 no. There's only six.

9 MEMBER JAFFE: The second part
10 petition is also missing the day of the election.
11 Less significant.

12 MR. MACKEY: Yeah. Under the
13 substantial compliance area, understanding that
14 it's the November General Election is generally
15 sufficient.

16 CHAIRMAN PREISSE: I mean --

17 MEMBER JAFFE: What would we do if
18 it were an Ohio House of Representatives candidate
19 that left off the district number, if that's the
20 analogous situation?

21 CHAIRMAN PREISSE: Well, it's not
22 exactly analogous, in my opinion. If these folks
23 had been living outside the district they couldn't
24 run anyway. They're living inside the district,
25 which you suggested. Right?

1 MR. MACKEY: Right. Correct.

2 CHAIRMAN PREISSE: And it's not --
3 are they the only candidates in this?

4 MR. MACKEY: No.

5 CHAIRMAN PREISSE: And are these
6 head to head or top vote getters?

7 MR. MACKEY: I believe it is vote
8 for two.

9 MS. HUMMER: Would it be possible
10 for you to go through with the exception of the one
11 that doesn't -- the first one that doesn't even
12 name the Educational Service Center? You've
13 indicated each one of these documents are
14 insufficient or has some invalid point. Can you go
15 through each one? Like, 000453, what is the
16 problem with that one?

17 MR. MACKEY: Sure. Well, I think
18 all five have the same deficiency, --

19 MS. HUMMER: Okay.

20 MR. MACKEY: -- which is they lack
21 the designation of the subdistrict they are
22 interested in running for.

23 MS. HUMMER: And I see 453 did not
24 include the day of the election that you mentioned.
25 So is it only those two items?

1 MR. MACKEY: Only those two items,
2 yes.

3 MEMBER MARINELLO: Where would the
4 subdistrict go? Where would you put that on the
5 petition?

6 MR. MACKEY: Had they used our form
7 from our website it would all be squeezed in there
8 under the Educational Service Center.

9 DEPUTY DIRECTOR PAYNE: Jeff, is it
10 fair to say that even though there are two
11 subdistricts that they only live in one subdistrict
12 and they would only be eligible to run for one
13 subdistrict?

14 MR. MACKEY: Yes.

15 CHAIRMAN PREISSE: Right. That's
16 the point I was making. Irrespective of the
17 missing language, they couldn't run in any other
18 district. I sort of tried to avoid answering your
19 hypothetical question earlier.

20 MS. HUMMER: If you choose to make a
21 motion to accept this -- I believe the four other
22 documents are sufficient -- I would make your
23 motion to include the fact that the subdistrict
24 that is missing would be this by virtue of the fact
25 that the two candidates are living in that

1 subdistrict so there's no question of what they're
2 running for.

3 MEMBER JAFFE: Would that same logic
4 not apply to the one page where they've completely
5 left it blank because it's a petition exclusively
6 for an Educational Service Center office and they
7 only live in the one county in the one district?
8 Seems to me like --

9 CHAIRMAN PREISSE: Well, but we know
10 that the guidance provided by the code and the
11 Secretary of State is it should be filled out
12 substantially. So even though it says -- it's
13 typed there on the wrote form, they haven't filled
14 it out. Which to me this one falls on the side of
15 insubstantial. This one clearly falls closer to or
16 on the other side.

17 MS. HUMMER: And has there been a
18 history of making decisions based on this --
19 previous similar petitions where the Board has
20 approved them substantially?

21 MR. MACKEY: I couldn't think of
22 any, but certainly there have been substantial
23 compliance questions before. As far as involving
24 district, I was unable to think of any.

25 CHAIRMAN PREISSE: What's the

1 status of -- So we don't have a staff
2 recommendation, you're just bringing this up?

3 MR. MACKEY: Exactly.

4 DIRECTOR WHITE: So Jeff, if the
5 Board accepts these five part petitions with the
6 missing subdistrict, would that then qualify the
7 candidate to the ballot?

8 MR. MACKEY: It would.

9 CHAIRMAN PREISSE: Do we need to
10 vote on this or do you just need guidance?

11 MR. MACKEY: At some point you need
12 to certify these candidates to the ballot or deny
13 certification of these candidates.

14 CHAIRMAN PREISSE: So they were not
15 on either list?

16 MR. MACKEY: Correct.

17 CHAIRMAN PREISSE: I gotcha.

18 Anybody dying to make a motion?

19 MEMBER JAFFE: I'm a little
20 concerned about the precedent for surmising
21 information that the voter has left off the
22 petition. I brought up the hypothetical of the
23 House of Representatives District, which if we were
24 to make a decision on that basis today I could
25 easily see that being justification for making a

1 similar decision in the future. And I don't know.
2 That concerns me slightly. If there's no precedent
3 or guidance to go on, we're creating a precedent
4 here.

5 CHAIRMAN PREISSE: I see your point.
6 Which brings us back to the question is this
7 petition substantially executed.

8 MEMBER JAFFE: I do see we've been
9 advised to seek the advice of our legal counsel on
10 that subject.

11 MS. HUMMER: I will tell you that
12 this is the first I'm hearing of this issue. So I
13 cannot provide you with case law or any AG opinion
14 on it.

15 What is our time period for
16 getting --

17 MR. MACKEY: Today is the deadline
18 to certify candidates and issues to the ballot.
19 I'm not sure --

20 MEMBER MARINELLO: I would say if
21 there was a blank that said district number or
22 something like that and it was left blank, maybe
23 then; but I have a problem with the district not
24 being there.

25 CHAIRMAN PREISSE: Any other

1 discussion? I'm prepared to make a brief motion, I
2 think.

3 I move that the Board certify to the
4 November 2021 General Election ballot the
5 candidacies of Joyce Galbreath and Chermal London
6 for Educational Service Center of Central Ohio --

7 MS. HUMMER: Corresponding to the
8 district that they are entitled to be a candidate
9 of based on their address.

10 CHAIRMAN PREISSE: -- corresponding
11 to the district that they are entitled to be a
12 candidate in according to their registered -- the
13 address where they are registered.

14 MEMBER MARINELLO: Second.

15 CHAIRMAN PREISSE: Are you going to
16 do a roll call or break with democracy?

17 MEMBER JAFFE: I think erring on the
18 side of ballot access is fine. I'm just concerned
19 about precedent.

20 CHAIRMAN PREISSE: Noted. Well
21 said. We need to take a vote.

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

25 All those in favor of the motion

1 signify by saying aye.

2 (Vote taken.)

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

5 (No response.)

6 DEPUTY DIRECTOR PAYNE: Motion
7 carries.

8 So those two candidates will be
9 added to the list of certified candidates.

10 The next item on the agenda is
11 certification of questions and issues to the
12 November 2nd, 2021 ballot.

13 MR. MACKEY: Submitted to the
14 Franklin County Board of Elections, 21 issues have
15 been reviewed by staff and our representatives at
16 the county prosecutor's office and found to be
17 timely filed and valid and sufficient. These are
18 appearing on Exhibit D, as in dog.

19 MEMBER JAFFE: Were any issues filed
20 that are not being recommended for certification?

21 MR. MACKEY: There were not.

22 MEMBER JAFFE: Okay.

23 CHAIRMAN PREISSE: I don't have any
24 questions.

25 MEMBER SEXTON: Mr. Chairman, I move

1 the Board certify to the November 2nd, 2021 General
2 Election ballot those questions and issues listed
3 on Exhibit D and that these questions and issues
4 were filed timely and found to be valid and
5 sufficient.

6 CHAIRMAN PREISSE: Second.

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

9 All those in favor of the motion
10 signify by saying aye.

11 (Vote taken.)

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

14 (No response.)

15 DEPUTY DIRECTOR PAYNE: Motion
16 carries.

17 The next item on the agenda is
18 certification of local options.

19 MR. MACKEY: The Board received
20 local liquor options totaling 12 in all. Staff
21 reviewed those petitions as well as our friends at
22 the county prosecutor's office and found all 12 to
23 be valid and sufficient.

24 MEMBER MARINELLO: I move that
25 the Board certify to the November 2nd, 2021 General

1 Election those local options listed in Exhibit E.

2 CHAIRMAN PREISSE: Second.

3 DEPUTY DIRECTOR PAYNE: It's been
4 properly moved and seconded.

5 All those in favor of the motion
6 signify by saying aye.

7 (Vote taken.)

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

10 (No response.)

11 DEPUTY DIRECTOR PAYNE: Motion
12 carries.

13 MR. MACKEY: One last note on that.
14 We did also have a carry-over from the primary
15 election and we certified a liquor option at that
16 time but there were no candidates on the primary
17 election ballot so that issue could not appear and
18 it will appear at the General Election.

19 DEPUTY DIRECTOR PAYNE: The next
20 item on the agenda would be the certification of
21 the August 3rd Special Congressional Primary
22 Election. We probably need to -- Are they
23 finished?

24 DIRECTOR WHITE: I passed down the
25 official results.

1 DEPUTY DIRECTOR PAYNE: Oh, they are
2 finished?

3 DIRECTOR WHITE: Yes.

4 DEPUTY DIRECTOR PAYNE: And there
5 weren't any -- nothing for the Board to review?
6 Okay.

7 MS. PATTON: No ballots for review,
8 no ballots for remake.

9 CHAIRMAN PREISSE: Good.
10 Do we have to revert to the previous
11 motion?

12 MEMBER JAFFE: I think we don't need
13 the previous motion because there are none to --

14 DEPUTY DIRECTOR PAYNE: That's
15 correct. There is nothing.

16 So you want to give your report,
17 then?

18 MS. PATTON: Good afternoon. After
19 our canvass -- after bipartisan canvassing of the
20 ballots cast on the election day for August 3rd,
21 2021, and the days leading up to and during the
22 early vote and absentee voting, we are here to
23 present you with the official results for the
24 August 3rd 15th Congressional Primary Election.
25 You should have been supplied with these results.

1 We had a turnout of 24,484 voters for the election,
2 which is just under 13 and a quarter percent. And
3 on the second sheet of that report is the votes by
4 candidate as well as the overs and unders. So we
5 ask that you certify the results for Franklin
6 County as they appear before you on the report.

7 MEMBER JAFFE: So the provisional
8 ballots didn't change the outcome?

9 MS. PATTON: No, they did not. We
10 had a total increase of 212 ballots from the
11 provisionals and the absentee ballots that came in
12 after election day but prior to the deadline.

13 MEMBER JAFFE: Okay. Anyone have
14 any thoughts on this?

15 CHAIRMAN PREISSE: No. Looks pretty
16 good.

17 MEMBER JAFFE: I move that the Board
18 certify and declare as final the official canvass
19 of the votes cast at the August 3rd, 2021, Special
20 Congressional Primary Election as submitted by
21 staff.

22 MEMBER SEXTON: Second.

23 DEPUTY DIRECTOR PAYNE: It's been
24 properly moved and seconded.

25 All in favor of the motion signify

1 by saying aye.

2 (Vote taken.)

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

5 (No response.)

6 DEPUTY DIRECTOR PAYNE: Motion
7 carries.

8 I think that wraps up everything.
9 Is there anything else?

10 MEMBER SEXTON: When's the next
11 meeting?

12 MS. GIBBONS: 3:00 on the 6th. He's
13 looking at the 13th, then.

14 MS. PATTON: You'll need to adjust
15 the audit results. They'll need to be -- I'm not
16 sure of the timeline on that. You need the
17 results. The audit is taking place September 1st
18 through 3rd and we'll have to certify the results
19 of the audit.

20 DIRECTOR WHITE: So we'll have to
21 get back to you, then.

22 MEMBER MARINELLO: I move to
23 adjourn.

24 MEMBER JAFFE: Second.

25 DEPUTY DIRECTOR PAYNE: We are

1 adjourned.

2 DIRECTOR WHITE: Thanks everyone.

3 - - -

4 Thereupon, the proceedings were
5 adjourned at approximately 3:00 p.m.

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C E R T I F I C A T E

- - -

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 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 28th day of October, 2021.

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

My Commission Expires: September 29, 2026.

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