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BEFORE THE FRANKLIN COUNTY BOARD OF ELECTIONS

- - -

IN RE: :

Special meeting. :

- - -

November 28, 2022

PROCEEDINGS OF THE

FRANKLIN COUNTY BOARD OF ELECTIONS

before Deputy Director David Payne, Chairman
Douglas J. Preisse, Director Antone White, Board
Members Josh Jaffe, Michael E. Sexton, Kimberly E.
Marinello, taken before me, at the Franklin County
Board of Elections, 1700 Morse Road, Columbus,
Ohio, on Monday, November 28, 2022, beginning at
approximately 10:05 a.m., and concluding at
approximately 10:36 p.m.

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1 APPEARANCES:

2

3 FRANKLIN COUNTY PROSECUTOR'S OFFICE

4 by Jeanine Hummer, Esq.

5 First Assistant Prosecuting Attorney/Chief

6 Counsel Civil Division

7 373 South High Street, 13th Floor

8 Columbus, Ohio 43215

9 (614) 525-3520

10 On behalf of the Board.

11

12 Also present:

13 Erin Gibbons, Executive Manager

14 Sara Ziemba

15 Carla Patton

16 Travis Simmons

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1 DEPUTY DIRECTOR PAYNE: Looks like
2 we have a quorum, but I'll go ahead and take the
3 roll.

4 Kim Marinello.

5 MEMBER MARINELLO: Here.

6 DEPUTY DIRECTOR PAYNE: Mike Sexton.

7 MEMBER SEXTON: Here.

8 DEPUTY DIRECTOR PAYNE: Doug
9 Preisse.

10 CHAIRMAN PREISSE: Here.

11 DEPUTY DIRECTOR PAYNE: Josh Jaffe.

12 MEMBER JAFFE: Here.

13 DEPUTY DIRECTOR PAYNE: I'll just
14 remind folks that if they could state their name
15 prior to speaking, that will probably help our
16 court reporter out a little bit, maybe.

17 I'm David Payne, and the first item
18 on the agenda is provisional ballots. And I'll
19 call on Sara Ziemba to walk us through the
20 provisional ballots, and Travis.

21 MR. SIMMONS: Good morning. I'm
22 Travis Simmons. I'm the manager of the voter
23 services department. Sara is the supervisor of
24 voter services department. We began processing our
25 provisional ballots on Wednesday, November the 9th,

1 by recounting the early voting election day
2 provisionals. After the recount, after we
3 recounted them, the total number of provisional
4 ballots was 13,271. That's 13,271 provisional
5 ballots. Approximately 15 bipartisan teams along
6 with the quality control team and our counting --
7 the counting team processed these ballots. We had
8 assistance from other departments for processing
9 the provisional ballots from our absentee and
10 precinct election official departments as well, so
11 we wanted to thank them for helping us with that.

12 In order for provisional ballots to
13 be approved, a provisional envelope must include a
14 printed name, a current address, date of birth, ID
15 and a signature. After processing these ballots,
16 we -- after processing these provisional ballots,
17 we came up with -- there was 12,193 approved
18 provisional ballots, so that's like 91.8 percent of
19 the provisional ballots that we processed were
20 approved.

21 I want to give a special thank you
22 for Sara Ziemba because last week I was out sick,
23 so she was -- she had to take over the final
24 processing and cleanup of the provisional ballots
25 and compile our report, which she will present now.

1 Thank you.

2 DIRECTOR WHITE: Thank you, Travis.

3 MS. ZIEMBA: Thank you. I'm Sara
4 Ziemba, the supervisor of voter services, as Travis
5 said.

6 Good morning, everyone. I hope
7 everything had a great Thanksgiving break. I know
8 it did. It was much needed.

9 Again, like Travis, I'm going to
10 echo his statements. We had a lot of help this
11 time. We were expecting a really big number for
12 provisionals because of turnout during a midterm
13 year, and we had great help from our early vote
14 center staff, from our absentee department staff
15 and our PEO staff and trainers. So thank you to
16 all the managers of those departments and to all
17 the staff who helped us out over the last month and
18 is still helping us out as we go forward from
19 today, so thank you to all of them.

20 I also want to give another special
21 thank you to some full-time staff in our
22 department. As Travis mentioned, he was out last
23 week. Debbie Curry and Becky Merosic both did an
24 excellent job helping me open doors, make sure
25 everything was under D&R lock, stepping in for

1 Travis when he was out, so thank you to both of
2 them as well.

3 Again, as Travis said, we have
4 12,193 provisionals that we are recommending that
5 the board approve today. They are all registered
6 in Franklin County or somewhere in the state, which
7 is the first requirement. And, again, they have
8 all the required items, a printed time, date of
9 birth, ID, current address and a valid signature.
10 So all 12,193 of those ballots that we are
11 recommending to approve fall under the category of
12 all the required items are there, they're
13 registered, and they're ready to go.

14 For the next -- if you look on your
15 exhibit, I'll go down by category, the reasons for
16 rejection, and we have 1,034 total ballots that we
17 are recommending that the board reject today for
18 lacking one of those required items. The first one
19 that we have is 699 in the category that they are
20 not registered in Franklin County or anywhere in
21 the State of Ohio. To figure this out, the
22 Secretary of State requires that Board of Elections
23 staff perform three searches for the voter within
24 their county registration database, which is our
25 Tenex system. So our teams first start there, do

1 three searches using various information that the
2 voter provides on the envelope, and if they can't
3 find the voter registered in our county, they'll go
4 to the statewide voter registration database, which
5 is voter query that the Secretary of State runs.
6 They'll perform another three searches there using,
7 again, various information that the voter has
8 provided. So it could be, like, name of -- first
9 name and date of birth, last name and ID, whatever
10 combination it is.

11 So after three more searches there,
12 if the voter still can't be found, so that's six
13 total searches, our first team will say that they
14 are not found, not registered, and put that one to
15 the side for our second team, which is our quality
16 control team, that will go back and perform six
17 more searches both in our -- three in our database,
18 three in the statewide database.

19 So every one of these 699 ballots
20 that we are recommending to be rejected for not
21 being registered has been thoroughly checked by two
22 separate processing teams to ensure that the voter
23 is actually not registered in Franklin County or
24 anywhere in the state. So that is 699 for not
25 registered in the state.

1 The next one, we have 57 ballots
2 that we recommend because they were cast in both
3 the wrong precinct and location. In Ohio, voters
4 vote where voters live, and so if you don't cast a
5 ballot in the correct location and precinct for
6 your current address, which is what the voter
7 provides on the provisional affirmation statement,
8 you're not possibly getting the right ballot for
9 where you should be voting on the candidates and
10 the issues for the address that you provide. In
11 that case, we recommend that the board reject those
12 57 because voters voted on things that were not
13 relevant to the address they provided on the front
14 of that provisional envelope.

15 In most cases, when a voter comes in
16 to vote, they'll give their address, show ID at the
17 check-in table. If they are not found at that
18 address, the worker -- poll worker will send them
19 over to the provisional table where they'll fill
20 out their affirmation statement, put their current
21 address, and at that point, the paper table judge
22 will look up that address that they put on the
23 envelope, and if it is outside of the precinct
24 where they're attempting to vote, the worker will
25 tell the voter that they need to go to a different

1 location so they can get the correct ballot.

2 In these 57 cases, even after that
3 being told by the poll worker this is where you
4 need to go vote, sometimes it's in another place in
5 Franklin County, sometimes we found that the voter
6 actually lives in one of our neighboring counties,
7 the poll workers tell them. And for whatever
8 reason the voters says I don't want to go to that
9 place where I actually live, I want to vote right
10 now, if it's the end of the day, if they don't have
11 time, whatever reason. But these 57 voters provide
12 an address on their envelope that does not go with
13 that location and the ballot with which they voted,
14 and so, therefore, we would recommend those 57
15 voters' ballots are rejected for voting in the
16 wrong precinct and in the wrong location.

17 The next category where we have
18 ballots is the no signature category, and we have
19 24 ballots that fall under that. These ballots,
20 it's pretty self-explanatory. One of the five
21 required things that every provisional affirmation
22 statement must have in order to be approved is a
23 signature, and 24 people, they filled everything
24 out except they didn't sign it. So, unfortunately,
25 it's a silly reason to not count a vote, but if

1 it's not -- one of the required items is not there,
2 then we can't approve it. So in that case, for
3 these 24 provisional ballots, the voter failed to
4 sign it, and, therefore, we would recommend that
5 they be rejected.

6 The next category where we have a
7 ballot is no printed name. And, again, this is one
8 of those five required pieces of information that
9 every voter has to provide, and we had one voter
10 that did not put their printed name on the ballot,
11 for whatever reason, and so, therefore, we --
12 again, lacking all of the required items, we would
13 recommend that that one ballot be rejected for not
14 containing that printed name.

15 The next category you'll see are 37
16 provisional ballots that we recommend to be
17 rejected because the voters failed to provide a
18 valid current address or they provided an address
19 that was outside of Franklin County as their
20 current residential address, and we -- again, we
21 would recommend that the board reject those.

22 Sometimes voters will put PO Boxes,
23 they put addresses that are in a different county,
24 they'll put business addresses. It's, basically,
25 something that does not -- is not already

1 recognized by our system as a valid residential
2 address. If that is the case of what the voter has
3 provided as their residential address, we can't
4 possibly precinct them a correct ballot to vote on,
5 and so, therefore, if it's an invalid address,
6 something that our system doesn't recognize as a
7 valid residence in Franklin County for whatever the
8 reason, we recommend that those 37 be rejected for
9 failing to provide a current address, which, again,
10 one of those five required items that each ballot
11 affirmation must contain.

12 The next one we have on your list is
13 155 provisional ballots that did not contain a form
14 of identification. So just for the record, voters
15 can provide anything from their State of Ohio ID or
16 driver's license number, the last four of their
17 Social, they can provide a utility bill, a
18 government document, a bank check, military ID, a
19 whole host of forms that a voter is able to
20 provide. In the case of these 155 voters, there
21 was nothing provided as -- by means of
22 identification. So nothing on the ID section of
23 the provisional affirmation was filled out or was
24 checked showing that they had shown the poll worker
25 something other than a state ID, driver's license

1 or Social Security number.

2 And, again, for the record, voters,
3 when they -- when each voter votes a provisional
4 ballot, they are handed an instruction sheet to
5 take with them when they leave that gives them a
6 hotline number that they can call, it calls us here
7 if they have questions, if they want to see if
8 their vote counted, and on that notice that they
9 get, it is also worded on there that if they did
10 not provide any form of identification on their
11 provisional, they have seven days to come to the
12 Board of Elections and supplement their affirmation
13 statement with the proper ID. So it's to help
14 people if they didn't have a utility bill, they
15 didn't have a driver's license that day when they
16 went in to vote, they get that extra seven days to
17 come here and provide that so we can still count
18 their ballot. And, unfortunately, after those
19 seven days passed, we still have these 155 voters
20 who did not cure their provisional and provide an
21 ID to us, and, so, therefore, we would recommend
22 that the board reject these 155 ballots under the
23 category of having no ID, which is one of the
24 required items.

25 Your next category is a signature

1 mismatch, and we had one provisional ballot that
2 fell under this category, and this is -- before we
3 reject anyone for a signature mismatch, we will
4 look at every document that we have on file for the
5 voter and we'll try to match -- you know, be as
6 generous as we can to the voter to try and match,
7 swoops, dots, Ts, curves of the letters, and in
8 this case, it was just totally and completely -- it
9 looked like someone else had signed it, like a
10 totally different name than what was even on the
11 provisional affirmation. So for this one, for the
12 one signature mismatch, we would recommend the
13 board reject it based off it was not a genuine
14 signature for that voter.

15 The next category we have are 24
16 ballots where the voter has already voted, and that
17 means that they -- for whatever reason, the voter
18 probably requested an absentee ballot, sent it in,
19 didn't know if it was going to get here in time, so
20 as a safeguard, they went to vote on election day
21 at their polling location, cast a provisional
22 ballot, and by the time we went to process that
23 provisional, their ballot had arrived here. So in
24 those cases, obviously, every voter only gets one
25 vote, so we would have counted their absentee

1 ballot. We want to recommend that the board reject
2 their provisional ballot, which would be their
3 second vote. So there are 24 of those where the
4 voter has already voted.

5 And, again, I should mention for the
6 record that in each one of those 24 cases and in
7 every election where we have voters where we are
8 rejecting them for voting twice or attempting to
9 vote twice, our fraud department will reach out to
10 all of those voters, do an interview, and if
11 there's any -- anything that needs to be brought to
12 the board's attention, we will bring that to you
13 after those investigations are concluded probably
14 early next year. So that's 24, again, in that
15 category for voters who've already voted and had
16 another vote counted to this election.

17 The next category we have is date of
18 birth missing. There are 26 ballots that fall
19 under that category, and I'll note this because we
20 have date of birth issues that the board can review
21 coming up a little later, but in the case of these
22 24 voters, they had not provided any form of
23 birthday there, so it was just a blank field, and
24 in that case, there's no provision that would allow
25 you to overrule that missing information and count

1 them. It's lacking one of the five required items,
2 and, therefore, with no date of birth attempted by
3 the voter, we would recommend that those 26 ballots
4 be rejected for missing a date of birth.

5 And then our last category in the
6 rejection is we had ten ballots, provisional
7 ballots that there was no ballot in the envelope.
8 And there's a -- you know, a whole host of reasons
9 why there doesn't end up being a ballot in the
10 envelope, but the bottom line is is that if there
11 is no ballot in the envelope, there's nothing for
12 you to approve to count. The way we tell there's
13 no ballot in the envelope is there are holes in the
14 provisional envelope where you can see that there's
15 a ballot in there, and so if you hold it up and
16 there's no ballot, we'll still use the form as a
17 registration form for the voter as an update or a
18 new registration. But because of the fact that
19 there is no ballot to be approved in the envelope,
20 we would recommend that the board reject those ten
21 for not having a ballot in the envelope.

22 So in conclusion, voter services
23 recommends that the board rejects this grand total
24 of 1,034 provisional ballots for the critical
25 deficiencies that I've given you in detail and that

1 are listed by category in Exhibit A.

2 And, again, with all of these
3 provisional ballots, I'll say for the record, that
4 we will continue to work on processing them as
5 registration forms after this board meeting, so
6 that even if the ballot is rejected, we will still
7 use it as a voter registration for all the people
8 who were not registered. They'll be registered for
9 the next elections to come. We'll update addresses
10 for those who are already registered. And even the
11 ones that are approved, we will use those all to
12 update signatures and other information on the
13 voter's record.

14 So our job doesn't stop here, but it
15 does start with you approving and rejecting these
16 ballots today. And if you have any questions,
17 we'll take a pause there and I'll be happy to
18 answer.

19 MEMBER JAFFE: I've got a question.
20 This is Josh Jaffe.

21 So for the reasons for rejections,
22 all the people in these categories would have left
23 the polling location knowing there was some
24 deficiency with their ballot, that they had seven
25 days to cure it; is that right?

1 MS. ZIEMBA: In the form of -- or in
2 terms of the no ID. The no ID is the only thing
3 they're actually allowed to come back here and
4 cure. When they are at the polling location, the
5 workers do have a template that they can put over
6 the provisional, and so before the voter leaves to
7 put their ballot in and actually vote, the workers
8 should use that template and they can just do a
9 quick little visual check to make sure there is
10 information in all of the required fields.
11 Sometimes, because of business at the polls,
12 because people get overwhelmed sometimes, I think
13 that maybe the template doesn't get used every
14 time, and that's why we see some of these
15 categories with information just completely
16 missing. So both the poll worker and the voter
17 have to take accountability for making sure all of
18 these fields get filled out.

19 MEMBER JAFFE: Okay. And another
20 question. On the no ballot in the envelope
21 category, seems like the outcome's probably the
22 same whether we reject it or approve the --

23 MS. ZIEMBA: Right. There's no
24 ballot to count, so yeah.

25 MEMBER JAFFE: Okay.

1 MEMBER MARINELLO: So you're saying
2 that each thing that they're responsible for, it
3 can't be cured?

4 MS. ZIEMBA: Yeah. So the only
5 thing they can cure that is allowed by the Ohio
6 Revised Code and the Secretary of State is that ID.
7 They're allowed to come in and give us an ID. And
8 I think it's to help those people if they don't
9 have, like, a printed copy that day, they could
10 leave within that week, go get one and bring it in
11 here if they didn't have their Social Security
12 number or driver's license, so that gives them a
13 little flexibility there. But all the other items,
14 you have to fill out that day.

15 MEMBER SEXTON: I have a question on
16 the date of birth missing, the 26 versus the 44.
17 So on the 26, they just didn't fill out any of
18 the --

19 MS. ZIEMBA: Yeah. They left date
20 of birth field blank.

21 MEMBER SEXTON: Totally blank?

22 MS. ZIEMBA: Yes.

23 MEMBER SEXTON: Whereas, on the 44
24 that's going to come to us, they might have just
25 but the wrong date or --

1 MS. ZIEMBA: Exactly. They at least
2 attempted to put a date there. It was inconsistent
3 with what we had on the system, which is why you
4 all are allowed to vote to approve it or reject it,
5 but if there's just nothing there, then it's just a
6 missing required item, if that makes sense.

7 MEMBER SEXTON: Thank you.

8 DEPUTY DIRECTOR PAYNE: So you're
9 recommending, just so I'm straight, 12,193 for
10 approval at this point?

11 MS. ZIEMBA: Correct.

12 MEMBER MARINELLO: Okay.

13 Mr. Chairman, Kim Marinello.

14 I move that the board approve the
15 counting of 12,193 provisional ballots, and that
16 all provisional ballots deemed valid will be
17 counted and included in the official canvas results
18 for the November 8th, 2022 general election.

19 CHAIRMAN PREISSE: Doug Preisse.

20 Second.

21 DEPUTY DIRECTOR PAYNE: It's been
22 properly moved and seconded. All those in favor of
23 the motion, signify by saying "aye."

24 (Vote taken.)

25 DEPUTY DIRECTOR PAYNE: All opposed,

1 same sign.

2 (No response.)

3 DEPUTY DIRECTOR PAYNE: Motion
4 carries.

5 And, again, just so I'm clear,
6 you're recommending that 1,034 provisional ballots
7 not be --

8 MS. ZIEMBA: Be rejected, correct.

9 DEPUTY DIRECTOR PAYNE: That they
10 are rejected?

11 MS. ZIEMBA: Yes.

12 MEMBER SEXTON: Mr. Chairman,
13 Michael Sexton.

14 I move that the board reject the
15 counting of 1,034 provisional ballots as identified
16 by category in Exhibit A, and that all provisional
17 ballots rejected will not be counted or included in
18 the official canvas results for the
19 November 8th, '22 general election.

20 CHAIRMAN PREISSE: Doug Preisse.

21 Second.

22 DEPUTY DIRECTOR PAYNE: It's been
23 properly moved and seconded. And 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 The next item to agenda is the
7 extraction of provisional ballots, and that would
8 be the extraction of the 12,193?

9 MS. ZIEMBA: That's correct.

10 DEPUTY DIRECTOR PAYNE: And we have
11 bipartisan teams ready to do that?

12 MS. ZIEMBA: Yep. Absolutely. Back
13 in our ballot vault, we have 24 bipartisan teams
14 who are ready to open these ballots. We'll open
15 the envelopes, take out the ballot, put them -- our
16 absentee team will scan them, get them counted and
17 tabulated, and then we double-check in envelopes to
18 make sure all ballots have been extracted, and then
19 voter services team will get started processing
20 these as registrations, and absentee will continue
21 with the tabulation of the official results.

22 MEMBER JAFFE: Well, let's let them
23 get to work. Josh Jaffe.

24 I move that the board authorize the
25 staff to extract the approved provisional ballots.

1 MEMBER MARINELLO: Kim Marinello.

2 Second.

3 DEPUTY DIRECTOR PAYNE: It's been
4 properly moved and seconded. All those in favor of
5 the motion, signify by saying "aye."

6 (Vote taken.)

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

9 (No response.)

10 DEPUTY DIRECTOR PAYNE: Motion
11 carries.

12 The next item on the ballot -- or on
13 the agenda is provisional ballots for
14 consideration, and I think those are the 44 that
15 Board Member Sexton had mentioned.

16 MS. ZIEMBA: All right. So our next
17 category -- again, we have 44 for you today for
18 board review where the voter has attempted to put a
19 birthday on there, but it is inconsistent with what
20 we have on our county database. In this instance
21 where the voter has provided us something, unlike
22 where the other 26 from before where they didn't do
23 anything there, you are able to look at these
24 ballots and evaluate, take a vote, and if three or
25 more of you decide to approve them, we are able to

1 approve these ballots, provided all of the other
2 information on the affirmation statement is correct
3 and does match our registration system. So I'll
4 read the exception from Ohio Revised Code 3505.183:
5 If the affirmation statement contains the voter's
6 date of birth, but the month and day are different
7 from the month and day in the statewide voter
8 registration database, the board must reject the
9 provisional ballot unless the voter's date of birth
10 in the database is 1-1-1800, or the Board of
11 Elections finds by a vote of at least three of its
12 members that the voter has met all other
13 requirements of the division.

14 So I can confirm that other than the
15 date of birth, and I've separated them out into the
16 problem with the date of birth, all other
17 information on the front of the affirmation
18 statement there matches what we have in our system.
19 We've determined that the voter is registered, they
20 have a printed name, current valid address,
21 identification, signature. The only thing that's
22 inconsistent is the date of birth, and we
23 have -- I'll go by category here for you.

24 There are 18 that wrote 2022 as
25 their date of birth year. It happens all the time.

1 We have 14 where the day is different than what we
2 have in our system, one where the month was
3 different, seven where the year was different,
4 three had transposed their month and day, and one,
5 the whole thing was transposed, the whole birthday.

6 The reason for this exception is
7 that often, like in the case of writing 2022 as the
8 birth year, voters will make simple mistakes and
9 our poll workers won't necessarily catch it because
10 they see the date of birth there. Even if they use
11 the template, their mind is just saying, yeah, they
12 fulfilled that requirement.

13 Also with date of birth, sometimes,
14 you know, our data entry might have mistakenly put
15 something in with the wrong date or partial date of
16 birth, and I think that the exception exists so
17 that as long as everything else matches, we can
18 still count the ballot with your approval of a vote
19 of three or more.

20 So, again, I will reiterate that all
21 of the other information on all of those ballots
22 is -- matches what's in our database, everything
23 other than whatever the various date of birth issue
24 is. So if -- if after you look at them or if you
25 have any questions, I can answer that, but voter

1 services would recommend that the board take a vote
2 to approve those 44 ballots under the exception
3 that the voter has provided or attempted to provide
4 a date of birth. And I should also mention that
5 afterwards, all of these, when we're entering them
6 a voter registration update, we will contact the
7 voter with a letter and ask them again to confirm
8 their date of birth with us. We'll also be able to
9 look up on the BMV site to see if perhaps we've
10 entered our date of birth wrong and what's on the
11 envelope is correct. So we'll do research that we
12 aren't allowed to do during provisional processing,
13 but we are allowed to do when we're processing them
14 as a registration to try to make sure that other
15 voter records are correct, especially if what is on
16 those envelopes is the correct information and we
17 need to update and correct our system.

18 CHAIRMAN PREISSE: Can you reread
19 that line from the Revised Code?

20 MS. ZIEMBA: Sure.

21 Exception: If the affirmation
22 statement contains the voter's date of birth, but
23 the month and day are different from the month and
24 day in the statewide voter registration database,
25 the board must reject the provisional ballots

1 unless the voter's date of birth in the database is
2 1-1-1800 or the Board of Elections finds by a vote
3 of at least three of its members that the voter has
4 met all of the other requirements of the division.

5 MEMBER JAFFE: Look to our legal
6 counsel here. It sounds like we have the authority
7 to approve these ballots if the month and day is
8 different, but everything else is correct, and that
9 is the narrow case in which we have that authority.

10 MS. HUMMER: You have the authority
11 to -- you have two options, obviously, the 1800 or
12 if the board, by majority, determines that based on
13 the reasons set forth by staff, that the date of
14 birth should be accepted.

15 MEMBER JAFFE: It sounds like all of
16 that was within the window of the month and date
17 being different on the date of birth. Am I reading
18 that correctly?

19 MS. HUMMER: I think you have
20 authority to -- that your vote can act upon. It's
21 not narrowed to just the month and date, it's as a
22 whole.

23 MS. ZIEMBA: That's been the
24 traditional practice of the board is if the voter
25 has provided an attempt at a date of birth and all

1 other information is correct, historically, the
2 board has approved those under this exception.

3 MS. HUMMER: So it gives you the
4 broader authority to accept these if all the other
5 elements are met.

6 CHAIRMAN PREISSE: Okay.

7 MS. HUMMER: And you have before you
8 a recommendation, based on review, that all the
9 other elements have been met and that the
10 recommendation, I believe, from staff is to approve
11 these.

12 MEMBER JAFFE: Can I see the one
13 where the whole thing is different, the furthest?
14 Thank you.

15 MEMBER SEXTON: Which one?

16 DIRECTOR WHITE: The top one right
17 there. Yep.

18 MS. HUMMER: And you can take them
19 in groups, if you want.

20 MEMBER JAFFE: So do we have on here
21 the correct date of birth?

22 MS. ZIEMBA: No. I don't think it's
23 on there, but that one, it was not correct. Like,
24 didn't match what we had.

25 MEMBER JAFFE: That mean someone's

1 been lying about their birthday.

2 MS. ZIEMBA: Or we typed it in
3 wrong. It's like we won't know until we do more
4 research.

5 CHAIRMAN PREISSE: Are you
6 satisfied?

7 MEMBER JAFFE: I think I'm
8 satisfied, yep.

9 So we need a separate motion to
10 approve the additional provisional ballots.

11 MS. HUMMER: Yes.

12 CHAIRMAN PREISSE: This adds up to
13 44.

14 MEMBER MARINELLO: The 44.

15 MEMBER JAFFE: This is Josh Jaffe.

16 I'll move that the board approve the
17 counting of 44 additional provisional ballots, and
18 that all provisional ballots deemed valid will be
19 counted and included in the official canvas results
20 for the November 8, 2022 general election.

21 MEMBER SEXTON: Michael Sexton.

22 I'll second.

23 DEPUTY DIRECTOR PAYNE: It's been
24 properly moved and seconded. All those in favor of
25 the motion, signify by saying "aye."

1 (Vote taken.)

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

4 (No response.)

5 DEPUTY DIRECTOR PAYNE: Motion
6 carries.

7 I think you would probably like to
8 open those additional 44 as well.

9 MS. ZIEMBA: Yes, we would.

10 DEPUTY DIRECTOR PAYNE: The number
11 there will be 44.

12 MEMBER MARINELLO: Kim Marinello.

13 I move that the board authorize the
14 staff to extract the additional 44 approved
15 provisional ballots.

16 CHAIRMAN PREISSE: Dog Preisse.

17 Second.

18 DEPUTY DIRECTOR PAYNE: It's been
19 properly moved and seconded. All those in favor of
20 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 It's been practice in the past that
3 we authorize the staff of bipartisan teams to
4 remake any provisional ballots.

5 MEMBER SEXTON: Mr. Chairman,
6 Michael Sexton.

7 I move that the board authorize the
8 staff to remake provisional ballots and that these
9 remade ballots shall be tabulated and included in
10 the official canvas of the results from
11 November 8th, 2022 general election, with a report
12 to be made to the board tomorrow.

13 CHAIRMAN PREISSE: Dog Preisse.
14 Second.

15 DEPUTY DIRECTOR PAYNE: It's been
16 properly moved and seconded. All those in favor of
17 the motion, signify by saying "aye."

18 (Vote taken.)

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

21 (No response.)

22 DEPUTY DIRECTOR PAYNE: The motion
23 carries.

24 The next item on the agenda is the
25 remarking of un-scanned election day ballots. I'll

1 turn that over to Carla Patton, our director of
2 operations.

3 MS. PATTON: Good morning.

4 As a result of the ballots cast at
5 the polls on election day, there were some ballots
6 that were returned to us as un-scannable at the
7 polling location due to the bottoms of the paper
8 ballots being ripped off in a quick tear from the
9 stubs or the barcodes were unreadable by the
10 machines from the marking devices. So after our
11 canvas, we have 47 ballots that we're asking to be
12 remade and included in the official canvas.

13 CHAIRMAN PREISSE: Any questions?

14 MEMBER JAFFE: What percent of the
15 total ballots are we remarking? Is it .0000?

16 MS. PATTON: Yeah. There's some
17 slim portion out of 200 -- or, I'm sorry, about
18 500- -- just under 500,000 ballots, I think, were
19 cast, so 47 ballots.

20 MEMBER JAFFE: It's the one with the
21 few zeros in front of it. Okay.

22 MEMBER SEXTON: Mr. Chairman,
23 Michael Sexton.

24 I move the board authorize the staff
25 to remake 47 un-scanned election day ballots and

1 that these remade ballots shall be tabulated and
2 included in the official canvas the results of the
3 November 8th, 2022 general election, with a report
4 to be made to the board tomorrow.

5 CHAIRMAN PREISSE: Dog Preisse.

6 Second.

7 DEPUTY DIRECTOR PAYNE: It's been
8 properly moved and seconded. All those in favor of
9 the motion, signify by saying "aye."

10 (Vote taken.)

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

13 (No response.)

14 DEPUTY DIRECTOR PAYNE: Motion
15 carries.

16 I believe that takes care of what
17 the board would need to address today.

18 CHAIRMAN PREISSE: If there's no
19 other questions or comments, we'll be in recess.

20 MEMBER JAFFE: We are in recess.

21 Thereupon, the hearing concluded at
22 approximately 10:36 a.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, Kimberly A. Kaz, Registered 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 either party and have no interest whatsoever in the event of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 28th of November 2022.

/s/Kimberly A. Kaz, RPR _____

Notary Public, State of Ohio

My Commission Expires: March 31, 2023.

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