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THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
:
Board Meeting. :

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May 10, 2023

PROCEEDINGS 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 Wednesday, May 10, 2023, beginning at approximately 3:05 p.m., and concluding at approximately 3:18 p.m.

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APPEARANCES:

**ANDREA HOFER, Esquire
FRANKLIN COUNTY PROSECUTOR'S OFFICE
373 South High Street, 13th Floor
Columbus, Ohio 43215,**

On behalf of the Board.

ALSO PRESENT:

Sara Ziemba

- - -

Monday Afternoon Session
May 10, 2023
3:05 p.m.

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DEPUTY DIRECTOR PAYNE: Take roll.

Kim Marinello.

MEMBER MARINELLO: Here.

DEPUTY DIRECTOR PAYNE: Mike Sexton.

MEMBER SEXTON: Here.

DEPUTY DIRECTOR PAYNE: Doug

Preisse.

CHAIRMAN PREISSE: Here.

DEPUTY DIRECTOR PAYNE: Josh Jaffe.

MEMBER JAFFE: Here.

DEPUTY DIRECTOR PAYNE: We have a

quorum.

The first item on the agenda is the provisional ballots, and I'll call on Sara Ziemba, our supervisor of the Voter Services, to go through it.

MS. ZIEMBA: Good afternoon, everyone. Again, I'm Sara Ziemba, supervisor of Voter Services Department. And we thank you for being here.

This is new for us to meet,

1 especially for the provisional ballots. This is an
2 offshoot of House Bill 458, the new provision and
3 the condensed timeline that they've given us to do
4 all this. So that's why we're here today.

5 Thankfully, for this election, we had a small
6 turnout and only ten provisional ballots to talk
7 about, none that will need special review by all of
8 you.

9 So let's start off with the nine
10 provisional ballots that we are going to recommend
11 that you accept today. Each of these nine
12 provisional ballots was cast by a voter who was
13 registered in the state of Ohio at least 30 days
14 before the election, they did not cast another
15 ballot anywhere in the state, and that their
16 provisional affirmation statement contained all of
17 the required information, which would be a printed
18 name, date of birth, current Franklin County
19 residential address, form of identification. And
20 now, with the House Bill change, it has to be photo
21 identification, which includes state of Ohio
22 driver's license, a state ID, or the temporary
23 paperwork you get while you're waiting for them to
24 mail you your license, U.S. passport, U.S.

1 passport card, and military ID. So those are the
2 valid photo identifications voters can show now.
3 So each of these voters showed one of those to the
4 poll worker on election day. And the last thing is
5 their signature. So all nine of these voters met
6 all of those requirements, and we would recommend
7 that you accept -- vote to accept those nine
8 ballots.

9 CHAIRMAN PREISSE: Since it's sort
10 of new, that litany of required ID, are there and's
11 between all that or or's between all that?

12 A. Or's.

13 Q. So read it again with or's and
14 and's.

15 A. Yes. Okay.

16 So a voter has to show one valid
17 form of accepted photo identification at the polls,
18 and that could be any one of the following: your
19 state of Ohio driver's license or state ID card or
20 that temporary paper they give you while you're
21 waiting for it to come in mail, U.S. passport or
22 U.S. passport card or military ID. So it could be
23 any one of those type of IDs.

24 CHAIRMAN PREISSE: The passport is

1 new.

2 MS. ZIEMBA: That is new. Yes.

3 CHAIRMAN PREISSE: They never let
4 you use it before because it didn't have an address
5 on it.

6 MS. ZIEMBA: Yes.

7 CHAIRMAN PREISSE: What's a passport
8 card?

9 MS. ZIEMBA: A passport card is I
10 think instead of getting the booklet you just get a
11 card, and I think you can travel to like Canada and
12 Mexico on a passport card. I think it's a little
13 less expensive and if you you're just going to
14 travel in North America you can get that as an
15 option instead of the book.

16 And I should say, also, even though
17 it's a smaller election, but we still did
18 everything normal procedure-wise. Debbie Curry and
19 I worked in a bipartisan team to complete the
20 evaluation of these ballots and process them before
21 we met today.

22 Our team worked really hard learning
23 these new changes. We were prepared for an
24 onslaught of ballots; but thankfully, again, we

1 only got ten. So that's a good way to start when
2 you have all these new changes.

3 MEMBER SEXTON: Do you know, on the
4 military ID, is that state military ID only or --

5 MS. ZIEMBA: State and U.S. military
6 ID. I think the only military ID that's not
7 considered accepted is one issued by a county
8 office.

9 DIRECTOR WHITE: The county recorder
10 can issue a veteran's ID card that's not valid.

11 MEMBER SEXTON: So the only ones are
12 either federal or state, no county photo IDs?

13 MS. ZIEMBA: That's right. That's
14 correct.

15 And of course, voters can no
16 longer -- even on a provisional can no longer use
17 the last four of their Social, they can no longer
18 use an alternate like utility bill or something
19 like that. It has to be a photo ID and it has to
20 be shown at the polls on election day.

21 CHAIRMAN PREISSE: Okay.

22 MEMBER SEXTON: I move that the
23 Board approve the counting of nine provisional
24 ballots and that all provisional ballots deemed

1 valid will be counted and included in the official
2 canvass results for the May 2nd, 2023, special
3 primary election.

4 CHAIRMAN PREISSE: Doug Preisse.
5 Second the motion.

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

8 All those in favor of the motion
9 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 Now we'll talk, I guess, about the
17 one that was not --

18 MS. ZIEMBA: Yes. Unfortunately --
19 I wanted to bring you guys a perfect number here,
20 but unfortunately we did have one ballot after
21 review that the voter did not provide valid photo
22 identification at the polls on election day.

23 And just a reminder of the
24 procedures. When voters cast their provisional

1 ballot the poll worker on election day will give
2 them a notice after they finish voting that gives
3 them their local number they can call here to our
4 hotline if they have any questions. And it tells
5 them the new deadline for them to appear here at
6 the Board of Elections if they didn't provide an ID
7 on election day. They have four days now, it used
8 to be seven, to appear here at the Board of
9 Elections with their valid photo ID, show it to us
10 so we can still count their ballot.

11 In this case, since we just had the
12 one voter, we actually had a phone number and an
13 email for the voter. So I called and emailed the
14 voter, and still after the four-day time period had
15 passed the voter did not appear here with a valid
16 photo ID. So in lieu of that -- or in light of
17 that, Voter Services would recommend that the Board
18 move to reject the one provisional ballot for
19 lacking photo ID.

20 MEMBER SEXTON: I just had a
21 question.

22 So if I go to the polls, don't have
23 my ID, then I have up to four days to come in here
24 and provide it and can still cast --

1 MS. ZIEMBA: Have the ballot cast.
2 Yes.

3 MEMBER SEXTON: So at the polls you
4 obviously cast a provisional ballot and then if you
5 provide the ID then it's counted before the
6 official canvass?

7 MS. ZIEMBA: That's correct.

8 So from now on election day will be
9 on a Tuesday. Voters would have until Saturday at
10 noon to come here and to provide their photo ID if
11 they did not provide it at the polls.

12 So this would be I think an instance
13 where, like, you didn't realize your driver's
14 license was expired and so the poll worker had you
15 vote a provisional ballot, as they should, and let
16 you know in that time, in that four days, if you
17 can go get a new driver's license you can bring the
18 paperwork here and show it to us and then we'll be
19 able to count your ballot because you brought the
20 valid ID. I think it's that sort of idea behind
21 why there's a deadline and why people can still
22 bring it after.

23 MEMBER SEXTON: So in this election
24 we only had one, so it was easy to contact this

1 person?

2 MS. ZIEMBA: Yes.

3 So when we have many, the notice
4 that they get at the polls will be their -- and
5 what the poll worker would tell them would be their
6 notification.

7 MR. TRAVIS SIMMONS (from audience):
8 And I think during the early vote period they still
9 have those four days after election day. So they
10 would have a longer time if they vote in the early
11 vote period.

12 MEMBER SEXTON: So if they vote on
13 the first day, then they have 30-some days
14 probably?

15 MS. ZIEMBA: Yep.

16 MR. TRAVIS SIMMONS: And you know
17 about the free ID, that the State can allow people
18 to get a free ID now. So --

19 CHAIRMAN PREISSE: Who issues that?

20 MS. ZIEMBA: BMV.

21 All right. If there's any other
22 questions, I'm happy to answer. If not, again, we
23 recommend you reject that one for no ID.

24 MEMBER JAFFE: I will move that the

1 Board reject the counting of the one provisional
2 ballot, as identified on Exhibit A, and that all
3 provisional ballots rejected will not be counted or
4 included in the official canvass results for the
5 May 2nd, 2023 special primary election.

6 MEMBER SEXTON: Second.

7 DEPUTY DIRECTOR PAYNE: It's been
8 properly 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 I'm guessing you want permission to
18 extract those nine ballots?

19 MS. ZIEMBA: Yes.

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

23 CHAIRMAN PREISSE: Second.

24 DEPUTY DIRECTOR PAYNE: It's been

1 properly moved and seconded.

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

4 (Vote taken.)

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

7 (No response.)

8 DEPUTY DIRECTOR PAYNE: Motion
9 carries.

10 And then possibly the ability to
11 remake if there are questions concerning
12 the ballot.

13 MS. ZIEMBA: Correct. Yes.

14 MEMBER MARINELLO: I move that the
15 Board authorize the staff to remake provisional
16 ballots and that these remade ballots shall be
17 tabulated and included in the official canvass of
18 the results for the May 2nd, 2023 special primary
19 election, with a report to be made to the Board
20 later today.

21 CHAIRMAN PREISSE: Doug Preisse.
22 Second.

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

1 All those in favor of the motion
2 signify by saying aye.

3 (Vote taken.)

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

6 (No response.)

7 DEPUTY DIRECTOR PAYNE: Motion
8 carries.

9 I probably should have stopped --
10 That was my fault. I put in "later today," and I
11 think it will be later, it will actually be on
12 Monday, the 15th, when we actually certify. So I
13 don't know. Do we need to --

14 MEMBER JAFFE: They could just make
15 a report to us today anyway.

16 DIRECTOR WHITE: Her motion
17 indicated that we need to make a report later today
18 about any provisional ballots that need to be
19 remade; but we won't be doing that until actually
20 Monday, the 15th. So I don't know if that means
21 that for the record we need to change her motion
22 or --

23 MS. HOFER: Yeah. I would probably
24 just change it.

1 DIRECTOR WHITE: Change the motion
2 now?

3 MS. HOFER: Yeah.

4 CHAIRMAN PREISSE: Or you can email
5 us a report. There's only nine of them. Are you
6 going to get it done today or not?

7 DIRECTOR WHITE: We can't tabulate
8 them today because the official canvass can't start
9 until the 13th.

10 MEMBER JAFFE: Can we amend the
11 motion that's already been passed? Can we "unpass"
12 a motion that's already been passed?

13 CHAIRMAN PREISSE: Yeah. Let's just
14 vote to amend that paragraph.

15 MEMBER JAFFE: I will move to strike
16 "with a report to be made to the Board later today"
17 from the previous motion.

18 CHAIRMAN PREISSE: Second.

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

21 All those in favor of the amendment
22 signify by saying aye.

23 (Vote taken.)

24 DEPUTY DIRECTOR PAYNE: All opposed,

1 same sign.

2 (No response.)

3 DEPUTY DIRECTOR PAYNE: Motion
4 carries.

5 MEMBER MARINELLO: Make another
6 motion that the report will be on Monday, the 15th?

7 DIRECTOR WHITE: No.

8 DEPUTY DIRECTOR PAYNE: I apologize
9 for that.

10 I don't know that there's anything
11 else on the agenda. So I believe our next meeting
12 is at 10 a.m. on Monday to certify the May 2nd
13 election.

14 CHAIRMAN PREISSE: Move to adjourn.

15 MEMBER MARINELLO: Second.

16 DEPUTY DIRECTOR PAYNE: We're
17 adjourned.

18 - - -

19 Thereupon, the proceedings were
20 adjourned at approximately 3:18 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 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 3rd day of August, 2023.

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

My Commission Expires: September 29, 2026.

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