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THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
:
Special Meeting. :

- - -

NOVEMBER 17, 2023

PROCEEDINGS OF THE

FRANKLIN COUNTY BOARD OF ELECTIONS

before Chairman Douglas J. Preisse,
Director Antone White, Deputy Director
David Payne, Board Members Michael Sexton,
Kim Marinello, and Meredith Freedhoff, on Friday,
November 17, 2023, beginning at approximately
10:13 a.m., and concluding at approximately
10:53 a.m.

- - -

ALSO PRESENT:

Erin Gibbons
Jeanine Hummer, First Assistant/Chief Counsel
Brian Zagrocki
Melissa Sull (spoke during meeting)
Audience

- - -

Higgins & Associates
Court Reporting - Legal Video - Videoconference
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E X H I B I T S

EXHIBITS

Exhibit A - August 8, 2023, Special
Election Provisional Totals
Recommended for Board Approval,
Rejection, and Consideration

- - -

1 Friday Afternoon Session
2 November 17, 2023
3 10:13 a.m.

4 - - -

5 P-R-O-C-E-E-D-I-N-G-S

6 DEPUTY DIRECTOR PAYNE: All right.

7 We'll call the roll.

8 Kim Marinello.

9 MEMBER MARINELLO: Here.

10 DEPUTY DIRECTOR PAYNE: Mike Sexton.

11 MEMBER SEXTON: Here.

12 DEPUTY DIRECTOR PAYNE: Doug

13 Preisse.

14 CHAIRMAN PREISSE: Here.

15 DEPUTY DIRECTOR PAYNE: And

16 Meredith Freedhoff?

17 MS. FREEDHOFF: Here.

18 DEPUTY DIRECTOR PAYNE: We do have a
19 quorum, Mr. Chairman.

20 The first item on the agenda is
21 provisional ballots, and I will call on --

22 Am I calling on Sara or Travis?

23 Travis, are you going to do the
24 introductory?

MR. SIMMONS: Yes, sir.

1 Good morning. I'm Travis Simmons.
2 I'm a manager of the Voter Services Department.

3 DIRECTOR WHITE: Good morning.

4 MR. SIMMONS: Good morning.

5 Real quickly, I want to give a quick
6 overview before our supervisor, Sara Ziemba, will
7 present our provisional exhibit for this November
8 2023 General Election.

9 Our process with provisional ballots
10 begins well before Election Day. We start
11 processing early vote provisional ballots daily
12 once early vote begins.

13 For this election, we had 1,498
14 early vote provisional ballots, and we processed
15 them daily. The next day, once they were cast in
16 the Early Vote Center, they were processed by a
17 bipartisan team daily, as I said earlier. And this
18 allows us to get a head start with our provisional
19 ballot processing before we process the Election
20 Day provisional ballots.

21 In this case, with these four -- We
22 were close -- I'll talk about it later.

23 But we were averaging with our staff
24 during the provisional processing about 1,500

1 provisional ballots a day processed, so that
2 allowed us to cut actually a day of processing off
3 of our schedule by processing the early vote
4 provisionals before Election Day.

5 So for the Election Day provisional
6 ballots, this begins on election night where we
7 are -- we intake the provisional ballots from the
8 locations when they come back at -- when voting has
9 ended; and we count those provisional ballots, and
10 then we put them into a spreadsheet based on the
11 location for which those provisional ballots were
12 cast.

13 The next day after the election, we
14 recount those provisional ballots to make sure the
15 count is correct from the previous night, and then
16 we begin processing the provisional ballots.

17 For this election we began
18 processing the provisional ballots at about 10 a.m.
19 on Wednesday, November the 8th. As always, these
20 provisional ballots were processed in bipartisan
21 teams. In this -- For this election, we had 17
22 bipartisan teams, and these teams worked between --
23 about 12 hours a day. These ballots were processed
24 in five and a half days by our staff. And the

1 Election Day provisional ballots were 8,528
2 ballots.

3 The bipartisan teams included Voter
4 Services full-time and seasonal staff, along with
5 PEO trainers and admin -- and admin and absentee
6 department seasonal employees.

7 We wouldn't have been able to
8 complete processing the Election Day provisional
9 ballots in such a short amount of time without the
10 support of our admin, absentee, and PEO
11 departments.

12 I'd like thank Erin Gibbons, our
13 executive manager, along with Matt Kelly,
14 Steve Bulen, the managers of the absentee and PEO
15 departments, for allowing us to use their staff
16 during our processing -- during our processing
17 period.

18 Also, because we are using -- we use
19 paper pollbooks for -- on Election Day, our staff
20 is responsible for manually assigning vote history
21 for Election Day voters. As of today, we have
22 assigned approximately 162,000 voters in a little
23 over a week, leaving us with approximately 150,000
24 voters who left to assign a voting history for this

1 election.

2 Currently we have a team of 25
3 people working on this project.

4 In total, we have -- In total,
5 through all of the assigning vote history and
6 provisional ballot processing, we employed 60
7 people to help with these postelection duties.

8 So I will now turn to -- turn over
9 our provisional exhibit to Sara Ziemba.

10 DEPUTY DIRECTOR PAYNE: Thank you,
11 Travis.

12 MS. SARA ZIEMBA: Good morning,
13 everyone. And thank you, Travis.

14 I am Sara Ziemba, the supervisor of
15 the Voter Services Department. Happy to be here
16 today to present our exhibit on the provisional
17 ballots that we recommend for Board approval and
18 rejection.

19 I'd also like to echo Travis'
20 compliments to our staff. We had a super
21 hard-working team, as we always do, from all areas
22 of the Board of Elections, even VLM, or Voting
23 Location Managers and deputies that help us out.
24 And they just do a great job.

1 And like Travis said, they're still
2 over there working, and they're waiting in the
3 ballot vault to open up these provisionals after I
4 get done talking. So I won't belabor this any
5 more.

6 Today we are gathered here to talk
7 over these provisional ballots.

8 We had a total of 10,026 provisional
9 ballots cast in the Early Vote Center and on
10 Election Day, and we are going to recommend that
11 the Board accept 8,293 provisional ballots, to
12 reject 1,677 provisional ballots.

13 We also have 27 provisional ballots
14 that are going to require some further
15 reconciliation between the ballots cast on Election
16 Day and the signatures in the pollbook; so we would
17 recommend that the Board postpone voting on those
18 27 until the 27th when we have the official
19 certification.

20 And then we have 29 additional Board
21 review ballots based off of date-of-birth issues
22 that we'd like the Board to review and take a vote
23 on that later today.

24 So as we go along, you can follow

1 along on *Exhibit A in your packet as we go through
2 each category; and I'll give a brief overview.

3 So like Travis said, for the total
4 that we recommend to accept, it's 8,293. These
5 ballots, as all the ballots are, were processed by
6 our bipartisan processing teams. And in order
7 for a ballot to be considered recommended for
8 acceptance -- or recommended to be accepted, the
9 voter has to meet two qualifications and provide
10 five required items of information on their
11 affirmation statement. The two conditions voters
12 must meet are that they have to be registered to
13 vote at least 30 days prior to the given election
14 somewhere in the state of Ohio and that the voter
15 cannot have cast another ballot for the given
16 election in which they cast their provisional
17 ballot.

18 If those two conditions are met,
19 then the voter has to provide five required items
20 of information on the front of their ballot
21 envelope, that provisional affirmation statement.
22 They have to have their printed name, a valid
23 signature, they have to have their date of birth,
24 current valid residential address, and the voter

1 also must present a valid form of photo
2 identification.

3 And, again, just to review for
4 everyone, because it changed this year earlier in
5 January, voters, provisional, regular, anytime you
6 come to vote, you have to show valid, unexpired
7 photo identification to cast your ballot in the
8 state of Ohio starting in January of this year.

9 So provisional voters, they have to
10 show either their state of Ohio driver's license or
11 state ID, a U.S. passport or passport card, or a
12 military ID with the name that matches the name
13 that is in the voter registration database.

14 So if voters provided all five of
15 those things and met the two qualifications,
16 they're eligible to be recommended for you to
17 accept their ballots today.

18 And Voter Services is happy to
19 confirm that after our bipartisan review and
20 evaluation of these ballots, all of the 8,293
21 provisionals that we recommend that you accept
22 today were cast by individuals who are registered
23 to vote in the state of Ohio, did not cast any
24 other ballot for this election, and provided all

1 five of the required pieces of information on their
2 affirmation statements.

3 And so we would ask that the Board
4 bring up a motion to approve these 8,293
5 provisional ballots.

6 CHAIRMAN PREISSE: Anybody have any
7 questions for that concise index from our reporter?
8 Which is what we expect from you, because we always
9 get it.

10 MS. SARA ZIEMBA: Thank you. I try.

11 CHAIRMAN PREISSE: Now, review again
12 for us this 27 -- You're --

13 Are we going to look at those as a
14 board directly at the next -- the next meeting?

15 MS. SARA ZIEMBA: Hopefully our
16 elections operations department will be able to
17 reconcile when they're working on --

18 Basically what happened is, is when
19 we went to evaluate those provisionals, we were
20 doing a check on the signature pollbooks for -- to
21 make sure that they didn't also sign in on a
22 pollbook and vote on a machine.

23 Those 27 that are still -- that we
24 asked you to postpone, we found that there was a

1 signature on the pollbook for that voter in
2 addition to the provisional ballot that we had
3 evaluated.

4 So election operations department
5 will help us determine if there was -- it was --
6 there might have been a poll worker error where the
7 voter signed the pollbook; and after the fact, that
8 the poll workers realized they should be on a
9 provisional ballot. So the signature was there, we
10 have the provisional, but no actual ballot was
11 cast.

12 So there's still a little bit more
13 reconciliation that's going on between the number
14 of votes that were cast in each precinct versus the
15 number of signatures that were recorded in the
16 pollbook. And when they are working on that, once
17 they conclude their reconciliation, we'll be able
18 to determine if those ballots should be approved as
19 accepted or if they are, in fact, the second vote
20 and the voter had another vote that was cast on the
21 machine. So we would recommend that that ballot be
22 rejected if there are any that fall under that
23 scenario.

24 CHAIRMAN PREISSE: Okay. Good.

1 Thank you.

2 MS. FREEDHOFF: And then you have
3 some for us to look at today?

4 MS. SARA ZIEMBA: Yes.

5 MS. FREEDHOFF: You said 29?

6 MS. SARA ZIEMBA: Yes, there are 29
7 to look at today. There are the date-of-birth
8 issues that you're allowed to vote on as a board if
9 you would like to approve or reject those.

10 MS. FREEDHOFF: Okay.

11 MS. SARA ZIEMBA: Uh-huh.

12 MEMBER SEXTON: Okay. So right now
13 we're just focusing on the 8,293 provisionals?

14 MS. SARA ZIEMBA: 93, that's right.
15 Yes.

16 MEMBER SEXTON: Mr. Chairman, this
17 is Michael Sexton. I move the Board approve the
18 counting of 8,293 provisional ballots as identified
19 on *Exhibit A and that all provisional ballots
20 deemed valid will be counted and including in the
21 official canvas results, for the November 7th,
22 2023, General Election.

23 CHAIRMAN PREISSE: Doug Preisse.
24 Second the motion.

1 DEPUTY DIRECTOR PAYNE: It's been
2 properly 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: The motion
10 carries.

11 And now we'll talk about the
12 rejected provisionals?

13 MS. SARA ZIEMBA: Yes.

14 All right. So going down the line
15 on the reasons for rejection, we have a couple
16 different categories that I'll go over briefly.

17 The total number that we are going
18 to recommend that the Board rejects today are
19 1,677.

20 And by category, the first category
21 we have is 1,099 voters who were not registered
22 anywhere in the state of Ohio on Election Day
23 for 30 -- or were not registered 30 days before
24 Election Day. So these 1,099 voters, when we're

1 evaluating the provisionals, our teams search in
2 the Franklin County registration database, they do
3 three searches there; and then if the voter is not
4 found after those three searches, they move to the
5 statewide voter registration database where another
6 three searches are performed to try to find the
7 voter registered in some other county.

8 If after those six searches the
9 voter is found to be registered -- is not found to
10 be registered anywhere in the state, we put that
11 into the category of not registered and, therefore,
12 we would recommend that the Board reject those one
13 1,099 for not being registered in the state.

14 DEPUTY DIRECTOR PAYNE: May I make a
15 point that, going forward, having filled out the
16 provisional envelope --

17 MS. SARA ZIEMBA: That's right.

18 DEPUTY DIRECTOR PAYNE: -- they will
19 be registered for elections going forward and
20 eligible to vote in March and November of next
21 year?

22 MS. SARA ZIEMBA: That's correct.

23 Yes. So the front of the
24 provisional affirmation statement is, in fact, a

1 registration form; so all of -- and every voter who
2 completes one, we will process it as a voter
3 registration. So it will either be an update, name
4 change, address change, or a totally new
5 registration in the case of these 1,099 voters.

6 I should also mention that in
7 addition to the six searches performed by our
8 processing teams, every ballot that is rejected
9 that is -- we recommend to reject, it has also been
10 given a second look by another team to make sure
11 that, in fact, they should be rejected. We don't
12 want to do anything without having double and
13 triple checked our work on that.

14 So again on Not Registered in the
15 State, that was 1,099 provisional ballots.

16 The next category we have on your
17 sheets are voters who voted in the wrong precinct
18 and the wrong location. There were 98 provisional
19 ballots that fell under this category, and these
20 were cast by voters who provided an address on the
21 affirmation statement of their ballot that fell
22 outside of the voting location where they cast the
23 provisional. So in order for a voter to have their
24 provisional ballot counted, they have to vote where

1 they live. And these voters all live in a
2 different place than where they cast their ballot.
3 So that's why we recommend that the Board reject
4 those 98 ballots for voters who cast their ballot
5 in the wrong precinct and the wrong location.

6 The next category that we have are
7 16 provisional ballots that did not have the
8 voter's signature on it. For whatever reason, the
9 voter failed to sign the affirmation statement of
10 their ballot; and, therefore, since it was missing
11 one of the required items, we recommend that the
12 Board reject those 16 provisional ballots for no
13 signature.

14 The next category on the list are --
15 is No Printed Name. We received two ballots that
16 didn't have any name printed on the affirmation
17 statement; and, therefore, it was not possible to
18 determine who cast the ballot. And, therefore,
19 since it was missing one of those required items,
20 we would recommend that the Board reject those two
21 for having no printed name.

22 The next category on the list are
23 voters who failed to provide a valid current
24 address. We have 37 provisional ballots that fall

1 into that category, and these 37 voters provided an
2 address that did not come up as recognized as a
3 valid residential address in our voter registration
4 database. The majority of these were voters who
5 had put a different county's address, usually one
6 of our surrounding counties, so Licking, Pickaway,
7 Delaware, Union, uhm, they, for whatever reason,
8 chose to vote in Franklin County when they live in
9 a different county. So, obviously, we cannot
10 count -- or recommend that you count that ballot.

11 There are also people who vote -- or
12 who put a P.O. box or a UPS store as their address;
13 and, unfortunately, you have to be registered at a
14 residence, not a business or a post office box. So
15 those are what makes up those 37 provisional
16 ballots that we recommend that you reject for
17 failing to provide a valid residential address.

18 The next category is No
19 Identification. And there are 326 provisional
20 ballots that fall under this category.

21 Again, with the passage of House
22 Bill 458 earlier this year, voters, even
23 provisional voters now, have to provide valid photo
24 identification when they show up to the -- on

1 Election Day or in the Early Vote Center.

2 Again, valid current photo
3 identification for the voter includes an unexpired
4 state of Ohio ID or driver's license, U.S. passport
5 or passport card, and military identification.

6 CHAIRMAN PREISSE: I thought that
7 even an expired driver's license was valid ID. Is
8 that not the case under 458?

9 MS. SARA ZIEMBA: No, in 458, it is
10 not. So it has to be unexpired, the picture has to
11 match the person; it has to be from the state of
12 Ohio, of course; and the name has to match the name
13 that they are registered in in our database.

14 CHAIRMAN PREISSE: Okay.

15 MS. SARA ZIEMBA: So if voters did
16 not have that identification on Election Day, there
17 is a cure period where they're able to come to the
18 Board of Elections and show us -- You know, they
19 can go to the BMV, get an updated license, come
20 here and show us, or bring whatever they didn't
21 have on Election Day, and they can show it here.

22 CHAIRMAN PREISSE: What's the --
23 Was it in 458 that the state will
24 provide a free ID?

1 MS. SARA ZIEMBA: It is, yeah. So
2 they will provide a free state of Ohio ID for
3 voters -- or for any Ohioan 17 -- I think it's 17
4 to 65.

5 CHAIRMAN PREISSE: Where is that
6 issued from?

7 MS. SARA ZIEMBA: The BMV.

8 CHAIRMAN PREISSE: Oh, BMV?

9 MS. SARA ZIEMBA: The BMV, yes.

10 So in the case of these 326 voters,
11 they did not show valid photo identification at the
12 time they cast their vote. They also did not show
13 up to the Board within the cure period and show us
14 valid photo ID.

15 MS. FREEDHOFF: What is that cure
16 period?

17 MS. SARA ZIEMBA: The cure period
18 this time is starting the day after the election,
19 so it's Wednesday, November 8th this time. And our
20 cure period was extended because of the Veterans
21 Day holiday on the 11th; so it was extended till
22 Monday, the 13th of November. And I think that
23 that came from the Secretary of State to extend
24 that until Monday, the 13th, at this time.

1 MR. SIMMONS: Typically it's the
2 Saturday after the election.

3 MS. SARA ZIEMBA: Yes. Typically
4 it's four days, yes. But I think because the BMV
5 would have been closed on Veterans Day, they
6 extended it to the Monday to give people that extra
7 day.

8 MS. FREEDHOFF: Sure.

9 MS. SARA ZIEMBA: So after the cure
10 period, we did actually have 58 voters who came in
11 to the Board of Elections during the cure period to
12 show us their identification. 29 of those actually
13 were -- successfully cured their provisional
14 ballot. The other 29 came in out of an abundance
15 of caution, they had showed ID on Election Day, and
16 they thought they still had to come up and show it
17 again. So, yeah. I know.

18 So sometimes when voters cast their
19 provisional ballot -- not sometimes. Every time a
20 voter casts a provisional ballot, they receive a
21 Secretary of State standard form letter that gives
22 them information about the cure period, gives them
23 a phone number they can call, and gives them
24 information about what they need to show in order

1 to cure their provisional ballot.

2 CHAIRMAN PREISSE: They're given
3 that at the poll?

4 MS. SARA ZIEMBA: At the poll at the
5 time of their vote.

6 And so the phone number calls our
7 over to the provisional hotline where there's a
8 message, again, that says, This is your information
9 about the cure period, when you have to return with
10 your ID, who needs to return with an ID. And
11 voters can also leave a message if they would like
12 a call back if their vote counted. So we'll call
13 those people back after we certify next week or two
14 weeks.

15 So after all of that, we still had
16 the 326 voters who did not show any identification;
17 and so we recommend that the Board reject those
18 voters, 326 ballots, for not showing proper photo
19 identification at the time they cast their vote.

20 And our next category, we have 33
21 voters in the Voter Who Already Voted count --
22 category. These voters typically are absentee
23 voters who mailed their ballot back but they didn't
24 know if it would get here in time, so they went to

1 the polls and voted provisionally on Election Day.
2 We had 17 of the 33 were those.

3 We also had 15 voters in this
4 category who voted in the Early Vote Center and
5 then turned up on Election Day and voted a
6 provisional. We can't --

7 CHAIRMAN PREISSE: Do you see any
8 pattern there?

9 MS. SARA ZIEMBA: Uhm, you know, no,
10 I don't -- I don't know -- I didn't see any pattern
11 to it. It was just sort of a random assortment of
12 things.

13 Our voter fraud investigator will
14 follow up with those 15 voters to see, Did you
15 forget that you voted in the Early Vote Center?
16 You know, we don't know why at this time. But
17 there were 15 that voted in the Early Vote Center
18 and then showed up on Election Day and cast a
19 provision ballot, so we recommend that those don't
20 be counted.

21 And then we actually had one voter
22 who cast two provisionals on Election Day, which we
23 believe is from poll worker error allowing them to
24 fill out two instead of spoiling one, so.

1 But we will still follow up with --
2 with all of those individuals to make sure that --

3 CHAIRMAN PREISSE: Somebody voting
4 three times, I hope it's a Republican.

5 MS. SARA ZIEMBA: -- figure out what
6 was going on.

7 So there were -- there were 33
8 voters who fell into that category.

9 Our next category here is the Date
10 of Birth is Missing. So unlike the ones that we'll
11 talk about here in a minute, these voters just
12 failed to -- 61 voters failed to provide any
13 date-of-birth information on the field. It was
14 just left completely blank on their affirmation
15 statement. And because, again, they're missing one
16 of the five required pieces of information that
17 needs to be on the ballot to count it, we would
18 recommend that the Board reject these 61
19 provisional ballots for a missing date of birth.

20 The last rejection category that we
21 have this time is five provisional envelopes that
22 had no ballot in the envelope. These were ones
23 that, as we were processing, our teams -- there are
24 little holes in the ballot, so you can see if there

1 is actually -- or the envelope to see if there is
2 something in there. Our teams noted that the
3 envelope was empty. The voter had still filled out
4 the front. So, again, we might -- You know, I
5 don't know. We'll find out later if -- what
6 happened to the ballot when election operations
7 does their reconciliation.

8 But for the time being, these five
9 had no ballot in the envelope, so we are going to
10 recommend that the Board reject them for that
11 reason.

12 So in conclusion, there were 1,677
13 provisional ballots that the -- the Voter Services
14 Department recommends the Board reject due to their
15 lack -- or due to their critical deficiencies that
16 are detailed and listed in Exhibit A.

17 And if you have any other questions
18 about those rejected categories or any -- anything
19 else, I'll be happy to answer that before we move
20 on.

21 MS. FREEDHOFF: I have a question
22 for you.

23 MS. SARA ZIEMBA: Sure.

24 MS. FREEDHOFF: Of those 98 that

1 were in the wrong precinct location, do the -- when
2 you check in, do the poll workers tell you, By the
3 way, you're in the wrong location?

4 MS. SARA ZIEMBA: Yes. So there is
5 a whole procedure for when you get checked in.

6 MS. FREEDHOFF: Okay.

7 MS. SARA ZIEMBA: When you show up
8 to the check-in table, you'll say your name and
9 your address. If you don't appear in the pollbook,
10 you get sent over to the paper table -- or the
11 provisional table. The paper ballot judge there
12 looks up your address to make sure you're in the
13 correct precinct. If you're not in the correct
14 precinct to vote, they'll direct you to go to your
15 correct voting location so that your ballot could
16 potentially be counted.

17 There are times where, depending on
18 the time of day, I think is what happens, voters
19 are at the -- they're at the last time of day and
20 they realize they're not going to have time to get
21 to where they want to go; so they just figure
22 they're here, they're going to vote at this
23 location. I think that's the majority of these.

24 Again, we don't know if poll

1 workers -- We don't get notes from the poll
2 workers. We don't really know what the situation
3 was, but that's our best guess.

4 MS. FREEDHOFF: Are they told their
5 vote won't count?

6 MS. SARA ZIEMBA: Uhm, I -- I don't
7 know for -- on the training side what they're told
8 to tell -- tell the voter.

9 MS. MELISSA SULL: I do the VLM
10 training, so VLMS are instructed to tell people
11 their vote won't count if they vote at the wrong
12 precinct.

13 DIRECTOR WHITE: Yeah, that is
14 correct. We do tell them.

15 MS. SARA ZIEMBA: And sometimes,
16 like, I -- I just think it's the end of the day and
17 people are there, and so they want to vote.

18 CHAIRMAN PREISSE: This isn't the
19 first time I've heard this, that people insist that
20 they vote even when they're told that it's not
21 going to count. It's incredible to me.

22 MS. SARA ZIEMBA: It is. I -- I
23 agree.

24 CHAIRMAN PREISSE: But for several

1 years, I've heard this story time and again.

2 MS. SARA ZIEMBA: I know. I --

3 CHAIRMAN PREISSE: God bless them,
4 but --

5 MS. SARA ZIEMBA: Right.

6 CHAIRMAN PREISSE: -- if you want to
7 vote, you --

8 MS. SARA ZIEMBA: Yeah. At the very
9 least, if they put their correct -- their new
10 address on the provisional, we can at least update
11 their address and they'll get a letter saying, You
12 need to go vote here next time.

13 CHAIRMAN PREISSE: Okay. Yeah.

14 MS. SARA ZIEMBA: So at the very
15 least, hopefully people learn from that mistake and
16 go to the correct place the next time.

17 MR. SIMMONS: Also -- Travis
18 Simmons, the manager of voter services.

19 It could be that people are -- go to
20 their old -- they move and they go to their old
21 poll location; and as Sara said, they're told that,
22 You need to go to the new poll location. But
23 they're like -- like she said, it could be that
24 they just refuse to go to their old poll

1 location -- their new poll location, and they
2 decide to cast their ballot at the old poll
3 location.

4 MS. FREEDHOFF: Thank you.

5 MEMBER SEXTON: So I have a
6 question, Sara.

7 So you're recommending that 1,677 be
8 rejected?

9 MS. SARA ZIEMBA: That's correct.

10 MEMBER SEXTON: How does that relate
11 to the 29 that you had talked about that had
12 already seemed to go through the curing process?

13 MS. SARA ZIEMBA: Oh. Those --
14 those were already included in the approved ones.

15 MEMBER SEXTON: Okay.

16 MS. SARA ZIEMBA: Yeah.

17 MEMBER SEXTON: So we're not --
18 we're not doing anything by that number --

19 MS. SARA ZIEMBA: No.

20 MEMBER SEXTON: -- to reject
21 those 29.

22 MS. SARA ZIEMBA: No. That was just
23 for general information so you guys would know how
24 many people showed up to cure.

1 MEMBER SEXTON: Okay.

2 MS. SARA ZIEMBA: Yeah.

3 MEMBER SEXTON: Well, thank you.

4 With that, Mr. Chairman,

5 Michael Sexton, I move that the Board reject the
6 counting of 1,677 provisional ballots as identified
7 by category in Exhibit A and all provisional
8 ballots rejected will not be counted or included in
9 the official canvas results for the November 7th,
10 2023, General Election.

11 CHAIRMAN PREISSE: Doug Preisse,
12 second.

13 DEPUTY DIRECTOR PAYNE: It's been
14 properly moved and seconded.

15 All those in favor of the motion,
16 signify by saying aye.

17 (Vote taken.)

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

20 (No response.)

21 DEPUTY DIRECTOR PAYNE: The motion
22 carries.

23 Do you --

24 MS. SARA ZIEMBA: I did mention

1 earlier the provisionals that are pending Election
2 Day reconciliation.

3 Were there any more questions on
4 that? I don't want to go over it again if you are
5 all clear on that. Okay. Great.

6 Then, we'll move on to the
7 provisionals for Board review. And we have 29 of
8 those that Erin has in front of her. And we'll
9 pass those out while I go over this.

10 DEPUTY DIRECTOR PAYNE: Actually,
11 can I do one thing first?

12 MS. SARA ZIEMBA: Yes.

13 DEPUTY DIRECTOR PAYNE: Can we get
14 those folks extracting the ones that we've already
15 approved?

16 MS. SARA ZIEMBA: Oh, yeah.

17 DEPUTY DIRECTOR PAYNE: So I think
18 we would like a motion to --

19 DIRECTOR WHITE: You've got to
20 accept these first and then take those back.

21 DEPUTY DIRECTOR PAYNE: There's
22 going to be another motion to accept -- to add
23 those to the list.

24 DIRECTOR WHITE: Oh, okay. Go

1 ahead.

2 MS. FREEDHOFF: So I move that the
3 Board authorize the staff to extract the approved
4 provisional ballots.

5 MEMBER MARINELLO: Second.

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: The motion
15 carries.

16 So we'll send somebody back to tell
17 the team.

18 MS. SARA ZIEMBA: I think she just
19 went. Yeah, they're all anxiously awaiting that.

20 DEPUTY DIRECTOR PAYNE: Fantastic.

21 MS. SARA ZIEMBA: All right. So
22 the -- the 29 provisional ballots that we have up
23 for Board review all concern the date-of-birth
24 issue exemption that we go over every election.

1 So Ohio Revised Code has an
2 exception where if the voter has provided a date of
3 birth but it's inconsistent with what we have on
4 our database, the Board is allowed to vote by a
5 total -- or by three or more members to approve or
6 reject these provisional ballots. I separated them
7 into categories for you.

8 The first is that they -- we had 18
9 that wrote 2023 for their year of birth, there were
10 five that wrote Election Day as their birthday, and
11 six others that had some sort of a date-of-birth
12 mismatch between transposing month and day or
13 just it was a slight -- it didn't match what we had
14 on the system. But they all fall within the same
15 exemption, that you have the power approve or
16 reject them; because every other qualification and
17 requirement that the voter has has met that
18 requirement. So they are all registered to vote,
19 they did not cast another ballot for this election,
20 and they provided all the other required
21 information for their ballot to be approved except
22 for the inconsistency in -- in their date of birth.

23 CHAIRMAN PREISSE: So we've dealt
24 with this many times in the past.

1 MS. SARA ZIEMBA: Uh-huh.

2 CHAIRMAN PREISSE: If a voter does
3 not put any date, it is rejected.

4 MS. SARA ZIEMBA: Yes.

5 CHAIRMAN PREISSE: If they put the
6 incorrect date, we may consider it.

7 MS. SARA ZIEMBA: That's correct.

8 CHAIRMAN PREISSE: I find this to be
9 an interesting quirk in the state law.

10 I'm guessing that most of my
11 colleagues, or perhaps all of them, would agree
12 that people, Oh, what's today's date? They put it
13 down.

14 MEMBER MARINELLO: Right. Uh-huh.

15 CHAIRMAN PREISSE: And so I've got
16 those three categories that you've shared with us.
17 These have been thoroughly --

18 MS. SARA ZIEMBA: Reviewed and
19 researched. They -- they sure have.

20 CHAIRMAN PREISSE: -- studied by you
21 guys, by the bipartisan professional staff.

22 I'm not -- Based on precedent and
23 based on human nature, I'm just going to share with
24 my colleagues that I am going to be happy not even

1 to examine them with high confidence that you guys
2 have done that.

3 MS. SARA ZIEMBA: We have, I assure
4 you.

5 CHAIRMAN PREISSE: And also with
6 confidence that many of our fellow voters do the
7 same kinds of things that I do all the time, which
8 is -- What do we call it? The Kroger signature or
9 date and --

10 MS. SARA ZIEMBA: Yeah.

11 MS. FREEDHOFF: On the Election Day
12 ones, instead of writing a number, they wrote
13 "Election Day"?

14 MS. SARA ZIEMBA: They -- Oh, they
15 wrote 11-7, 2023.

16 MS. FREEDHOFF: Oh.

17 MS. SARA ZIEMBA: Yeah.

18 CHAIRMAN PREISSE: What's the date
19 today?

20 I just think it's -- it's ironic
21 and --

22 MS. HUMMER: Do you want us to do
23 further legal research on that for the future so --
24 other than what --

1 CHAIRMAN PREISSE: I would certainly
2 be interested in your --

3 MS. HUMMER: See if there's been any
4 attorney general opinions specifically?

5 CHAIRMAN PREISSE: Yeah, please.
6 Although I know in the past, my recollection is
7 we've said, Oh, well, this person wrote down
8 Election Day or wrote down, you know, their
9 daughter's birthday or wrote down something else;
10 but everything else matches. And Sara is saying
11 that it does.

12 MS. SARA ZIEMBA: Exactly. It does.

13 CHAIRMAN PREISSE: So I don't even
14 need to look at it from my --

15 MS. HUMMER: I mean the no date
16 question.

17 CHAIRMAN PREISSE: I'm sorry?
18 Oh, the no date. Yeah.

19 MS. HUMMER: The difference between
20 the no date and the wrong date, --

21 CHAIRMAN PREISSE: Yeah.

22 MS. HUMMER: -- how we differentiate
23 that. We can give you a memorandum on that if --

24 CHAIRMAN PREISSE: Somebody puts

1 down the wrong information, we get to decide to
2 accept it. Somebody puts down no information,
3 they're automatically rejected.

4 MS. FREEDHOFF: Uh-huh. Right.
5 Because you look at no date of birth, that's 61
6 people. They could have just forgotten to do it.

7 CHAIRMAN PREISSE: Or maybe they
8 were never born.

9 MS. FREEDHOFF: Yeah. But they
10 don't get -- they don't get consideration.

11 MS. SARA ZIEMBA: They do not.

12 MS. FREEDHOFF: So this is doing one
13 thing wrong, too, and now they are giving -- That's
14 kind of not fair.

15 CHAIRMAN PREISSE: I agree with you.
16 But every one of these is probably, in my mind, an
17 honest mistake.

18 MS. FREEDHOFF: Well, every one of
19 those 61, we know they're born.

20 CHAIRMAN PREISSE: Yeah. So they
21 made an honest mistake and --

22 MS. FREEDHOFF: They made an honest
23 mistake, too, but they're not getting
24 consideration. So that seems weird to me.

1 CHAIRMAN PREISSE: I agree a hundred
2 percent.

3 DEPUTY DIRECTOR PAYNE: I will say
4 it's -- it's worth looking at, but it's pretty
5 clear in -- in the directive of -- of what you can
6 count and what you can't count.

7 DIRECTOR WHITE: State law.

8 MS. FREEDHOFF: Their date of birth
9 has more weight than --

10 MS. SARA ZIEMBA: If there's a
11 missing item, if there's any -- if it lacks any of
12 the -- the required items that Ohio Revised Code
13 3505 says that the ballot must be rejected.
14 However, they do --

15 And I don't -- I don't know the
16 history behind this exemption -- exception, sorry;
17 but it -- it is clearly there in the code in the
18 directive for date of birth.

19 MS. FREEDHOFF: And what's "other"?

20 MS. SARA ZIEMBA: "Other" are if
21 they've written -- if they've transposed their
22 month and their day or it's inconsistent with what
23 we have on the system.

24 MS. FREEDHOFF: Okay.

1 MS. SARA ZIEMBA: And the -- my best
2 guess as to why this is is at one time we had a lot
3 of placeholder birthdays that were, like, 1-1-1800,
4 1-1-1900. And maybe that's why this exemption
5 exists, but I -- I don't know with any certainty.

6 CHAIRMAN PREISSE: Okay. I don't
7 have any more thoughts or questions.

8 Anybody else?

9 DEPUTY DIRECTOR PAYNE: So we would
10 be looking at counting or approving 29 and
11 rejecting zero --

12 MS. SARA ZIEMBA: That's correct.

13 DEPUTY DIRECTOR PAYNE: -- out of
14 this?

15 Okay. Thank you.

16 MEMBER SEXTON: Thank you, Sara.

17 Mr. Chairman, Michael Sexton. Move
18 the Board approve the counting of 29 additional
19 provisional ballots and the rejection of zero
20 additional provisional ballots and that all
21 provisional ballots deemed valid will be counted
22 and included in the official canvas results for the
23 November 7th, 2023, General Election.

24 CHAIRMAN PREISSE: Doug Preisse,

1 second the motion.

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

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

6 (Vote taken.)

7 All opposed, same sign.

8 (No response.)

9 DEPUTY DIRECTOR PAYNE: Motion
10 carried.

11 For those additional 29 that we just
12 approved, I suspect we'd like to extract those.

13 MS. FREEDHOFF: Well, I move that
14 the Board authorize the staff to extract the
15 additional 29 provisional ballots.

16 MEMBER SEXTON: Second.

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

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

21 (Vote taken.)

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

24 (No response.)

1 DEPUTY DIRECTOR PAYNE: Motion
2 carries.

3 The final item on here is giving --
4 if there are any ballots that are required to be
5 remade, meaning that they circled something out of
6 the -- the proper circle, but we as a bipartisan
7 team can determine what the voter intent was, we
8 remake that ballot.

9 There are ballots that, honestly,
10 you can tell what the voter was eating during --
11 while they were voting; and a lot of times those
12 won't go through the machine to be counted, either,
13 and require a bipartisan team to remake those.

14 Sometimes potentially we get them
15 in, like, a body bag, but they're ripped in half
16 and we have to remake those.

17 So that's the purpose of authorizing
18 a bipartisan team and giving them the flexibility
19 of remaking the ballot.

20 MS. FREEDHOFF: Do you know how many
21 there are approximately of those?

22 MEMBER MARINELLO: Won't know yet,
23 right?

24 MS. SARA ZIEMBA: Yeah, not until we

1 open it.

2 MEMBER MARINELLO: I move that the
3 Board authorize the staff to remake provisional
4 ballots and that these remade ballots shall be
5 tabulated and included in the initial canvas as a
6 result of the November 7th, 2023, General Election,
7 with a report to be made to the Board later.

8 CHAIRMAN PREISSE: Doug Preisse.
9 Second the motion.

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 I don't see anything else on our
21 agenda today.

22 DIRECTOR WHITE: Thank you, Sara.
23 Well done. Well done.

24 (Discussion held off the record.)

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CHAIRMAN PREISSE: Move to adjourn.

MEMBER MARINELLO: Second.

DEPUTY DIRECTOR PAYNE: It's been moved and seconded; and seeing no objection, we're adjourned.

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Thereupon, the deposition concluded at approximately 10:47 a.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, Beth A. Higgins, 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 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 2nd of December, 2023.

/s/Beth A. Higgins _____
Notary Public, State of Ohio

My Commission Expires: July 16, 2025.

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BOARD MEMBERS: Douglas J. Preisse, Chairman ★ Meredith Freedhoff ★ Kimberly E. Marinello ★ Michael E. Sexton
Antone White, DIRECTOR David R. Payne, DEPUTY DIRECTOR

EXHIBIT A: NOVEMBER 7, 2023 GENERAL ELECTION PROVISIONAL BALLOTS RECOMMENDED FOR ACCEPTANCE, REJECTION, AND REVIEW	
GRAND TOTAL RECOMMENDED TO ACCEPT	8293
REASONS FOR REJECTION	
Not Registered in the State	1099
Wrong Precinct and Location	98
No Signature	16
No Printed Name	2
Failed to Provide Valid Current Address	37
No ID	326
Voter Already Voted	33
DOB Missing	61
No Ballot In Envelope	5
GRAND TOTAL RECOMMENDED TO REJECT	1677
PROVISIONALS PENDING ELECTION DAY RECONCILIATION FOR BOARD REVIEW	27
PROVISIONALS FOR BOARD REVIEW	29
Total Provisional Ballots Cast	10026

