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THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
:
Regular Meeting. :

- - -

DECEMBER 4, 2023

PROCEEDINGS OF THE

FRANKLIN COUNTY BOARD OF ELECTIONS

before Member and Acting Chairman
Meredith Freedhoff, Director Antone White, Deputy
Director David Payne, Board Members Michael Sexton,
and Kim Marinello, on Monday, December 4, 2023,
beginning at approximately 9:05 a.m., and
concluding at approximately 9:25 a.m.

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ALSO PRESENT:

- Erin Gibbons
- Brian Zagrocki, Counsel
- Jeff Mackey
- Ravi Kallem (via Zoom)
- Brandon Johnson (via Zoom)
- Audience

- - -

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E X H I B I T S

EXHIBITS

PAGE

Exhibit 1 -
11-28-23 letter to Mackey from Farley,
re: Application for a recount in
the Worthington City School District
Board of Elections

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Monday Morning Session
December 4, 2023
9:05 a.m.

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

DEPUTY DIRECTOR PAYNE: I think we're ready to get started. I will go ahead and take roll; and then after that, we probably need to appoint a Chairman of the Board.

DIRECTOR WHITE: Okay.

DEPUTY DIRECTOR PAYNE: Why don't we go ahead and take the roll.

Kim Marinello.

MEMBER MARINELLO: Here.

DEPUTY DIRECTOR PAYNE: Mike Sexton.

MEMBER SEXTON: Here.

DEPUTY DIRECTOR PAYNE: Doug Preisse.

(No response.)

DEPUTY DIRECTOR PAYNE: Meredith Freedhoff.

MEMBER FREEDHOFF: Here.

DEPUTY DIRECTOR PAYNE: We definitely have a quorum.

The first item on the agenda, then,

1 would be to nominate someone to serve as chair of
2 the Board in Doug's absence.

3 MEMBER SEXTON: Director, I would
4 move that we appoint Meredith Freedhoff as chair of
5 this meeting of the Board of Elections.

6 MEMBER MARINELLO: 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: The motion
16 carries.

17 Congratulations, Madam Chair.

18 First item on the agenda is the
19 approval of minutes. I believe Erin sent those out
20 to everybody for the November 6th, 2023, meeting of
21 the Board of Elections.

22 MEMBER MARINELLO: Yes. Madam
23 Chairman, I move that the Board approve the minutes
24 of the November 6, 2023, meeting of the Board of

1 Elections as submitted.

2 MEMBER SEXTON: I'll go ahead second
3 it.

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

6 All those in favor of the motion,
7 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 The next item on the agenda is to
15 begin the recount in the races for Bexley City
16 Council, Canal Winchester City Council, Gahanna
17 City Council, Blendon Township, and the Whitehall
18 Charter Issue Amendment Number 28.

19 Start those today, I believe.

20 MEMBER SEXTON: Madam chair, I move
21 that the Franklin County Board of Elections begin
22 the recount today at 10 a.m. in the races for
23 Bexley City Council, Canal Winchester City Council,
24 Gahanna City Council, Blendon Township Trustee, and

1 the Whitehall Charter Issue Number 28.

2 MEMBER MARINELLO: 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: The motion
12 carries.

13 The next item on the agenda is the
14 selection of precincts for a recount requested in
15 the race for Worthington City School Board.

16 I think we'll need to do the
17 selections. Is that right?

18 I'll turn it over to Jeff Mackey to
19 explain the operation.

20 MR. MACKEY: On November 29th, we
21 did receive an application for a recount in the
22 Worthington City School District Board of Education
23 election from Erik Farley. You guys have a copy of
24 the application. Did you receive it, or do you

1 want one? Have one here.

2 DIRECTOR WHITE: Why don't you hand
3 it out.

4 MR. MACKEY: Everything appears
5 appropriate, so we can go ahead and select the
6 precincts to get to five percent of the total vote
7 cast in that race. And because of the number of
8 precincts requested exceeded five percent of the
9 vote cast in that race, to do that, I can't do the
10 RANDOM.ORG at this time because the precincts
11 aren't in sequential order in a list; so I have ten
12 slips of paper with the precincts on them in here.

13 We can start drawing those.

14 DIRECTOR WHITE: You want me to
15 draw?

16 MR. MACKEY: First precinct.

17 DIRECTOR WHITE: Columbus 72-D.
18 If you want to verify that.

19 MR. MACKEY: It's a long
20 spreadsheet.

21 Which precinct was it?

22 DIRECTOR WHITE: Columbus 72-D.

23 DEPUTY DIRECTOR PAYNE: What's that
24 percentage, Jeff?

1 MR. MACKEY: 8.6 percent.

2 Scroll to another one.

3 DIRECTOR WHITE: Columbus 74-A.

4 MR. MACKEY: 126. It's still a
5 little short.

6 DIRECTOR WHITE: Worthington 1-C.

7 MR. MACKEY: 141.

8 There we go. So this will be in the
9 three precincts that we do the manual hand count
10 on.

11 DIRECTOR WHITE: What's the
12 percentage of that, Jeff?

13 MR. MACKEY: We are at 5.73 percent
14 now.

15 DIRECTOR WHITE: Thank you very
16 much.

17 DEPUTY DIRECTOR PAYNE: Fantastic.

18 MS. FREEDHOFF: The Board of
19 Elections received a request for a recount from
20 Erik Farley in his race for Worthington City School
21 Board. Since we have received the request and
22 proper payment, I move that the Board conduct a
23 recount to begin December 8th in the race for
24 Worthington City School Board. The recount will be

1 determined by randomly selecting precincts from the
2 10 precincts selected by Mr. Farley, I guess to be
3 Columbus 72-D, Columbus 74-A, and Worthington 1-C.

4 DEPUTY DIRECTOR PAYNE: Fantastic.

5 MEMBER SEXTON: 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: Motion
15 carries.

16 The next item is to actually set the
17 date and the time for the beginning of the
18 Worthington City School Board race. And 10 a.m. is
19 probably the --

20 MS. FREEDHOFF: Okay. I move that
21 the Franklin County Board of Elections begin the
22 recount December 8th at 10 a.m. in the race for
23 Worthington City School Board.

24 MEMBER MARINELLA: Second.

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

3 All of those in favor of the motion,
4 signify by 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 is the
12 post-election audits. You will recall at the last
13 meeting that the State Issue 1, State Issue 2, and
14 the Columbus Metropolitan Library Levy were
15 selected as the three races that we would audit.

16 MEMBER MARINELLO: Madam Chair, I
17 move that the Board start the post-election audits
18 for State Issue 1, State Issue 2, and the Columbus
19 Metropolitan Library Levy on December 19, 2023,
20 until complete and that the audits be conducted in
21 accordance with the Secretary of State Directive
22 2012-56 and be held at the Franklin County Board of
23 Elections, 1700 Morse Road.

24 DEPUTY DIRECTOR PAYNE: Is there a

1 second?

2 MEMBER SEXTON: I'll second.

3 DEPUTY DIRECTOR PAYNE: All those in
4 favor of the motion, 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 The next item on the agenda is the
12 purchase of touchpads, and I'll turn this over to
13 our director Antone White for further explanation.

14 DIRECTOR WHITE: Thank you, David.

15 Good morning, Board. Today
16 Deputy Director Payne and I are seeking your
17 approval for a contract with Tenex Software
18 Solutions for the purchase of touchpad electronic
19 pollbooks, precincts central software, and other
20 equipment. The term for the this contract is for
21 three years for an amount not to exceed \$2,592,100.
22 This amount includes \$1,680,100 for the initial
23 purchase of the hardware. That's the touchpads,
24 the actual pollbooks themselves, 1,600 pollbooks,

1 training, implementation, and project management
2 services; and then an additional \$912,000 for three
3 years' worth of licensing, vendor support, and
4 maintenance.

5 And, now, as part of this project,
6 we will receive some reimbursement from the State
7 of Ohio through the Secretary of State's office.

8 The State Legislature this year
9 under House Bill 45 appropriated 7.5 million for
10 county boards of elections to procure new
11 electronic pollbooks. And for Franklin County, we
12 were allocated \$818,303, and that funding is
13 available to us upon request to the Secretary of
14 State's office.

15 As I noted during our November 6
16 Board meeting, we conducted a pilot project of this
17 hardware and software for this past election. The
18 pilot project included 28 days of early voting in
19 two Election Day polling locations, Ohio Union and
20 Thompson Recreation Center. During this pilot, we
21 checked in nearly 57,000 voters using this
22 equipment. And we did receive very positive
23 feedback from our Board staff, our early vote
24 staff, and our Election Day poll workers.

1 This contract that's before you this
2 morning has been approved by both the Franklin
3 County Purchasing Department and Franklin County
4 Prosecutor to form. And so pending any questions,
5 I would ask for your approval.

6 DEPUTY DIRECTOR PAYNE: And I
7 believe that if there are any technical questions,
8 we have folks from Tenex on the --

9 DIRECTOR WHITE: We do. We do have
10 Ravi Kallem, who is the president of Tenex
11 Solutions, and Brandon Johnson, who is the -- our
12 Franklin County Project Manager for this are both
13 on the Zoom call this morning for any technical
14 questions.

15 MEMBER SEXTON: Can you or maybe
16 somebody talk about the -- kind of the real-time
17 results that you were able to do with the touchpads
18 that we're not currently able to do?

19 DIRECTOR WHITE: Sure. So -- And
20 Ravi and Brandon can also jump in, as well.

21 But with this solution --

22 And I think, Mr. Sexton, you're
23 referring to, like, turnout numbers and things of
24 that nature.

1 Yes. So with this solution, it's an
2 electronic solution, we will be able to realize
3 sort of Election Day turnout once we have
4 connectivity. And so we do have our Cradlepoints
5 which we can connect to our touchpads
6 electronically; and so we can set up real-time data
7 information sharing.

8 And so in order to do that, you
9 know, we do have to go through a number of security
10 protocols through the Ohio Secretary of State and
11 the security directive that they set forth.

12 We've done this in the past with our
13 previous vendor.

14 And so during implementation, that's
15 one of the things, a transition to have
16 connectivity at our Election Day polling locations
17 so that we can realize some of that real-time data
18 exchange.

19 Ravi or Brandon, did you want to add
20 anything to that?

21 MS. GIBBONS: I think Ravi is
22 speaking, but I can't hear him.

23 Hold on.

24 DIRECTOR WHITE: Ravi, will you

1 repeat what you said? We had you -- We couldn't
2 hear you in the room. If you could start over.

3 RAVI KALLEM: Yeah.

4 Can you hear me now?

5 DIRECTOR WHITE: We can. Thank you,
6 Ravi.

7 MR. KALLEM: Oh, of course. Yeah.
8 No.

9 I was actually -- According to your
10 remarks, that, indeed, we have a lot more
11 opportunity to implement real-time communication,
12 because we have two modern systems, a modern VR
13 system coupled with a modern e-pollbook solution.
14 So we have a lot of opportunities here for
15 real-time integration.

16 We do have real-time integration for
17 sending updates to touchpads during early voting
18 and/or during Election Day if needed. But the
19 real-time -- And also we have the opportunity to
20 collect real-time statistics in terms of how things
21 are going, real-time monitoring of our stations,
22 things like that.

23 But only the real time that is not
24 allowed by Ohio certification is to actually send

1 real-time check-ins. And the system is capable of
2 doing it, but it is more of an Ohio practice not to
3 allow that.

4 But other than that, everything else
5 is real time.

6 DIRECTOR WHITE: And so what Ravi is
7 referring to is we can know -- we're allowed to
8 know how many people checked in at that location,
9 but not who. We can't transfer that data.

10 MEMBER SEXTON: So the old system of
11 posting the lists and what -- 11 and 4 I assume
12 will be gone.

13 DIRECTOR WHITE: No. We'll continue
14 to do that under Ohio Revised Code. And so what
15 will happen is we would do a printout from our
16 touchpads. There's a -- there's functionality in
17 the touchpad that -- it's called the 11-4 list. We
18 can go in and can print the list. It will print
19 out on a -- one of our station printers, and it
20 will post that at each location. That's still
21 required by -- by Ohio Revised Code.

22 MEMBER SEXTON: So, say, at 11, are
23 we going to have some kind of number such as
24 25 percent turnout so far or --

1 DIRECTOR WHITE: Yeah. I mean,
2 we -- we would know throughout the day --
3 connectivity, we would know throughout the day what
4 the turnout numbers are. But at the polling
5 locations, they will still be able to post that list
6 that shows who voted in the location.

7 DEPUTY DIRECTOR PAYNE: So as
8 chairman of the party, you could call it throughout
9 the day anytime and ask for a specific precinct or
10 all the precincts or whatever and know the turnout
11 at that point. So I think party chairs and
12 candidates will be particularly interested in
13 knowing those numbers.

14 MEMBER SEXTON: Oh, yeah. I just --
15 We get calls all day, What's the turnout, what's
16 the turnout?

17 DEPUTY DIRECTOR PAYNE: Yeah.

18 MEMBER SEXTON: And so is there
19 anything to the system -- I know I've brought it up
20 before -- where, like, a particular let's say a
21 House race, you know, a hundred and -- used to be,
22 you know, if there's 125 precincts in a House
23 district, it would post, you know, like, 100 of,
24 you know, 125 precincts reporting.

1 You know, now it just gives a number
2 where it says, you know, a general number of
3 accounting where, you know, 80 percent, you know,
4 had voted, but some of the results in that House
5 district might not be in. So I'm trying to figure
6 out if we'll know specifically, like, per district
7 what the turnout is and what's still in and what's
8 still out.

9 DIRECTOR WHITE: You mean throughout
10 the day on Election Day?

11 MEMBER SEXTON: Just mainly on
12 Election night, yeah.

13 DIRECTOR WHITE: On Election night?

14 Well, on Election night, I mean, we
15 know -- and I think through our -- what we report
16 out on our website, you can -- you can make -- you
17 can be specific as to what race you're looking at,
18 and that will give you the total reporting. If you
19 wanted to see a specific House race, you could
20 click on the House race, and that will tell you the
21 number of precincts and the number of precincts
22 that reported.

23 I don't know if Carla --

24 Is that correct, Carla?

1 CARLA PATTON: Correct.

2 DIRECTOR WHITE: So for election
3 night, you know, you still have -- you still have
4 that capability.

5 CARLA PATTON: Yeah. Those are two
6 different systems, the results and the --

7 DIRECTOR WHITE: That's correct.

8 CARLA PATTON: -- and the touchpad
9 turnout based on voters participating. So those
10 are two totally different systems.

11 DIRECTOR WHITE: That's correct.

12 And we know that, Mr. Sexton,
13 because of as the results return back to the Board
14 on Election night and Carla and her team are
15 scanning and uploading those results, that's how we
16 know how many precincts are in, what's outstanding,
17 and we can break it down by race.

18 MEMBER SEXTON: Okay. Madam Chair,
19 I move that the Board authorize the Director and
20 Deputy Director to enter into a three-year
21 agreement with Tenex Software Solutions,
22 Incorporated, for an amount not to exceed
23 \$2,592,100 for the purchase of 1,610 Tenex
24 Touchpads and the accompanying Hardware, Software

1 Licensing and three-year agreement -- and
2 three-year Service and Support Agreement.

3 MEMBER MARINELLO: I'll second.

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

6 All those in favor of the motion,
7 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 DIRECTOR WHITE: Thank you, Ravi.
15 Thank you, Brandon.

16 BRANDON JOHNSON: Yeah. Thanks
17 everyone. Looking forward to it.

18 RAVI KALLEM: Appreciate it. Thank
19 you.

20 BRANDON JOHNSON: We're going to
21 drop off.

22 DEPUTY DIRECTOR PAYNE: I don't see
23 anything else on the agenda unless any of the Board
24 members have anything.

1 MEMBER SEXTON: I just had a
2 question when our next meeting was.

3 DIRECTOR WHITE: At this point,
4 because of the recounts, depending on the results
5 of the recounts, we may have to bring the Board
6 back to accept any potential changes, and so that's
7 at this point fluid.

8 If we were to have changes as -- due
9 to the recount, we have to set those promptly, so
10 that will probably be sometime next week.

11 After that, our regular next -- our
12 regular scheduled Board meeting will be on
13 January 2nd; and at that time, we will certify
14 candidates to the ballot for the March primary.

15 MEMBER SEXTON: Okay.

16 DEPUTY DIRECTOR PAYNE: There's no
17 need to have them here on the 8th?

18 DIRECTOR WHITE: Say it again.

19 DEPUTY DIRECTOR PAYNE: Is there any
20 need to have them here on the 8th to actually begin
21 the --

22 DIRECTOR WHITE: Oh. I -- You know
23 what? Thank you, David. I did forget that.

24 So because of this requested

1 recount, we do have to bring the Board in on the
2 8th to start the recount. So we'll do that at
3 10 a.m., I believe.

4 DEPUTY DIRECTOR PAYNE: 10 a.m.,
5 yeah.

6 DIRECTOR WHITE: Thank you, David.
7 I forgot about that.

8 Then after that, we may have to
9 bring you back in order to accept any changes as
10 part of the recount process if there are any.

11 MEMBER SEXTON: Madam Chair, I would
12 move to adjourn.

13 DEPUTY DIRECTOR PAYNE: Seeing no
14 objections, we're adjourned.

15 DIRECTOR WHITE: Thank you.

16 - - -

17 Thereupon, the meeting adjourned at
18 approximately 9:25 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 17th of December, 2023.

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

My Commission Expires: July 16, 2025.

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