

FRANKLIN COUNTY
ELECTION BOARD MEETING

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In Re: :

Special Meeting :

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APRIL 5, 2024

PROCEEDINGS OF THE FRANKLIN COUNTY
BOARD OF ELECTIONS
SPECIAL MEETING

before Chairman, Douglas J. Preisse;
Director, Antone White; Deputy Director, David
Payne; Board Members, Michael Sexton, Kim
Marinello, and Meredith Freedhoff, on Friday, April
5, 2024, beginning at approximately 10:03 a.m. and
concluding at approximately 10:25 a.m.

ALSO PRESENT:

- Erin Gibbons
- Jeffrey Mackey
- Carla Patton
- Jeanine Hummer
- Audience

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Friday Morning Session
April 5, 2024
10:03 a.m.

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

DIRECTOR PAYNE: It looks like we have a quorum, Mr. Chairman, but I'll go ahead and take roll.

Kim Marinello?

MEMBER MARINELLO: Here.

DIRECTOR PAYNE: Mike Sexton?

MEMBER SEXTON: Here.

DIRECTOR PAYNE: Doug Preisse?

CHAIRMAN PREISSE: Here.

DIRECTOR PAYNE: And Meredith Freedhoff?

MEMBER FREEDHOFF: Here.

DIRECTOR PAYNE: We absolutely have a quorum.

The first item on the agenda is the approval of minutes from the March 4, 2024 meeting, and I believe Erin sent out the minutes to everybody, and hopefully, you had an opportunity to peruse those.

1 MEMBER FREEDHOFF: Chairman, I move
2 that the Board approve the minutes of the March
3 4th, 2024 meeting of the Franklin County Board of
4 Elections as submitted.

5 MEMBER SEXTON: Second.

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

9 (Vote taken.)

10 DIRECTOR PAYNE: All opposed, same
11 sign.

12 (No response.)

13 DIRECTOR PAYNE: The motion carries.
14 I'm going to call on Carla Patton to
15 go over some of the results -- or actually, all the
16 results from the March primary election.

17 MS. CARLA PATTON: Good morning.

18 THE BOARD: Good morning.

19 MS. CARLA PATTON: I'm Carla Patton,
20 the manager of Election Operations, here at
21 Franklin County.

22 Before you, you have the official
23 returns for the March 19th primary election,
24 conducted here in Franklin County. The results

1 before you have been gone over in a bipartisan
2 manner to ensure that every vote cast has been
3 counted that was eligible to be counted.

4 Within those results, there are a
5 few races that we need to point out. The first
6 race would be the Democratic 10th District State
7 House race.

8 CHAIRMAN PREISSE: Do you have the
9 page number on that, Carla?

10 MS. CARLA PATTON: That is on Page
11 4.

12 CHAIRMAN PREISSE: Thank you.

13 MS. CARLA PATTON: That race was
14 between Sarah Pomeroy and Mark Sigrist, and when we
15 look at the results, the race ends up being close
16 enough, with 4,638 votes cast, and five one-half of
17 one percent of that is 23.19. That would be the
18 threshold for a recount.

19 The difference in the race is 20, so
20 that does fall within the recount race -- or within
21 the recount range for an automatic recount.

22 The next race that we need to point
23 out is on Page 57 of your report. That -- and the
24 race we are looking at is the Republican race for

1 County Central Committee, Columbus Ward 4. There
2 were two certified write-ins in this race, Lucas
3 Denney and Jay Hout.

4 Each of those candidates received
5 five votes; therefore, a tied race will
6 automatically count as -- fall in the recount. In
7 order for us to -- prior to us certifying the
8 results, we need to declare a winner for this race,
9 so we have a coin that we'll toss to declare the
10 winner.

11 CHAIRMAN PREISSE: How many heads
12 does it have?

13 MS. CARLA PATTON: Three heads.

14 So we have decided that in
15 alphabetical order, we'll assign the heads and
16 tails for the candidates, so we would assign Lucas
17 Denney as the heads and Jay Hout with tails.

18 So prior to us certifying, we would
19 ask that you flip a coin in order for us to be able
20 to declare the winner prior to certification. And
21 then after certification, we can order recounts for
22 the two races that we've identified.

23 DIRECTOR PAYNE: Perfect. Thank
24 you, Carla. And I think I see a Susan B. Anthony

1 over there. And confirm that it has a heads and
2 tails there.

3 MS. MARINELLO: It looks good.

4 DIRECTOR PAYNE: All right. Heads
5 is Denney and tails is Hout.

6 MS. MARINELLO: Oh, crap.

7 CHAIRMAN PREISSE: Do you have a key
8 for that in stenography?

9 MEMBER MARINELLO: It is tails.

10 MS. CARLA PATTON: With tails being
11 the winner, that would declare Jay Hout as the
12 winner of the race.

13 In your materials, defined later,
14 you will have a declaration of winner for that race
15 that you will need to sign off on. We will insert
16 Jay Hout's name.

17 So moving on to when we do the
18 recounts, he will be the winner if no changes occur
19 as a result of recount.

20 DIRECTOR PAYNE: Antone, do you have
21 that document?

22 DIRECTOR WHITE: I have that form
23 here.

24 DIRECTOR PAYNE: Okay.

1 DIRECTOR WHITE: I'll fill in the
2 name.

3 MS. CARLA PATTON: So with us having
4 already declared a winner for the tied race, we
5 would ask that you certify the results before you
6 as they appear for the March 19th, 2024 primary
7 election.

8 MEMBER MARINELLO: Mr. Chairman, I
9 move that the Board certify and declare as final
10 the official canvass of the votes cast at the March
11 19th primary election as submitted by staff.

12 CHAIRMAN PREISSE: Second the vote
13 -- second the motion.

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

17 (Vote taken.)

18 DIRECTOR PAYNE: All opposed, same
19 sign.

20 (No response.)

21 DIRECTOR PAYNE: The motion carries.

22 The next item on the agenda is a
23 recount for the Republican Central Committee. And
24 do you want to discuss that, Jeff, on how we --

1 MR. JEFF MACKEY: Sure. Jeff
2 Mackey, manager of Petitions and Campaign Finance.

3 Since it was a tie in that race,
4 which we've decided that triggers a recount, there
5 are so few precincts in that race that the staff
6 has recommended that we just recount the entire
7 race, instead of worrying about picking precincts
8 to do the hand count. There's only four precincts,
9 so we would have to do at least two of them anyway.

10 So if you agree with that, we can
11 move forward with the motion on how to conduct that
12 recount.

13 MEMBER SEXTON: Okay. Mr.
14 Chairman, the election results from the Republican
15 County Central Committee, Columbus Ward 4 race
16 requires a recount. I move that the Board hand
17 count the whole contest, all four precincts, and
18 that the recount is to begin at 9:00 a.m., on April
19 12th until completed.

20 CHAIRMAN PREISSE: Second.

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

24 (Vote taken.)

1 DIRECTOR PAYNE: All opposed, same
2 sign.

3 (No response.)

4 DIRECTOR PAYNE: The motion carries.

5 The next item on the agenda is the
6 selection of voting locations for the recount and
7 the race for State Representative. And, again,
8 I'll turn that over to Jeff Mackey, our manager of
9 Petitions and Filings.

10 MR. JEFF MACKEY: I'll move over
11 here so I can work the computer.

12 All right. So we have to choose at
13 least five percent of the total votes cast for the
14 recount. We do that by selecting precincts
15 randomly. To get to that five percent tally, for
16 the past several elections now, we've been --
17 upgraded our technology to match the times and are
18 using Random.org.

19 If you would like to go ahead and
20 make the motion to order the recount, then we can
21 move on with selecting those precincts.

22 MEMBER MARINELLO: The election
23 results from the Democratic Primary for State
24 Representative 10th District requires a recount. I

1 move that the Board use random.org to select
2 precincts to be used in the recount and that the
3 recount begin at 9:00 a.m. on April 12 until
4 completed.

5 CHAIRMAN PREISSE: Second the
6 motion.

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

10 (Vote taken.)

11 DIRECTOR PAYNE: All opposed, same
12 sign.

13 (No response.)

14 DIRECTOR PAYNE: The motion carries.
15 So now we'll proceed with the
16 selection.

17 MR. JEFF MACKAY: There are 80
18 precincts in that district. We have numbered those
19 precincts 100 through 179. So we'll program that
20 in here. 100 to 179. We'll generate our random
21 sequence. I'm just going to grab a couple here,
22 enter that into our spreadsheet.

23 Okay. So we have exceeded our five
24 percent mark here. See, how much did we go over?

1 We're over by 89. So if I take out this last
2 precinct, that's going to get rid of 256, so I
3 chose successfully, and those are the five
4 precincts that we're going to use: Franklin E;
5 Columbus 49-G; Grove City 5-C; Columbus 58-E; and
6 Grove City 1-F.

7 DIRECTOR PAYNE: Carla, I saw you
8 writing. Is that --

9 MS. CARLA PATTON: Yes; I'm writing
10 --

11 DIRECTOR PAYNE: Okay.

12 MR. JEFF MACKEY: The precinct down,
13 we'll save that to the end.

14 CHAIRMAN PREISSE: You say what?

15 MR. JEFF MACKEY: We'll save it at
16 the end.

17 CHAIRMAN PREISSE: Okay.

18 DIRECTOR PAYNE: We're set there,
19 right?

20 MR. JEFF MACKEY: All set.

21 DIRECTOR PAYNE: So now we can move
22 on to the --

23 MR. JEFF MACKEY: On to the audit.

24 DIRECTOR PAYNE: What's that?

1 Post-election audit?

2 So, again, I'll turn that over to
3 Jeff, if you want to discuss that.

4 MR. JEFF MACKEY: So every election,
5 every even year election, we need to conduct an
6 audit of races, three races, two that the Secretary
7 of State recommends to us, and then a third that we
8 can pick. We had a couple of county-wide races
9 today. I believe that staff was recommending
10 choosing the race for Court of Common Pleas judge,
11 and I forget the term commencing date --

12 MS. CARLA PATTON: 17.

13 MR. JEFF MACKEY: 17, 2025. That
14 was a contested race, so that will do the trick for
15 us.

16 Also, while we're doing that, the
17 Board must determine whether or not it will conduct
18 its post-election audit by precinct, polling
19 location, or individual voting machine.

20 We are permitted to select our audit
21 by polling location because our scanners are not
22 precinct-specific on election day. They can accept
23 any ballot cast at the voting location, so
24 everything is commingled in there, so more

1 efficient if we can use the whole voting location.

2 And then once you've made your
3 motion again, we'll randomly select a sufficient
4 number of units to be audited and the number of
5 votes cast on all selected units to be audited,
6 equal to at least five percent of the total number
7 of votes cast in the county.

8 DIRECTOR PAYNE: So we would --

9 MR. JEFF MACKEY: -- random --

10 DIRECTOR PAYNE: We would be looking
11 for a motion to allow us to do the post-election
12 audit by voting location and allow us to use the
13 selection of random.org; is that correct?

14 MR. JEFF MACKEY: That's correct.

15 MEMBER FREEDHOFF: Mr. Chairman, I
16 move that the Board set the post-election audit by
17 voting locations, and that we use random.org to
18 randomly select the locations to be used in the
19 hand count portion of the audit.

20 MEMBER SEXTON: Mr. Chairman, I'll
21 second.

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

1 (Vote taken.)

2 DIRECTOR PAYNE: All opposed, same
3 sign.

4 (No response.)

5 DIRECTOR PAYNE: The motion carries.
6 And if you want to perform your
7 magic, there, Jeff.

8 MR. JEFF MACKEY: Well, there are
9 304 locations in the county. We have those
10 numbered 100 to 403. Program that into here, get
11 our sequence. Take another stab at it here; see
12 how I do this time.

13 DIRECTOR PAYNE: Jeff, can I ask a
14 question? Do we need to do a motion to indicate
15 what races we're doing prior to --

16 MR. JEFF MACKEY: Sure. I jumped
17 the gun.

18 DIRECTOR PAYNE: We probably should
19 do that.

20 Okay. So if we can have, I think,
21 probably a motion to discuss that we're using the
22 races Republican delegate at large and Alternates
23 at large, as well as Justice of the Supreme Court
24 and Democratic Judge of the Court of Common Pleas,

1 then I think we can move on and do the random.org.

2 MEMBER SEXTON: Mr. Chairman, I move
3 that the Board set the post-election audit in the
4 races for Republican Delegates at large and
5 Alternates at large to the Republican National
6 Convention, Democratic Justice of the Supreme
7 Court, unexpired term ending 12-31-2026, and
8 Democratic Judge of the Court of Common Pleas,
9 General Division, full term commencing 1-7-2025, to
10 begin at 10:00 a.m., on April 22nd until completed,
11 and that the audit be conducted as outlined in
12 Chapter 11, Section 11.03 of the Election Officials
13 Manual and be held at the Franklin County Board of
14 Elections, 1700 Morse Road.

15 CHAIRMAN PREISSE: Second the
16 motion.

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

20 (Vote taken.)

21 DIRECTOR PAYNE: All opposed, same
22 sign.

23 (No response.)

24 DIRECTOR PAYNE: The motion carries.

1 So now we can proceed with selecting our locations
2 for audit.

3 MR. JEFF MACKEY: Our number here --
4 take out a couple.

5 MS. CARLA PATTON: 344 -- I would
6 say go up to 344 and take those.

7 MR. JEFF MACKEY: All right. So
8 we've hit our mark now. Those lids are lids 5,005;
9 5,031; 1,177; 3,045; 2,025; 3,012; 1,040; 9,001;
10 3,004; 3,013; 2,216; and 4,032. Thus concludes --

11 CHAIRMAN PREISSE: Can you confirm
12 you've successfully saved those?

13 MR. JEFF MACKEY: It saves as we go,
14 but yeah.

15 DIRECTOR PAYNE: Are we successfully
16 saved?

17 MR. JEFF MACKEY: Almost. Saved.
18 Now we're good.

19 DIRECTOR PAYNE: Thank you, Jeff.

20 The next item on the agenda is an
21 Election Services Agreement with Election Systems &
22 Software, LLC, and I'll ask Carla Patton to go over
23 that for us.

24 MS. CARLA PATTON: Before you is the

1 contract that we, in the past, have signed in order
2 to prepay for 50 days for support from our election
3 equipment vendor, Election Systems & Software.

4 This has been done for several years
5 in the past. The last contract that we signed for
6 50 days was signed in 2022. The contract that you
7 see before you does include an increase in the cost
8 from the 2022 contract, an increase of \$14,000
9 total overall, for a total of \$98,750, for 50 days
10 of support.

11 This will get us through the next
12 few elections, and the support that we do receive
13 from the vendor is a very appreciated and solid
14 support. They've always been able to support us
15 with whatever issues of any kind during the year
16 that we may be dealing with, and they're very
17 familiar with the way we run our elections here in
18 Franklin County.

19 So that we would ask that you go
20 ahead and approve for us to enter into the
21 agreement for these 50 days for our support
22 services.

23 CHAIRMAN PREISSE: Carla, what did
24 you say the term was?

1 MS. CARLA PATTON: I believe they
2 have the expiration as April -- as the end of the
3 year of 2024, but in the past, they have been very
4 forgiving with us and allowing for us to carry
5 those over into future elections.

6 DIRECTOR WHITE: Which is what we
7 did with the previous contract --

8 MS. CARLA PATTON: In the previous
9 contracts, we did not --

10 DIRECTOR WHITE: -- carried over.

11 MS. CARLA PATTON: -- utilize all
12 the days within the term, but they've always
13 allowed for us to continue to use those days up
14 until they're gone. We currently have two days, I
15 believe, remaining on the contract that we signed
16 in 2022.

17 MEMBER FREEDHOFF: Did we add new
18 services? Is what -- the price increase?

19 MS. CARLA PATTON: No. I would --
20 inflation over the years; so there has been
21 increases each time we signed. So in 2019, we
22 signed a contract for, you know, 50 days, and from
23 2019 to 2022, there was a -- there was a \$2,250
24 increase from that one; but given, you know, the

1 economy these days, I'm not alarmed by the raise in
2 the rate.

3 DIRECTOR WHITE: This comes off the
4 State term contract, so it's the same -- we're
5 paying for service, and their contractual rate just
6 went up on the State term contract, so that was why
7 the increase was there.

8 MEMBER FREEDHOFF: Thank you.

9 DIRECTOR WHITE: You're welcome.

10 CHAIRMAN PREISSE: All right. Any
11 other questions?

12 MEMBER FREEDHOFF: Chairman, I move
13 that the Board enter into Election Services
14 Agreement for project manager services with
15 Election Systems & Software, LLC, for an amount not
16 to exceed \$98,750, and that this agreement begin
17 April 5th, 2024, and cover all elections through
18 December 31st, 2024.

19 MEMBER MARINELLO: Second.

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

23 (Vote taken.)

24 DIRECTOR PAYNE: All opposed, same

1 sign.

2 (No response.)

3 DIRECTOR PAYNE: The motion carries.

4 I don't show anything else on the

5 agenda, unless the Board members would like to

6 discuss something.

7 CHAIRMAN PREISSE: Move to adjourn.

8 MEMBER MARINELLO: Second.

9 DIRECTOR PAYNE: Seeing no
10 objections, we're adjourned.

11 - - -

12 Thereupon, the meeting concluded at
13 approximately 10:25 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, Rebecca Williams, 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 6th day of April, 2024.

Rebecca Williams
Notary Public, State of Ohio

My Commission Expires: June 7, 2027.