

FRANKLIN COUNTY
ELECTION BOARD MEETING

- - -

MARCH 3, 2025

PROCEEDINGS OF THE FRANKLIN COUNTY
BOARD OF ELECTIONS

before Chairman, Douglas J. Preisse;
Deputy Director, David Payne; Director, Antone
White; Board Members, Michael Sexton, Kim
Marinello, and Meredith Freedhoff, on Monday, March
3, 2025, beginning at approximately 3:13 p.m. and
concluding at approximately 6:02 p.m.

ALSO PRESENT:

Erin Gibbons
Jeffrey Mackey
Audience
Jeanine Hummer

Monday Afternoon Session

March 3, 2025

3:13 p.m.

- - -

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

DIRECTOR PAYNE: So it looks like we
have a quorum, but I will go ahead and take roll.

DEPUTY DIRECTOR PAYNE: Kim
Marinello?

MEMBER MARINELLO: Here.

DEPUTY DIRECTOR PAYNE: Mike Sexton?

MEMBER SEXTON: Here.

DEPUTY DIRECTOR PAYNE: Doug
Preisse?

CHAIRMAN PREISSE: Here.

DEPUTY DIRECTOR PAYNE: And Meredith
Freedhoff?

MEMBER FREEDHOFF: Here.

DEPUTY DIRECTOR PAYNE: We do have a
quorum.

Mr. Chairman, the first item on the
agenda is the approval of minutes.

I believe Erin sent out the minutes
from the January 13th, 2025 meeting to everyone,

1 so, hopefully you had an opportunity to take a look
2 at that.

3 MEMBER FREEDHOFF: Yeah.

4 Chairman, Meredith Freedhoff. I
5 move that the Board approve the minutes of the
6 January 13th, 2025 meeting of the Franklin County
7 Board of Elections as submitted.

8 CHAIRMAN PREISSE: Second the
9 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: The motion
19 carries.

20 The next item on the agenda would be
21 the selection of a temporary Chairman.

22 MEMBER SEXTON: Mr. Chairman,
23 Michael Sexton, I move that the Board appoint
24 Meredith Freedhoff as the temporary Chairman for

1 the purpose of reorganization.

2 CHAIRMAN PREISSE: Second the
3 motion.

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: The motion
13 carries.

14 The next item on the agenda would be
15 the appointment of a Director of the Board of
16 Elections.

17 MEMBER MARINELLO: Mr. Chairman, Kim
18 Marinello -- Ms. Chairman, Madam Chairman, I move
19 that the Board appoint Antone White as the Director
20 of the Franklin County Board of Elections, at a
21 compensation rate of \$76.45 per hour.

22 CHAIRMAN PREISSE: Second the
23 motion.

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: The motion
9 carries.

10 Do we want to swear in the Director
11 at this point?

12 MS. HUMMER: I sure can.

13 Ready?

14 DIRECTOR WHITE: Ready.

15 MS. HUMMER: Ready to take it?

16 DIRECTOR WHITE: Ready to take it.

17 (Director Antone White sworn in as
18 Director by Ms. Hummer.)

19 MS. HUMMER: You have now been sworn
20 in.

21 DEPUTY DIRECTOR PAYNE:
22 Congratulations, Director.

23 DIRECTOR WHITE: Thank you.

24 DEPUTY DIRECTOR PAYNE: The next

1 item on the agenda is the appointment of a Deputy
2 Director.

3 MEMBER FREEDHOFF: Chairman,
4 Meredith Freedhoff. I move that the Board appoint
5 David Payne as the Deputy Director of the Franklin
6 County Board of Elections, at the compensation rate
7 of \$74.33 per hour.

8 MEMBER SEXTON: Michael Sexton, I'll
9 second.

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: The motion
19 carries.

20 Thank you, Board. I appreciate you
21 all.

22 (Deputy Director David Payne sworn
23 in as Deputy Director.)

24 CHAIRMAN PREISSE: Thank you, again

1 Justice, for helping us out today. We appreciate
2 it very much.

3 Now if you'll get back to work.

4 DEPUTY DIRECTOR PAYNE: Yeah, now I
5 can breathe a little bit easier now.

6 The next item would be the
7 appointment of a Chairman, a permanent Chairman.

8 MS. FREEDHOFF: Meredith Freedhoff.
9 I move that the Board appoint Doug Preisse as the
10 Chairman of the Franklin County Board of Elections.

11 MEMBER MARINELLO: I second.

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

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

16 (Vote taken.)

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

19 (No response.)

20 DEPUTY DIRECTOR PAYNE: The motion
21 carries.

22 Congratulations, Mr. Chairman.

23 CHAIRMAN PREISSE: Thank you.

24 DEPUTY DIRECTOR PAYNE: The next

1 item on the agenda would be the appointment of
2 full-time clerks. Everybody that's full-time
3 employees of the Board of Elections are considered
4 clerks, and I believe in your packet you have an
5 Exhibit A of all of the full-time Republicans and
6 all the full-time Democrats on staff at the Board
7 of Elections.

8 MEMBER SEXTON: Mr. Chairman,
9 Michael Sexton, I move that the Board appoint the
10 employees listed on Exhibit A as full-time clerks
11 of the Board of Elections and fix as their hourly
12 compensation rate -- compensation the rates listed
13 with their respective names.

14 CHAIRMAN PREISSE: Doug Preisse, I
15 second the motion.

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

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

20 (Vote taken.)

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

23 (No response.)

24 DEPUTY DIRECTOR PAYNE: The

1 motion carries.

2 The next item on the agenda, we have
3 a couple of candidate protests.

4 The first protest was brought to us
5 by Donald Byrnes against Tiara Ross for the office
6 of Columbus City Council, District 7, and I'm going
7 to call on Jeff Mackey, the manager of petitions
8 and filings, to go over some of the information
9 regarding the protest.

10 MR. MACKEY: Thank you, Board
11 Members. Congratulations.

12 In the matter of the protest of
13 candidacy of Tiara Ross for Columbus City Council
14 District 7, we did receive on February 19, 2025 a
15 protest of candidacy. It was filed per Revised
16 Code Section 3513.05, with our office, by Donald
17 Joseph Byrnes, at 591 Chestershire Road Columbus,
18 Ohio 43204, a registered elector.

19 The deadline for protest was
20 February 22nd, 2025, so the protest was timely
21 filed.

22 Mr. Byrnes is challenging the
23 candidacy of Tiara Ross, 50 South Grant Street,
24 Apartment 609, Columbus, Ohio 43215, a candidate

1 for Columbus City Council, Council District 7, on
2 the basis that she does not meet the residency
3 requirement of Columbus City Charter Section 6,
4 qualifications of Council members.

5 Tiara Ross did file a petition on
6 February 4th, 2025. It was reviewed by staff and
7 found to be timely filed, valid and sufficient.

8 The petition was certified by the
9 Board at its February 14th, 2025 meeting. I
10 believe we have provided you a number of exhibits.

11 Exhibit A is a copy of the protest.
12 Exhibit B will be Revised Code Section 3513.05, for
13 your reference, regarding the filing of protest and
14 how to hold a hearing.

15 Exhibit C is a copy of the petition
16 that was filed.

17 CHAIRMAN PREISSE: Exhibit what?

18 MR. MACKEY: Exhibit C. It's the
19 copy of the petition. It will be the legal size
20 document there in your packet.

21 CHAIRMAN PREISSE: My Exhibit C is a
22 -- is a Revised Code citation. Did you say C or B?

23 MR. MACKEY: C should be a copy of
24 her petition. Let me look.

1 Okay. I'm sorry. I've got it wrong
2 on my memo.

3 CHAIRMAN PREISSE: Okay.

4 MR. MACKEY: Exhibit B is the
5 petition. Exhibit C is the Revised Code section
6 regarding protests; and Exhibit D, I believe, is
7 Section 6 of the Columbus City Charter, for your
8 reference.

9 And then we also provided Exhibit E,
10 which is a copy of the registration history of Ms.
11 Ross' two documents there. If you look under the
12 signature section on both documents, you'll see the
13 address history listed.

14 This one is a Franklin County
15 registration, and then one is her Licking County
16 registration.

17 CHAIRMAN PREISSE: And, Jeff, the
18 crux of this protest is that Mr. Byrnes is saying
19 that the candidate did not reside --

20 MS. HUMMER: Did not -- if I may,
21 the crux of the challenge is that the candidate did
22 not meet the residency requirements of the Columbus
23 City Charter --

24 CHAIRMAN PREISSE: Did not meet the

1 requirements of the Columbus City Charter. And
2 then would point to --

3 MS. HUMMER: I think the parties
4 will have a hearing to present each side of this
5 protest and you'll be able to evaluate the evidence
6 as presented.

7 CHAIRMAN PREISSE: Right. We'll do
8 that, but are you pointing to --

9 MS. HUMMER: I don't think he's
10 going to be pointing to anything. He's merely
11 providing you with the information that's necessary
12 to begin your hearing.

13 CHAIRMAN PREISSE: Okay. Then what
14 are we -- who do we wish to hear from first? The
15 candidate and --

16 MS. HUMMER: So if I could at least
17 set the table for the hearing.

18 CHAIRMAN PREISSE: Yeah, please do.

19 MS. HUMMER: You will call the order
20 of the hearing and follow the process as set forth
21 by the prosecutor's office, and then each side will
22 be given an opportunity to make a brief opening
23 statement.

24 And then there will be a

1 presentation of evidence, beginning with
2 Petitioner, the protestor who is stating that there
3 is a violation of the Charter for purposes of
4 candidacy.

5 Each side -- there can be
6 cross-examination by the other side, if necessary
7 or if they want to, and there will be admission of
8 evidence based on what is presented.

9 The Board will have an opportunity
10 at each stage, each witness, for clarifying
11 questions, but to begin the process of, I would say
12 let's open the hearing and allow each side to
13 identify themselves and if they are with legal
14 counsel.

15 CHAIRMAN PREISSE: And opening the
16 hearing is nothing more than the --

17 MS. HUMMER: Setting the stage for
18 this, so that everything said is now made part of
19 the record of the hearing.

20 CHAIRMAN PREISSE: Okay. Good.
21 Then let's proceed. And we wish to hear first from
22 the protester, I guess.

23 MS. HUMMER: At least have each side
24 identify themselves first so we know if they're

1 represented by counsel.

2 CHAIRMAN PREISSE: Yes. Okay.

3 Let's do that on the record.

4 MR. BYRNES: Right here?

5 MS. HUMMER: Yeah, just identify
6 yourself first.

7 MR. BYRNES: Okay. Good afternoon.
8 My name is Donald J. Byrnes. Like I said, I live
9 at 591 Chestershire Avenue, and I am filing the
10 protest against Tiara Ross's candidacy because I
11 believe she does not meet the requirements
12 established in the City Charter to --

13 MS. HUMMER: He needs to be sworn
14 in.

15 MR. BYRNES: I need to be sworn in?

16 CHAIRMAN PREISSE: Okay. Let's
17 swear you in.

18 (Donald Byrnes sworn.)

19 CHAIRMAN PREISSE: Okay. Sorry
20 start again.

21 MR. BYRNES: Just identify myself?
22 My opening spill?

23 CHAIRMAN PREISSE: Identify yourself
24 and then --

1 MS. HUMMER: We can just move
2 forward.

3 CHAIRMAN PREISSE: Yeah, go ahead.

4 MR. BYRNES: The spill? All right.
5 You want the spill?

6 All right. Obviously, you know,
7 we've got a binder full of evidence to go through
8 here, but I would say this case is very, very,
9 very, very simple. It's based on only one fact,
10 that Ms. Ross was not a resident of Columbus City
11 proper on May 6th, 2024, as required by the City
12 Charter.

13 The Columbus City Charter states
14 that in order to hold a seat on City Council, a
15 person shall have resided within Columbus and their
16 district for not less than one consecutive year
17 prior to the date of the primary election.

18 Therefore, if Ms. Ross is not a
19 resident of Columbus on May 6, 2024, she is
20 ineligible to hold a seat on Columbus City Council.

21 Clear and convincing evidence shows
22 that she was not a resident on this date, and if
23 she's not a resident on May 6th, then she is
24 ineligible.

1 I point to the crux of my argument
2 in Ohio Revised Code 3503.02. It states that -- it
3 controls the determination of residency in election
4 matters.

5 Letter A of this statute states that
6 a person's residence is where a person's habitation
7 is fixed, and to which whenever the person is
8 absent, the person has an intention of returning.

9 The Board and the courts must assume
10 that the legislature, our beautiful state
11 legislature, intended each word of the statute to
12 have purpose and must strive to give all its words
13 force and meaning.

14 This means that the intent to return
15 to a place is not of relevant consideration in
16 residency unless the person has fixed their
17 habitation in that place.

18 One Supreme Court case does address
19 habitation. I'm sorry; I'm struggling with that
20 word. Habitation being fixed in Holwadel versus
21 Hamilton County Board of Elections. The Court
22 upheld that the Board of Elections's dismissal of a
23 challenge to Mr. Simes' voter registration.

24 The Board found that the challenger

1 had failed to prove by clear and convincing
2 evidence that Mr. Simes had not established a
3 habitation in Hamilton County, to which he intended
4 to return when his business concluded.

5 There was evidence presented that
6 Mr. Signs had canceled his voter registration in
7 Chicago and registered to vote in Hamilton County.
8 He had forwarded his mail to his friend's
9 Cincinnati condo. He had tried to obtain a
10 driver's license in Ohio.

11 The Ohio Supreme Court pointed out
12 that Holwadel -- that it has never actually defined
13 what it means for a person's habitation to be fixed
14 in place.

15 Despite that fact, the Court stated
16 that the facts that the challenger had shown that
17 Mr. Simes did not have a lease, that he has no
18 clothes at his friend's condo and that he had no
19 agreement with the friend who owned the condo as to
20 living there when Mr. Simes returned. We are not
21 -- they were not necessarily proof of habitation.

22 The Court concluded that the Board
23 of Elections' decision would stand, based on the
24 fact that there was enough evidence of residency

1 for it to dismiss the challenge to Mr. Simes' voter
2 registration.

3 The Court identified evidence
4 supporting residency as the fact that the voter had
5 canceled his voter registration in Chicago. He had
6 registered to vote in Hamilton County and had
7 forwarded his mail to his friend's Cincinnati
8 condo, and he had tried to obtain a driver's
9 license in Ohio.

10 Holwadel minimally establishes that
11 voter registration receiving mail and driver's
12 licenses are some proof of habitation, and Ms. Ross
13 failed to take any of those actions on or before
14 May 6th, 2024.

15 The evidence I'm presenting today
16 are primarily five items. Number one: No voter
17 registration until September 22nd, 2024. The
18 Licking County Board of Elections shows that Ms.
19 Ross registered to vote in Licking County on May
20 2nd, 2026, at 845 Mueller Drive when she was 18
21 years old.

22 She did not change her voter
23 registration from 845 Mueller Drive address until
24 September 22nd, 2024 --

1 THE REPORTER: Sir, I know you're
2 reading, but I need you to speak for the record a
3 little bit slower. Thank you.

4 MR. BYRNES: Okay. My bad; I'm
5 sorry. I was getting into it.

6 CHAIRMAN PREISSE: That's all right.

7 MR. BYRNES: Her registration -- or
8 her decision not to register to vote in Franklin
9 County until September of 2024 indicates that she
10 had not fixed her habitation in the City of
11 Columbus on May 6th, 2024.

12 The second piece of evidence, the
13 campaign contribution to Shayla Favor, listing her
14 address as 845 Mueller Avenue on August 8th -- on
15 August 10th, 2024.

16 On August 10th, 2024, Ms. Ross made
17 a campaign contribution to Shayla Favor for the
18 democratic county prosecutor and listed her address
19 as 845 Mueller Drive.

20 Assuming that this contribution was
21 made through ActBlue website, commonly used by
22 Democrats to process campaign contributions, this
23 means that Ms. Ross' credit or debit card used for
24 the transaction still had the cardholder address as

1 845 Mueller Road on August 10th, 2024.

2 When the Columbus Dispatch
3 interviewed Ms. Ross in relation to this challenge,
4 she stated she had not yet changed her credit card
5 billing address in August, and that is why she used
6 the 845 Mueller for her donation.

7 Well, that seemed likely as a
8 reasonable explanation. Her use of 845 Mueller as
9 her address goes directly to whether she had fixed
10 her habitation at 50 South Grant Avenue.

11 Her decision not to change her
12 credit card billing address until sometime after
13 August 10th indicates that 50 South Grant was not
14 her habitation on May 6th, 2024.

15 The third piece of evidence: The
16 campaign contribution to Melissa Green. City
17 Council Melissa Green listing her address --
18 listing Ms. Ross' address as 50 South Grant.

19 Ms. Ross made a campaign
20 contribution to Melissa Green for City Council on
21 October 17th, 2024. She disclosed her address as
22 50 South Grant Avenue.

23 This means that at some point
24 between August 10th and October 17th, 2024, Ms.

1 Ross changed her address with her credit card
2 company or bank.

3 This supports the fact that she only
4 began to take steps to establish 50 South Grant
5 Avenue as her habitation in September 2024, and it
6 was not her habitation on May 6th, 2024.

7 The fourth and fifth pieces of
8 evidence -- obviously, I've got a whole paper after
9 this. I'm sorry to keep it going for you guys.

10 The fourth and fifth piece of
11 evidence, the driver's license and car registration
12 were at 845 Mueller until at least September 2024.

13 The Oho BMV records show that Ms.
14 Ross's driver's license identified 845 Mueller
15 Drive through at least September of 2024.

16 Additionally, it shows that her
17 personal vehicle, a 2021 Hyundai Sante Fe, with the
18 license plate JKH 8141, was registered at 845
19 Mueller Drive from June 2021 through at least
20 September of 2024.

21 The BMV report seems to show that
22 her license and registration both expired on
23 September 17th, 2024 and has not been renewed. Her
24 driver's license report indicates that her license

1 has been suspended.

2 At this point, I'll pass this out.

3 MS. HUMMER: You need to have it
4 marked as an exhibit.

5 MR. BYRNES: How do I do that?

6 CHAIRMAN PREISSE: Is it already
7 part of what we have?

8 MR. BYRNES: No; it's just more
9 detailed --

10 CHAIRMAN PREISSE: So how should we
11 have this marked?

12 MS. HUMMER: So we have the court
13 reporter mark it as Exhibit Petitioner or
14 Petitioner Exhibit A.

15 CHAIRMAN PREISSE: Okay. So we'll
16 call this Petitioner Exhibit A.

17 - - - - -

18 (Thereupon, Petitioner Exhibit A was marked for
19 purposes of identification.)

20 - - - - -

21 CHAIRMAN PREISSE: Okay. Do you
22 want to describe this to us?

23 MR. BYRNES: I would say that it's a
24 recap of my filing in full, attached with the voter

1 registration information, as well as the BMV
2 report, showing her license and registration and
3 how it expired last year and hasn't been renewed
4 and lists her status as suspended.

5 CHAIRMAN PREISSE: Okay. Is that
6 the conclusion of your prepared remarks --

7 MR. BYRNES: Well, I just wanted to
8 say also that, you know, many challenges to a
9 candidate's voter registration focus on evidence
10 that the candidate intends to return to their
11 voting address.

12 For example, the famous case, Husted
13 versus Brunner. Husted's intent to return to his
14 Kettering home after he was no longer in office was
15 considered a very important piece of evidence
16 regarding his residency. This is because he had
17 already established that he resided in Kettering
18 for 14 years prior to spending time in his wife's
19 home in Columbus.

20 Another important holding from that
21 case is that there were multiple sections of
22 3503.02, can apply great weight that must be
23 accorded to the person's claimed voting address.

24 So if, for some reason, this Board

1 feels that multiple sections of 3503.02 apply, then
2 you must strongly consider the fact that Ms. Ross
3 was registered to vote at 845 Mueller Drive, on May
4 6th, 2024.

5 However, 3503.02 A is clearly
6 applicable in this situation without interference
7 from the other sections.

8 Remembering that all words of the
9 section must be given meaning. Ms. Ross' intent to
10 return to any particular address is not relevant
11 until she has fixed her habitation in that place.

12 She's certainly had fixed her
13 habitation at 845 Mueller Drive throughout the
14 years 2006 through 2024. She was registered to
15 vote there. Received her mail there, registered
16 her car there, and her driver's license listed that
17 address. She did not change any of those items
18 prior to May 6th, 2024.

19 All evidence of the type typically
20 considered by Ohio Courts to indicate a fixed
21 habitation, as in the Holwadel case, her driver's
22 license, car registration, credit card billing
23 address, and voter registration support that her
24 habitation was not fixed in Columbus on May 6th.

1 Her intent to return to that address
2 is only relevant for determining her residence
3 after she fixed her habitation there at some point
4 in September.

5 MS. HUMMER: Mr. Chairman, if he's
6 concluded his testimony, then we need to offer the
7 candidate's counsel an opportunity to
8 cross-examine.

9 CHAIRMAN PREISSE: Cross-examine and
10 then questions from the Board --

11 MS. HUMMER: Any clarifying --

12 CHAIRMAN PREISSE: After the --

13 MS. HUMMER: If you need
14 clarification of any evidence presented, you may
15 ask clarifying questions.

16 CHAIRMAN PREISSE: Okay. Then we
17 shall do that. And ask if there are questions,
18 cross-examination from the -- what's the right word
19 -- not Defendant --

20 MS. HUMMER: The candidate.

21 MR. PREISSE: Say that again.

22 MS. HUMMER: The candidate.

23 MR. COLOMBO: Thank you, Chairman
24 Preisse.

1 CHAIRMAN PREISSE: Yes; I think
2 you're probably -- you're used to this, but you
3 might as well go ahead and identify yourself.

4 MR. COLOMBO: Will do. Will do.
5 I'm Corey Colombo from the law firm of McTigue and
6 Colombo, and my client is Tiara Ross, candidate for
7 Columbus City Council District 7. And now would be
8 the appropriate time -- would you rather me stand
9 or sit?

10 MS. HUMMER: You can stand.

11 MR. COLOMBO: Okay.

12 MS. HUMMER: I think it would be
13 easier.

14 MR. COLOMBO: Okay.

15 Mr. Byrnes, you made a serious
16 accusation here that a candidate misled the Board
17 into their residency, so I obviously am going to
18 have some questions for you.

19 MR. BYRNES: Shoot, Brother.

20 BY MR. COLOMBO:

21 Q. What due diligence did you complete
22 to find out where Tiara Ross lived as of May 6th,
23 2024?

24 A. I refer you to the report I just

1 filed, the seven-page report I just filed with the
2 Board.

3 Q. And that's a complete record of all
4 your evidence?

5 A. Yeah.

6 Q. Okay. Did you make any public
7 records requests?

8 A. We contracted a private investigator
9 to obtain the driver's license records.

10 Q. Okay. How about the question on --
11 did you make public records request?

12 A. No.

13 Q. Did you -- any of your supporters
14 make a records request on your behalf?

15 A. I have no supporters.

16 Q. Okay. So what other -- so in
17 addition to what was alleged in the protest, the
18 only other things you have now are a driver's
19 license from before, correct?

20 A. Yeah, her voter -- her car
21 registration, which is one of the key points in the
22 Holwadel decision about establishing habitation as
23 a residency.

24 Q. Who -- which individuals did you

1 consult with to gather your evidence?

2 A. You mean other than this information
3 that wasn't publicly available?

4 Q. Yes.

5 A. There was a private eye in
6 Cincinnati that we hired for the -- for the
7 registration and stuff.

8 Q. And what was his name?

9 A. I can get it for you. Just a
10 second. His name was Adam Bisnic, B-I-S-N-I-C.

11 I would like to point out that Ms.
12 Ross's car, as identified, also has expired tags
13 out in the parking lot.

14 Q. Well, is that relevant to today's
15 hearing?

16 A. I mean, it just shows that she
17 hasn't updated her registration yet, her car
18 registration, which is, again, one of the key
19 cruxes to establishing habitation -- I can't say
20 this word -- habitation at her residency.

21 Q. Did you consult with any Council
22 candidates or their teams in preparation for this
23 hearing?

24 A. No.

1 Q. Why is that funny?

2 A. Do you know who you're talking to?

3 Q. Never heard your name. Never heard
4 your name before --

5 A. My name is DJ Byrnes. I run the
6 Rooster. It's an independent blog. I'm not really
7 -- it's an independent blog covering Ohio politics,
8 so I'm here on my own volition. It's not part of a
9 campaign or consulting with anyone.

10 Q. Okay. But under oath, to answer the
11 question, did you consult with any other Columbus
12 Council candidates?

13 A. No.

14 Q. Or their campaigns?

15 A. No.

16 Q. And I'm sorry; I had never heard of
17 the Rooster before you filed this protest?

18 A. It's fine. It was just a funny
19 question. I'm sorry; I don't mean to laugh. It's
20 a serious proceeding.

21 Q. Okay. It sounds like you're
22 familiar with ActBlue, correct?

23 A. Yeah.

24 Q. And even in your opening, you

1 acknowledge ActBlue is going to keep the outdated
2 -- or keep your old information on file if you made
3 a prior donation, correct?

4 A. Yeah. You're saying it could be
5 auto filled? For sure, and if -- that could
6 happen, and if that were our only piece of
7 evidence, we wouldn't have filed the challenge, but
8 the ActBlue stuff goes in accordance with the rest
9 of the challenge.

10 Q. Okay. But you do acknowledge they
11 have your old information on file?

12 A. I wouldn't say it's old. I would
13 say you have to update -- if she had updated her
14 credit card -- it verifies each time you make the
15 donation, so when she made that donation, it proves
16 that she hadn't really updated her credit card,
17 because it's a different zip code.

18 So, again, it ties into her
19 establishing habitation at this residency of the
20 lease that she signed three days prior. She hadn't
21 done so much after the fact.

22 Q. So you acknowledge that she signed a
23 lease three days --

24 A. She said she signed a lease. I

1 haven't seen that lease. I would like to look at
2 that lease, but I'm just going off her word. I
3 have no reason to doubt that, but that's what she
4 told the Dispatch.

5 Q. Okay. So if we show you a copy of a
6 lease date, you will be satisfied that she resides
7 in Columbus?

8 A. I would be more interested in the
9 electronic version of that lease, but, yeah, if you
10 wanted to submit the lease, sure, but again, that
11 doesn't really tie into the argument. We
12 acknowledged the lease in the opening statement.

13 Q. You mentioned driver's license. Do
14 you change yours on the day you move?

15 A. If I was running for City Council
16 and I wanted to establish residency, I absolutely
17 would. I absolutely would.

18 Q. But wouldn't a lease be a pretty
19 darn good way to establish where you live?

20 A. Only if you're unfamiliar with the
21 law.

22 Q. I think we're familiar with the law.

23 A. I mean, if you're unfamiliar with
24 the -- what was the original case that I cited in

1 the opening, the Holwadel case? The lease -- the
2 lease is the least important factor in establishing
3 habitation.

4 Q. Do you have a court opinion that
5 says that the lease is the most important thing?

6 A. Well, I guess I would just point to
7 their judgment as whole -- yeah, what I cited
8 Holwadal, H-O-L-W-A-D-A-L versus the Hamilton
9 County Board of Elections.

10 Q. Okay. Are you an attorney, by the
11 way?

12 A. No; I just play one on Twitter.

13 Q. Okay. In your research for this
14 case, did you come across the O'Neill case, O'Neill
15 versus Athens Board of Elections?

16 A. No.

17 Q. Okay. Are you familiar with the
18 Supreme Court just four years ago saying where a
19 person resides determines where they may register
20 to vote, but where the person is registered to vote
21 does not determine where they reside?

22 A. No; that's the first --

23 Q. Have you heard that before?

24 A. No.

1 Q. Okay. Because one of your key
2 pieces of evidence is she wasn't registered to vote
3 at the time?

4 A. Well, that ties into -- again, it's
5 like the ActBlue stuff. If this was just one
6 thrust of the argument, hey, she didn't change her
7 -- she didn't change her voter registration, which,
8 by the way, takes five seconds, thanks to our
9 beautiful Secretary of State, Frank DeRose.

10 If that was the crux of the
11 argument, then I would concede the point, but we're
12 talking about voter registration, which again --

13 Q. Well, if you could just answer my
14 question --

15 A. Yeah, no. I guess no. Is that what
16 you asked?

17 Q. That you have not come across a
18 case -- you're not familiar with the Supreme Court
19 that said that where you're registered to vote
20 determines where you reside?

21 A. So you're saying that's what they
22 said?

23 Q. That's what they said.

24 A. Where you registered to vote is

1 where you reside?

2 Q. No. Where you -- let me repeat this
3 again quoted. The Supreme Court, 2-2020, where a
4 person resides determines where they may register
5 to vote. Where the person is registered to vote
6 does not determine where they reside.

7 So the purposes of the residency
8 analysis, there have been plenty of cases,
9 including this O'Neill case, where she was
10 registered elsewhere, so that's not a determining
11 factor on residency.

12 A. Okay. Well, what about voter
13 registration and all the other stuff?

14 Q. Do you change your voter
15 registration right when you move?

16 A. Yeah. Yeah, I do.

17 Q. Okay.

18 A. It takes five minutes.

19 Q. Sure. Do you think everyone who
20 moves changes their voter registration right away?

21 A. Well, if I were a candidate who I
22 had lived my entire adult life in Reynoldsburg and
23 I was moving into the city to run a campaign and
24 trying to establish residency, I absolutely would

1 have done that.

2 And had Ms. Ross voted in that May
3 6th primary in 2024, we wouldn't be here right now.

4 Q. If she had voted in the May 6th
5 primary in 2024 --

6 A. Yeah.

7 Q. You think she should have registered
8 before that election?

9 A. If she -- I think she should have
10 moved into the district, voted, and the challenge
11 wouldn't be here. It's a compile -- you're trying
12 to nitpick.

13 Q. No -- well, let me ask you this. Do
14 you know when the primary was in 2024?

15 A. May 6th, 2024.

16 Q. I think the Board members will tell
17 you it was a little bit earlier than that last
18 year.

19 A. Okay. Well, when -- okay. Well,
20 when did she sign the lease? It was three days
21 after that.

22 Q. Well, if you remember, presidential
23 election year for Ohio, the primary is in March.

24 A. Okay.

1 Q. Okay. So there would have been no
2 need to register for a May 6th, 2024 primary
3 because there was not one.

4 A. So -- but if it's still -- if she
5 still -- if she didn't move until May, right?
6 That's what she told the Dispatch.

7 Q. She had to move before May 6th,
8 2024? Can we agree on that?

9 A. Yeah, that she had to establish
10 residency.

11 Q. Right. Wouldn't moving into a place
12 establish residency?

13 A. Well, does she have -- all right.
14 If we play that, does she have movers? Movers
15 receipts?

16 Q. Yeah. Yeah.

17 A. Movers receipts? Furniture
18 receipts?

19 Q. We have about -- I had to pick and
20 choose because I didn't want to inundate the Board.
21 I picked the eight or ten biggest, you know,
22 documents I thought would be helpful, but, yeah, we
23 have all that.

24 A. Okay. Well, I would like to see it.

1 Q. Okay. And you will. This is your
2 chance to convince the Board now she does not
3 reside at 50 South Grant.

4 A. Well, when you look -- when you look
5 at -- we've already gone -- we went through the
6 Holwadel case, the Husted case, and even just
7 moving in somewhere and have -- like putting
8 furniture into a place doesn't establish residency.

9 Q. Right.

10 A. It's the three points that I listed
11 in my opening statement.

12 Q. Well, let's ask you this: Did you
13 make any effort to contact her apartment complex?

14 A. Yeah.

15 Q. Okay. And what did you find out?

16 A. That -- we contacted them this
17 morning and that the residency -- like her
18 apartment complex isn't up for lease any time soon,
19 so we were curious if she had already renewed her
20 lease.

21 Q. So when I asked if you consulted
22 with anyone, you didn't mention you reached out to
23 her apartment complex?

24 A. But consulting -- that's not

1 consulting. That's making a phone call.

2 Q. Okay. Well, who else did you make
3 phone calls to?

4 A. Just -- just the apartment complex.

5 Q. Okay. And they did not give any
6 reason to believe she did not reside there?

7 A. No, but, as she -- has she renewed
8 her lease? Because she's within the 60 days.

9 MS. HUMMER: Sir, this is a time
10 where questions are asked to you.

11 MR. BYRNES: Yeah, so that's what
12 I'm trying to like --

13 Q. Is the key date today, or is it May
14 6th, 2024?

15 A. The key date is May 6th, 2024.

16 Q. Okay. Well, let's stick with that.
17 So back to her voting, you're critical she didn't
18 register right away to vote. When would have been
19 the next election she could have voted for?

20 A. In 20- -- probably the general.

21 Q. Correct. And so she registered
22 before the general, right?

23 A. She did.

24 Q. Okay.

1 A. But that's not the statute at hand.

2 Q. Okay.

3 A. We're talking about she had to
4 establish residency a year before.

5 Q. Right.

6 A. Like before she moved in, so --

7 Q. And it's your position you have to
8 register to vote to establish residency?

9 A. It's not my position. It's the
10 Supreme Court's position that it goes -- it's one
11 of the big key factors in establishing residency.
12 You know, I could go to Columbus tomorrow -- or I
13 could go to Clintonville, sign a lease, fill it
14 with a apartment, like it -- that's not a
15 residency.

16 Q. Okay. You said that's the Supreme
17 Court's position, but I just told you what the
18 Supreme Court's position is on the voter
19 registration.

20 A. In one case, but we have the other
21 ones that goes back to the Board of Elections where
22 they tried to get that blogger kicked off the role,
23 but he had tried -- he had cancelled his voter
24 registration in Chicago. He moved to Cincinnati.

1 Registered there. He had established -- he tried
2 -- he was living at a friend's house, and he had
3 his mail forwarded to the apartment, and he also
4 tried to obtain a driver's license.

5 Q. Okay. But --

6 A. Which, again, is none of the --

7 Q. That's --

8 A. She didn't do any of that.

9 Q. Well, we're going to show you all
10 the things she did. I mean, I had to cut off the
11 paper trail.

12 A. But it's not what the Court is
13 looking for.

14 Q. Okay. Well, I appreciate you
15 educating me. I mean, I've been an elections law
16 attorney for 15 years, so it's, you know --

17 A. Hey --

18 Q. I know you're trying to be helpful,
19 and there's nothing wrong with doing this pro se,
20 but to tell me what the Court said and I'm telling
21 you what the Court has said, I don't think -- I
22 think it's up to the Board to decide.

23 But did you find any evidence she
24 voted elsewhere between May 6th, 2024 and since

1 that time?

2 A. No.

3 Q. Okay. I just wanted to ask you,
4 some of your Roosters posts, I saw other people say
5 that she was going to bring in a fraudulent lease
6 to this hearing.

7 If we present documents to you, do
8 you have any reason to believe anything we're
9 presenting is fraudulent?

10 A. I haven't said anything like that.
11 I thought you weren't familiar?

12 Q. Well, no, not until you filed your
13 protest. That was the first time I heard of the
14 Rooster. It's not, you know, something I was
15 familiar with.

16 A. I never said that.

17 Q. But did you see someone else post
18 that?

19 A. No; I would be interested in the
20 electronic version.

21 Q. I think I have a copy I could show
22 you --

23 A. Electronic version? I would be
24 interested in the electronic --

1 Q. Maybe at a break, you could pull it
2 up on your phone. It's pretty easy to find.

3 A. Okay.

4 Q. So you don't watch that closely to
5 see comments --

6 A. I have a lot of comments.

7 Q. Okay. So if we provide you with a
8 moving company receipts before May 6th, you'll be
9 satisfied?

10 A. No.

11 Q. Okay. If we provide you with
12 documentation of utility bills, will you be
13 satisfied?

14 A. No.

15 Q. Okay. And --

16 MR. COLOMBO: You know, I think
17 those are going to be all my questions for this
18 witness. Thank you.

19 CHAIRMAN PREISSE: Thank you,
20 Counselor.

21 And now we will move to what next --

22 MS. HUMMER: He can provide you with
23 any of his own testimony, based on those questions,
24 and then the Board can ask clarifying questions.

1 CHAIRMAN PREISSE: Okay. You're the
2 sole representative of your side of the issues?

3 MR. BYRNES: Yes.

4 CHAIRMAN PREISSE: Okay. Do you
5 wish to comment further?

6 MR. BYRNES: No. I would just refer
7 to my opening statement, that, you know, the
8 Supreme Court is on record on what constitutes
9 habitation at a residence, and it's not utility
10 bills. It's not leases. It's nothing of that
11 nature. It's into the -- what I cited.

12 You know, and -- and in Holwadel
13 versus Hamilton County Board of Elections, Mr.
14 Simes, the subject of the challenge, had cancelled
15 his voter registration in Chicago, registered to
16 vote in Hamilton County.

17 He had forwarded his mail to a
18 friend's Cincinnati condo and had tried to obtain a
19 driver's license in Ohio. These are all things
20 that you do when you're attempting to establish
21 residency.

22 We're not talking about a couple of
23 days I forgot over the course of a weekend. We're
24 talking over the course of months, she did nothing

1 to establish residency, that this was her primary
2 residency, and no matter what trow of evidence they
3 have to bring up here is fine. It doesn't change
4 the fact of the matter that she didn't meet any of
5 the requirements in the three days that she had
6 from signing that lease to the deadline.

7 And I think the statute is pretty
8 clear. When you have to establish residency for
9 the course of the year, and I don't feel that Ms.
10 Ross did any of those things, as required by the
11 Court in the Holwadel decision or the Husted versus
12 Brunner, which is probably the most famous
13 residency case we have in Ohio.

14 I'm not sure about the Athens one.
15 I missed that one, but I don't think it changes the
16 facts of the case at hand.

17 CHAIRMAN PREISSE: Questions from
18 the Board?

19 MEMBER SEXTON: So, Mr. Byrnes, are
20 you saying that in your opinion, and based upon
21 your protest, that the only basically five things
22 that matter in establishing residency are these
23 factors that you've listed?

24 MR. BYRNES: Yes, as far as the

1 Court goes. Voter registration is chief among
2 them. That's like the chief one. Voter
3 registration, driver's license, vehicle
4 registration, and like your mail, where is your
5 mail going.

6 And it was clearly going -- if your
7 credit card statements aren't updated, then it's
8 clearly not going to South -- you know, South Grant
9 Avenue. It's going to Reynoldsburg.

10 And, you know, it would be one thing
11 if she had established residency in Columbus for
12 multiple years. Like Husted, when he lived in
13 Kettering -- prior to that, he lived in Kettering
14 for 14 years.

15 Ms. Ross has lived in Reynoldsburg,
16 unless she's done voter fraud -- has lived in
17 Reynoldsburg from 2006 until three days before the
18 deadline of herself running for candidacy, and I
19 just feel like, you know, in these times, the rules
20 still matter.

21 And especially like this isn't just
22 some random person off the street who forgot to
23 update their voter registration and voted at their
24 old precinct.

1 This is somebody who wants to
2 litigate and hold power over a city of a million
3 people. And I think that, you know, when it comes
4 to -- it's a very easy bar to clear.

5 Like I said, had she moved in 30
6 days before the election, changed her voter
7 registration, voted in the primary, whenever it
8 was, we wouldn't be having this conversation, but
9 she didn't.

10 And then she established this three
11 days before the deadline, and then failed to do any
12 of the very simple things, like register to vote,
13 for months. We're talking about a course of months
14 here.

15 CHAIRMAN PREISSE: Three days before
16 the deadline, you're referring to what?

17 MR. BYRNES: The deadline -- the May
18 6th deadline for the year -- for the election for
19 this year, so she would have had to have lived --
20 established residency by May 6th, 2024.

21 CHAIRMAN PREISSE: What are you
22 saying she did three days before the deadline?

23 MR. BYRNES: I'm saying that she
24 told the Dispatch she moved in -- she signed a

1 lease three days prior to that -- to May 6th, 2024,
2 so it would have been what, May 3rd? It was a
3 Friday.

4 So she moves in three days -- she
5 has three days from signing that lease to establish
6 the residency in Columbus.

7 Voter registration takes five
8 minutes. You can do the BMV stuff online. Another
9 simple task. Updating credit card, having your
10 mail information for UPS -- postal service mailing
11 forwarded. Do we have that? The stuff that
12 actually goes into establishing a residency, as
13 outlined by Holwadel versus Hamilton County Board
14 of Elections. None of that was met.

15 And I think it's a very simple case
16 that we can argue. We can get into the chamber of
17 evidence, but it's did she establish residency in
18 those three days, and she did none of that. And
19 it's not like we're asking her to lift Hercules
20 boulder up a mountain.

21 Logging on, typing into a website
22 would have solved the problem instantly, and she
23 failed to do that. And so do the rules matter, or
24 do the rules not matter for the people who want

1 power over us?

2 I guess that's the question I would
3 pose to you, Chairman Sexton.

4 MEMBER SEXTON: Well, the -- from
5 what you're saying, though, some of the things that
6 Mr. Colombo mentioned doesn't seem to have any --
7 you don't seem to have them in your argument to
8 establish residency, whether it's a lease or
9 whether it's, you know, utility bills.

10 MR. BYRNES: It's not what -- it's
11 not my opinion or your opinion what establishes
12 residency. We're looking at what the Supreme Court
13 said in Holwadel versus Hamilton County Board of
14 Elections and the Husted versus Brunner case.

15 Like if this were -- you know, the
16 voter registration case, whatever they said down in
17 Athens County, that was just one crux of the
18 argument. Fine. Maybe you would have a point, but
19 it's an amalgamation of what we're arguing.

20 Like it's not just voter
21 registration. It's her car. It's her mailing
22 address. It's the fact that she lived in -- like
23 she lived in Reynoldsburg from 2006 to three days
24 before the deadline, and she had very simple steps

1 in those three days to establish residency, and she
2 failed to do it.

3 So we can talk about leases, we can
4 talk about movers. They're not here. I can't
5 cross-examine them.

6 At the end of the day, it's a simple
7 -- it's a simple bar to clear. She didn't do it.

8 CHAIRMAN PREISSE: Any other
9 questions?

10 MEMBER MARINELLO: I have one
11 question. You said something about hiring a
12 private investigator -- or this wasn't the case?
13 This was the Cincinnati --

14 MR. BYRNES: We hired a private
15 investigator from Cincinnati, and basically, you
16 could run a registration -- a plate registration on
17 somebody, just like the history -- the cameras,
18 where they've been in the city. It's like a whole
19 full plate report.

20 And, coincidentally, Ms. Ross, her
21 plate didn't start showing up at that lease -- at
22 that parking lot, outside her apartment, until
23 September of 2024.

24 But, yeah, it was all above --

1 something you could do on anybody. It's a
2 beautiful surveillance tape that the City of
3 Columbus has established over the years.

4 And we saw Ms. Ross drive away from
5 the Candidate Forum the other night, and the
6 license plate that I --

7 MEMBER MARINELLO: You said "we."
8 Who is the "we"? You said you didn't have any
9 supporters. Who is the "we"?

10 MR. BYRNES: Oh, I was just -- the
11 royal "we."

12 MEMBER MARINELLO: Oh.

13 CHAIRMAN PREISSE: Okay. Any other
14 questions from the Board?

15 Counsel, what's the next appropriate
16 step for the --

17 MS. HUMMER: Then if he's rested his
18 case, then we allow the candidate to present their
19 case.

20 CHAIRMAN PREISSE: Are you
21 comfortable with that --

22 MR. BYRNES: Yeah.

23 MR. PREISSE: Okay.

24 MR. COLOMBO: Mr. Chair, Mr. Sexton,

1 Members of the Board, again, my name is Cory
2 Colombo, with the law firm of McTigue Colombo. By
3 now, you know Tiara Ross is my client.

4 I think the only thing I can agree
5 with Mr. Byrnes on is that this case is very, very
6 simple. I evaluate residency issues all the time
7 for clients and whether there's a potential
8 challenge. This is probably the most clearcut I've
9 ever worked on.

10 And I know Mr. Byrnes is not an
11 attorney, but his interpretation of what the
12 Supreme Court has said is far off base.

13 MS. HUMMER: Mr. Colombo, if you're
14 testifying for purposes of evidence, we'll have to
15 put you under oath.

16 If you're just going to present
17 evidence through your witness, we would be happy
18 to --

19 MR. COLOMBO: Thank you, Ms. Hummer.
20 I would be happy to be sworn in. The purpose of
21 this is intended to be an opening statement.

22 MS. HUMMER: Okay. Then you're
23 fine.

24 MR. COLOMBO: Okay.

1 By way of background -- and I think
2 this needs to be said, because I get the sense Mr.
3 Byrnes or people that support him are trying to get
4 media coverage out of this and paint Ms. Ross in a
5 negative light.

6 Ms. Ross's connections to the City
7 of Columbus are deep and go back several decades,
8 and I think that needs to be said.

9 She was born at Grant Hospital, and
10 we laughed before the hearing, that where she lives
11 now is literally a football field away from where
12 she was born.

13 When it came time to go to
14 undergrad, she went to The Ohio State University,
15 from 2005 to 2009. She went to The Ohio State Law
16 School from 2009 to 2012, and in the last seven
17 years, she has been an Assistant City Attorney for
18 the City of Columbus, serving the residents of
19 Columbus as a deputy chief zone attorney. So this
20 trying to smear her and say she's new to Columbus,
21 recently, you know, recruited is completely false.

22 But it's her love and her commitment
23 to her hometown is why she's running for City
24 Council. And despite the protester's assertions

1 and many faulty assumptions, Tiara Ross fully
2 complies with Columbus City Charter Section 6 to be
3 a candidate on the ballot.

4 The Board was correct to certify her
5 to the ballot on February 14th. Nothing in the
6 protest changes that.

7 Charter Section 6 -- and I
8 understand you have a copy in front of you --
9 requires a candidate to be a resident of Columbus
10 and their district for one full year before the
11 primary election.

12 The overwhelming indisputable
13 evidence that we will provide you with today will
14 firmly establish that she meets the Charter
15 requirement.

16 As the primary was in March -- or
17 I'm sorry; I'm using Mr. Byrnes' assumption.

18 As the primary was in May 6th, 2025,
19 this year, the key date that you'll need to go back
20 to is May 6th, 2024, and determine where was her
21 residency one year before the primary.

22 Some of the things we'll have
23 Ms. Ross testify today about, her signed lease,
24 which commenced on May 3rd, 2024, for 50 South

1 Grant Avenue, which is in the 7th District of
2 Columbus.

3 She got a rental insurance policy
4 that started May 3rd. She started paying for
5 utilities on May 3rd, 2024, and has every month
6 since that date.

7 She began moving her personal
8 property in on May 4th. She had her personal
9 property moved in on May 5th, and stayed the night
10 there from that night, and, therefore, going
11 forward. And we'll give you all that documentation
12 today.

13 She also has -- she'll be happy to
14 answer any questions you have.

15 Her friend is also in attendance
16 today and willing to testify about how she helped
17 Tiara move into this apartment on Grant Street on
18 May 3rd and 4th of 2024, which is -- the relevant
19 date is the 6th again.

20 So make no mistake that the City of
21 Columbus and the 7th District have been Tiara Ross'
22 residence, as required by the Charter.

23 Mr. Byrnes gave a close -- I think
24 the definition is close. It's the person's

1 habitation is fixed and to which whenever the
2 person is absent, the person has the intention of
3 returning.

4 I don't want to repeat what I've
5 asked Mr. Byrnes about, but as a quick recap, the
6 whole voter registration issue, Mr. Byrnes is
7 completely wrong on.

8 The Supreme Court has said that in
9 O'Neill versus Athens, 2020 OH 1476, that
10 registration for voting elsewhere is not one of the
11 factors for determining the place of elector's
12 residence under 3503.02.

13 Mr. Byrnes seems to think that's the
14 most important factor, but the Supreme Court has
15 already addressed that.

16 Also, anyone who has donated -- his
17 only other piece of evidence attached to the
18 protest is that a third-party donation website --
19 they have them for both parties; ActBlue is a
20 common one on the Democrat side. They're just
21 going to pull your old information when you make a
22 donation, and that's what happened here.

23 But we're also going to provide you
24 with Secretary of State, Frank DeRose, had a

1 November 29th, 2004 tied vote decision, where he
2 reminded the Board in that case that the protester
3 has to prove this to you by clear and convincing
4 evidence, that a candidate does not reside where
5 she says she does.

6 And Mr. Byrnes had the Court case
7 right, Husted versus Brunner, but in that case,
8 what the Court actually said is if it cannot be
9 shown by the heightened standard of clear and
10 convincing evidence that the person is not a
11 resident, great weight must be accorded to the
12 person to claim voting residence.

13 So Mr. Byrnes had an incredibly high
14 burden. He also incredible -- fell incredibly
15 short of that burden; so we'll ask for the Board to
16 dismiss this protest today.

17 I do have some witnesses if you
18 would like to hear from them and documents.

19 MS. HUMMER: In order for -- because
20 that was your opening statement, not evidence. So
21 you would have to make sure that you present your
22 case by way of evidence.

23 MR. COLOMBO: Yes. Thank you. And
24 we plan to.

1 Mr. Chairman, may I call a witness,
2 or do you have any questions for me?

3 MS. HUMMER: I think you move right
4 into the case.

5 CHAIRMAN PREISSE: Yeah, let's
6 proceed, and let's do it with consideration to the
7 economy of time --

8 MR. COLOMBO: Okay.

9 CHAIRMAN PREISSE: -- while making
10 sure all present have the opportunity to express
11 themselves.

12 MR. COLOMBO: Great.

13 So for the Board -- I appreciate
14 that, Mr. Chair.

15 The first witness is Olivia Nathan,
16 who helped her move in and --

17 MS. HUMMER: She could come right up
18 to the -- so you could ask her questions. That
19 way, you can be heard through the mic.

20 I think she needs to be sworn in.

21 MR. COLOMBO: Okay.

22 (Olivia Nathan sworn.)

23 MS. HUMMER: You can just talk right
24 into the mic.

1 MS. NATHAN: Okay.

2 MR. COLOMBO: And let me know if you
3 can't hear us.

4 BY MR. COLOMBO:

5 Q. Ms. Nathan, can you please state
6 your name and address for the record?

7 A. Sure. My name is Olivia Nathan. My
8 address is 191 North Ohio Avenue, Columbus, Ohio
9 43203.

10 Q. Are you familiar with Tiara Ross?

11 A. I am. We are lifelong childhood
12 friends. We grew up together in Columbus.

13 Q. How long have you known her?

14 A. All of my life.

15 CHAIRMAN PREISSE: Not yet.

16 Q. Do you find Tiara Ross to be honest
17 and trustworthy?

18 A. I do.

19 Q. I want to bring you back to March
20 2024. Did you attend an event where Tiara
21 announced to the people in attendance that she
22 would be moving to the City of Columbus?

23 A. I did.

24 Q. And that took place roughly when in

1 March? Do you remember? Early month or just --
2 are you sure it was March?

3 A. I'm sure it was March, yes.

4 Q. Okay. Did you help Tiara Ross move
5 into an apartment on 50 South Grant Avenue?

6 A. I did help her move.

7 Q. Did this move take place before May
8 6th, 2024?

9 A. It did.

10 Q. Okay. Does it sound correct to you
11 that weekend was May 4th and 5th of 2024?

12 A. That's correct.

13 Q. And you would have helped her on
14 that weekend?

15 A. I did.

16 Q. Okay. Did she move a significant
17 amount of personal stuff to this apartment?

18 A. Yes, a significant amount that
19 required movers.

20 Q. Did you see, during the move,
21 everything you would expect someone to have in a
22 place of res- -- of their habitation?

23 A. Absolutely.

24 Q. Did you see such things as clothes?

1 A. Yes.

2 Q. A bed?

3 A. Yes.

4 Q. Tables?

5 A. Yes.

6 Q. Personal items?

7 A. Yes.

8 Q. Sorry to cut you off. Have you been
9 to her residence since you helped her move in in
10 May of 2024?

11 A. Yes; I'm there two to three times a
12 week.

13 Q. Does this look like the place that
14 she lives?

15 A. Absolutely.

16 Q. Okay.

17 MR. COLOMBO: I have no further
18 questions.

19 CHAIRMAN PREISSE: Thank you.

20 MS. NATHAN: Thank you.

21 MS. HUMMER: You may ask -- he has
22 the right to cross-examine her. The protester has
23 the right to examine her.

24 CHAIRMAN PREISSE: Do you wish to do

1 that?

2 BY MR. BYRNES:

3 Q. I would just ask if she hired
4 movers, what were you helping her move?

5 A. The necessary items to be a habitat
6 in the apartment.

7 Q. Like what?

8 A. The things that attorney Colombo
9 presented. Bed --

10 Q. What did you specifically help move?

11 A. Clothes, items to help with her
12 bathroom, bedding, sheets.

13 Q. So the movers didn't do that?

14 A. The movers helped with larger items.

15 MR. BYRNES: I have nothing further.
16 I would like to talk to Ross, though.

17 CHAIRMAN PREISSE: What?

18 MR. BYRNES: I would like to -- I
19 would like to call Tiara Ross.

20 MS. HUMMER: It's not your case.

21 CHAIRMAN PREISSE: I think we're
22 getting --

23 MR. COLOMBO: I would like to ask
24 Tiara Ross questions next.

1 Mr. Chair, if I could approach, I
2 have exhibit binders for you.

3 CHAIRMAN PREISSE: Okay.

4 MR. COLOMBO: And Ill try to go
5 through these very quickly.

6 CHAIRMAN PREISSE: Do we need to
7 mark these?

8 MR. COLOMBO: They're marked.

9 Unfortunately, I also chose letters --

10 MS. HUMMER: That's okay, as long as
11 we put them as Candidate's.

12 (Tiara Ross sworn.)

13 BY MR. COLOMBO:

14 Q. Ms. Ross, could you state your name
15 and address for the record?

16 A. My name is Tiara Ross. My address
17 is 50 South Grant Avenue, Apartment 609 Columbus,
18 Ohio 43215.

19 Q. What's your current occupation, and
20 how long have you served in that role?

21 A. I am currently Assistant City
22 Attorney for Columbus City Attorney Zach Klein's
23 office and served in that role since 2018, which
24 would be coming up on seven years.

1 Q. What hospital and city were you born
2 in?

3 A. I was born at Grant Hospital, in
4 Columbus, Ohio.

5 Q. And where were you raised as a
6 toddler?

7 A. As a toddler, I was raised in
8 Columbus, Ohio, lived off of Berkley Road.

9 Q. Where did you attend college?

10 A. I attended college at The Ohio State
11 University.

12 Q. And, obviously, in Columbus,
13 correct?

14 A. In Columbus, Ohio.

15 Q. Did you, likewise, go to The Ohio
16 State University Law School in Columbus?

17 A. I did.

18 Q. And at some point, for a period of
19 time, you did live in Reynoldsburg, correct?

20 A. I did. I lived with my
21 grandparents. My grandparents actually started
22 raising me right around after elementary school.

23 Q. And do your grandparents still live
24 in Reynoldsburg?

1 A. They do.

2 Q. Okay. Were you aware of Columbus
3 Charter Section 6?

4 A. Yes.

5 Q. And back -- taking you back to
6 spring of last year, had you considered running for
7 Columbus City Council?

8 A. Yes.

9 Q. So did you intentionally permanently
10 move to Columbus District 7 before May 6, 2024 to
11 comply with the code?

12 A. Yes.

13 Q. I want to walk you through the
14 exhibits in front of you. Even though there's a
15 lot, I think each one will take 15 seconds.

16 CHAIRMAN PREISSE: Good. Do it
17 quickly.

18 MR. COLOMBO: Okay.

19 Q. Ms. Ross, could you flip to
20 Candidate's Exhibit A. And if you look at
21 Paragraph C there, what is the lease commencement
22 date?

23 A. The lease commencement date in
24 Paragraph C, Page 2, is May 3rd of 2024.

1 Q. And I just -- for each exhibit, I
2 want to ask you, are you familiar with this
3 exhibit?

4 A. Yes.

5 Q. And is it a true and accurate copy?

6 A. Yes.

7 Q. Okay. If I could have you flip to
8 Exhibit B, Candidate Exhibit B. This appears to be
9 an e-mail string between you and Library Park III;
10 is that correct?

11 A. Yes.

12 Q. Are you familiar with this document,
13 and is it a true and accurate copy?

14 A. Yes.

15 Q. Okay. If you flip to the second
16 page of Candidate Exhibit B, I see in here where
17 the leasing office on May 2nd, at 11:25 a.m., they
18 instructed you: Your apartment is getting sparkled
19 up as we speak. Do you have a time that you would
20 like to stop by tomorrow to pick up the keys and
21 fobs?

22 Is that your memory? Is that -- is
23 that correct with the timeline?

24 A. It is my memory. I'm just trying to

1 find the actual e-mail you're referencing.

2 Q. It is Exhibit B, the second page.

3 CHAIRMAN PREISSE: You said your
4 apartment is being what?

5 MR. COLOMBO: Oh, I'm sorry. Your
6 apartment is getting sparkled up as we speak.

7 MR. PREISSE: Okay. I got it.

8 Q. Okay. It's about --

9 A. I see it. Yep, I see it now.

10 Q. So do you recall that you did pick
11 up your fob and keys on -- on May 3rd, 2024?

12 A. Yes.

13 Q. If you could flip to Exhibit C.
14 This is a welcome letter from Library Park. Are
15 you familiar with this document, and is it a true
16 and accurate copy?

17 A. Yes; I am. It is a true and
18 accurate copy.

19 Q. Now, if you look down maybe three
20 inches off the top of the page, what does it give
21 you as your move-in date?

22 A. Move-in date is May 3rd, 2024.

23 Q. If you could flip to Exhibit D.
24 This appears to be a Progressive renter's insurance

1 policy. I need to ask you again.

2 Are you familiar with this document?

3 Is it a true and accurate copy?

4 A. I am. It is a true and accurate
5 copy as well.

6 Q. And if you look about a third of the
7 way down the page, what was the effective date of
8 this policy?

9 A. The effective date of the policy is
10 May 3rd, 2024.

11 Q. If I could have you flip to Exhibit
12 E. This appears to be e-mail correspondence with
13 All My Sons Moving and Storage. Move date -- I'm
14 sorry; let me ask you.

15 On Candidate's Exhibit E, are you
16 familiar with this document, and is it a true and
17 accurate copy?

18 A. Yes.

19 Q. Okay. If you look for the move date
20 for All My Sons Movers, what date did they move?

21 A. May 5th, 2024.

22 Q. And is it correct in this
23 correspondence they sent two professional movers?

24 A. Yes.

1 Q. Do you recall there were two
2 professional movers?

3 A. There were two professional movers,
4 yes.

5 Q. So for this type of hire, there must
6 have been significant stuff that they helped move?

7 A. Yes.

8 Q. And as Ms. Nathan suggested in her
9 testimony, you would have had friends help you move
10 smaller items, right?

11 A. Right, like clothes, things like
12 that.

13 Q. It would have been kind of expensive
14 to have them move lightweight items, right?

15 A. Absolutely.

16 Q. So you just had them move the big
17 stuff?

18 A. Right.

19 Q. And that was on May 5th, 2024,
20 correct.

21 A. Right.

22 Q. Okay. Do you recall -- by the way,
23 did you stay the night at your place that night?

24 A. On May 5th?

1 Q. Yes.

2 A. Yes, I did.

3 Q. Okay. If I could have you flip to
4 Candidate's Exhibit F. This appears to be
5 documentation regarding your energy utility bills;
6 is that correct?

7 A. Correct.

8 Q. If you look down midway -- and
9 you're familiar with this document, and it's a true
10 and accurate copy?

11 A. I am familiar with both the e-mails
12 and also the copy of the energy bill.

13 Q. Okay. In the e-mail itself, which
14 is the first page, it says the date that we started
15 billing you was on May 3rd, 2024; is that correct?

16 A. Correct.

17 Q. And have you, in fact, been paying
18 those utility bills since that date?

19 A. Yes.

20 Q. If I could have you flip to
21 Candidate Exhibit G. This appears to be City of
22 Columbus utility invoices.

23 Are you familiar with these records,
24 and are they true and accurate copies?

1 A. I am familiar with the records.
2 They are true and accurate copies.

3 Q. And the service appear, as far as
4 Columbus utilities, was May 6th, 2024, correct?

5 A. Correct.

6 Q. And if you flip through these pages,
7 it appears you paid the utility bill every month
8 since that time; is that correct?

9 A. Correct.

10 Q. If I could have you flip to
11 Candidate's Exhibit H. This is actually a document
12 I provided to you, correct?

13 A. Yes.

14 Q. And this is a copy of Shayla Favor's
15 donation page?

16 A. Yes.

17 Q. And if you go near the bottom, when
18 I went in to make a donation to test it out, what
19 does it say about my donor information?

20 CHAIRMAN PREISSE: Are we looking at
21 H?

22 MR. COLOMBO: We are, Mr. Chair.

23 CHAIRMAN PREISSE: Thank you.

24 Excuse me. Go ahead.

1 A. It says we already have your ActBlue
2 donor information on file.

3 Q. Okay. Prior to you donating to
4 Shayla Favor, had you used -- made a contribution
5 before where you would used the ActBlue platform?

6 A. It's very possible that I had.

7 Q. Okay. Do you recall proactively
8 entering into -- did you proactively enter in a
9 Reynoldsburg address?

10 A. I don't recall having practically
11 entered an address.

12 Q. Okay. So it's on -- is it possible
13 or likely they would have just used a previous
14 donor information?

15 A. Possibly.

16 Q. Okay. Ms. Ross, and I quote -- and
17 he might even be here today. Someone posted:
18 Don't be surprised to see a phony rental agreement
19 turn up dated prior to May 6th of 2024.

20 To me, that's a pretty serious
21 accusation against an attorney, possibly
22 defamatory. Did you forward any of these documents
23 you are providing to the Board today?

24 A. I did not.

1 Q. Did you falsify the lease or any
2 other exhibits to show an earlier date than when
3 you moved in?

4 A. I did not.

5 Q. Did you move your personal
6 possessions into 50 South Grant prior to May 6th,
7 2024?

8 A. Yes.

9 Q. Okay. Have you slept at the
10 apartment continuously since that date?

11 A. Yes, since prior to that date.

12 Q. Okay. Is this your place of
13 habitation that when you are away, you have the
14 intention of returning?

15 A. Yes.

16 Q. You heard us touch on voter
17 registration. What was the first available
18 election you could have voted in after your move to
19 the City of Columbus?

20 A. When I moved in May, the first
21 election that I voted in was the general in
22 November.

23 Q. Okay. So you registered in time to
24 vote for that election?

1 A. I did. In fact, I thought I had
2 already registered to vote and that I was checking
3 my registration and realized that I still needed to
4 update it.

5 Q. Okay. Last question for you. Have
6 you been a resident of District 7, City of Columbus
7 since before May 6th, 2024?

8 A. Yes.

9 Q. Okay.

10 MR. COLOMBO: I have no further
11 questions.

12 Perhaps the Board members do.

13 MS. HUMMER: He has a chance to ask
14 questions relevant to the issue at hand.

15 BY MR. BYRNES:

16 Q. Just a quick question, Tiara. Are
17 you submitting any bank statements to show payment
18 for your rent at South Grant?

19 A. Right now, I am not, but I can.

20 Q. Okay. When does your lease at 50
21 South Grant expire?

22 A. It expires in May of 2025, I
23 believe.

24 Q. Have you renewed the lease?

1 A. I have not, but I also have not
2 received any notice telling me that it is time for
3 -- to renew, and I intend to renew it.

4 Q. Do you think your -- is your rent
5 increasing?

6 A. I don't know, but I mean, obviously,
7 those will be things that I would consider. Either
8 way, I'm staying in the City.

9 Q. What company insures your car?

10 A. Progressive.

11 Q. When did you notify that company of
12 your address change?

13 A. I can't recall when I notified
14 Progressive.

15 Q. Are you submitting any written
16 confirmation of that address change?

17 A. To Progressive?

18 Q. Yes.

19 A. Yes. I mean, right now, all of my
20 bills are coming to 50 South Grant, to include car
21 insurance as well.

22 Q. When did you change your driver's
23 license address to 50 South Grant?

24 A. I have not changed my driver's

1 license.

2 Q. Are you submitting a copy of your
3 driver's license to show the date that it was
4 issued?

5 A. I am not submitting it. I don't
6 know why it would be relevant to this question.

7 Q. When did you change your car
8 registration to 50 South Grant?

9 A. I have not changed my car
10 registration to 50 South Grant.

11 Q. Why didn't you register to vote at
12 South Grant until September 22nd, 2024?

13 A. Again, I thought I had updated it --
14 I updated my mailing address well before then, and
15 there's a checkbox when you update your mailing
16 address when you want it forwarded to a new address
17 to say would you also like to change your voter
18 registration.

19 I thought I had done that. Again, I
20 rechecked it prior to the election, because I was
21 also participating in Get Out to Vote activities.
22 I said I might as well check mine, just to make
23 sure.

24 Checked it particularly under the

1 State's QR code and realized it was still the
2 Reynoldsburg address, and so I immediately updated
3 it so that I could vote in the general.

4 Q. When did you change your address
5 with the postal service to 50 South Grant?

6 A. It would have been soon after I
7 moved in. Whenever I moved in, they actually sent
8 me -- USPS sent me a notice to say: Hey, welcome
9 to the neighborhood. Change your address, also
10 change your voting address. I did it at that time.

11 Q. Are you submitting written
12 confirmation of that change today?

13 A. I am not, but I can.

14 Q. When was the last time you slept at
15 845 Mueller?

16 A. The last time I slept there probably
17 would have been, and I serve as caretakers for my
18 grandparents. They're here today. My grandmother
19 was out of town. My grandfather sustained a pretty
20 bad fall in 2018, so he's got some nerve damage, so
21 she was out of town, asked me to spend the night to
22 help with my grandfather, just to make sure nothing
23 happens, and if something does happen, I am there.

24 So I think the last time she was out

1 of town and had asked me to spend the night was a
2 couple -- like a month ago, maybe, and I would have
3 stayed there for just a couple days while she was
4 gone.

5 Q. Did you stay over there for
6 Christmas?

7 A. Yeah; I would have stayed there over
8 Christmas as well, but more recently than that was
9 when my grandmother was on vacation. I was excited
10 to visit them over Christmastime.

11 Q. And last question. What was your
12 motivation to move from Reynoldsburg to the
13 apartment on South Grant?

14 A. Sure. I, over a year ago, was
15 approached with the idea that I could potentially
16 run for City Council. I had been working for the
17 City Attorney's office for nearly a decade now, and
18 it was a deeply personal decision to move into the
19 city.

20 Again, I serve as a caretaker for my
21 grandparents. They raised me all of my life.
22 Separating from them was fairly hard to do, but
23 because I care about the residents of the City of
24 Columbus --

1 Again, I spent my life here, was
2 raised here, the daughter -- the granddaughter of a
3 pastor that served for 50 years in the Milo-Grogan
4 community, and I wanted to expand my impact and
5 meet my ability to take care of folks that live in
6 the city, and so I decided to move so that I could
7 make sure that I qualified for the residency when I
8 filed the petition.

9 CHAIRMAN PREISSE: Anything else?

10 MR. BYRNES: No.

11 CHAIRMAN PREISSE: Okay. Thank you.

12 MS. HUMMER: Mr. Colombo, do you
13 have any questions relevant to those questions?

14 MR. COLOMBO: I do not.

15 MS. HUMMER: The Board, now if you
16 have any questions --

17 CHAIRMAN PREISSE: Questions of the
18 candidate, then, from the Board?

19 So my understanding is you moved
20 into the City of Columbus to run for Council, and
21 you moved before the deadline because you were
22 cognizant of that deadline?

23 MS. ROSS: Yes, sir.

24 CHAIRMAN PREISSE: Thank you.

1 MEMBER FREEDHOFF: I have a
2 question.

3 MS. ROSS: Yes, ma'am.

4 MEMBER FREEDHOFF: Thank you for
5 coming and testifying today.

6 MS. ROSS: Yes.

7 MEMBER FREEDHOFF: Is your driver's
8 license expired?

9 MS. ROSS: I am unaware of it being
10 suspended --

11 MEMBER FREEDHOFF: Okay.

12 MR. PREISSE: You say expired, not
13 suspended.

14 MEMBER FREEDHOFF: Because that was
15 --

16 CHAIRMAN PREISSE: She said expired,
17 not suspended.

18 MEMBER MARINELLO: She asked were
19 you before --

20 CHAIRMAN PREISSE: Mr. Byrnes, what
21 were you saying about somebody driver's license --

22 MR. BYRNES: It has on her BMV
23 report, which I submitted, it appears that it
24 hasn't been renewed --

1 CHAIRMAN PREISSE: What's "it"?
2 License or the --

3 MR. BYRNES: Yeah, her license, it
4 hasn't been renewed.

5 MS. HUMMER: Her plate or her
6 driver's license?

7 MR. BYRNES: Her license. It's on
8 the thing that I submitted.

9 MEMBER FREEDHOFF: And then you
10 mentioned --

11 MR. BYRNES: The status is
12 suspended.

13 CHAIRMAN PREISSE: Is that relevant
14 to a candidacy?

15 MR. BYRNES: Well, I mean, I would
16 -- I think it would show she hasn't --

17 CHAIRMAN PREISSE: Okay. Thank you.

18 MEMBER FREEDHOFF: He mentioned
19 something about a car in the parking lot didn't
20 have updated stickers?

21 MR. BYRNES: Yeah, on the plate
22 report, there's surveillance. It's not like a key
23 fact of evidence. It was just supplemental --

24 MEMBER FREEDHOFF: I'm just

1 wondering; is that true?

2 MS. ROSS: I'm sorry?

3 MEMBER FREEDHOFF: Is that true,
4 that your driver's license is suspended and your
5 plates are expired?

6 MS. ROSS: I'm unaware of it being
7 suspended.

8 MEMBER FREEDHOFF: Okay.

9 MS. ROSS: And I would have to
10 double-check on these records. I don't -- I don't
11 know.

12 Again, if it was something I missed,
13 like a notice that I missed in the mail, all of
14 that had to be changed when I moved, so it's
15 something I can certainly follow up with.

16 MEMBER FREEDHOFF: When I heard
17 that, I'm just saying I would follow up on that.

18 MS. ROSS: Absolutely, yeah.

19 MEMBER FREEDHOFF: I mean, I'm a
20 mother and I would --

21 MS. ROSS: Yes; I agree. It was
22 shocking to hear, so --

23 CHAIRMAN PREISSE: Okay. Any other
24 questions from the Board?

1 I'm hearing murmurs but not
2 questions. No?

3 MEMBER SEXTON: So you have stated
4 that you moved in May 3rd, 2024, and you had pretty
5 much been there and sleep there all the time. Has
6 there been any long periods of time where you've
7 not?

8 MS. ROSS: I have not, not slept at
9 that address for over a week.

10 MR. SEXTON: Okay.

11 MS. ROSS: Yeah. Over the holiday,
12 as Mr. Byrnes mentioned, I would have spent a few
13 days with my grandparents. Actually had family
14 members come in town, they hosted, but other than
15 that, no.

16 MEMBER SEXTON: Okay. And you were
17 there last night?

18 MS. ROSS: Yeah.

19 CHAIRMAN PREISSE: Okay. Thank you.

20 Procedurally, what our counsel's
21 advice?

22 MS. HUMMER: Procedurally, at this
23 point, either side needs to make a motion. I
24 imagine each side wants their documents admitted

1 into evidence.

2 Is that correct?

3 MR. BYRNES: Yes.

4 MR. COLOMBO: Yes.

5 MS. HUMMER: So in one motion, you
6 can move to admit both Petitioner's exhibits into
7 evidence and the Candidate's exhibits.

8 CHAIRMAN PREISSE: Then I so move
9 that all of the evidence provided to us from the
10 Petitioner -- -

11 MR. BYRNES: I would like to make a
12 quick statement real quick --

13 CHAIRMAN PREISSE: Go ahead.

14 MS. HUMMER: We're not at that
15 point.

16 MR. BYRNES: Okay.

17 CHAIRMAN PREISSE: We'll admit those
18 materials as evidence.

19 In favor, say aye.

20 MR. HUMMER: Do I hear a second?

21 CHAIRMAN PREISSE: Second.

22 DEPUTY DIRECTOR PAYNE: All those in
23 favor of the motion, signify by saying aye.

24 (Vote taken.)

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

3 (No response.)

4 DEPUTY DIRECTOR PAYNE: The motion
5 carries.

6 MS. HUMMER: We're now at a point of
7 closing arguments. So each side with the
8 protester --

9 CHAIRMAN PREISSE: Do the sides wish
10 to making a closing argument?

11 MR. BYRNES: Yeah --

12 CHAIRMAN PREISSE: Or are they
13 satisfied that they have informed the Board --

14 MR. BYRNES: No; I'll keep it quick.
15 I know everybody is tired and wants to get on with
16 their day.

17 CHAIRMAN PREISSE: That's good, but
18 we don't want to cut off discourse, but on the
19 other hand, if you keep it to a couple minutes --

20 MR. BYRNES: Yeah, a couple -- I got
21 you.

22 I just have a couple quick points to
23 highlight after all that. Utilities, leases,
24 movers and stuff like that, they're not proof of

1 what we're talking about here.

2 In the Simes challenge -- Simes had
3 her residency challenged up in Akron in 2024 cycle.
4 From Husted versus Burner, again, the most famous
5 residency case we have in Ohio, great weight must
6 be given to the person's claimed voting address.

7 Ms. Ross was on Mueller Avenue -- or
8 Mueller Drive on May 6th, 2024. Her moving
9 belonging to the apartment is a factor to consider
10 in determining the fixed habitation, but it is
11 outweighed by her failure to register to vote,
12 register her car, or change her license. And she
13 did not change her mailing address until after May
14 6th, 2024.

15 I would also state that ActBlue does
16 not pull old info. It verifies your information
17 with your credit card through primarily the Zip
18 code.

19 CHAIRMAN PREISSE: How do you know
20 that?

21 MR. BYRNES: It's right there in the
22 ActBlue, the -- in the ActBlue example like their
23 policy.

24 CHAIRMAN PREISSE: Okay.

1 MEMBER MARINELLO: I would disagree.

2 MR. BYRNES: And -- because if you
3 try to go through it, it says -- it runs your card
4 every time on the Zip code.

5 So when you've got your -- I mean,
6 her license and registration are relevant to her
7 residency. Not utilities, not movers, not friends.

8 So given all that, like, for what
9 requires -- what the Court requires for a fixed
10 habitation, she did none of it, and I don't think
11 she's cleared the very simple bar of establishing
12 residency because she waited three days before the
13 deadline to even initiate the move in the first
14 place into an apartment that she admits that she
15 obtained for the sole purpose of running for City
16 Council.

17 MEMBER FREEDHOFF: I have a question
18 about ActBlue.

19 CHAIRMAN PREISSE: Sure. Go ahead.

20 MEMBER FREEDHOFF: So when you move,
21 if your credit card has one address and that's the
22 address that ActBlue has, they'll match those two,
23 even if it's wrong? If you haven't changed your
24 credit card --

1 MR. BYRNES: Yeah, it shows that she
2 -- the ActBlue information shows that she did not
3 update her -- the two donations. So you've one to
4 Shayla Favor before with her old address, and then
5 I think in September, whatever she donates to
6 Melissa Green at her new address.

7 So what that shows is she updated
8 her residency information with her credit card
9 sometime between August and September, which ties
10 into another -- it shows the mail wasn't going to
11 her address.

12 I mean, if I had residency, I think
13 I would want my credit card going to --

14 MEMBER FREEDHOFF: Thank you.

15 DEPUTY DIRECTOR PAYNE: Any other
16 questions?

17 Counsel, do you want to make your
18 90-second summation?

19 MR. COLOMBO: I'll try to do it in
20 even less.

21 CHAIRMAN PREISSE: This will be a
22 record for you.

23 MR. COLOMBO: That's fair.
24 Actually, I learned years ago -- I used to just

1 re-read my opening statement, and the Board members
2 did not seem pleased by that.

3 You've heard it all. I mean, this
4 is open and shut. I don't know where Mr. Byrnes --
5 I don't know where this magical Supreme Court case
6 is that leases don't matter. Live testimony
7 doesn't matter. Moving contracts don't matter.
8 And everything -- he keeps saying the Husted case.
9 That's probably my -- that's the case I want you to
10 look at, too.

11 In that case, they found that now
12 senator John Husted established residency, because
13 really it is clear and convincing evidence, as your
14 assistant prosecutor would tell you is an extremely
15 high burden, and it's on him.

16 And we've given you all the evidence
17 to firmly establish, as Ms. Ross said, she was
18 aware of that May 6th deadline, started in March,
19 lining up where she was going to move.

20 We've all moved, right? I mean, you
21 don't change all these things within the first
22 couple weeks of moving. It's gradual.

23 You've got -- especially these days,
24 there's probably 50 places I would have to update.

1 She started with the essential
2 things, but I don't know how Mr. Byrnes overcomes a
3 lease, moving contract, utility bills, friend's
4 testimony, her own testimony.

5 This protest is -- doesn't pass
6 muster, and we would request you dismiss it. Thank
7 you.

8 CHAIRMAN PREISSE: Questions --
9 okay. None.

10 MR. FREEDHOFF: The moving -- the
11 moving document. I don't see a moving contract.
12 It's just an e-mail with the details and then,
13 "thank you for requesting quote" -- I don't see a
14 contract.

15 MR. COLOMBO: You're correct. It is
16 just an e-mail. And -- well, but I mean, the terms
17 of the move are laid out in the e-mail, so I don't
18 think in the cover page we suggested this was a
19 contract.

20 MEMBER FREEDHOFF: You just said it
21 was a moving contract. That's why I'm looking for
22 a contract.

23 MR. COLOMBO: Oh, thank you for that
24 correction. I misstated then.

1 On the cover, how I listed it, and I
2 said -- I spoke -- misspoke, but it's All My Sons'
3 e-mail, about 5-5-24 professional move date, so it
4 was an e-mail.

5 MEMBER FREEDHOFF: Thank you.

6 CHAIRMAN PREISSE: Okay. Any
7 further questions? Anybody else?

8 MS. HUMMER: So the Board is
9 permitted to close its session so they can discuss
10 this matter without the public.

11 CHAIRMAN PREISSE: Say that again.

12 MS. HUMMER: You're allowed as a
13 quasi judicial hearing to close this session out so
14 that you can deliberate. If you so chose to want
15 to deliberate in private, you have that right.

16 CHAIRMAN PREISSE: Executive
17 session?

18 MS. HUMMER: Well, it's not
19 considered Executive Session. It's closed because
20 open meetings doesn't apply to these quasi judicial
21 administrative hearings.

22 CHAIRMAN PREISSE: So is there a
23 Board member who wishes to proceed in that
24 direction?

1 MEMBER MARINELLO: I do not.

2 MEMBER FREEDHOFF: I do.

3 CHAIRMAN PREISSE: You do? If you
4 do, we can, but if you don't, then let's proceed.

5 MEMBER FREEDHOFF: So we don't --
6 okay. We don't talk at all --

7 CHAIRMAN PREISSE: Thank you,
8 everyone who presented today.

9 Does a Board member have a motion to
10 make?

11 MEMBER MARINELLO: I have a motion.
12 Kim Marinello, I move that the Board deny the
13 protest filed by Donald J. Byrnes against Tiara
14 Ross for the office of Columbus City Council,
15 District 7, and that Tiara Ross shall appear on the
16 May 6th ballot.

17 CHAIRMAN PREISSE: Doug Preisse,
18 second the motion.

19 DEPUTY DIRECTOR PAYNE: It's been
20 properly moved and seconded. I'm going to take a
21 roll call.

22 Kim Marinello?

23 MEMBER MARINELLO: Here.

24 DEPUTY DIRECTOR PAYNE: Mike Sexton?

1 MEMBER SEXTON: Yes.

2 DEPUTY DIRECTOR PAYNE: Doug

3 Preisse?

4 MR. PREISSE: Yes.

5 DEPUTY DIRECTOR PAYNE: And Meredith

6 Freedhoff?

7 MEMBER FREEDHOFF: This is the roll
8 call for the vote?

9 DEPUTY DIRECTOR PAYNE: Yes.

10 MEMBER FREEDHOFF: I abstain.

11 DEPUTY DIRECTOR PAYNE: The motion
12 carries.

13 The next item, excuse me, on the
14 agenda is a protest filed by Lori Elmore against
15 Holly Stein. I will call on Jeff Mackey to explain
16 the --

17 MR. MACKEY: So as before, in the
18 matter of the protest of the candidacy of Holly
19 Stein for Whitehall City Council, Ward 4.

20 On February 20, 2025, a protest of
21 candidacy was filed, per RC 3513.05, with the
22 Franklin County Board of Elections, by Lori J.
23 Elmore, 645 Fairway Boulevard, Whitehall, OH 43213,
24 a registered elector.

1 The deadline for protest was
2 February 21st, 2025, so the protest was timely
3 filed.

4 Ms. Elmore is challenging the
5 candidacy of Holly A. Stein, 750 Fairway Boulevard,
6 Whitehall, Ohio 43213, a candidate for Whitehall
7 City Council, Ward 4, on the basis that she does
8 not meet the residency requirement of Whitehall
9 City Charter, Section 3, Elections and
10 Qualifications.

11 Holly Stein filed a petition on
12 January 30th, 2025. Was reviewed by staff. Found
13 to be timely filed, valid, and sufficient. The
14 petition was certified by the Board at its February
15 14th, 2025 meeting. Holly Stein is a registered
16 elector.

17 I also have in your packets there
18 again a copy of the protest. A copy of the
19 petition, a copy of RC 3513.05, Whitehall City
20 Charter 3 that will be up for debate here, and then
21 an election history for Ms. Stein.

22 CHAIRMAN PREISSE: So are we
23 mimicking what we just did to proceed or -- okay.

24 Are you -- so who are you?

1 MS. ELMORE: I'm Lori Elmore.

2 CHAIRMAN PREISSE: You're Lori.

3 Thank you for anticipating my next move,

4 appropriately so. Yeah, please go ahead.

5 Do we need to swear her in?

6 (Lori Elmore Sworn.)

7 CHAIRMAN PREISSE: Thank you.

8 MS. HUMMER: Make sure you state

9 your name and your address for the record.

10 MS. ELMORE: Okay.

11 CHAIRMAN PREISSE: Thank you.

12 MS. ELMORE: My name is Lori J.

13 Elmore. I reside at 645 Fairway Boulevard,

14 Whitehall, Ohio 43213.

15 I do have copies of my opening, if

16 you guys would like those.

17 Can I approach? And I also have an

18 additional document for the exhibit.

19 CHAIRMAN PREISSE: Do we have -- we

20 don't have those materials yet?

21 MS. HUMMER: No.

22 - - - - -

23 (Thereupon, Petitioner Exhibit A was

24 marked for purposes of identification.)

1 - - - - -

2 CHAIRMAN PREISSE: We're going to
3 have a recess for five minutes.

4 (Recess is taken.)

5 CHAIRMAN PREISSE: Thank you for
6 your patience, everybody, but especially you, since
7 you've been standing there the whole time.

8 Ms. Elmore, please -- let's restate.

9 MS. ELMORE: My name is Lori J.
10 Elmore, and I filed the protest regarding the
11 residence for candidate Holly A. Stein.

12 CHAIRMAN PREISSE: Okay.

13 MS. ELMORE: Before I get started, I
14 just want to review or go over the exhibits the way
15 that I have them numbered, so when I refer to them,
16 you guys have the same numbers, if that's okay.

17 CHAIRMAN PREISSE: Is this part of
18 the packet we've received?

19 MS. ELMORE: Yes. Yes. So I just
20 -- you were just given my opening statement.

21 Exhibit 1 is -- at the top, it says:
22 Code Library Dart.amlegal.com. That's Exhibit 1.

23 Exhibit 2 is Whitehall's 411. At
24 the top of the page, it says, "Whitehall 411."

1 Exhibit 3 --

2 CHAIRMAN PREISSE: I don't see
3 Whitehall 411 --

4 MS. HUMMER: We marked those all as
5 one exhibit, as a package, but you put a number on
6 each page.

7 MS. ELMORE: I put a number on each
8 --

9 DEPUTY DIRECTOR PAYNE: Do I need to
10 pass these out, then? Is that -- or what are
11 these --

12 MS. ELMORE: They --

13 MS. HUMMER: Each side -- so, yes,
14 it's my understanding, this is --

15 MS. ELMORE: That's going to be
16 another exhibit with the packet. The other is my
17 opening statement.

18 MS. HUMMER: Okay. But this is just
19 one -- it's just one document?

20 MS. ELMORE: Yeah, one document for
21 each board member.

22 MEMBER FREEDHOFF: I'll pass it.
23 Thank you. That's Exhibit A.

24 MS. ELMORE: So Exhibit 1 is Section

1 Elections and Qualifications.

2 Exhibit 2 is Whitehall's 411.

3 Exhibit 3 says at the top, "Personal
4 information," but if you look at the bottom, it
5 says, "Building districts and building history."
6 That would be Exhibit 3.

7 Following that would be, again,
8 voting districts, voting history. I labeled it 3A.

9 MS. HUMMER: The document you're
10 going through, we have to make sure that the
11 candidate has all these.

12 Is the candidate here?

13 Do you have a copy of these? Can --

14 MS. STEIN: I think all, but the new
15 one entered today.

16 MS. ELMORE: I have extra an copy if
17 she needs it.

18 Okay. So Exhibit 3A is voting
19 districts at the top, voting history on the
20 right-hand side.

21 Exhibit 3B has personal information,
22 and at the bottom, it has address and address
23 history.

24 Exhibit 3C is just a document that

1 has, I guess, CRT APPL. It looks like this. It's
2 just part of it.

3 And then the final one, Exhibit 4,
4 is where it says: Half -- first half of taxes due
5 February 19th, 2025.

6 Also, with me, I have City Attorney
7 for Whitehall, Brad Nicodemus, who is here to give
8 his opinion also on the Section 3 of the Charter,
9 Elections and Qualifications, and I will proceed.

10 To the Board, thank you for your
11 opportunity -- for the opportunity to present
12 before you.

13 The matter at hand is whether the
14 applicant abided by the election rules and
15 qualifications outlined in Whitehall's Charter.
16 Therein, is where the challenge exists, Section 3A.

17 Section 3A states: Elections and
18 Qualifications.

19 The Council shall consist of seven
20 members elected to a term of four years, beginning
21 on the first day of January after their election,
22 and serve -- and shall serve until their successors
23 are chosen and have qualified.

24 One member shall be elected to the

1 electors from each of the four wards as now
2 established, or as they subsequently established in
3 the manner provided by this Charter and three
4 members shall be elected by electors of the City
5 At-Large.

6 Council members for wards shall have
7 resided in their respective ward and Council
8 members At-Large shall have resided in the City for
9 at least two years next preceding their election.

10 Let me first start by saying I
11 commend anyone for wanting to get involved in their
12 local community. Involvement is very important.
13 Equally as important is the how a person gets
14 involved and the rules governing their involvement.

15 The Charter was created to ensure
16 certain measures were in place. The procedures
17 thereafter governing the requirements and
18 qualifications of a candidate wishing to run for
19 office shall be followed per the Charter.

20 In Exhibit 1, Whitehall residents
21 use social media as a means to stay involved and to
22 involve others about what's going on in the City of
23 Whitehall.

24 Candidates running for the 4 Ward

1 seats were posted on one of the Facebook social
2 media sites, called Whitehall's 411. This site was
3 maintained by a Whitehall resident.

4 The site listed the names of
5 candidates, the ward, along with the date, known
6 residency.

7 I was forwarded a copy of the
8 information, and I was asked about the residency
9 requirement. Holly A. Stein appeared to lack the
10 two-year residency required by the Whitehall
11 Charter in Exhibit 2.

12 Upon further investigation, it was
13 found that Ms. Stein has a few mailing addresses.
14 There's no file in that; however, during the 2003
15 election cycle, she established her residency as 13
16 Beacon Light Lane, Buckeye Lake, Ohio, which is
17 within the Licking County City limits -- I'm sorry?

18 CHAIRMAN PREISSE: Go ahead and say
19 that again.

20 MS. ELMORE: It would be per your
21 Exhibit 3.

22 Upon further investigation, it was
23 found that Ms. Stein has a few mailing addresses.
24 There is no --

1 CHAIRMAN PREISSE: Okay. Thank you.

2 MS. ELMORE: Uh-huh. There's no
3 foul in that; however, during the 2003 election
4 cycle, she established her residency as 13 Beacon
5 Light Lane, Buckeye Lake, Ohio, which is within the
6 Licking County City limits. Ms. Stein voted in
7 Licking County.

8 In 2003, Ms. Stein also had a
9 mailing address of 831 Fairway Boulevard; however,
10 she chose to vote using her Licking County
11 residence. That's in Exhibit 3.

12 In 2024, the exhibits will show
13 that Ms. Stein voted in the Franklin County
14 election using her mailing address, 831 Fairway
15 Boulevard, thus establishing residency in 2024.

16 Also, in 2024, Ms. Stein has a
17 mailing address of 750 Fairway Boulevard,
18 Whitehall, Ohio.

19 The issue that brings us here today
20 and is being challenged is the required two-year
21 residency. Mailing address and where a person
22 choses to vote is very different, but where a
23 person choses to vote is prima facie evidence of
24 residency.

1 It should be clear from how
2 Ms. Stein registers. She even registers at 750
3 Fairway, instead of the mailing address.

4 Let me be clear; Ms. Stein's actions
5 show the difference and have established her voting
6 residency in 2023 as 13 Beacon Light Lane, Buckeye
7 Lake, Ohio, in Licking County.

8 Election voting by convenience does
9 not honor the Charter of Whitehall's two-year
10 residency requirement. The Whitehall Charter is
11 clear and unambiguous.

12 In 2014, I pulled petition to run
13 for Whitehall's At-Large seat. I gathered the
14 required signatures and was ready and prepared to
15 file my petition. I was contacted by a friend who
16 stated someone brought information to their
17 attention that I lacked the two-year residency
18 requirement.

19 I researched the Charter, checked my
20 residency, and I discovered I was indeed two days
21 shy of two-year residency requirement.

22 I chose not to file my petition for
23 the At-Large office per the Charter, and the same
24 manner exists with Ms. Stein. She not only lacks

1 two days, but the documents will show she lacks the
2 two-year residency requirement.

3 Again, I would like to commend
4 Ms. Stein for wanting to run for Whitehall Ward 4
5 seat; however, there are rules and qualifications
6 that need to be adhered to.

7 Per the documents that have been
8 presented, and Ms. Stein's voting records, it is
9 clear and convincing that she lacks the residential
10 requirements to run as a candidate for Ward 4 at
11 this time, per the Charter.

12 And I will add some other
13 information that you guys don't have in my opening.

14 I then -- when I was two-years
15 resident, in 2017, I ran for Ward 4 seat, and I
16 won. I, again, turned around and ran for Ward 4
17 again, and I was awarded that position.

18 I ran for At-Large in 2021, and I
19 occupy that seat now. So the Charter is very
20 important, and it means a lot to us in Whitehall.

21 And with that, I thank you for your
22 time and your consideration in this matter.

23 Do you have any questions?

24 CHAIRMAN PREISSE: Thank you.

1 MS. HUMMER: She has an opportunity,
2 the candidate, to --

3 CHAIRMAN PREISSE: Before we do
4 questions? Okay. Well, then, let's move that way.

5 MS. STEIN: Can I get up and move to
6 the podium?

7 CHAIRMAN PREISSE: Yes, please.

8 MS. HUMMER: Are you going to ask
9 her any questions?

10 MS. STEIN: I don't think so.

11 MS. HUMMER: All right. Do you have
12 any clarifying questions for --

13 MS. STEIN: I do not.

14 CHAIRMAN PREISSE: I don't hear any.

15 MS. STEIN: Can I treat this as like
16 my whole --

17 MS. HUMMER: Yes.

18 MS. STEIN: -- my summation and
19 everything altogether. Does everyone have a copy
20 of my documents?

21 MS. HUMMER: Let's start with
22 placing you under oath.

23 MS. STEIN: Oh, I'm sorry. Sure.

24 (Holly Stein Sworn.)

1 MS. HUMMER: So you have some
2 exhibits?

3 MS. STEIN: It's actually everything
4 that I sent. It's my opening statement and four
5 exhibits.

6 MR. PREISSE: I wonder if we have it
7 already.

8 MS. STEIN: You may have it. I was
9 told to bring copies.

10 MS. HUMMER: We just need to mark it
11 -- one second. We're going to mark it as Candidate
12 Exhibit A.

13 - - - - -

14 (Thereupon, Candidate Exhibit A was
15 marked for purposes of identification.)

16 - - - - -

17 MS. STEIN: So with that, do I
18 begin?

19 CHAIRMAN PREISSE: Yes.

20 MS. STEIN: So I would like to first
21 read my opening statement to --

22 MS. HUMMER: Did she swear in --

23 CHAIRMAN PREISSE: She did.

24 MS. STEIN: Thank you.

1 I would like to first thank the
2 Franklin County Board of Elections, the board
3 members and directors and chairman for this
4 opportunity to speak to you today and present
5 evidence supporting my candidacy.

6 I, Holly A. Stein, am here today,
7 March 3rd, to offer two arguments to counter the
8 protest of my candidacy that was filed by Lori J.
9 Elmore.

10 My first point comes to you from an
11 Ohio Supreme Court case, 2017-315. The State ex.
12 relator Rocco versus Cuyahoga Board of Elections.

13 This Ohio Supreme Court case is
14 founded on the exact issue of the qualifications of
15 a candidate and on the same specific use of the
16 wording in the Charter of, quote, next preceding
17 their election.

18 Therefore, the Ohio Supreme Court,
19 by its ruling on June 27th, 2017, has created
20 precedent and settled law in the State of Ohio.

21 The Supreme Court of Ohio ruled on
22 the interpretation of Article 4, Section 4 of the
23 Westlake City Charter, which states that the City's
24 law director, or director of law, shall have been,

1 quote, engaged in the act of practice of law in
2 Ohio for a period of six years, next preceding his
3 election.

4 The precedent setting decision reads
5 that the interpretation of the words -- and this is
6 very specific -- next preceding requires that the
7 director of law to have been engaged in the act of
8 practice of law for any period of six years
9 preceding election.

10 Because Rocco satisfied this
11 requirement, the Ohio Supreme Court ruled that the
12 Board had abused its discretion by sustaining the
13 protest against Rocco's candidacy.

14 Additionally, the Ohio Supreme Court
15 granted a writ of mandamus to compel the Board of
16 Elections to issue a certificate of nomination and
17 to certify Rocco on the November 7th ballot as the
18 candidate for this position of law director for the
19 City of Westlake.

20 This is the exact same situation
21 that I find my candidacy.

22 Section 3 of the City of Whitehall
23 Charter states, quote, Council members for wards
24 shall have resided in their respective wards and

1 Council members At-Large shall have resided in the
2 City for at least two years next preceding their
3 election.

4 The same ruling and interpretation
5 of the words, quote, next preceding their election,
6 holds for me as it did for Rocco, meaning that any
7 period of two years preceding election. This
8 ruling has therefore established precedent and
9 settled law in the State of Ohio.

10 Additionally, the City of
11 Whitehall's Charter uses the words in Section 23,
12 terms and qualifications for the mayor the
13 following language: Quote, candidates for mayor
14 shall be qualified electors of the City and shall
15 have been residents for the City for three years
16 immediately prior to the regular municipal election
17 at which they seek election.

18 The Whitehall City Charter
19 specifically uses the words, quote, immediately
20 prior to the regular municipal election in
21 describing the residency requirements for the
22 mayor; however, in the case of City Council
23 members, it describes the residence requirements,
24 using the words, quote, for at least two years, and

1 this is that term again, next preceding their
2 election. The Whitehall Charter uses very
3 different language in these two cases.

4 The use of a different language is
5 intentional. It is presumed that the different
6 meanings were purposeful.

7 The different meanings, once again,
8 upheld in Ohio Supreme Court ruling in Rocco versus
9 Cuyahoga Board of Elections was that the words
10 "next preceding" has the intention of any period
11 preceding the election and does not have the
12 intentionality of immediately prior.

13 Otherwise, the Whitehall Charter
14 would have stated that condition, as was
15 specifically stated in the requirements for mayor.

16 In my case, the application of the
17 ruling in Rocco would yield a similar ruling, that
18 my residing in the City would refer to any two-year
19 period preceding my seeking election.

20 I have resided in Whitehall,
21 beginning in 2019, and per your own records, I meet
22 any two-year period preceding election, per both my
23 address history and my voting record.

24 And, in fact, I use the same

1 exhibits that Lori Elmore presented to calculate
2 that I have two and a half years, just using the
3 dates that she presented. I actually have more
4 than that, and I'll explain my multiple addresses.

5 I bought a house in Whitehall. That
6 explains one of them.

7 Additionally, this interpretation is
8 consistent with the Ohio Supreme Court's, quote,
9 duty to liberally -- sorry -- liberately construe
10 words limiting the right of a person to hold office
11 in favor -- let me repeat again -- in favor of
12 those seeking to hold office so that the public
13 might have the benefit of choice from all qualified
14 persons. And there's the case stated there, Reese
15 versus Cuyahoga Board of Elections.

16 Essentially, what this means is that
17 you must uphold the least restrictive
18 interpretation of any Charter language for an
19 applicant's candidacy. It requires you to not
20 over-interpret words that are not there.

21 In this case, the words, quote,
22 immediately prior, unquote, do not exist for the
23 City -- Whitehall City candidate qualifications,
24 and, therefore, cannot be interpreted to mean

1 immediately prior or preceding, and the
2 interpretation per the Ohio Supreme Court ruling
3 must be upheld.

4 This decision alone by the Ohio
5 Supreme Court on the interpretation of the specific
6 language in the Whitehall Charter of, "next
7 preceding" their election is by itself to throw out
8 this protest on its merits.

9 For this point, I respectfully ask
10 the Franklin County Board of Elections to dismiss
11 this protest against my candidacy with prejudice.

12 My second point is actually on the
13 construction of the sentence itself in Section 3 of
14 the Charter, stating that, quote, Council members
15 for wards shall have resided in their respective
16 wards, and Council members At-Large shall have
17 resided in the City for at least two years next
18 preceding their election.

19 This sentence itself is constructed
20 as two complete and separate independent clauses,
21 each having their own subjects and verbs.

22 Why might you be asking is this
23 grammar important to this argument? It is
24 important because these two separate independent

1 clauses, in fact, means that each of these
2 statements is a complete and independent thought,
3 and, in fact, should be treated as two separate
4 sentences.

5 The sentence, as written in the
6 Charter, is a compound run-on sentence, which means
7 logically, you can separate it into the two
8 following, quote: Council members for wards shall
9 have resided in their respective wards. Council
10 members At-Large shall have resided in the City for
11 at least two years next preceding their election.

12 The current structure as written
13 means that the prepositional phrase, quote, for at
14 least two years next preceding their election, only
15 modifies the relationship it has to the prior
16 statement of Council members At-Large and does not
17 modify the Council members for wards.

18 Why might you be asking yourself is
19 this the case? Well, the answer has to do with the
20 differences between the Council member for a ward
21 and a Council member At-Large and the number of
22 respective residents they represent.

23 An At-Large Council member is
24 designated to represent the entire City of

1 Whitehall constituency, which is a total of roughly
2 20,000 people.

3 Alternatively, a Council member for
4 wards represents approximately 5,000 people.

5 The Council member At-Large, as
6 currently written, has the requirement of residing
7 in the City -- or, sorry, residing, quote, in the
8 City, for at least two years next preceding their
9 election, unquote, where technically the Council
10 member for wards, in which I am seeking, has no
11 such timeline requirement. It merely states:
12 Shall have resided in their respective wards.

13 I resided in the Ward 4 of the City
14 of Whitehall 2019 to 2022. I did leave. She is
15 correct -- in '23. My job became remote. I
16 resided in Buckeye Lake. I came back in 2024. She
17 knows very well. I bought a house on the same
18 street she resides on as well.

19 Those are the differences of why
20 this explanation of multiple housing addresses and
21 mailing addresses.

22 Here's the important part to
23 consider. Additionally, if this was indeed the
24 intent of the writers of the Charter, the wording

1 of the Charter should read as follows: Quote, both
2 Council members for wards and Council members for
3 At-Large shall have resided in their respective
4 wards for at least two years next preceding their
5 election, or to be more explicit, should read,
6 quote: Both Council members for wards and Council
7 members At-Large shall have resided in their
8 respective wards for at least two years immediately
9 preceding their election, unquote.

10 The important note is that because
11 neither of these are stated in the current Charter,
12 the Board of Elections is compelled to apply the
13 ruling of the Ohio Supreme Court in Rocco and the
14 interpretation of the separate independent
15 statements of requirement cannot extend past its
16 plain reading.

17 For this second point, I
18 respectively -- respectfully ask the Board -- the
19 Franklin County Board of Elections to dismiss this
20 protest against my candidacy with prejudice.

21 In summation, based on both, one,
22 the ruling of the Ohio Supreme Court, which has
23 ruled and has decided this issue verbatim. It
24 ruled that, quote, next preceding means any time

1 period preceding election, without qualifiers.

2 And, two, grammatically, these are
3 separate and independent clauses, and the phrase,
4 next preceding, unquote, as currently written in
5 the Whitehall Charter, which we need to go by, I
6 agree, it's our precedent of what we should adhere
7 to, does not apply to my current ward nomination
8 requirement. It only applies to the Council
9 members At-Large.

10 Using both these two arguments, I
11 hereby ask you to use this 2017 Ohio Supreme Court
12 decision of Rocco versus Cuyahoga Board of
13 Elections and dismiss this protest with prejudice
14 and allow my candidacy to go forward and remain on
15 the ballot for November 2025 election, to be
16 decided by the people.

17 Thank you.

18 CHAIRMAN PREISSE. Interesting.
19 Okay. Counsel, where are we?

20 MS. HUMMER: Do you have any
21 questions from the protester?

22 MS. ELMORE: Yes, I do.

23 CHAIRMAN PREISSE: Okay. Questions
24 from the protestors of the --

1 MS. ELMORE: To the protestor -- I
2 mean, to the candidate. Yes, I do.

3 EXAMINATION OF HOLLY STEIN

4 BY MS. ELMORE:

5 Q. Hi, Holly.

6 A. Hi, Lori.

7 Q. Are you running for a mayor seat?

8 A. Am I what?

9 Q. Are you running for the mayor?

10 A. Gosh, no. No.

11 Q. Okay. Are you running for a ward
12 seat?

13 A. I am.

14 Q. In 2021, November general election,
15 did you vote in Franklin County?

16 A. I do believe so.

17 Q. And --

18 A. Can I look at your notes to see?

19 Q. Uh-huh. In '22, November general
20 election, was it Franklin County?

21 A. Yes.

22 Q. In '23, May, primary, was it Licking
23 County?

24 A. Correct, January -- oh, go ahead.

1 Go ahead.

2 Q. In '23, August, special election,
3 did you vote in Licking County?

4 A. Yes, I did.

5 Q. In 2023, November, general election,
6 did you vote in Licking County?

7 A. The entire calendar year of '23, I
8 voted in Licking County. Absolutely. I'm not
9 saying I didn't. Clearly, I did, and I explained
10 why. Went remote worker, changed my residency to
11 Buckeye Lake.

12 MS. HUMMER: I need to --

13 MS. STEIN: Sorry.

14 MS. ELMORE: I would say then that
15 the voting -- where she's voting established her
16 residency --

17 MS. HUMMER: This is only where you
18 ask her questions. You will have an opportunity --

19 MS. ELMORE: Okay. I don't have any
20 other questions.

21 MS. HUMMER: The Board may ask
22 questions.

23 MS. STEIN: Sure.

24 CHAIRMAN PREISSE: Explain to me, if

1 you could, and I think you can, you're asking us to
2 -- I think I heard you -- to read and interpret the
3 Charter as it's written, but then you rewrote it.

4 MS. STEIN: I said --

5 CHAIRMAN PREISSE: I'll finish. You
6 rewrote it for us, completely, punctuation and
7 changing paragraphs and changing sentences and
8 changing the sentences to meet your interpretation
9 thereof.

10 So you're saying you know better
11 than the people that wrote the code, the Charter,
12 what they meant when they wrote it?

13 MS. STEIN: So my purpose of
14 rewriting it in that last part was to say if they
15 had intended -- if the writers of the Charter for
16 the City of Whitehall --

17 MS. HUMMER: You need to talk into
18 the mic, please.

19 MS. STEIN: -- had intended for the
20 explanation and interpretation to be that you
21 needed to have resided immediately two years prior
22 to your seeking election, they would have written
23 it the exact same way that the writers of the
24 Charter wrote the terms and qualifications as they

1 did for mayor, because it is explicitly written in
2 that way.

3 And one of my exhibits shows the
4 difference between the sections that applies to the
5 mayor, which I think is why she asked me was I
6 running for mayor. The answer is no.

7 I used that as a reference point to
8 say if that was the intention, you would have used
9 the exact same language that you used in the
10 writing of the mayoral residency requirements.

11 This is also the same reference
12 point that is used in the Ohio Supreme Court case,
13 because they also found that in the same document,
14 the Charter, it was written explicitly immediately
15 preceding, so I'm referencing that, that if that
16 had been the intention, they would have written it.

17 I'm not saying I know more. I'm
18 just saying that's how they would have written it
19 if that clearly was the intention.

20 They used this word, next preceding,
21 which when I first read it, right, I'm like Lori, I
22 read the Charter. I thought they had actually
23 confused the words together, right?

24 Next preceding is not a normal way

1 that we discuss or talk, so in doing the research,
2 the 2017 application of Rocco versus Cuyahoga Board
3 of Elections, that case made it all the way to the
4 Ohio Supreme Court to get a ruling on what does
5 next preceding mean, and it refers to any
6 preceding, so any timeframe.

7 So in the case of the Rocco, they
8 needed six years of any preceding timeframe.

9 In my case, the candidacy is any
10 two-year time period, of which I meet for the same
11 residency voting history and the end address
12 history.

13 CHAIRMAN PREISSE: So next to does
14 not mean next to?

15 MS. STEIN: Next preceding has a
16 very specific legal interpretation. It does not
17 mean -- this is where people get it confused. It
18 does literally not mean immediately prior.

19 The interpretation is any preceding
20 timeframe, and as long as you can prove that you
21 have met that requirement, and in my case, Council
22 at ward is a two-year.

23 I have lived -- I resided -- you
24 have the evidence of where I resided from 2019

1 through 2021. It's two and a half years.

2 I actually have my Veteran Ohio. I
3 had to go down to the courthouse to get it. It's
4 2022. It proves my residency. You have to prove
5 residency requirements to get that.

6 I'm a 1990 graduate of the West
7 Point Academy. I'm not lying under oath. I told
8 you I did reside outside Franklin County in
9 Whitehall for the year of 2023 in its entirety.

10 The three elections I voted, as you
11 have documented, but I meet the requirement of the
12 two years next preceding, because it means any
13 two-year timeframe. I have resided there since --

14 CHAIRMAN PREISSE: I'm sorry to cut
15 you off, but --

16 MS. STEIN: I've exhausted it?

17 CHAIRMAN PREISSE: You said it well.

18 MS. STEIN: Thank you.

19 CHAIRMAN PREISSE: Any other
20 questions from the Board? Where are we? Remind
21 me.

22 MS. STEIN: Do I get to ask any
23 questions?

24 CHAIRMAN PREISSE: I don't know yet.

1 That's a good question.

2 MS. HUMMER: So that concluded --
3 does that conclude your case?

4 MS. STEIN: It does.

5 MS. HUMMER: Okay. Then you can sit
6 down.

7 MS. STEIN: Is there an opportunity
8 to ask questions, or no?

9 MS. HUMMER: Ask questions of who?

10 MS. STEIN: Of the evidence against
11 me, or no?

12 MS. HUMMER: You had -- you already
13 --

14 MS. STEIN: Oh, I already blew it?
15 Okay. Thank you.

16 MS. HUMMER: You already did that.

17 MS. STEIN: Okay.

18 MS. HUMMER: All right. So at this
19 point, both sides have concluded their case.

20 MS. ELMORE: No; the City Attorney
21 has an interpretation.

22 MS. HUMMER: Well, you didn't call
23 the City Attorney as a witness.

24 MS. ELMORE: I said I had the City

1 Attorney with me.

2 CHAIRMAN PREISSE: You said you had
3 the attorney with you. Is it --

4 MS. ELMORE: Was supposed to come --

5 CHAIRMAN PREISSE: Two minutes; he's
6 getting paid the same.

7 MS. HUMMER: He can testify.

8 CHAIRMAN PREISSE: All right. Let's
9 let him do it. You're here. If he wants -- if you
10 wish to, but then you need to go up.

11 MR. NICODEMUS: I mean, I can.
12 Ms. Hummer's office contacted me and asked that I
13 attend in case the Board had questions with regards
14 to the language in the Charter that you had before
15 you, that both sides have done --

16 CHAIRMAN PREISSE: Does the Board --
17 I would like to ask you a question or two. Would
18 you mind?

19 MR. NICODEMUS: Okay.

20 CHAIRMAN PREISSE: You're here; now
21 you're going to earn your keep.

22 (Bradley Nicodemus Sworn.)

23 EXAMINATION OF BRADLEY NICODEMUS

24 BY CHAIRMAN PREISSE:

1 Q. Okay. Tell us who you are, please,
2 and --

3 A. My name is Brad Nicodemus. I'm the
4 City Attorney for the City of Whitehall.

5 Q. Thank you. Do you want to make a
6 statement or just --

7 A. No. If you have questions, I'm
8 happy to answer questions --

9 Q. What's your reaction to the
10 assertion that next preceding --

11 MS. HUMMER: Can I? Do you mind if
12 I assist with this, on behalf of the Board?

13 CHAIRMAN PREISSE: Yeah, go ahead.

14 BY MS. HUMMER:

15 Q. So you've heard today that there
16 have been -- there are multiple sections of the
17 Charter regarding qualifications to run for office.
18 And in that, there are different words used for the
19 mayor. Immediately is a component, whereas, for
20 the office that the candidate is running for, that
21 language is missing.

22 You've also heard the candidate's
23 testimony in the case law regarding that.

24 Do you have historic information of

1 what the Charter language means and whether that
2 interpretation is correct?

3 A. So I don't have the historic
4 information from the Charter Commission back in
5 1947, when it was started, but I did look it up,
6 and it is correct that Council members for the ward
7 shall reside in their respective wards.

8 I disagree with Ms. Stein. I think
9 it is inartful, but it is a sentence and it is
10 meant that both for their respective wards and for
11 At-Large shall have -- and it says: Shall reside
12 in the City for at least two years preceding their
13 next election.

14 BY CHAIRMAN PREISSE:

15 Q. Does it say preceding their next
16 election or --

17 A. It says: For at least two years
18 next preceding their election --

19 MS. HUMMER: Okay. That's
20 different.

21 CHAIRMAN PREISSE: Please, Counsel,
22 read it the way --

23 MR. NICODEMUS: Yes. Yes. So it
24 says: Two years next preceding their election. I

1 agree that that is not exactly language we use.

2 My research took me to the case we
3 actually heard earlier, O'Neill and Athens County,
4 where they talked about the -- preceding the next
5 election. And in that case, it was -- it was a
6 one-year thing.

7 So as I look at this, the 2025
8 election is November 4th. Two years preceding that
9 would be November 4th, 2023.

10 Now, it is not -- I was doing this
11 on the fly, as Ms. Stein was talking on this Rocco
12 case. I can't say that I disagree. She did
13 summarize it very well; however, I do think that
14 there are some differences in the Charters here.

15 Q. There are some difference in what?

16 A. In the Charter, in the Rocco case,
17 where it actually said --

18 Q. Oh, where the Cuyahoga County --

19 A. Yes. Where it said a period of six
20 years, as opposed to the period of six years. The
21 Whitehall Charter doesn't say either of those. It
22 says: Members for wards shall have resided in
23 their respective wards, and Council members
24 At-Large shall have resided in the City for at

1 least two years, next preceding their election. It
2 doesn't have that indefinite article that the Rocco
3 case came up with.

4 Now, I'm doing it on the fly, so I
5 haven't been able to shepardize it, so I -- they're
6 both Supreme Court cases, this Rocco case and the
7 O'Neill case, both talking about where a person
8 resides their next preceding election.

9 MS. HUMMER: So the one issue that
10 was presented by the candidate is the fact that the
11 mayor does have the immediate language and the
12 other office does not.

13 A. That is -- that is correct. There
14 are differences in the residency requirements for
15 Council versus other elected positions in there.

16 Q. Your -- just say that again.

17 A. There are differences in the Charter
18 for residency requirements for members of Council,
19 as opposed to --

20 Q. Differences in the language, but
21 you're interpreting them the same, are you not, on
22 behalf of the City today?

23 A. Differences in the language and
24 differences in the requirements. The mayor has one

1 requirement. The auditor has a different
2 requirement. The City Attorney has a different
3 requirement. Those requirements don't have the
4 language that Council members have.

5 MS. HUMMER: I think what the
6 Chairman is saying is that are you interpreting --
7 even though the language is the same -- is
8 different, immediate versus next preceding, but the
9 -- you are making an interpretation of the
10 qualifications of residency as being the same?

11 CHAIRMAN PREISSE: That's exactly
12 what I was trying to say.

13 MR. NICODEMUS: Right. Now, this
14 Rocco case throws it into a little flux, but prior
15 to learning about this -- and, again, I haven't had
16 to fully digest it. My reading to read them
17 consistently with each other was that it was two
18 years preceding.

19 Again, this new case coming to
20 light, I'm trying to digest it as we go, so I can't
21 fully synthesize it, but, yes, my initial reading
22 was for the consistency's sake.

23 MS. HUMMER: Are there any other
24 questions for --

1 MEMBER SEXTON: We're talking about
2 the difference between Council and Mayor. I would
3 assume that you mentioned -- was it 194- --

4 MR. NICODEMUS: '47.

5 MEMBER SEXTON: -- '47 is when the
6 original was done, and I believe they just had a
7 Charter amendment a few years ago, probably where
8 the mayor came in --

9 MR. NICODEMUS: Correct --

10 MEMBER SEXTON: One that was in the
11 '40s and one that was probably in 2013 or
12 something.

13 MR. NICODEMUS: That is correct.
14 There were changes into the number of consecutive
15 terms persons could run for a seat.

16 Section 3 of the Charter in
17 Whitehall was last updated November 6th of 2018,
18 and that's probably the one where we're talking
19 about -- where we're talking about how Council and
20 mayor can run for three consecutive terms, as
21 opposed to the two.

22 MEMBER SEXTON: Right. And so is it
23 your opinion that it is a two-year requirement? It
24 has to be continuous two years and not --

1 MR. NICODEMUS: Yes.

2 MEMBER MARINELLO: And immediately
3 preceding?

4 MR. NICODEMUS: Two years preceding.
5 Again, this Rocco case, I've got to look at, but
6 coming in here today, reading the Charter for
7 consistency's sake and with that Athens and O'Neill
8 case, where it talked about immediately preceding
9 the next election, my notes, election 2025, 11-4 of
10 2025, two years, next preceding the election would
11 be November 4th, 2023, for the residency
12 requirement.

13 Again, now I've got Rocco to look
14 at, but --

15 MS. HUMMER: I think he's -- I think
16 it's safe to say that there's at least a question
17 at this point based on --

18 MR. NICODEMUS: Yes.

19 MS. HUMMER: -- the short time
20 turnaround.

21 MR. NICODEMUS: And here's where
22 I'll turn my key. The Supreme Court has said two
23 different things, so the Board should consult its
24 legal counsel on how to proceed.

1 MEMBER FREEDHOFF: Thank you very
2 much.

3 CHAIRMAN PREISSE: Well, this is the
4 whole thing. Some of my friends say one thing and
5 some of my friends say the other, and I'm going to
6 stick with my friends.

7 Does any Board member have any more
8 questions, or are we at a point where we can
9 entertain a motion?

10 MS. HUMMER: So they can have
11 closing arguments.

12 CHAIRMAN PREISSE: Oh. Do you wish
13 to make closing arguments?

14 MS. STEIN: Do I go first or --

15 MS. HUMMER: She goes first and then
16 you go.

17 CHAIRMAN PREISSE: And let's reflect
18 upon the economy of time --

19 MS. ELMORE: Okay.

20 MS. HUMMER: And your closing
21 arguments should be based on just summarizing the
22 evidence and not bringing forth new evidence.

23 CHAIRMAN PREISSE: You've made good
24 -- you've made great arguments, but we probably

1 only need to hear the succinct version.

2 MS. ELMORE: Okay. In closing, the
3 candidate, Holly A. Stein's voting records is
4 clear. She voted in Licking County in all three
5 cycles in the year of 2023.

6 The interpretation and language
7 within our Charter, the intent of that language,
8 per our City Attorney, in the document that he
9 provided me before we came, is that I'm going to
10 say Charter 3 states: Council members for wards
11 shall have resided in the respective wards and
12 Council members At-Large shall have resided in the
13 City for at least two years next preceding their
14 election, which is not ambiguous, and thus a
15 candidate must reside in the ward for two years
16 prior to the election.

17 This year election being November
18 4th, 2025, and thus two years would be November the
19 4th, 2023.

20 Even though there is Supreme Court
21 language, within the City of Whitehall, it's always
22 been interpreted that the Charter in Section 3, the
23 Elections and Qualifications, was meant and
24 intended to mean two years residing in Whitehall.

1 There is information and evidence
2 that has been presented. Yes, Ms. Hine -- Ms.
3 Stein has several addresses; however, she has
4 established her residency in Licking County in '23.

5 That she wants to run for office in
6 '25, I commend her. Again, I commend anybody that
7 wants to run for office or participate and involve
8 themselves in City -- in the City and its affairs;
9 however, there are requirements per our Charter,
10 and the intent of our Charter was to make that for
11 two years residing as a resident.

12 Thank you very much.

13 CHAIRMAN PREISSE: Thank you.

14 MS. STEIN: I'll keep my summary
15 points brief.

16 Again, I'll end with where I
17 started. The Ohio Supreme Court was confronted
18 with this exact same reading, quote, next preceding
19 their election and what is the proper
20 interpretation.

21 This was appealed all the way to the
22 Ohio Supreme Court, and they ruled that it is any
23 time period. I've already established that I meet
24 the requirement of any two-year time period.

1 Second point, if that was truly the
2 intent, we don't get to read in the intent, if that
3 was what they had wanted, they would have used the
4 same language that they had chosen to write the
5 qualifications for the mayor. Three years
6 immediately preceding. There is no obtuse language
7 in that. The use of this language has already been
8 determined.

9 My last point is you're required to
10 interpret the least restrictive so that you have
11 the benefit of qualified candidates for the City of
12 Whitehall and let the people decide.

13 Those are my three points. Thank
14 you.

15 CHAIRMAN PREISSE: Thank you.

16 MS. HUMMER: Again, you may close
17 the session so that you can consult with legal
18 counsel.

19 CHAIRMAN PREISSE: Does any Board
20 member wish to do that?

21 MS. HUMMER: We have to have a
22 motion to admit all the evidence. Thank you.

23 CHAIRMAN PREISSE: Oh, I move to
24 admit all the evidence.

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1 MEMBER MARINELLO: I second it.

2 DEPUTY DIRECTOR PAYNE: It's been
3 properly moved and seconded. All those in favor,
4 signify by say 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 MS. HUMMER: All you have to do is
12 have the people leave the room.

13 CHAIRMAN PREISSE: Can we go into
14 Executive Session? I don't need it.

15 MS. HUMMER: I think we -- I would
16 like to consult with you.

17 CHAIRMAN PREISSE: Okay. All right.
18 We're going to go into Executive Session for five
19 minutes only. Do we have to vote on that?

20 MS. HUMMER: No, you do not.

21 CHAIRMAN PREISSE: But we have to
22 vote to come back in?

23 MS. HUMMER: No.

24 (Executive Session.)

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1 CHAIRMAN PREISSE: Doug Preisse, I
2 move that the Board deny the protest, filed by Lori
3 J. Elmore, against Holly A. Stein, for the office
4 of Whitehall City Council, Ward 4, that Holly A.
5 Stein shall appear on the May 6, 2025 ballot.

6 Second?

7 MEMBER FREEDHOFF: I second.

8 DEPUTY DIRECTOR PAYNE: It's been
9 properly moved and seconded.

10 I'll take a roll call vote.

11 DEPUTY DIRECTOR PAYNE: Kim

12 Marinello?

13 MEMBER MARINELLO: No.

14 DEPUTY DIRECTOR PAYNE: Mike Sexton?

15 MEMBER SEXTON: No.

16 DEPUTY DIRECTOR PAYNE: Doug

17 Preisse?

18 CHAIRMAN PREISSE: Yes.

19 DEPUTY DIRECTOR PAYNE: Meredith

20 Freedhoff?

21 MEMBER FREEDHOFF: Yes.

22 MS. HUMMER: I think you -- your
23 motion -- was it your intent for the motion to --

24 CHAIRMAN PREISSE: I voted -- I

1 intended --

2 MS. HUMMER: For the --

3 CHAIRMAN PREISSE: -- to deny the
4 protest. So I vote yes on denying the protest.
5 Did I do that right?

6 MS. HUMMER: I think if your
7 intention was to have the motion fail, then it
8 would have been in the approval motion.

9 CHAIRMAN PREISSE: I wish the motion
10 to prevail.

11 MS. HUMMER: Then you would have to
12 move to approve the --

13 CHAIRMAN PREISSE: I voted yes. Did
14 I vote yes --

15 MS. HUMMER: Then I think Kim would
16 have had to --

17 MEMBER MARINELLO: I said no.

18 MS. HUMMER: -- to do the motion --

19 CHAIRMAN PREISSE: I'm sorry --

20 MEMBER FREEDHOFF: So are you voting
21 to allow Holly Stein to remain on the ballot, or
22 no?

23 CHAIRMAN PREISSE: We can start
24 over.

1 MS. STEIN: Yeah.

2 MS. HUMMER: Because if your
3 intention is to allow her --

4 MEMBER MARINELLO: I want -- I am
5 voting to grant the protest.

6 MS. HUMMER: Then your vote should
7 have been yes.

8 MEMBER FREEDHOFF: Then our vote
9 should have been no?

10 MS. HUMMER: No; your vote would
11 have been --

12 CHAIRMAN PREISSE: Let me see if I
13 get --

14 MS. HUMMER: Then you need to re-do
15 the vote.

16 CHAIRMAN PREISSE: I believe I moved
17 to deny the protest.

18 MEMBER FREEDHOFF: You did.

19 CHAIRMAN PREISSE: And I voted yes
20 on the deny the protest. We both did.

21 MS. HUMMER: By -- so let me explain
22 what the vote would mean. The way when it's a
23 two/two vote, what is in front of the Board fails;
24 so the protest is granted because you moved to deny

1 the protest, and it failed because of a two/two
2 vote.

3 MEMBER SEXTON: It's decided by --

4 CHAIRMAN PREISSE: So the protest
5 has failed?

6 MEMBER FREEDHOFF: No; so you did it
7 wrong, then, basically.

8 CHAIRMAN PREISSE: I did it wrong?
9 Okay. I am not following you.

10 THE REPORTER: Do you want this on
11 the record?

12 MS. HUMMER: This doesn't need to be
13 on the record because I'm providing legal guidance.

14 (Discussion held off record.)

15 CHAIRMAN PREISSE: I'm going to
16 restate the motion --

17 MS. HUMMER: So it's a motion to
18 reconsider.

19 CHAIRMAN PREISSE: Motion to
20 reconsider.

21 MS. FREEDHOFF: Second.

22 MS. HUMMER: And then vote on the
23 motion to reconsider.

24 CHAIRMAN PREISSE: Motion to

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1 reconsider. All in favor, say aye --

2 DEPUTY DIRECTOR PAYNE: All those in
3 favor of the motion, signify by saying aye.

4 (Vote taken.)

5 DEPUTY DIRECTOR PAYNE: The motion
6 carries.

7 CHAIRMAN PREISSE: I'll restate the
8 motion. I move that the Board grant -- vote
9 against my own motion -- grant the protest, filed
10 by Lori J. Elmore, against Holly A. Stein, for the
11 office of Whitehall City Council, Ward 4 and that
12 Holly Stein shall not appear on the May 6th, 2025
13 ballot.

14 MS. HUMMER: Now take your roll call
15 vote.

16 DEPUTY DIRECTOR PAYNE: Yep, roll
17 call vote.

18 So Kim Marinello?

19 MEMBER MARINELLO: Yes.

20 DEPUTY DIRECTOR PAYNE: Mike Sexton?

21 MEMBER SEXTON: No.

22 Doug Preisse?

23 CHAIRMAN PREISSE: No.

24 DEPUTY DIRECTOR PAYNE: And Meredith

1 Freedhoff?

2 MEMBER FREEDHOFF: No.

3 DEPUTY DIRECTOR PAYNE: The motion
4 carries --

5 MS. HUMMER: I'm sorry, that -- was
6 that yes? Yes? No? You're granting the protest?

7 MEMBER MARINELLO: And I wanted to
8 grant the protest.

9 MS. HUMMER: Okay. It's a yes vote
10 to protest, and I think you voted yes -- no, but
11 your intention was to vote yes, because in the
12 previous, you voted no. So your vote --

13 MEMBER SEXTON: I'm more confused
14 than when we started. So the motion is --

15 MS. HUMMER: To grant the protest.

16 MEMBER SEXTON: Grant the motion --

17 MEMBER MARINELLO: And you want
18 to --

19 MEMBER SEXTON: So the motion is
20 to --

21 MS. HUMMER: Grant the protest.

22 MEMBER SEXTON: So I'm going to
23 stick with a no vote and then --

24 CHAIRMAN PREISSE: No.

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1 MEMBER FREEDHOFF: No.

2 DEPUTY DIRECTOR PAYNE: The

3 motion --

4 MS. HUMMER: Then you're granting
5 the protest?

6 CHAIRMAN PREISSE: No. No. They're
7 not. They're denying it.

8 MS. HUMMER: All right. So you're
9 voting not to grant it? So you're fine.

10 MEMBER FREEDHOFF: Yes. Don't you
11 get confused --

12 MS. HUMMER: Sorry; I got confused.

13 CHAIRMAN PREISSE: It's easy to get
14 confused.

15 MS. HUMMER: You're good. So yes?
16 No? No -- so the protest is not granted?

17 CHAIRMAN PREISSE: That is my
18 understanding.

19 DEPUTY DIRECTOR PAYNE: Yep.

20 CHAIRMAN PREISSE: Okay. Do we need
21 to go into executive session for the next?

22 DEPUTY DIRECTOR PAYNE: No, we
23 don't.

24 Okay. Next item on the agenda is

1 the poll working training manual. Each election,
2 the Board approves the -- we print 5,000 poll
3 worker training manuals. We took this out to bid
4 and the winning bid was Hopkins Printing, for the
5 printing of 5,000 poll worker training manuals, in
6 the cost of \$36,500.

7 MEMBER SEXTON: Mr. Chairman,
8 Michael Sexton, I move the Board approve the
9 purchase of 5,000 poll worker training manuals from
10 Hopkins Printing, in the amount of \$36,500, to be
11 used in the May 2025 primary election.

12 CHAIRMAN PREISSE: Second the
13 motion.

14 DEPUTY DIRECTOR PAYNE: It's been
15 properly moved and second.

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

18 (Vote taken.)

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

21 (No response.)

22 DEPUTY DIRECTOR PAYNE: The motion
23 carries.

24 CHAIRMAN PREISSE: Move to adjourn.

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1 MEMBER FREEDHOFF: Second.

2 DEPUTY DIRECTOR PAYNE: Seeing no
3 objection, we're adjourned.

4 - - -

5 Thereupon, the Meeting was concluded at
6 approximately 6:02 p.m.

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C E R T I F I C A T E

- - -

THE STATE OF OHIO:

SS:

COUNTY OF FRANKLIN:

I, 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 meeting 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 31st day of March, 2024.

Rebecca Williams _____
Notary Public, State of Ohio

My Commission Expires: June 7, 2027.