

FRANKLIN COUNTY BOARD OF ELECTIONS
280 EAST BROAD STREET
COLUMBUS, OHIO 43215
(614) 462-3100

MINUTES OF THE MEETING ON

5/22/06

APPROVED ON

8/1/06

BY:

William A. Anthony, Jr.
William A. Anthony, Jr., Chairman

Michael F. Colley
Michael F. Colley, Esq.

Kimberly E. Marinello
Kimberly E. Marinello

Carolyn C. Petree
Carolyn C. Petree

ATTEST:

Matthew M. Damschroder
Matthew M. Damschroder, Director



BOARD OF ELECTIONS

Matthew M. Damschroder, Director Dennis L. White, Deputy Director

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Columbus, Ohio 43215
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June 12, 2006

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Suite 1006
Columbus OH 43215

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Columbus OH 43207

Dear Board Members:

Enclosed you will find minutes from the May 22, 2006 board meeting for your review and approval.

Sincerely,


Suzanne M. Brown
Administrative Assistant to the Director
Franklin County Board of Elections

Encls.

Board Members

William A. Anthony, Jr.-Chairman ★ Michael F. Colley ★ Kimberly E. Marinello ★ Carolyn C. Petree

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P R O C E E D I N G S

CHAIRMAN ANTHONY: I would like to call the Franklin County Board of Elections meeting to order.

MR. DAMSCHRODER: Mr. Colley.

MR. COLLEY: Here.

MR. DAMSCHRODER: Ms. Marinello.

MS. MARINELLO: Here.

MR. DAMSCHRODER: Ms. Petree.

MS. PETREE: Here.

MR. DAMSCHRODER: Chairman Anthony.

CHAIRMAN ANTHONY: Here.

MR. DAMSCHRODER: All members are present, Mr. Chairman. The first item on the agenda, Mr. Chairman and Members, is the certification of the May 2nd, 2006 Primary Election.

Both Jeff Graessle and Todd Wedekind from our operations and absentee departments, respectively, are here if you have any questions of them.

1 If not -- because two of the
2 members of the committee were on the ballot,
3 we'll take certification in three different
4 motions so that members can abstain longer
5 on certification.

6 MR. COLLEY: Mr. Chairman, I move
7 that the results of the contest for Female
8 Member of the Republican State Central
9 Committee from the 15th Ohio Senate District
10 at the Tuesday, May 2, 2006 Primary Election
11 be certified as submitted.

12 CHAIRMAN ANTHONY: Is there a
13 second?

14 MS. MARINELLO: Second.

15 CHAIRMAN ANTHONY: All those in
16 favor, say aye.

17 MR. DAMSCHRODER: Actually,
18 Mr. Chairman, you should do a roll call.

19 CHAIRMAN ANTHONY: A roll call?

20 MR. DAMSCHRODER: Mr. Colley.

21 MR. COLLEY: Yes.

22 MR. DAMSCHRODER: Ms. Marinello.

23 MS. MARINELLO: Yes.

24 MR. DAMSCHRODER: Ms. Petree.

1. MS. PETREE: I abstain.

2. MR. DAMSCHRODER: And Chairman
3. Anthony.

4. CHAIRMAN ANTHONY: Yes.

5. MR. DAMSCHRODER: And the results
6. for that contest are certified. Second
7. motion.

8. MS. PETREE: Mr. Chairman, I move
9. that the results of the contest for the male
10. member of the Republican State Central
11. Committee from the 16th Ohio Senate District
12. at the Tuesday, May 2nd, 2006 Primary
13. Election be certified as submitted.

14. CHAIRMAN ANTHONY: Is there a
15. second?

16. MS. MARINELLO: Second.

17. CHAIRMAN ANTHONY: All
18. those -- well, roll call.

19. MR. DAMSCHRODER: Mr. Colley.

20. MR. COLLEY: Yes. Abstain.

21. MR. DAMSCHRODER: The record will
22. reflect that Mr. Colley abstains.
23. Marinello.

24. MS. MARINELLO: Yes.

1. MR. DAMSCHRODER: Petree.

2. MS. PETREE: Yes.

3. MR. DAMSCHRODER: And Anthony.

4. CHAIRMAN ANTHONY: Yes.

5. MR. DAMSCHRODER: And motion
6. carries with three voting in affirmative,
7. one abstaining. And then, finally, the
8. resolution for the balance of the contests.

9. CHAIRMAN ANTHONY: I'll entertain
10. a motion.

11. MS. MARINELLO: Mr. Chairman, I
12. move that the balance of the results from
13. the Tuesday, May 2nd, 2006 Primary Election
14. be certified as submitted.

15. CHAIRMAN ANTHONY: Is there a
16. second?

17. MS. PETREE: I second.

18. CHAIRMAN ANTHONY: All those in
19. favor, say aye.

20. (Board members in favor of the
21. motion so indicated.)

22. MR. DAMSCHRODER: And motion
23. carries. And I'll send the signature cards
24. down the table. If you would sign the

1. appropriate line.

2. The next item, Mr. Chairman, is an
3. independent candidate file with petitions
4. with this Board seeking the office of
5. Representative to Congress.

6. And those were filed on Monday,
7. May the 1st, pursuant to statute. Staff has
8. checked the signatures of the petitions, and
9. today a protest was filed against that
10. certification or against the pending
11. certification.

12. So we recommend at this time that
13. instead of the Board moving forward with
14. certification, that we schedule another
15. meeting with the Board for the purposes of
16. hearing that protest, giving both the
17. candidate in question and the protestors the
18. opportunity to present their different
19. arguments for certification. And I think
20. that's consistent with --

21. MR. WHITE: Is that -- what
22. statute?

23. MR. PICCININNI: 3513.2 --

24. MR. WHITE: You're going to accept

1 it first and let them file a protest?

2 MR. PICCININNI: And they can file
3 a protest beforehand. The protest is
4 to -- the protest is to the actual
5 certification to the ballot.

6 They don't want you to -- the
7 protest is to prevent you from certifying
8 this person to the ballot, to having them
9 declared invalid. And that is an
10 appropriate procedure.

11 MR. WHITE: But if we have not
12 accepted it, how can you file a protest?
13 I'm assuming --

14 MR. PICCININNI: It's been filed.
15 You're protesting -- you're filing -- you're
16 challenging the validity of the petitions.
17 So since the validity of the petitions has
18 now been challenged, which you are -- or
19 what the Board is being asked to do is not
20 to determine the sufficiency of the
21 petitions, it's to determine the validity of
22 the petition.

23 If the petition is invalid, the
24 person is not going to get certified. That

1. is what's being done with this protest, and
2. that is an appropriate procedure.

3. CHAIRMAN ANTHONY: Do we need to
4. take a vote on that or --

5. MR. DAMSCHRODER: A vote would not
6. be necessary since we're going to just hold
7. on certification until a later meeting.

8. MR. WHITE: We'll schedule a
9. hearing, though.

10. MR. DAMSCHRODER: Yeah. We'll
11. just have to schedule a meeting.

12. MR. PICCININNI: Right. Notice
13. has to be given to -- under the statute,
14. notice has to be given on all sides -- to
15. all sides; specifically, the potential
16. candidate involved and the protestors.

17. Then everybody comes in and
18. presents their evidence, and the Board makes
19. its determination.

20. MR. WHITE: So get your calendars
21. out.

22. CHAIRMAN ANTHONY: So do we have a
23. time frame that we should do that, then? Is
24. there -- is this --

1 MR. DAMSCHRODER: Well, I know
2 that with this weekend being a holiday
3 weekend, there are some members that are
4 leaving town for early extended vacations.

5 CHAIRMAN ANTHONY: I'm one of
6 them.

7 MR. DAMSCHRODER: I know. So -- I
8 was talking to Carolyn and Michael earlier
9 about next Wednesday, doing a late Wednesday
10 afternoon --

11 CHAIRMAN ANTHONY: Yeah. I think
12 I'm --

13 MR. DAMSCHRODER: The 31st?

14 CHAIRMAN ANTHONY: It would have
15 to be late because I have -- I have a
16 hearing on Wednesday.

17 MR. DAMSCHRODER: Well, I think
18 Carolyn has an early afternoon meeting as
19 well, so --

20 CHAIRMAN ANTHONY: So could we do
21 it at five o'clock? Is that too late?

22 MR. DAMSCHRODER: Carolyn?

23 MS. PETREE: That would be fine.

24 MR. DAMSCHRODER: Kim?

1 MS. MARINELLO: Yeah. Five
2 o'clock Wednesday, the --

3 CHAIRMAN ANTHONY: 31st.

4 MS. MARINELLO: 31st?

5 MR. PICCININNI: Now, there will
6 be somebody from the prosecutor's office
7 that will be handling that. There will be,
8 to be sitting in for me. It will not be me
9 because I'm on --

10 CHAIRMAN ANTHONY: A really
11 extended holiday.

12 MR. PICCININNI: Actually, I'm
13 leaving on Friday, so -- I'll be out till
14 the following week.

15 MS. PETREE: I have a question.

16 CHAIRMAN ANTHONY: Yes. Yes.

17 MS. PETREE: Should we make a
18 motion to not certify today?

19 MR. PICCININNI: No.

20 MS. PETREE: No?

21 MR. PICCININNI: No. Because the
22 issue is -- the protest needs to be heard,
23 so you're not making a motion to certify.
24 You could make a motion to hold in abeyance,

1 pending the protest hearing to put it back
2 on -- to put the certification issue on the
3 table, if you want to keep the record open.

4 CHAIRMAN ANTHONY: But that's not
5 really necessary, though.

6 MR. PICCININNI: That's not --

7 MR. WHITE: Why don't you just
8 give instruction what they should do motion-
9 wise here.

10 MR. PICCININNI: There's no motion
11 necessary. If you want to keep the record
12 clean, what would be appropriate -- an
13 appropriate motion would be to put this
14 particular issue on the table pending the
15 protest hearing. That would be an
16 appropriate motion.

17 And then notice will be given to
18 all parties involved. Because he's not here
19 to defend himself, so you can't -- you can't
20 move not to certify him pending the outcome
21 of the protest hearing.

22 CHAIRMAN ANTHONY: So then I'll
23 make the motion that we will --

24 MR. PICCININNI: Postpone this

1 issue.

2 CHAIRMAN ANTHONY: Yeah. That we
3 will postpone this issue until we have the
4 protest hearing.

5 MR. PICCININNI: Which will
6 be -- which is scheduled now for --

7 CHAIRMAN ANTHONY: Which is
8 scheduled for May the 31st at 5 p.m.

9 MR. PICCININNI: And the director
10 is going to issue all the appropriate
11 notices that need to be issued under the law
12 to begin that process.

13 CHAIRMAN ANTHONY: And that's all
14 part of that motion, even though it didn't
15 come directly out of my mouth. Is there a
16 second?

17 MS. PETREE: I'll second it.

18 CHAIRMAN ANTHONY: All right. All
19 those in favor, say aye.

20 (Board members in favor of the
21 motion so indicated.)

22 CHAIRMAN ANTHONY: Thank you.

23 MR. DAMSCHRODER: Well, then,
24 that -- that's all of the issues.

1 MR. WHITE: Now we just need to
2 address the day after election.

3 MR. DAMSCHRODER: I didn't get a
4 chance to talk to you before I walked in
5 here. The prosecutor's office is
6 recommending that we hold on that to
7 personnel issues relative to attendance the
8 day after the election and also comp time
9 pay-out so they can fully research the
10 issues and provide written notice to the
11 Board on this too.

12 Because the -- on one, it's kind
13 of a subjective issue, and we want to make
14 sure that we dot our I's and cross our T's.
15 On the other one, the -- the counsel didn't
16 want to -- this is a couple years old.

17 They just want to make sure it's
18 still relevant and that we worked the policy
19 correctly. So we can address that at next
20 week's meeting as well.

21 MS. PETREE: So we'll have that on
22 the 31st?

23 MR. DAMSCHRODER: Yeah. And if it
24 comes in written form prior to the meeting

1 day, we'll try to get it to you by courier
2 or by mail.

3 Well, then, that's all I have on
4 the agenda before the Board today.

5 CHAIRMAN ANTHONY: All right. Is
6 there a motion to adjourn?

7 MS. MARINELLO: So moved.

8 CHAIRMAN ANTHONY: All right. We
9 stand adjourned.

10 MS. PETREE: Seconded.

11 - - - - -

12 Thereupon, the proceedings were /
13 concluded at 3:48 o'clock p.m.

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CERTIFICATE

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3 The undersigned do hereby certify that the
4 foregoing proceedings were digitally recorded,
5 electronically transmitted, and transcribed via
6 audible playback, and that the foregoing
7 transcript of such proceedings is a full, true
8 and correct transcript of the proceedings as so
9 recorded.

10 IN WITNESS WHEREOF, I have hereunto set my
11 hand and affixed my seal of office at Columbus,
12 Ohio, on this 1st day of June, 2006.

13
14 Pamela Pollard

15 PAMELA S. POLLARD
16 Certified Digital Reporter
17 Notary Public - State of Ohio.
18 My commission expires November 13, 2007.

19
20 Amanda C. Berkstresser

21 AMANDA C. BERKSTRESSER
22 Certified Digital Transcriber
23
24

1. ORIGINAL

2. HEARING IN RE: Board Meeting

3. DATE OF DELIVERY:

4.

Franklin County Board of Elections
280 East Broad Street
Columbus, Ohio 43215
By Mr. Matt Damschroder

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MATT DAMSCHRODER

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