

1 APPEARANCES:

2 Franklin County Prosecuting Attorney
3 373 South High Street
4 13th Floor
5 Columbus, Ohio 43215
6 By Mr. Patrick J. Piccininni,
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8 On behalf of the Board.
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P R O C E E D I N G S

CHAIRMAN ANTHONY: Call the 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. The first item -- I do want to let everyone know that I've been informed that we have guests here with us today in the form of a film crew, I guess, from Amsterdam joined by Patty Schaffer who's a local Franklin County resident, and they're here with her.

The first item on the agenda is approval of minutes from three previous Board meetings.

CHAIRMAN ANTHONY: I'll entertain a

1 motion to approve the minutes.

2 MS. MARINELLO: Mr. Chairman, I move
3 that the minutes of the meetings of the Board
4 for August 6, 2007, August 29, 2007, and
5 September 10, 2007 be approved as submitted.

6 CHAIRMAN ANTHONY: Is there a
7 second?

8 MR. COLLEY: Second.

9 CHAIRMAN ANTHONY: All those in
10 favor say aye.

11 (Unanimous aye.)

12 MR. DAMSCHRODER: And I'll send the
13 signature pages down the row for each of you
14 to sign. The next item on the agenda is
15 accepting withdrawals by candidates. There
16 are five: Jay Perez for Municipal Court
17 Judge; Guy Kenneth Patrick, a write-in for
18 New Albany Mayor; Glyde Marsh, write-in for
19 New Albany Village Mayor; Ingrid Emch, Board
20 Member for Bexley City Schools; and David
21 Olmstead for New Albany Village Council.

22 I think Peggy Howell is here if
23 there's any questions about the withdrawals,
24 but it's pro forma. Because we've already

1 sent absentee ballots to the printer, we're
2 not going to be able to take these names --
3 at least the names of Perez, Emch, and
4 Olmstead off the ballot.

5 But their votes won't be tallied and
6 we'll put slip sheets in each of the absentee
7 ballots and post notice in each voting
8 machine here for absentee and in the polls on
9 election day stating that their name's been
10 removed.

11 MR. COLLEY: Are these all
12 first-time candidates or candidates that have
13 filed and withdrawn before?

14 MR. DAMSCHRODER: These are
15 candidates who had previously filed and the
16 Board had previously certified and now
17 they're saying that they don't want to run.
18 Any questions from any of the Board members?

19 CHAIRMAN ANTHONY: Do we need a
20 motion for that?

21 MR. DAMSCHRODER: I think it would
22 be appropriate.

23 MS. PETREE: Mr. Chairman?

24 CHAIRMAN ANTHONY: Yes, ma'am.

1 MS. PETREE: I'd like to move that
2 the Board accept the withdrawal of candidacy
3 from the following candidates: Jay Perez for
4 Municipal Court Judge, UTE 1/8/2010; Guy
5 Kenneth Patrick, write-in for New Albany
6 Mayor; Glyde A. Marsh, write-in for New
7 Albany Village Mayor; Ingrid Emch for Board
8 Member for Bexley City Schools; and David C.
9 Olmstead for New Albany Village Council.

10 CHAIRMAN ANTHONY: Is there a
11 second?

12 MS. MARINELLO: Second.

13 CHAIRMAN ANTHONY: All those in
14 favor say aye.

15 (Unanimous aye.)

16 MR. DAMSCHRODER: The next item on
17 the agenda, as a part of our process with
18 issues, both local options and referendums,
19 bond issues, etc., once the Board certifies
20 those we send the language to the Secretary
21 of State to approve the language.

22 For this election, the Secretary of
23 State returned the language for two of the
24 issues, both local options, Columbus 32b and

1 Columbus, I think, 37b on the grounds that
2 the petition should have been invalid on
3 their face because the language -- the
4 petitions didn't describe the permit, it just
5 gave the permit number.

6 The Secretary of State's office had
7 approved similar language this spring, but
8 for this fall they're not approving that
9 language anymore.

10 There's a packet in your materials
11 that show some of the e-mail going back and
12 forth beginning with Monday, September the
13 24th when we were first made aware that the
14 issues were not going to be approved by the
15 Secretary of State and then also an e-mail
16 from Gretchen Quinn to several of the
17 counties on Wednesday, September 26th
18 explaining the rationale.

19 The question for the Board on this
20 -- we wanted to bring it to the Board's
21 attention that the Secretary of State did not
22 approve the language -- is whether or not the
23 issue should remain on the ballot. In a
24 voice mail that Gretchen Quinn left, I think

1 with Patrick that he forwarded to me, I think
2 the inference that I derive from that voice
3 mail is that the Secretary of State isn't
4 going to weigh in on whether the issues
5 should or should not appear on the ballot for
6 this fall but is weighing in that we
7 shouldn't approve these kind of petitions in
8 the future if the permit number is not fully
9 described.

10 So it's within my view -- again,
11 this is not a legal opinion or guidance --
12 but that we should just leave them on the
13 ballot when the Board had previously
14 certified them. Be happy to answer any
15 questions that you might have.

16 CHAIRMAN ANTHONY: Are there any
17 questions for Matt?

18 (No audible comments.)

19 MR. DAMSCHRODER: I think if the
20 Board wants to leave them on the ballot, no
21 motion is necessary because the Board had
22 previously certified them to the ballot.

23 MR. WHITE: I believe if you remove
24 them you're going to have to give them an

1 opportunity to have a hearing on the stuff.
2 People actually start voting tomorrow, so
3 physically would that be a challenge?

4 MR. DAMSCHRODER: Yeah.

5 CHAIRMAN ANTHONY: Well, I'm in
6 agreement to just leave them on. Is that
7 kind of what the Board feels? I mean, take
8 the recommendation from you guys and I think
9 that there's no motion, so we just go to the
10 next order of business.

11 MR. WHITE: You got to just get some
12 kind of comment. I hate to put you in this
13 position, but --

14 MR. PICCININNI: The law is clear,
15 they don't currently have that language
16 listed in the petitions. However, they have
17 been certified and the Secretary's office has
18 not approved them as to form. The language,
19 though, has been approved by Pat Wolfe if I'm
20 not mistaken; is that correct?

21 MR. DAMSCHRODER: Previously.

22 MR. PICCININNI: Previously. The
23 ball's in your court. I mean, we're just
24 trying to figure out what took so long for

1 this issue to form. From what we understand,
2 this is a statewide problem.

3 MR. WHITE: Because a change in --
4 again, because of the new Secretary of State
5 in the past this type of language was
6 allowed --

7 MR. DAMSCHRODER: Right.

8 MR. WHITE: -- so we have this
9 situation where we're caught in between.

10 MR. DAMSCHRODER: And like I said,
11 the language had been approved by them in the
12 spring for the exact same issue or a similar
13 permit.

14 MR. PICCININNI: I think the issue
15 comes down to is the way the ballot language
16 is. It says "The current" -- and I'm just
17 going to use this as an example -- "The
18 current holder of a C1 permit."

19 But it should actually say -- and
20 I'm not sure -- I'm just using this by way of
21 example -- "The current holder of a C1 permit
22 which allows this type of liquor be sold
23 during these hours." That's what's missing,
24 the description of what the C1 is, or D1 or

1 D2, whatever the particular permit at issue
2 is.

3 MR. WHITE: Now, would that language
4 be on the ballot?

5 MR. PICCININNI: Without -- no.

6 MR. DAMSCHRODER: No. We'll do it
7 just -- we'll run it just as we have in the
8 past with just the permit number.

9 CHAIRMAN ANTHONY: Thank you very
10 much.

11 MR. DAMSCHRODER: I think that we'll
12 just leave it alone since the Board had
13 previously certified them and I talked with
14 Patrick about that.

15 MR. PICCININNI: Effective with
16 defendant with defendant and Ohio Court also
17 did.

18 MR. DAMSCHRODER: Yeah. And I think
19 it falls into the historic practice of the
20 Board to fake a ballot access.

21 Under "Provisional Voting," there
22 are three motions that I would recommend.
23 The first is actually rescinding a previous
24 motion from the last Board meeting. I had

1 put in the wrong numbers for the costs for
2 the provisional ballot booths. It's -- we're
3 buying the soft-sided ones for 152.50 a piece
4 instead of the hard-sided for 142.50. So we
5 should rescind the previous resolution and
6 adopt a new resolution with the new price.

7 CHAIRMAN ANTHONY: They won't do it
8 for 142?

9 MR. DAMSCHRODER: No, unfortunately.

10 CHAIRMAN ANTHONY: All right. Now
11 we'll entertain a motion.

12 MS. MARINELLO: Mr. Chairman, I move
13 that the Board rescind its motion of
14 September 10, 2007 declaring Election Works
15 to be the successful bidder of portions of
16 Invitation to Bid 2007-51-61 and revoke its
17 authorization of the Director and Deputy
18 Director to purchase a total quantity of
19 1,000 hard-curtain ADA-accessible voting
20 booths from Election Works at its bid price
21 of 142.50 per unit for a total cost of
22 142,500.

23 I move that the Board retroactively
24 declare Election Works to be the successful

1 bidder of portions of Invitation to Bid
2 2007-51-61 and authorize the Director and
3 Deputy Director to purchase a total quantity
4 of 1,000 soft-curtain ADA-accessible voting
5 booths from Election Works at its bid price
6 of 152.50 per unit for a total cost of
7 152,500.

8 CHAIRMAN ANTHONY: Is there a
9 motion? I mean, is there a second?

10 MS. PETREE: I'll second.

11 CHAIRMAN ANTHONY: All those in
12 favor of the motion say aye.

13 (Unanimous aye.)

14 MR. DAMSCHRODER: And the last one
15 under this is the required by law competitive
16 bid for the printing of absentee ballots. We
17 also have a competitive bid for printing of
18 provisional ballots. Dayton Legal Blank was
19 the lowest and best bid for the provisionals
20 and the ES&S was the lowest and best for the
21 absentee ballots.

22 CHAIRMAN ANTHONY: I'll entertain a
23 motion.

24 MS. PETREE: Mr. Chairman, I move

1 that the Board award contracts to Dayton
2 Legal Blank and ES&S for the purpose of
3 printing provisional and absentee ballots,
4 respectively.

5 CHAIRMAN ANTHONY: Is there a
6 second?

7 MS. MARINELLO: Second.

8 CHAIRMAN ANTHONY: All those in
9 favor say aye.

10 (Unanimous aye.)

11 MR. DAMSCHRODER: The motion
12 carries. And then next section, "Voting
13 Machine Assignments," the law now requires
14 the Board to adopt in public session the
15 voting machine allocation for each election.

16 We put in your packet a listing of
17 the number of machines that we propose to put
18 in to each precinct for this fall's general
19 election. It totals 4,289 machines for this
20 fall's election.

21 It exceeds the minimum requirements
22 recommended to the Board by the Franklin
23 County Prosecuting Attorney in his opinion
24 from a year ago of a minimum number per

1 precinct of one machine for every 175 voters
2 at the most recent gubernatorial election.
3 All the precincts exceed that and none of the
4 precincts have more than six machines.

5 CHAIRMAN ANTHONY: And none have
6 less than three, it looks like.

7 MR. DAMSCHRODER: I think that's
8 correct.

9 CHAIRMAN ANTHONY: I will entertain
10 -- now, I guess we're going to get to -- what
11 about those that we made belonging to Putnam
12 County?

13 MR. DAMSCHRODER: That's the next
14 item. We'll do that separately.

15 CHAIRMAN ANTHONY: Oh, okay then.

16 MR. DAMSCHRODER: We have almost --
17 we have more than 4500 total machines, so
18 with putting 4,289 out, we'll clearly have
19 enough for the whole -- and it's worth noting
20 that this is more machines than we put out in
21 the field in both 2005 and 2003 for the
22 municipal general election.

23 CHAIRMAN ANTHONY: Is there a
24 motion?

1 MS. MARINELLO: Mr. Chairman, I move
2 that the Board place 4,289 voting machines
3 for the November 7, 2007 general election as
4 reflected in the report submitted by the
5 Director and Deputy Director pending approval
6 by the --

7 MR. DAMSCHRODER: We'll do the
8 second one, Kim. We'll do that separately.

9 CHAIRMAN ANTHONY: Is there a
10 second?

11 MS. PETREE: I'll second.

12 CHAIRMAN ANTHONY: All those in
13 favor say aye.

14 (Unanimous aye.)

15 MR. DAMSCHRODER: And, motion
16 carries. The next item on this, at the last
17 Board meeting -- I don't think we actually
18 tabled it, I think we just postponed
19 discussion of the loan of machines to Putnam
20 County at the request of the Secretary of
21 State for use in their general election and
22 also their Special Congressional Election,
23 which I think is December 11th -- sounds
24 right -- to fill the vacancy created by the

1 passing of Representative Gilmore.

2 As you'll recall from the previous
3 meeting, there were some questions that the
4 Board had, specifically regarding
5 transportation and the indemnification of the
6 county in the event that the machines were
7 damaged while in Putnam County.

8 I think the commissioners have
9 drafted an intergovernmental agreement that I
10 think they're slated to vote on or enter into
11 tomorrow between the Franklin County
12 Commissioners and the Putnam County
13 Commissioners that will spell out all of the
14 particulars in terms of liability and
15 indemnification, basically saying that from
16 the time these machines leave Franklin
17 County's warehouse, the liability is on
18 Putnam County to replace them in the event of
19 damage.

20 So I would recommend that this Board
21 adopt this resolution, again, pending final
22 approval by the Franklin County Commissioners
23 entering into that intergovernmental
24 agreement.

1 I don't know, Denny, you were at the
2 meeting last Thursday, if that pretty much
3 covers what's going on.

4 MR. WHITE: Pretty much.

5 CHAIRMAN ANTHONY: Any questions on
6 this from anybody?

7 (No audible replies.)

8 CHAIRMAN ANTHONY: I will entertain
9 a motion for that.

10 MS. PETREE: Mr. Chairman?

11 CHAIRMAN ANTHONY: Yes, ma'am.

12 MS. PETREE: I would like to make a
13 motion that pending approval by the Franklin
14 County Commissioners of intergovernmental
15 agreement between Franklin and Putnam
16 Counties, I move that the Board authorize the
17 loan of 140 voting machines to the Putnam
18 County Board of Elections for use through the
19 December Special Congressional Election.

20 CHAIRMAN ANTHONY: Is there a
21 second?

22 MS. MARINELLO: Second.

23 CHAIRMAN ANTHONY: All those in
24 favor say aye.

1 (Unanimous aye.)

2 MR. DAMSCHRODER: Thank you very
3 much. Finally, on the public agenda, the
4 state -- I think it's the state auditor --
5 has approved the use of digital signatures in
6 some instances and, of course, on some
7 governmental transactions.

8 And in order to use digital
9 signatures the agency affected has to enact a
10 Use of Electronic Signature policy. The
11 policy that I recommend we adopt is the
12 policy recommended by the Franklin County
13 Data Processing Board.

14 If we use this, it will be for
15 interoffice personnel activities only, for
16 instance, completing and approving leave
17 sheets. So instead of having to do the
18 actual paper, we can do that all
19 electronically on a lead-based form and
20 people will sign it using a log-in.

21 So this won't be for voter
22 registration or completing ballots or
23 anything like that. It's just for
24 interoffice employees for administrative

1 transactions. It's a standard policy we got
2 that was --

3 MR. PICCININNI: It's a security
4 policy.

5 MR. DAMSCHRODER: It's a security
6 policy and was adopted by the Data Center
7 Board earlier this year for all the county
8 agencies to use if they so choose.

9 CHAIRMAN ANTHONY: Any questions on
10 this? Moving up to the digital age, huh?

11 MR. DAMSCHRODER: Slowly but surely.
12 We've got the machines there, now we're
13 trying to get leave on everything -- all the
14 administrative functions in there too.

15 CHAIRMAN ANTHONY: I'll entertain a
16 motion.

17 MS. MARINELLO: Mr. Chairman, I move
18 that the Board adopt the Digital Signature
19 policy recommended by the Franklin County
20 Data Center for use by employees of the Board
21 only.

22 CHAIRMAN ANTHONY: Is there a
23 second?

24 MS. PETREE: Second.

1 CHAIRMAN ANTHONY: All those in
2 favor say aye.

3 (Unanimous aye.)

4 MR. DAMSCHRODER: And that's all I
5 have on the public agenda. There is one item
6 I'd like to discuss in Executive Session,
7 personnel-related, unless there's anything
8 else the Board members want to bring forward
9 at this time.

10 CHAIRMAN ANTHONY: Well then, I will
11 make a motion that the Board move into
12 Executive Session for the purpose of
13 discussing personnel matters. Is there a
14 second?

15 MS. MARINELLO: Second.

16 MR. DAMSCHRODER: We'll do roll
17 call. Mr. Colley?

18 MR. COLLEY: Yes.

19 MR. DAMSCHRODER: Ms. Marinello?

20 MS. MARINELLO: Yes.

21 MR. DAMSCHRODER: Ms. Petree?

22 MS. PETREE: Yes.

23 MR. DAMSCHRODER: Chairman Anthony?

24 CHAIRMAN ANTHONY: Yes.

1 MR. DAMSCHRODER: We are in
2 Executive Session.

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4 Thereupon, the proceedings were
5 concluded at 3:23 o'clock p.m.

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CERTIFICATE

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 11th day of October, 2007.

Kristie J. Hatala

KRISTIE J. HATALA
Certified Digital Reporter
Notary Public - State of Ohio
My commission expires August 1, 2012

Beverly D. Haviland

BEVERLY D. HAVILAND
Certified Digital Transcriber