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BEFORE THE BOARD OF ELECTIONS  
OF FRANKLIN COUNTY, OHIO

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IN RE: :

Board Meeting :

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Proceedings before Board Chairman William  
A. Anthony, Jr., and Board Members Michael F.  
Colley, Carolyn C. Petree, Kimberly E.  
Marinello, with Director Matthew M.  
Damschroder, taken at the Board of Elections,  
280 East Broad Street, Columbus, Ohio, on  
Thursday, December 27, 2007, at 3:12 o'clock  
p.m.

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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  
7 and Mr. Anthony E. Palmer, Jr.,

8 On behalf of the Board.  
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P R O C E E D I N G S  
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CHAIRMAN ANTHONY: Good afternoon, everyone. I'd 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. The first item on the agenda is certification of issues for the March 4, 2008 primary election that were filed last week. There are a couple of issues that were filed, local options, that failed to qualify.

Two questions in Columbus were for Precinct A that did not have -- that had insufficient number of signatures, and then also Whitehall, 4B, question there that was

1 not -- the petition was not properly  
2 executed.

3 So we would request that the Board  
4 certify the list of questions and local  
5 options found to be valid that have been  
6 submitted to you for your review, and we'll  
7 attach that to the record as an exhibit.

8 CHAIRMAN ANTHONY: Any questions for  
9 Matt?

10 (No response.)

11 CHAIRMAN ANTHONY: I'll entertain a  
12 motion.

13 MS. MARINELLO: Mr. Chairman, I move  
14 that the Board certify to the March 4, 2008  
15 primary election those issues appearing on  
16 the list provided by the Director.

17 CHAIRMAN ANTHONY: Is there a  
18 second?

19 MR. DAMSCHRODER: Why don't we amend  
20 that motion to say, "those valid issues  
21 appearing on the list provided by the  
22 Director" at the recommendation of counsel.

23 CHAIRMAN ANTHONY: We'll so amend  
24 the motion to state that. Is there a second?

1 MS. PETREE: Second.

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

4 (All say aye.)

5 MR. DAMSCHRODER: And motion  
6 carries. The next item is an issue the Ohio  
7 Association of Elections Officials in  
8 cooperation with the Ohio Secretary of State  
9 lobbied the General Assembly earlier this  
10 year to amend Ohio law to permit county  
11 Boards of Elections to purchase off the State  
12 Term Schedule.

13 Previously, we had not been  
14 permitted to do that. And so this resolution  
15 would allow us to move forward with that, and  
16 there'll be a resolution actually that you  
17 will sign that we'll send to DAS, but this  
18 language may suffice for today. It should be  
19 allowed to help us save some money on a  
20 couple of things moving forward.

21 CHAIRMAN ANTHONY: I would think so,  
22 yeah. Any questions?

23 (No response.)

24 CHAIRMAN ANTHONY: May we entertain

1 a motion?

2 MS. PETREE: Mr. Chairman, I move  
3 that the Board adopt a resolution authorizing  
4 the purchase of goods and services from the  
5 State Term Schedule managed by the Ohio  
6 Department of Administrative Services.

7 I move that the Board request that  
8 the Franklin --

9 MR. DAMSCHRODER: Actually, Carolyn,  
10 we'll just pause with just that first  
11 paragraph.

12 CHAIRMAN ANTHONY: Is there a second  
13 to the first one?

14 MS. MARINELLO: Second.

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

17 (All say aye.)

18 MR. DAMSCHRODER: And motion  
19 carries. The next item, as a part of that  
20 same effort with the State budget bill,  
21 allows Boards of Elections to ask their  
22 County Commissioners to accumulate the  
23 revenue to the county that's received as part  
24 of the chargeback program where we charge

1 local jurisdictions for the cost of elections  
2 in odd years.

3 Normally, that goes back into the  
4 county general fund, but this would allow us  
5 to create a special revenue fund as a part of  
6 the county budget that those monies could be  
7 accumulated into and used for  
8 election-related purposes in the future.

9 The item that Denny and I are eyeing  
10 in the immediate term is in 2009, as part of  
11 the contract with the voting machine  
12 companies that Secretary of State Blackwell  
13 signed a couple years ago, the counties are  
14 all on the hook for license and maintenance  
15 annual fees, which for this county is about  
16 \$550,000 in 2009.

17 So if we can begin accumulating some  
18 of those funds now, that will not hit the  
19 general fund as hard in 2009. So this is a  
20 first step in a several step process. Denny  
21 and I have a meeting scheduled with the  
22 Commissioner's folks the end of January, but  
23 the first step is for the Board to pass this  
24 resolution.

1 CHAIRMAN ANTHONY: Any questions?

2 (No response.)

3 CHAIRMAN ANTHONY: You said an awful  
4 lot there, Matt.

5 MR. DAMSCHRODER: I know. Are there  
6 any questions?

7 CHAIRMAN ANTHONY: I think I  
8 understand it. So we will entertain a motion  
9 now.

10 MS. MARINELLO: Mr. Chairman, I move  
11 that the Board request that the Franklin  
12 County Commissioners establish an election  
13 review fund pursuant to Section 3501.17(I) of  
14 the Ohio Revised Code for the purpose of  
15 accumulating revenue withheld by or paid to  
16 the County under Section 3501.17 for the  
17 payment of any expense related to the duties  
18 of the Board of Elections specified in  
19 Section 3501.11 of the Ohio Revised Code from  
20 which election-related expenditures may be  
21 made.

22 CHAIRMAN ANTHONY: Is there a  
23 second?

24 MS. PETREE: Second.

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

3                           (All say aye.)

4           MR. DAMSCHRODER: And motion  
5 carries. I don't think we need to go into  
6 Executive Session based on a previous  
7 conversation I had with the Chairman, but  
8 there is one issue I would like to bring  
9 before the Board relative to personnel.

10                   And that is Addison Clark, Sam  
11 Distefano, and Charles Howell are all senior  
12 part-time employees at the warehouse, do an  
13 excellent job for us. Earlier this year we  
14 did some raises for some other folks,  
15 part-timers, but I failed to include these  
16 guys in that. It was an oversight on my part  
17 that I would like to ask the Board to --

18           CHAIRMAN ANTHONY: I bet you caught  
19 heck for that, didn't you?

20           MR. DAMSCHRODER: Harold was kind  
21 enough to remind me that I had failed to do  
22 that, so I would like to bring this before  
23 the Board at this time.

24           CHAIRMAN ANTHONY: I have no problem

1 with it. Do my colleagues have any problem  
2 with that? If so, we can go into Executive  
3 Session.

4 MS. PETREE: I'd like to go into  
5 Executive Session.

6 CHAIRMAN ANTHONY: Okay. We need to  
7 go into Executive Session. I make a motion  
8 that the Board move into Executive Session to  
9 discuss personnel matters. Is there a  
10 second?

11 MR. COLLEY: Second.

12 MR. DAMSCHRODER: We'll call roll.  
13 Mr. Colley?

14 MR. COLLEY: Yes.

15 MR. DAMSCHRODER: Ms. Marinello?

16 MS. MARINELLO: Yes.

17 MR. DAMSCHRODER: Ms. Petree?

18 MS. PETREE: Yes.

19 MR. DAMSCHRODER: Chairman Anthony?

20 CHAIRMAN ANTHONY: Yes.

21 MR. DAMSCHRODER: We are in  
22 Executive Session.

23 (Board Meeting breaks at 3:18 p.m. and  
24 reconvenes at 3:30 p.m.)

1 CHAIRMAN ANTHONY: I make a motion  
2 that we come out of Executive Session. No  
3 motions were made, no decisions were  
4 rendered, and no votes were taken. Is there  
5 a second?

6 MS. PETREE: Second.

7 MR. DAMSCHRODER: Roll call. Mr.  
8 Colley?

9 MR. COLLEY: Yes.

10 MR. DAMSCHRODER: Ms. Marinello?

11 MS. MARINELLO: Yes.

12 MR. DAMSCHRODER: Ms. Petree?

13 MS. PETREE: Yes.

14 MR. DAMSCHRODER: Chairman Anthony?

15 CHAIRMAN ANTHONY: Yes.

16 MR. DAMSCHRODER: We are back in  
17 public session. There's still a resolution  
18 that we'd like to adopt relative to personnel  
19 compensation.

20 CHAIRMAN ANTHONY: I'll entertain a  
21 motion.

22 MS. MARINELLO: Yes, Mr. Chairman.  
23 I move that the Board increase the hourly  
24 rate of pay for Addison Clark, Sam Distefano,

1 and Charles Howell to 17.50 per hour  
2 retroactive to September 1, 2007.

3 CHAIRMAN ANTHONY: All those in  
4 favor say aye.

5 MR. PICCININNI: Second, you need a  
6 second.

7 CHAIRMAN ANTHONY: I need a second.  
8 I know that. Is there a second?

9 MS. PETREE: Second.

10 CHAIRMAN ANTHONY: Thank you. Thank  
11 you very much, sir. All those in favor say  
12 aye.

13 (All say aye.)

14 MR. DAMSCHRODER: And motion  
15 carries. The next item on the agenda is  
16 relative to voting machine assignments for  
17 the March 4, 2008 primary election. As  
18 you'll recall, Ohio law now requires the  
19 Board to vote in public session on the voting  
20 machine allocation for precincts for each  
21 election.

22 Staff recommends that 4,289 voting  
23 machines be placed for the primary election  
24 and the precinct breakdown is in the report

1 before you and will be, if adopted, attached  
2 to the minutes of this meeting. I do  
3 understand that there's a question regarding  
4 voting machines following the release of the  
5 Secretary of State's Everest report.

6 CHAIRMAN ANTHONY: Yeah. I just had  
7 one question before we go there. Did we get  
8 our machines back from Putnam County?

9 MR. DAMSCHRODER: We have not yet,  
10 but we will before the primary.

11 CHAIRMAN ANTHONY: Are they included  
12 in this count?

13 MR. DAMSCHRODER: They are not.

14 CHAIRMAN ANTHONY: Okay. Yes,  
15 ma'am?

16 MS. PETREE: I have a question for  
17 Matt. Matt, could you ask the Secretary of  
18 State whether or not the county is obligated  
19 to pay fees to our voting machine vendor in  
20 years six through ten under the terms of the  
21 Master State Contract Voting Machine contract  
22 if the Everest recommendations are  
23 approved -- are adopted as law?

24 MR. DAMSCHRODER: I will certainly

1 send an email to the Secretary of State's  
2 office asking their office to provide this  
3 Board with guidance on that matter.

4 MS. PETREE: Thank you.

5 CHAIRMAN ANTHONY: Thank you. Any  
6 questions about the allocation of voting  
7 machines?

8 (No response.)

9 CHAIRMAN ANTHONY: Then I will  
10 entertain a motion.

11 MS. MARINELLO: Mr. Chairman, I move  
12 that the Board place 4,289 voting machines  
13 for the March 4, 2008 primary election as  
14 reflected in the report submitted by the  
15 Director and Deputy Director.

16 CHAIRMAN ANTHONY: Is there a  
17 second?

18 MR. COLLEY: Second.

19 CHAIRMAN ANTHONY: All those in  
20 favor say aye.

21 (All say aye.)

22 MR. DAMSCHRODER: And the motion  
23 carries. Just a couple items to bring you up  
24 to speed on.

1           CHAIRMAN ANTHONY: Very good. Now  
2 this is posted, right? This is --

3           MR. DAMSCHRODER: Yes.

4           CHAIRMAN ANTHONY: -- it will now  
5 become posted for pickup and --

6           MR. DAMSCHRODER: That is the  
7 official list or we'll post it to our website  
8 as the list that Harold will use for voting  
9 machine assignments.

10           A couple items, I had Suzanne put in  
11 everybody's packet a copy of a Secretary of  
12 State directive from December 11th. It's  
13 important, I think, particularly for Bill, as  
14 party chairman for the Democrats, establishes  
15 a timeline for the Executive Committee  
16 meetings to be held before appointments were  
17 full terms. Michael is up full term, as is  
18 Kim.

19           CHAIRMAN ANTHONY: Kim is up? So  
20 you got to meet before February 14th?

21           MR. DAMSCHRODER: Well, actually  
22 that's the statutory deadline. But the  
23 Secretary of State through this directive is  
24 establishing --

1 CHAIRMAN ANTHONY: January 22?

2 MR. DAMSCHRODER: -- an earlier  
3 deadline of January 22nd.

4 CHAIRMAN ANTHONY: Okay. Wow.

5 MR. DAMSCHRODER: And all of the  
6 documentation for party Executive Committee  
7 secretaries is attached to be completed as  
8 well.

9 Also, I wanted to remind everybody  
10 that we have a Board meeting on January the  
11 11th at three p.m. to certify candidates to  
12 the March 4, 2008 primary election ballot.

13 CHAIRMAN ANTHONY: January 11th?

14 MR. DAMSCHRODER: Yeah. I believe  
15 it's a Friday.

16 CHAIRMAN ANTHONY: January 11th. Is  
17 that -- 2008 is here.

18 MR. DAMSCHRODER: It is here.  
19 Candidates have to file on the 4th by four  
20 p.m. And the Board, by law, has to meet no  
21 later than the 11th to certify candidates.  
22 So we'll meet at three p.m.

23 At two p.m. that day we got a  
24 confirmation this morning from Brian Schinn

1 from the Secretary of State's office that he  
2 will be here to make a presentation to our  
3 staff on the Secretary of State's new ethics  
4 policy that applies to Board members,  
5 Directors, Deputy Directors, and all staff  
6 including part-time staff and poll workers.

7 CHAIRMAN ANTHONY: You said ethics  
8 policy?

9 MR. DAMSCHRODER: Yeah. So Brian's  
10 going to be here at two. Board members,  
11 because it applies to you, you are certainly  
12 more than welcome to attend that meeting in  
13 case you guys have any questions for the  
14 Secretary of State's office.

15 And then finally --

16 MS. PETREE: Matt, I have a  
17 question. Is this the same ethics that was  
18 on the internet -- that they put on the  
19 internet?

20 MR. DAMSCHRODER: Yes. It's the  
21 same one that was just released a couple  
22 weeks ago. And if anybody didn't get a copy  
23 or doesn't have access to it, let me know and  
24 I'll mail you a copy -- and we sent a copy.

1           Also, Denny and I prepared a letter,  
2   that we'd like you to sign, to the  
3   Commissioners. We are out of space here at  
4   the Board of Elections at Memorial Hall, and  
5   the Department of Economic Development is  
6   moving out of this building, probably in late  
7   March is their target date. They're moving  
8   over to the old Lazarus building that's now  
9   been rehabbed.

10           And Denny and I have had preliminary  
11   conversations with the folks in Public  
12   Facility Management about the Board of  
13   Elections taking over the space. There's two  
14   rooms on the second floor and the other half  
15   of the east conference room. We would like  
16   to have the space.

17           So they've said that we need to have  
18   our Board send a letter to the Commissioners,  
19   so we have prepared a letter for you to sign  
20   making that request official. Other than  
21   that, I don't have anything else to come  
22   before the Board today.

23           MS. MARINELLO: Do you know when the  
24   conference is?

1 MR. DAMSCHRODER: I do. It is  
2 Tuesday the 15th --

3 CHAIRMAN ANTHONY: Of January.

4 MR. DAMSCHRODER: -- of January.

5 CHAIRMAN ANTHONY: Is it on here?

6 MR. DAMSCHRODER: No. It's not on  
7 there. Tuesday the 15th, 16th, and 17th.

8 CHAIRMAN ANTHONY: January 15th?

9 MR. DAMSCHRODER: I believe that's a  
10 Tuesday.

11 CHAIRMAN ANTHONY: Yeah, it is. It  
12 always falls the same day as Christmas, but a  
13 couple weeks after.

14 MR. DAMSCHRODER: Right.

15 CHAIRMAN ANTHONY: So it starts that  
16 Tuesday?

17 MR. DAMSCHRODER: That Tuesday  
18 afternoon. The first session will feature a  
19 presentation from the Secretary of State's  
20 office on the voting machines test.

21 MS. PETREE: And the Board members  
22 are required to have so many hours, aren't  
23 they?

24 MR. DAMSCHRODER: Yes.

1 MS. MARINELLO: I just went to the  
2 campaign finance one. That doesn't count,  
3 does it?

4 MR. DAMSCHRODER: No.

5 CHAIRMAN ANTHONY: And this goes  
6 from the 15th through the --

7 MR. DAMSCHRODER: Through Thursday  
8 morning. Thursday morning is the last  
9 session.

10 CHAIRMAN ANTHONY: 17th?

11 MR. DAMSCHRODER: Yeah. Any other  
12 questions?

13 CHAIRMAN ANTHONY: No, sir. I don't  
14 have any.

15 MR. DAMSCHRODER: Is there a motion  
16 to adjourn?

17 CHAIRMAN ANTHONY: Oh, yeah. Is  
18 there a motion --

19 MR. PICCININNI: For the year.

20 MS. MARINELLO: I make a motion we  
21 adjourn.

22 CHAIRMAN ANTHONY: Is there a  
23 second? Second.

24 MR. DAMSCHRODER: All those in favor

1 say aye.

2 (All say aye.)

3 MR. DAMSCHRODER: We're done. Thank  
4 you all very much.

5 CHAIRMAN ANTHONY: Well, thank you.

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7 Thereupon, the meeting was  
8 concluded at 3:40 o'clock p.m.

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CERTIFICATE

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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 10<sup>th</sup> day of January, 2008.

Elegra R. Davis

ELEGRA R. DAVIS  
Certified Digital Reporter  
Notary Public - State of Ohio  
My commission expires October 2, 2009

Beverly D. Haviland

BEVERLY D. HAVILAND  
Certified Digital Transcriber