

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

MINUTES OF THE MEETING ON

5/21/09

APPROVED ON

7/1/09

BY:



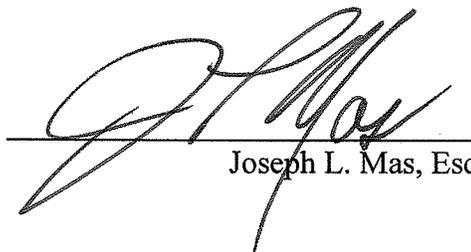
Douglas J. Preisse, Chairman



Michael F. Colley, Esq.



Kimberly E. Marinello



Joseph L. Mas, Esq.

ATTEST:

Michael Stinziano, Director

Page 2

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 Assistant Prosecuting Attorney,
 8
 9 On behalf of the Board.
 10
 11 McTigue and McGinnis, LLC
 12 550 East Walnut Street
 13 Columbus, Ohio 43215
 14 By Mr. Donald J. McTigue,
 15 On behalf of City of Columbus
 16 and Candidate Carol Perkins.
 17
 18 ALSO PRESENT:
 19 Ms. Suzanne Brown
 20 Ms. Karen Cotton
 21 Mr. Eric Nickolas
 22 Mr. Ben Piscitelli
 23
 24

Page 3

1	INDEX	
2	Agenda Item	Page No.
3	Call to Order/Roll Call	4
4	Welcome to New Board Member Joseph L. Mas	4
5	Official Certification May 5, 2009	
6	Primary/Special	5
7	Certification of Issues	7
8	Protest Hearing/Petition Reconsideration - Old Business	23
9	Challenge of Right to Vote/Correction of Registration List	79
10	New Precincts	80
11	Procurement Policy	81
12	Executive Session	83
13	Cancellation of Regular Meeting	85
14	Adjournment	85
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

Page 4

1 -----
 2 PROCEEDINGS
 3 -----
 4 CHAIRMAN PREISSE: Mr. Director, are
 5 we prepared to proceed?
 6 DIRECTOR STINZIANO: We are. This
 7 is the Franklin County Board of Elections
 8 Special Meeting for May 21st, 2009. We will
 9 do a roll call.
 10 Mr. Colley?
 11 MR. COLLEY: Here.
 12 DIRECTOR STINZIANO: Chairman
 13 Preisse?
 14 CHAIRMAN PREISSE: Here.
 15 DIRECTOR STINZIANO: Mr. Mas?
 16 MR. MAS: Here.
 17 DIRECTOR STINZIANO: Ms. Marinello?
 18 MS. MARINELLO: Here.
 19 DIRECTOR STINZIANO: The first item
 20 on the agenda is, we have a new Board member.
 21 And I just wanted to recognize that we now
 22 have a full complement, and we can proceed and
 23 address all issues that had been held up while
 24 we waited for the new member. So the staff is

Page 5

1 excited by having the new Board member, and
 2 we're all looking forward to working with you.
 3 MR. MAS: Thank you very much, Mr.
 4 Stinziano. And, Mr. Chairman, I am delighted
 5 to have the opportunity and the privilege to
 6 serve on this Board, particularly coming from
 7 my background as a refugee from a country that
 8 does not have two- or multi-party elections.
 9 This means a lot to me and to my family.
 10 CHAIRMAN PREISSE: We are delighted
 11 to welcome you on board, and we'll get some
 12 good work done for the good citizens of
 13 Franklin County, we hope.
 14 MR. MAS: And we shall together.
 15 CHAIRMAN PREISSE: Yes.
 16 MS. MARINELLO: Welcome. Glad to
 17 have you.
 18 MR. MAS: Thank you.
 19 CHAIRMAN PREISSE: Next is the
 20 official certification for the May 5th, 2009
 21 Primary and Special Election. Karen Cotton,
 22 manager of operations, is going to present the
 23 staff report.
 24 MS. COTTON: The official canvass of

<p style="text-align: right;">Page 6</p> <p>1 the election results and returns of votes cast 2 at the May 5th, 2009 Primary/Special Election 3 began on May the 18th. All election results 4 have been canvassed and are reported to you in 5 the summary reports provided in your packets. 6 You have two reports. One is a 7 summary report and one is a summary report 8 with detail, providing the information by the 9 various groups of votes. We ask for your 10 certification of those election results, and I 11 have prepared a certification page for your 12 signatures. 13 None of the races were close enough 14 to require a recount. 15 CHAIRMAN PREISSE: Okay. 16 MS. MARINELLO: Mr. Chairman, I move 17 that the results of the official canvass of 18 votes cast during the May 5th, 2009 Primary 19 and Special Elections be certified as 20 reported. 21 MR. COLLEY: Second the motion. 22 DIRECTOR STINZIANO: All in favor? 23 BOARD MEMBERS: Aye. 24 DIRECTOR STINZIANO: Those opposed,</p>	<p style="text-align: right;">Page 8</p> <p>1 BOARD MEMBERS: Aye. 2 DIRECTOR STINZIANO: Hearing none 3 opposed. 4 The hearing is regarding the need to 5 seek supplemental appropriations from the 6 Board of Commissioners. Given that the August 7 election was a Special Election, we do not 8 have funding for that election, and so we need 9 the Board to approve the supplemental funding 10 that we would petition to the commissioners. 11 MR. MAS: Mr. Chairman, once again, 12 I move that the Board authorize the Director 13 and Deputy Director to petition the Franklin 14 County Board of Commissioners for supplemental 15 funding in the estimated amount of \$721,075.61 16 to cover the necessary and proper expenses of 17 the Board of Elections for the August 4 18 Special Election. 19 DEPUTY DIRECTOR DAMSCHRODER: As the 20 motion has been made and the issue started to 21 be put on the table, I'd draw the Board's 22 attention to the spreadsheet in your packets 23 that has the number that Mr. Mas referenced. 24 As we put together the budget for</p>
<p style="text-align: right;">Page 7</p> <p>1 same sign. 2 Seeing none, the next item on the 3 agenda is the certification of issues for the 4 August 4th, 2009 Special Election. 5 MS. COTTON: The filing deadline for 6 the August 4th, 2009 Special Election was 4:00 7 p.m. this afternoon. We had two issues that 8 have been filed. Both of the issues were 9 filed early enough that we could forward them 10 to the Prosecuting Attorney's Office for 11 review. We have received confirmation that 12 they are approved as to form. A total of 356 13 voting locations will be open to conduct this 14 election. 15 MR. MAS: Mr. Chairman, I move that 16 the Board accept the staff report and hereby 17 certify to the August 4, 2009 special election 18 ballot the income tax question certified to 19 the Board by the City of Columbus and the 20 property tax levy question certified to the 21 Board by the Southwestern City Schools. 22 MR. COLLEY: Mr. Chairman, I second 23 the motion. 24 DIRECTOR STINZIANO: All in favor?</p>	<p style="text-align: right;">Page 9</p> <p>1 the Special Election in terms of what we 2 anticipate needing in terms of supplemental 3 requests from the commissioners, we looked at 4 the five primary categories of office 5 operations, absentee voting, election 6 operations, which is where we create the 7 ballots, do the tabulation and program the 8 voting machines and create the supplies for 9 the precincts. 10 The second is the logistics 11 division, which would handle the voting 12 location rental, voting machine programming, 13 delivery, et cetera. And then, obviously, the 14 biggest chunk is always precinct election 15 official payroll and training. 16 So there's two different rates that 17 the board staff would like to present to the 18 Board. One is the rate referenced by Mr. Mas 19 in his motion, and then also another rate that 20 would be consistent with the Board's practice 21 for request of the county commissioners, both 22 in 2008 and in 2009, and that would be that we 23 have additional funding for the Board to mail 24 to every eligible elector for this election,</p>

<p style="text-align: right;">Page 10</p> <p>1 mail to them an absentee ballot application. 2 As you all know, under Ohio law now, 3 voters can vote early by mail in the 4 convenience and privacy of their own home 5 without having to have an excuse to do so, as 6 they did in the past. And voters in Franklin 7 County have overwhelmingly in the past 8 elections, specifically 2008, chosen that 9 option. 10 I would also draw your attention to 11 a press release from Cuyahoga County Board of 12 Elections that's in your packet as well as 13 some reporting from WKYC in Cuyahoga County. 14 Our sister board of elections there mailed 15 absentee ballot applications to all eligible 16 electors for their May election of this year, 17 and it increased turnout for that May election 18 as compared to a May election two years ago, 19 and again this concept is consistent with the 20 requests that we've made of the commissioners 21 in the past. 22 We made the request for the May and 23 November elections this year to mail absentee 24 applications. They did not choose to fund</p>	<p style="text-align: right;">Page 12</p> <p>1 historically somewhat lower participation rate 2 with absentee. We're expecting about 10,000. 3 We had 8,000 in May. 4 If we were to mail absentee 5 applications, obviously the costs would be 6 more for that mailing, and it would also 7 increase the cost for the absentee department 8 because we would be having more ballots, more 9 mail, more postage, and a little bit more 10 staff to handle the additional volume. 11 CHAIRMAN PREISSE: All right. So 12 there's a motion before us. We need a second 13 to proceed, I believe. 14 DEPUTY DIRECTOR DAMSCHRODER: If 15 there's not a second, then the motion wouldn't 16 be properly before the Board for a vote. 17 MR. MAS: And, Mr. Chairman, if the 18 motion were to fail, then you would not have 19 supplemental funding and not be able to carry 20 out the election. 21 DIRECTOR STINZIANO: Correct. It's 22 still the staff's desire that the Board 23 approve supplemental funding to present to the 24 commissioners so we don't fall into any</p>
<p style="text-align: right;">Page 11</p> <p>1 those requests, but should the Board choose to 2 do an additional amount for that kind of 3 mailing, it would be consistent with our past 4 practice. 5 CHAIRMAN PREISSE: Okay. We have a 6 motion before us. I'm not sure I heard a 7 second. 8 SPEAKER: There has not been a 9 second, Mr. Chairman. 10 CHAIRMAN PREISSE: And does everyone 11 understand what the Deputy Director just 12 described? 13 The question is, the initial amount 14 would anticipate a number of absentee ballots 15 much less than mailing to all eligible voters 16 in the city of Columbus. 17 DEPUTY DIRECTOR DAMSCHRODER: That's 18 correct. And if I'm correct, either Mr. 19 Director or Mr. Mas, that the amount in Mr. 20 Mas' motion is kind of the bare bones of the 21 cost at the minimum to run the election for 22 August; assuming that a voter has to contact 23 us or go to our Web site to get an application 24 for an absentee ballot, it would have a</p>	<p style="text-align: right;">Page 13</p> <p>1 problems with our budget. 2 MR. MAS: I would suggest, Mr. 3 Chairman, that it is the responsibility of the 4 Board to make sure that the election can go 5 forward and to provide necessary funding, at 6 whatever number. 7 DIRECTOR STINZIANO: To be clear, 8 the election could go forward. It would be 9 just dipping into our money reserved for the 10 General Election that we'll have in November. 11 So at some point, we will have to present or 12 go before the commissioners because of the 13 Special Election, the supplemental budget. 14 MR. MAS: Thank you. 15 MR. PICCININNI: These funds are 16 chargebackable. 17 DIRECTOR STINZIANO: As the 18 Prosecutor's Office points out, these funds 19 are chargebackable, so while the county and 20 the Board would pay the costs up front, 21 ultimately the entities that are placing the 22 questioning on the ballot would be charged 23 back the costs associated with the election. 24 CHAIRMAN PREISSE: Well, if we can't</p>

Page 14

1 muster a second --
 2 MS. MARINELLO: I'll second the
 3 motion, Chairman.
 4 CHAIRMAN PREISSE: Okay. I heard a
 5 second.
 6 DIRECTOR STINZIANO: We'll take a
 7 roll call vote.
 8 Mr. Colley?
 9 MR. COLLEY: No.
 10 DIRECTOR STINZIANO: Chairman
 11 Preisse?
 12 CHAIRMAN PREISSE: No.
 13 DIRECTOR STINZIANO: Mr. Mas?
 14 MR. MAS: Yes.
 15 DIRECTOR STINZIANO: Ms. Marinello?
 16 MS. MARINELLO: Yes.
 17 DIRECTOR STINZIANO: The vote has
 18 resulted in a tie vote.
 19 DEPUTY DIRECTOR DAMSCHRODER: Are
 20 there any other motions that we want to
 21 consider on this?
 22 CHAIRMAN PREISSE: Yes.
 23 MR. COLLEY: Mr. Chairman, I move
 24 that the Board direct the Director and Deputy

Page 15

1 Director to request supplemental appropriation
 2 from the Franklin County Board of
 3 Commissioners in the estimated amount of
 4 \$1,028,275.61 to cover the necessary and
 5 proper expenses of the Board of Elections for
 6 the August 4 Special Election, including the
 7 mailing of an absentee ballot application to
 8 every active registered voter eligible to vote
 9 at that election.
 10 CHAIRMAN PREISSE: And I'll second
 11 the motion.
 12 DIRECTOR STINZIANO: Any discussion,
 13 or are you ready for a roll call vote?
 14 MR. MCTIGUE: Mr. Chair, can I
 15 address or ask a question about the motion?
 16 CHAIRMAN PREISSE: Sure.
 17 MR. MCTIGUE: I am Donald McTigue.
 18 I represent the committee, the Ballot Issue
 19 Committee that will be in favor of the City of
 20 Columbus ballot issue.
 21 And the question I have is, as I
 22 understand it, the city was informed before
 23 the city placed the issue on the ballot as
 24 they were informed by the Board of Elections

Page 16

1 as to what the chargeback cost would be to the
 2 city, and that that was figured at roughly, I
 3 think, a thousand dollars per precinct, and
 4 the city moved forward on that basis.
 5 Now my question is, if the Board
 6 decides to adopt this motion, which is
 7 something that's not required by law,
 8 certainly it's within your prerogative but
 9 it's not required by law, is that going to
 10 increase the chargeback to the city, and by
 11 how much, and if it is, whether or not it
 12 might be judicious to seek some input from the
 13 city with respect to that.
 14 As I understand it, the city is
 15 operating on the information that they had
 16 previously from the Board and not on any new
 17 information regarding chargebacks.
 18 Thank you.
 19 CHAIRMAN PREISSE: All right. Thank
 20 you.
 21 DEPUTY DIRECTOR DAMSCHRODER: I
 22 think a couple things. One is that the amount
 23 from the first resolution that the Board tied
 24 on is an amount in excess of the number that

Page 17

1 has been reported by the media as the amount.
 2
 3 To my knowledge, while there may
 4 have been staff level conversations about what
 5 the estimated costs might be for an election,
 6 I don't think there's been an official request
 7 from the City of Columbus for the Board to
 8 certify an amount for the cost of the election
 9 contemplated under, I think, 3501.17.
 10 So I think this office would be
 11 happy to provide that kind of estimate to the
 12 city, if it would ask for it in that official
 13 process.
 14 And as with other aspects, I think
 15 it's the Board of Election's charge, generally
 16 speaking, to determine what is necessary and
 17 proper for the conduct of the election.
 18 MR. MCTIGUE: Mr. Chairman, if I
 19 might add one further comment?
 20 CHAIRMAN PREISSE: Sure.
 21 MR. MCTIGUE: Obviously, this would
 22 substantially increase the cost of the
 23 election that the city would have to bear.
 24 And I do have some concern that that should be

Page 18

1 discussed first with the city, but also the
 2 question arises whether or not this is going
 3 to become a standard practice.
 4 I know Mr. Damschroder referred to
 5 it's consistent with two prior elections. But
 6 the question is whether or not, if this is a
 7 good idea, then is it going to be the practice
 8 and the precedent for the Board now to do that
 9 for every election? And is it going to
 10 include it in its annual or biannual funding
 11 requests to the county commissioners to build
 12 that process in for funding every election?
 13 I think it is a policy decision, a
 14 long-term policy decision for the Board to
 15 consider. My understanding in the past, at
 16 least with regard to the presidential
 17 election, part of that might have been funded
 18 by the state. I think it might even have been
 19 in conjunction with other mandatory mailings.
 20 I don't have all my facts at hand here.
 21 CHAIRMAN PREISSE: That's a fair
 22 assessment.
 23 MR. MCTIGUE: Yes. So I think that
 24 we're looking at a different bushel of apples

Page 19

1 here in terms of the funding for this. So I
 2 think you can't go just on the basis that it's
 3 occurred twice in the past. There are
 4 different funding issues involved there than
 5 there are here.
 6 And again, this is, I think, an
 7 important policy determination that the Board
 8 has to decide if they're going to do it for
 9 this election or are they going to do it for
 10 all elections.
 11 Thank you.
 12 CHAIRMAN PREISSE: Thank you for
 13 those further comments.
 14 I think that this move is consistent
 15 with the consistent move towards more open,
 16 more accessible voting procedures across the
 17 country, and certainly here in Ohio in recent
 18 years, which most of us applaud.
 19 As to the precedent-setting nature
 20 of these activities, I think your comments are
 21 well taken and should call for separate
 22 conversations at another time to talk about
 23 our approach to future special and other
 24 elections, although I'm comfortable with the

Page 20

1 consistency of the requests made in other
 2 forums in recent elections and the consistency
 3 in recent elections of the striving to do more
 4 and larger reach-out efforts to voters through
 5 the mail.
 6 Are there any other comments?
 7 MS. MARINELLO: Just, like I said,
 8 Matt, you know, everything is at bare bones
 9 right now and everybody is struggling, so I'm
 10 looking to see, is there anything else we
 11 could cut out of this? Does this include the
 12 return postage?
 13 DEPUTY DIRECTOR DAMSCHRODER: It
 14 does not.
 15 I would add, partially in response
 16 to Mr. McTigue's comment, which is well taken,
 17 when the Board mailed applications for the
 18 2006 General Election and the 2008 Primary
 19 Election, those costs were not reimbursed to
 20 the county. It was a state-mandated mailing.
 21 The cost of the November 2008
 22 mailing was mandated by the General Assembly
 23 in part, and the Secretary of State provided
 24 reimbursement in part for the cost of that

Page 21

1 mailing.
 2 I think as the Chairman notes, this
 3 is a growing practice of this Board to ask for
 4 the funds, and should this motion pass, either
 5 by a majority vote of this Board or by the
 6 Secretary of State breaking a tie, ultimately
 7 the county commissioners will decide what to
 8 appropriate to the Board of Elections for this
 9 budget.
 10 So this is our request for
 11 supplemental appropriations. As all the
 12 members of the Board know, in the past the
 13 commissioners have not always fully funded all
 14 of our requests. So the commissioners will
 15 weigh in when this request comes to their
 16 board on what they want to fund and what they
 17 don't want to fund relative to the election
 18 and fostering voter participation.
 19 SPEAKER: Additional turnout is
 20 always good.
 21 CHAIRMAN PREISSE: Any additional
 22 questions or comments from the Board?
 23 (No response.)
 24 CHAIRMAN PREISSE: All right. Did I

Page 22	Page 24
<p>1 make the second? 2 DIRECTOR STINZIANO: Yes. 3 CHAIRMAN PREISSE: Okay. 4 DIRECTOR STINZIANO: We'll do a roll 5 call vote. 6 Mr. Colley? 7 MR. COLLEY: Yes. 8 DIRECTOR STINZIANO: Chairman 9 Preisse? 10 CHAIRMAN PREISSE: Yes. 11 DIRECTOR STINZIANO: Mr. Mas? 12 MR. MAS: No. 13 DIRECTOR STINZIANO: Ms. Marinello? 14 MS. MARINELLO: No. 15 DIRECTOR STINZIANO: The motion has 16 resulted in a tie vote. 17 CHAIRMAN PREISSE: The matter having 18 resulted in a tie vote, pursuant to Ohio 19 Revised Code Section 3501.11, the question 20 shall be submitted to the Secretary of State. 21 Since this is a matter of some time 22 sensitivity, I would respectfully ask that 23 each side present their written arguments to 24 the Director not later than noon, Friday, May</p>	<p>1 City Attorney here today? 2 DEPUTY DIRECTOR DAMSCHRODER: This 3 would be the Prosecuting Attorney first. 4 CHAIRMAN PREISSE: Prosecuting 5 Attorney will provide guidance, if requested 6 by any board member, followed by questions 7 from the Board, after which, Mr. McTigue, you 8 would have another two minutes for rebuttal 9 before we'll entertain motions. 10 DIRECTOR STINZIANO: Karen Cotton 11 will provide the staff report. 12 MS. COTTON: You've been provided a 13 report in your packet of the Board's 14 examination. The petition was filed on the 15 19th of February to place the candidate, Carol 16 Perkins, on the ballot. During the review of 17 the petition, staff found that the part 18 petitions were 56 signatures short of the 19 required 300 signatures needed for ballot 20 access. 21 The main reason for that being short 22 of number of valid signatures was, we had to 23 disqualify three part petitions because the 24 candidate and circulator of the part petitions</p>
Page 23	Page 25
<p>1 29, for submission to the Secretary. 2 DIRECTOR STINZIANO: The next item 3 on the agenda is old business, and that is the 4 protest hearing and petition reconsiderations 5 that were filed with our office. 6 The first one is the Carol Perkins 7 petition review. I don't know, Chairman, if 8 you would like to set ground rules for the 9 process, since we do have speakers here to 10 speak to the issues. 11 CHAIRMAN PREISSE: All right. I'll 12 read this slowly. I would suggest the way to 13 proceed in a fair but timely manner, unless 14 any members feel otherwise, we will proceed as 15 follows: 16 First, Ms. Cotton will present a 17 summary of the petition findings. 18 Second, Mr. McTigue, I think, right? 19 MR. MCTIGUE: Correct. 20 CHAIRMAN PREISSE: You will have 21 seven minutes to present your oral argument. 22 And then we'll try to remind you when you have 23 two minutes remaining. 24 Next, the -- are we dealing with the</p>	<p>1 has printed the name rather than signed the 2 name as they are registered to vote. 3 We also had one part petition where 4 we disqualified the whole part petition 5 because there appeared to be signatures on the 6 part petition that were nongenuine, as 7 witnessed by the circulator. 8 We also had several cases where we 9 had candidates not registered at the address, 10 out of district, from other districts other 11 than Columbus School District, and several 12 printed signatures. 13 I did take the letter on Mr. 14 McTigue's request for reconsideration and 15 examined each of the points, and I do agree 16 that he should have picked up four additional 17 signatures based upon his arguments. 18 However, point number 5, the signer, 19 Reginald Person, does not live at the address 20 that they signed on the part petition, so it 21 was marked as an NRA, not registered at that 22 address. 23 I still contend that petitions 24 number 904, 906 and 907 should not be counted</p>

<p style="text-align: right;">Page 26</p> <p>1 as valid part petitions, because those are the 2 petitions in question that the candidate and 3 circulator had printed their name rather than 4 signing to affirm the affidavit on the part 5 petition. 6 And I also contend that the other 7 part petition, number 909, where we 8 disqualified the whole part petition because 9 there appeared to be signatures not genuine, 10 should stand also. 11 I provided various sections of the 12 Ohio Revised Code for the Board to review. I 13 still find the petition to be insufficient on 14 number of valid signatures needed for ballot 15 access. 16 CHAIRMAN PREISSE: Any questions for 17 Ms. Cotton from the Board? 18 (No response.) 19 CHAIRMAN PREISSE: Okay, Mr. 20 McTigue. Welcome back. 21 MR. MCTIGUE: Thank you, Mr. 22 Chairman, members of the Board. I'm Donald 23 McTigue, and I represent Carol Perkins. 24 I'd like to start by saying that I</p>	<p style="text-align: right;">Page 28</p> <p>1 MR. MCTIGUE: Okay. Let me begin 2 with, I'll pass around an affidavit here. 3 This relates to item 7, and I think there 4 should be copies here for everyone. This is 5 part petition 909. 6 And actually, for probably 7 efficiency purposes, Mr. Chair, I think what 8 I'll do is, since this is the only evidence I 9 have with regard to this, I'll explain what it 10 is and present maybe the arguments that go 11 with this, which are quite different than the 12 arguments that go with the other issue. 13 So this is a situation where -- 14 CHAIRMAN PREISSE: You've 15 effectively dismantled our time control 16 procedure. 17 (Laughter.) 18 MR. MCTIGUE: I'm messing with it 19 big time. 20 Now, with regard to this petition, 21 this is one where the circulator, Lottie 22 Goshay, inadvertently circulated this to her 23 -- didn't inadvertently circulate it, but to 24 her daughter and son-in-law, but gave, as her</p>
<p style="text-align: right;">Page 27</p> <p>1 am withdrawing from the protest, or the 2 appeal, petition 914, which is the signature 3 that Ms. Cotton was referring to where the 4 person was not registered at the address that 5 they placed on the petition, so we're 6 withdrawing that. 7 And since we're in agreement on the 8 first four items, the first four signatures 9 listed on the appeal, I will not bother to 10 address those further. 11 I will move to present now some 12 evidence with regard to items 6 and 7 on the 13 complaint. 14 I would like a clarification on the 15 rules of procedure. It says that I have seven 16 minutes for, I think, an oral argument. Well, 17 this is an evidentiary stage right now, so I'm 18 not at the oral argument stage, so does this 19 count against my seven minutes? I assume that 20 it does not, since I don't know exactly how 21 long it will take to present the evidence, but 22 if it's a problem, let me know. 23 CHAIRMAN PREISSE: We won't call it 24 a problem.</p>	<p style="text-align: right;">Page 29</p> <p>1 affidavit says -- I think the clearest way to 2 explain this is explain exactly what happened. 3 Because I think the issue here is whether or 4 not she knowingly permitted someone to sign a 5 signature other than their own and failed to 6 witness all the signatures. 7 So that's the issue. The Board has 8 rejected this part petition on the basis of 9 failure to witness all the signatures and/or 10 to allow someone to sign a name other than 11 their own. 12 Now, what happened here, just to 13 summarize her affidavit, is that her daughter 14 and son-in-law and grandkids came over to her 15 house, and she had the petition. They were 16 sitting, I think, in the kitchen, and she gave 17 the petition to the daughter. The husband was 18 there, as well. 19 She asked both them to sign, and 20 after she handed the petition to her daughter 21 to sign, the grandkids came running in from 22 another room, adjacent room, and distracted 23 her attention momentarily. The daughter gives 24 the petition back to Mrs. Goshay, okay, and</p>

Page 30	Page 32
<p>1 Mrs. Goshay assumed that they had both signed 2 the petition, the husband and the wife. 3 She did not know, in fact, did not 4 know until the Board had rejected the petition 5 and we filed this appeal that, in fact, for 6 some reason, even though the husband was 7 standing right there, or sitting, sitting or 8 standing with his wife, the wife signed both 9 names. 10 So, clearly, the circulator here did 11 not knowingly permit someone to sign a name 12 other than their own. That is the legal 13 standard under 3501.38, that a circulator may 14 not knowingly permit someone to sign a name 15 other than their own. And in that regard, I'd 16 like to cite to a case which I think would be 17 helpful on this. 18 There's not a lot of room up here to 19 move documents, so excuse me for one second. 20 MR. PICCININNI: Should have used 21 PowerPoint, Don. 22 MR. MCTIGUE: PowerPoint, yes. One 23 of these years I'll learn to use PowerPoint. 24 (Pause in proceedings.)</p>	<p>1 his return, the wife handed back to the 2 circulator the petition, ostensibly bearing 3 the signatures of the husband and wife. At 4 trial, the wife testified that she not only 5 signed her own name but her husband's name 6 because her husband told her to do so. 7 She further testified that she did 8 not think the circulator was aware that the 9 husband had not signed his own name. The 10 circulator testified that he was not aware 11 that the wife had signed both names. 12 So in this case, the court said that 13 the issue that they were presented with is 14 whether the circulator's failure to witness 15 the affixing of each signature invalidated the 16 entire petition or only the one signature that 17 was not personally signed by the voter. 18 And what the court concluded was 19 that this was not fatal to the entire part 20 petition, saying that 3501.38(E), requiring a 21 circulator to sign a statement under penalty 22 of election falsification, is obviously 23 designed to prevent fraud on the part of the 24 circulator, and severe penalties would be</p>
Page 31	Page 33
<p>1 MR. MCTIGUE: Sorry about that. 2 The case that I think is very 3 similar is State ex rel. Baldrige versus 4 Clerk of Village of South Lebanon. This is a 5 reported or published decision by the Court of 6 Appeals in the 12th District, Warren County. 7 Now, let me just read to you what 8 the facts were in this case, because you'll be 9 surprised, I think, how close they are to the 10 facts in our case. The facts are: 11 The evidence shows that a circulator 12 of one of the part petitions approached a 13 certain husband and wife with the idea of 14 obtaining their signatures for the petition. 15 After discussing the matter for a few minutes, 16 the circulator handed the petition to the wife 17 with the intention that she and the husband 18 would then sign it. 19 While she was signing the petition, 20 he turned his back and left their immediate 21 presence for approximately two minutes. 22 Basically, the reason he left was 23 to, there was something about turning off his 24 car in the driveway or something. But upon</p>	<p>1 applicable if the circulator knowingly 2 obtained unqualified signatures. 3 3501.38(F), however, pertains solely 4 to the validity of the part petitions. (E) is 5 the penalty for election falsification. 6 (F) has to do with the validity of the 7 petitions, as the court said. So under (F), 8 it pertains solely to the validity of the part 9 petitions and is clear that a circulator 10 should not be prosecuted nor a part petition 11 declared invalid absent a knowingly fraudulent 12 act by the circulator. 13 So in our particular case, I think 14 that the facts are even better, if you will. 15 In this case, the Baldrige case, the 16 circulator actually left their immediate 17 presence for about two minutes. In our case, 18 the circulator never left. They're sitting a 19 few feet apart from each other when the 20 petition is handed out, when it's signed, when 21 it's handed back. 22 It was only because of a momentary 23 distraction when the grandchildren came into 24 the room that the circulator did not</p>

Page 34

1 physically see the husband sign, but she was
 2 in their presence the whole time.
 3 So I think we get down to a question
 4 here of what do we mean by witnessing, by
 5 witnessing -- and it would be nice if there
 6 was actually some case law about to what
 7 degree do you have to be present and observe;
 8 how much diligence is necessary before you
 9 cross the line from saying you witnessed
 10 versus not witnessing. And I have not been
 11 able to find that case law that gives us where
 12 that dividing line is.
 13 I think at a minimum what we have
 14 is, you certainly, I'd say, have to be
 15 arguably within the presence, although in the
 16 Baldridge case the person wasn't even within
 17 the immediate presence. In our case, they
 18 were. So I think that you can say you're in
 19 the presence of the people who are signing.
 20 There's no intent to commit any fraud.
 21 In terms of witnessing, do you
 22 actually have to see the person sign their
 23 name? Often times when petitions are
 24 circulated, even if you're looking at the

Page 35

1 person, you hand them a clipboard, for
 2 example, right? And they're writing, you
 3 don't know what they're signing. You don't
 4 know if they signed one name or two names.
 5 They hand it back to you. Even if you see
 6 them scribbling something.
 7 So is that witnessing, or do you
 8 have to be standing side by side or behind
 9 their shoulder and seeing what they're
 10 actually doing?
 11 My point is that, I think that this
 12 is a matter of degree. And I think that it
 13 comes within the discretion of the Board of
 14 Elections.
 15 The law does not give us a
 16 definition of the word "to witness" a
 17 petition. There doesn't seem to be any case
 18 law defining the words "to witness." And
 19 therefore, I think it falls, obviously, within
 20 this Board's discretion. And in that regard,
 21 the Board should take into consideration, of
 22 the individual facts presented, is that
 23 sufficient to constitute witnessing; and I
 24 would respectfully submit that it is and that

Page 36

1 you should exercise your discretion in favor
 2 of access to the ballot.
 3 There's also an argument that it is
 4 substantial compliance. The statute here that
 5 prescribes the petition starts out by saying
 6 that it shall be substantially as follows, and
 7 then that's applied by the rule of substantial
 8 compliance, is applied by the courts, not just
 9 with regard to the form of the petition, but
 10 with regard to the filling out of the petition
 11 and the circulation of the petition.
 12 And you combine with the rule of
 13 substantial compliance the rule of liberal
 14 interpretation in favor of access to the
 15 ballot.
 16 Now, you will see that there's two
 17 lines of cases from the court in Ohio.
 18 There's the strict construction, and then
 19 there's the liberal construction.
 20 And what the court has said is that
 21 when the law is unambiguous, when you know
 22 exactly what the law means, then you apply
 23 strict construction, and if a person didn't
 24 follow the very clear dictates of the law,

Page 37

1 then they're out of luck, because it's
 2 mandatory.
 3 But when the law is not clear, when
 4 the law is ambiguous, when the law is subject
 5 to some interpretation, which I suggest that
 6 it is here because we don't know precisely
 7 what it means to witness in every fact
 8 situation, then a board may exercise its
 9 discretion and also should exercise its
 10 discretion based on a rule of liberal
 11 interpretation of the facts and liberal
 12 interpretation of the law in favor of the
 13 access to the ballot, in the favor of allowing
 14 voters a choice among candidates. And the
 15 court has said this repeatedly.
 16 So I would respectfully submit that
 17 in this particular instance, you have enough
 18 factually to make that decision and exercise
 19 that discretion in that way.
 20 Now, Mr. Chair, I'd like to deal
 21 with the last issue, which involve three part
 22 petitions, and these are part petitions 895,
 23 899 and 913, I believe. I'm sorry, no, let me
 24 get those.

Page 38

1 I'm sorry, they are 904, 906 and
 2 907.
 3 Now, I'm going to have Ms. Perkins
 4 testify just briefly to identify her signature
 5 and her handwriting on these petitions. So,
 6 Mr. Chair, if I could call Ms. Perkins here
 7 and ask her some questions, you may want to
 8 first put her under oath.
 9 -----
 10 CAROL PERKINS
 11 being first duly sworn, testifies
 12 and says as follows:
 13 -----
 14 DIRECT EXAMINATION
 15 BY MR. MCTIGUE:
 16 Q. Could you state your name, please.
 17 A. My name is Carol L. Perkins.
 18 Q. And, Ms. Perkins, you are the
 19 candidate for -- you're currently president of
 20 the Columbus City School Board of Education,
 21 correct?
 22 A. Yes, I am.
 23 Q. And you filed petitions to run for
 24 reelection?

Page 39

1 A. Yes, I did.
 2 Q. And we're here on those today?
 3 A. Yes.
 4 Q. Okay. Now, I'd like to hand you
 5 three petitions.
 6 Could I actually hand her the
 7 originals on those? Do we have those?
 8 DEPUTY DIRECTOR DAMSCHRODER: We
 9 don't have them here, Don. We can get them if
 10 it's necessary for your presentation.
 11 MR. MCTIGUE: Well, can I use your
 12 copy here; do you have a copy of those?
 13 MS. COTTON: Yes.
 14 MR. MCTIGUE: Then I'll just use
 15 this.
 16 BY MR. MCTIGUE:
 17 Q. Okay. I'm going to hand you what's
 18 marked as -- or what's identified as part
 19 petitions 904, 906 and 907. Now, on the front
 20 where we have declaration of candidacy, is
 21 that your signature on the front?
 22 A. Yes, it is.
 23 Q. Okay. Did you personally complete,
 24 fill in the blank spaces on this petition?

Page 40

1 A. Yes, I did.
 2 Q. Including, for example, the name of
 3 the committee?
 4 A. Yes.
 5 Q. And right above the place on the
 6 front where people sign, you filled that in?
 7 A. Yes, I completed it.
 8 Q. Okay. So you filled in your name
 9 there?
 10 A. Yes.
 11 Q. You filled in your name at the top,
 12 and you signed on the signature -- where it
 13 says signature of candidate?
 14 A. Yes, I did.
 15 Q. Okay. Now, on the back of these
 16 three -- you circulated these three petitions,
 17 correct?
 18 A. That's correct.
 19 Q. Okay. And on the back in the
 20 circulator's statement, you filled in the
 21 first blank space with your name?
 22 A. Yes, I did.
 23 Q. And then where it says signature of
 24 circulator, you filled that in, as well?

Page 41

1 A. Yes, I did.
 2 Q. And that's true for all three of
 3 these, correct?
 4 A. Yes. This is true for all three.
 5 Q. And no one else circulated these
 6 petitions?
 7 A. No.
 8 Q. These part petitions. Now, you
 9 circulated as a part of this petition, you
 10 also circulated a number of other part
 11 petitions, correct?
 12 A. That's correct.
 13 Q. And let me just show you an example
 14 here, part petition 895. And if you could
 15 turn to the circulator's statement. Now,
 16 there you wrote your name in cursive on the
 17 first line; you wrote your name in cursive on
 18 the signature line?
 19 A. Yes, I did.
 20 Q. And that's different than the way
 21 you filled out the other three part petitions
 22 we just talked about?
 23 A. That's correct. But they're still
 24 my signature.

Page 42

1 Q. Okay. Why is it still your
2 signature?
3 A. I sign a lot of documents,
4 particularly since I have taken on the
5 position as president of the school board. In
6 haste, I write my name various ways, to
7 include my first, middle -- my first name,
8 middle initial, last name. I'm asked to print
9 my name, then put my signature. And again,
10 all of this information on here, this is my
11 signature.
12 Q. And for other documents other than
13 school board documents, do you print your
14 signature on any other -- like, say, personal
15 financial documents?
16 A. I have on credit card statements,
17 when I'm signing my check to purchase food at
18 the grocery store, a lot of times I'll do that
19 to change up so that my signature can't be
20 copied, particularly if I'm using my debit or
21 my credit card. But again, all of the
22 documents that have been presented, all of the
23 documents that I have been given this
24 afternoon, all of these documents contain my

Page 43

1 signature, printed and written.
2 MR. MCTIGUE: Okay. Thank you. I
3 don't have any further questions.
4 MR. MAS: Mr. Chairman, may I?
5 CHAIRMAN PREISSE: Yes.
6 -----
7 EXAMINATION
8 BY MR. MAS:
9 Q. Ms. Perkins, I have a question for
10 you.
11 A. Yes, sir.
12 Q. Do you have any, other than your
13 testimony, which we certainly appreciate, but
14 do you have any other evidence to present
15 before this Board to support your testimony as
16 far as signing your name in a noncursive
17 fashion for other purposes?
18 A. I didn't bring any other documents
19 with me today. I'm sure that I could go back
20 and I could pull receipts that have a
21 combination of my printed and written
22 signature. I did not bring any of those
23 documents with me to the proceedings this
24 afternoon.

Page 44

1 Q. When you refer to using your printed
2 and your written or cursive signature, are you
3 talking about on the same document, or are you
4 saying that you use them interchangeably?
5 A. I use them interchangeably. It has
6 been on the same document.
7 But again, and I think the main
8 thing is, when filling out these petitions,
9 you're doing them in a hurry, you're trying to
10 get the information together, you're trying to
11 count, you're trying to review all the
12 information to ensure the accuracy, and I just
13 think in this particular case, I was rushing
14 to get the information and I printed and --
15 had my printed signature and also my written
16 -- my written signature, as well.
17 MR. MAS: Mr. McTigue, I think you
18 referred to this, perhaps in more of a
19 passing, but it's my understanding that the
20 Revised Code does identify the signature as
21 commonly being represented in cursive writing,
22 but then there's another section, perhaps, of
23 the same statute that addresses when
24 individuals do not sign in that fashion.

Page 45

1 Are you suggesting that an
2 individual can sign both ways, or is it one or
3 the other, and can you tell us if the General
4 Assembly has helped us with the wording of the
5 statute here?
6 MR. MCTIGUE: I think the statute at
7 issue, which Mr. Piccininni is looking up now,
8 basically says that a person's -- it starts
9 out --
10 MR. MAS: Excuse me. I believe it's
11 3501.11.
12 MR. PICCININNI: Thank you. There's
13 also several other --
14 MR. MAS: Am I correct?
15 MR. PICCININNI: Yes, you are.
16 MR. MAS: Thank you.
17 MR. MCTIGUE: And I believe, and I'm
18 doing this from memory at the moment, but I
19 believe it starts out by essentially saying
20 that for purposes of signing election-related
21 documents, that a person's signature is their
22 cursive signature.
23 But then it goes on in the next
24 paragraph or subdivision to basically say that

Page 46

1 your signature can also be how you normally, I
 2 think is the word, or usually sign on your
 3 personal and business types of documents. And
 4 I think, quite frankly, that what that does
 5 is, you know, does the General Assembly help
 6 us? No. It didn't help us.
 7 I think what that does is, it
 8 recognizes that your signature can be cursive
 9 or printed. Before we had that statute, which
 10 that statute isn't very old, although the
 11 Board did once use it to throw my signature
 12 out on a petition, which we got changed,
 13 because it didn't match.
 14 I think that the practice before,
 15 before we had that statute, was that the
 16 boards would basically compare the voter
 17 registration card, and if people signed their
 18 signature on the registration card, that was
 19 the end of the inquiry. So in other words,
 20 printed was accepted as a signature if you
 21 printed it on your registration card.
 22 But beyond that, boards also would
 23 then take, where it was like -- it may be in
 24 cursive or half and half on a registration

Page 47

1 card and then it was different on the
 2 petition, it was more printed on the petition,
 3 the boards would hold hearings, if appeals
 4 were filed, on whether or not that constituted
 5 a person's signature.
 6 I think the law of Ohio is that a
 7 signature can take different forms. People
 8 can have different signatures that they even
 9 use for different purposes or maybe change
 10 from day to day.
 11 You have to keep in mind what the
 12 policy is. The policy here is, of requiring
 13 someone to put down their name, okay, is to be
 14 able to then know that that is the person who
 15 can be held accountable, because you sign this
 16 statement under penalty of election
 17 falsification.
 18 MR. MAS: It's an attestation; it's
 19 an oath.
 20 MR. MCTIGUE: Right, exactly. And
 21 if you lied in your -- if you committed fraud
 22 in your circulator's statement, then you could
 23 be prosecuted.
 24 So having the persons fill in their

Page 48

1 name on the signature line is what allows you
 2 to prosecute that person. Okay? Because by
 3 signing that line, or filling in that line,
 4 and whether they printed it or signed it, you
 5 can prosecute that person. Because that's the
 6 attestation.
 7 If I left it blank, you'd have a
 8 harder time prosecuting me, but if I filled in
 9 my name, whether I printed it or signed it,
 10 the fact of the matter is, I have now
 11 completed a statement under penalty of
 12 election falsification; whether we end up
 13 saying that's my signature or that's my
 14 printed name, I've given you enough to
 15 prosecute me.
 16 Now, so the public policy here is
 17 not in jeopardy. We have a witness who's
 18 saying, "I personally wrote my name on all
 19 three of these part petitions. I personally
 20 circulated these three part petitions." She
 21 is the person responsible for those three part
 22 petitions. So the public policy suspect not
 23 at risk here.
 24 What we have to deal with, then, is

Page 49

1 more of this technical argument about whether
 2 or not this constitutes a signature. But in
 3 doing so, we're somewhat raising form over
 4 substance at this point, because, again, the
 5 public policy is served by the fact that she
 6 completed it. However, for purposes of form,
 7 there is the argument that indeed this is her
 8 signature, it's an alternate signature, and
 9 it's common practice for people to sign their
 10 names in two different ways.
 11 I, myself, have two very different
 12 signatures that I use: the one that I use
 13 daily when my staff puts stuff in front of me
 14 to sign, which is real quick, and then the
 15 ones where I might actually write out my whole
 16 name. Okay? And sometimes, too, I print part
 17 of McTigue. It varies. But it's still my
 18 signature, because I intend it at that moment
 19 to be my signature.
 20 In her case, it's not just at this
 21 moment. She's testified, and there's no
 22 evidence to the contrary, that she commonly or
 23 often uses a printed version of her signature
 24 on documents at work, meaning as president of

Page 50

1 the school board, and on personal documents
 2 related to her personal finances.
 3 MR. MAS: Mr. McTigue, you were kind
 4 enough to provide us relative to the part petition
 5 909, that was the one you addressed before, some
 6 case law to support your argument.
 7 MR. McTIGUE: Yes
 8 MR. MAS: Were you able to find anything
 9 to support this other argument relative to the
 10 signature?
 11 MR. McTIGUE: Yes. Can Ms. Perkins be
 12 seated?
 13 MR. MAS: Yes. At least I don't have
 14 have any more questions for Ms. Perkins, Mr.
 15 Chairman.
 16 MR. McTIGUE: First of all, the case law
 17 isn't directly -- well, it would always be nice in
 18 case law, but it's not directly on point; however,
 19 there is -- you heard me say before about the rule
 20 of substantial compliance.
 21 There is actually probably three rules
 22 of construction that come into play here. One is
 23 the rule of substantial compliance, which, again,
 24 the statute that prescribes this petition form

Page 51

1 starts out by saying, "It shall be substantial as
 2 follows," and that includes how you go about
 3 filling it in.
 4 Then there is the rule of filing as a
 5 single petitioner, or a single instrument. You're
 6 required to file all your part petitions as a
 7 single instrument, and the reason that I think
 8 that's relevant here is because we have three part
 9 petitions where she gave her printed signature.
 10 We have, I think it's either six, seven, or eight
 11 part petitions. You have those where she also
 12 circulated, but she put her cursive signature.
 13 Now, the petition is filed as one
 14 instrument. She's listed, I think, on 12 part
 15 petitions. On three of those, she has a printed
 16 signature, on the others she has a cursive
 17 signature, but it's all one instrument.
 18 And I think you can look to the entire
 19 petition as one instrument to determine whether or
 20 not there has been substantial compliance with
 21 regard to the county that's filing this petition.
 22 I think you can look at substantial
 23 compliance on each part petition by itself, but
 24 there's another layer to substantial compliance,

Page 52

1 and that is the petition filed as one instrument.
 2 There's no question here that she signed one way
 3 on some of these, and on others she signed a
 4 different way.
 5 Now, case law-wise, I think the most
 6 probably strongest case is Stern versus the Board
 7 of Elections of Cuyahoga County, which is a
 8 Supreme Court of Ohio case from 1968. This is
 9 actually one of the leading cases in election law
 10 on the issue of substantial compliance and liberal
 11 construction.
 12 But here's what we have in this case --
 13 and as a preface to this, you have to understand
 14 that previously, before we had penalty for
 15 election falsification, the requirement was that
 16 circulator statements had to be signed before a
 17 notary within the notary's jurat below it. Okay?
 18 So that then was abolished, and we had just the
 19 penalty of election falsification.
 20 I only preface that because this is
 21 about the incomplete nature of -- or the failure
 22 to sign by the notary, which of course would have
 23 been part of the petition.
 24 And the court says, the question which

Page 53

1 this court must determine is whether a declaration
 2 of candidacy and petition of a candidate, which is
 3 otherwise proper in every way, substantially
 4 complies with requirements of 3513.07, where the
 5 notary public who administered the oath to the
 6 circulator of one part petition inadvertently
 7 omitted to prescribe his handwritten signature to
 8 the jurat alongside his printed name, which he had
 9 stamped on the jurat, and inadvertently omitted to
 10 imprint his seal upon the jurat.
 11 The Appellee makes no contention that
 12 the public policy or public interest requires more
 13 than substantial compliance, and that this was
 14 done here. The Appellee does not claim that any
 15 fraud or deception occurred in this case or is
 16 likely to occur in the future by reason of such
 17 inadvertent omission by the notary.
 18 The court goes on to say, "In the
 19 instant case, the jurat is dated and the notary is
 20 identified by his name and office printed by his
 21 stamp. Absolute compliance with every
 22 technicality should not be required in order to
 23 constitute substantial compliance, unless such
 24 complete and absolute conformance to each

Page 54

1 technical requirement to the printed form serves a
 2 public interest and a public purpose."
 3 It can well be argued that when -- as in
 4 Andrews, which is a different case, no dates, no
 5 name of a notary, no reference to his commission
 6 and no limitations on his jurisdiction appear in
 7 the jurat, it would be unreasonable -- it would be
 8 an unreasonable burden to require the Board of
 9 Elections to seek out such unknown person and to
 10 determine through evidence that the oath was
 11 administered.
 12 However, in the instant case, the date,
 13 the name of the notary, the title, jurisdiction,
 14 and the expiration date of the commission all
 15 identify the notary present.
 16 And, basically, what the Court also
 17 points out is that the notary was actually the
 18 same notary on several other part petitions where
 19 he did sign his name, he just didn't sign it on
 20 the one.
 21 So, finally, the court says, "The public
 22 policy which favors free competitive elections in
 23 which the electorate has the opportunity to make a
 24 choice between candidates, outweighs the arguments

Page 55

1 for absolute compliance with each technical
 2 requirement in the petition form where the statute
 3 requires only substantial compliance and where, in
 4 fact, the only omission can't possibly mislead any
 5 petition signer or elector."
 6 "And where there is no claim or fraud or
 7 deception, and where there is sufficient
 8 substantial compliance to permit the Board of
 9 Elections, based upon the prima facie received
 10 appearing on the jurat, to determine that the
 11 petition is valid."
 12 So that's, I think, the closest case. I
 13 had a number of other cases I don't think I need
 14 to go into --
 15 MR. MAS: I think that that would be
 16 enough. Do you still have in your possession the
 17 copies of the petition that's in question?
 18 Counsel, if you could find anything that
 19 would be helpful in --
 20 MR. PICCININNI: Yeah, mm-hmm. And
 21 there's several issues that present itself, and
 22 I'll wait until Mr. McTigue concludes.
 23 MR. MAS: Well, I think he was just
 24 answering my question, so, which you have.

Page 56

1 MR. McTIGUE: Pardon?
 2 MR. MAS: You're done with your
 3 presentation?
 4 MR. McTIGUE: Yeah, I'm actually done,
 5 except to say that, I think, here on this
 6 particular issue, the public policy is not hurt,
 7 there's no issue of fraud. And I think that I
 8 actually would argue that this is even more than
 9 substantial compliance, given the un rebutted
 10 testimony that her signature is sometimes printed.
 11 MR. PICCININNI: I think a lot of this
 12 comes down to, A, let's discuss the issue of what
 13 A signature is. The signature is what we have on
 14 file in our records, that is the person's
 15 signature.
 16 Under 3501.011A, that if you're filling
 17 out a declaration of candidacy and everything was
 18 related to the declaration of candidacy, you must
 19 sign your name. And the statute is very clear on
 20 what constitutes a signature.
 21 Kick down to Subdivision C of the same
 22 statute, and it says, "For any purpose described
 23 in Division A, the circulated statement, the
 24 declaration of candidacy, the legal mark of the

Page 57

1 registered elector shall be considered to be the
 2 mark of that elector as it appears on the
 3 elector's voter registration record."
 4 So, therefore, the signature that exists
 5 in the statement of candidacy we'll presume is the
 6 signature that appears in the voter registration
 7 record, which must be the same one that appears in
 8 this.
 9 Now, we spent weeks in December
 10 discussing printing and signatures. We went up to
 11 the Sixth Circuit on it, we went back to the
 12 Supreme Court. The Supreme Court says signature
 13 is signature.
 14 We went through that with provisional
 15 voting where voters did not put their signature in
 16 the proper place, printed in the wrong place.
 17 Those ballots were not counted because that was
 18 not complied with. Substantial compliance goes to
 19 the form, but the requirements of what needs to be
 20 in there are strict compliance.
 21 MR. MAS: And the person signing under
 22 oath the legitimacy of the part petition, in
 23 effect, is signing as an elector of the county;
 24 aim correct?

Page 58

1 MR. PICCININNI: You don't necessarily
 2 need to be an elector of the county to circulate
 3 petitions. You're signing under penalty of
 4 election falsification that everything here is
 5 true.
 6 Now, when our particular Secretary of
 7 State was judge, she ruled in a case that the
 8 circulator's statement goes, and the information
 9 contained in the circulator's statement goes to
 10 the integrity of the petition.
 11 When we were dealing with the Essex
 12 petition, as counsel on that, I distinctly
 13 remember her saying that, in open court, that goes
 14 to the integrity of the petition, so that needs to
 15 be complied with.
 16 MR. MAS: This particular case, as far
 17 as Ms. Perkins is concerned, how does her
 18 signature appear that?
 19 MR. PICCININNI: Her signature doesn't
 20 appear on those three part petitions, a printed
 21 name appears on it.
 22 MR. MAS: I'm sorry, no, I meant on
 23 her --
 24 MR. PICCININNI: Oh, on the registration

Page 59

1 form?
 2 MR. MAS: On the registration.
 3 DEPUTY DIRECTOR DAMSCHRODER: We can get
 4 a copy of it, if that would be helpful.
 5 MR. MAS: I assume somebody probably
 6 looked that up already.
 7 DEPUTY DIRECTOR DAMSCHRODER: Yes.
 8 MR. MAS: I don't need to see it, I
 9 just --
 10 MR. PICCININNI: So we're presuming that
 11 the signature appears -- based on the information
 12 that I have, I'm presuming that the signature on
 13 the voter registration form appears as it does in
 14 the statement of candidacy, as opposed to the
 15 printed -- the printed circulator statement.
 16 The circulator statement has not been
 17 signed, there is no signature on it. And for the
 18 purposes of the statute, the statute says when
 19 you're doing this, it's how we have your signature
 20 on file. We spend -- the Board is required to
 21 have everything digitized --
 22 MR. MAS: I'm sorry, the statute says
 23 that? The one that's relevant to this particular
 24 petition?

Page 60

1 MR. PICCININNI: Yes.
 2 MR. MAS: To the petition in question?
 3 MR. PICCININNI: Yes, it's 3501.011(A),
 4 "When a person is required to sign or affix a
 5 signature to a declaration of candidacy,
 6 nominating petition, declaration of intent to be a
 7 write-in candidate, initiative petition,
 8 referendum petition, recall petition, or any kind
 9 of petition, or to sign or affix a signature on
 10 any other document that is filed with or
 11 transmitted to the Board of Elections or the
 12 Office of the Secretary of State, sign their
 13 signature means the person's written, cursive,
 14 legal mark written in that person's own hand."
 15 And when you kick down to Subdivision C,
 16 "For any purpose described in Division A --" which
 17 this clearly falls under Division A, "-- the legal
 18 mark of the registered elector shall be considered
 19 to be the mark of that elector as it appears on
 20 the elector's voter registration record."
 21 So looking at that statute, it doesn't
 22 get -- it doesn't get much not clearer than that.
 23 Section 3501.38(B) requires each part
 24 petition to contain a signature. Yes, you do file

Page 61

1 the whole thing as one, and you are permitted to
 2 photocopy each of the separate part petitions so
 3 that only one original statement of candidacy gets
 4 filed, but each of those six circulator statements
 5 must be an original.
 6 And I understand where Mr. McTigue was
 7 going with the argument. I would advise the Board
 8 that I think, by virtue of the fact that the only
 9 document -- the only photocopied signature after
 10 the original, at least one original of the
 11 candidate's declaration of candidacy, must be an
 12 original.
 13 You can have copies -- if you have 45
 14 part petitions, you just need one original,
 15 everything else can be photocopied off of that,
 16 because you may run into problems if you submit
 17 all originals. And if you don't fill out one
 18 right, it might invalidate a whole part petition.
 19 But the circulator statement goes to the integrity
 20 of the petition.
 21 Section 3501.38, specifically B,
 22 "signature shall be affixed in ink. Each signer
 23 may also print the signer's name so as to clearly
 24 identify the signer's signature."

Page 62

1 Somebody like me who signs with a
 2 scribble would print my name underneath it, and
 3 that would be acceptable. But it also
 4 contemplates that I must sign it. It doesn't say
 5 that I can just print it, but I must sign it with
 6 the person's legal signature, as we have on file
 7 in the record.
 8 That's dealing with those three part
 9 petitions. To go back to the previous one, I
 10 understand Mr. McTigue's argument, and I can see
 11 where he's coming from in the situation of the
 12 case where he was citing; however, in this
 13 particular situation, we have a person who didn't
 14 review the petition at all before it was signed,
 15 who knows the two people who signed it, the one
 16 person signed on behalf of both, and signed anyway
 17 that they witnessed everything.
 18 Now, yes, they did not witness --
 19 I mean, you're attesting that you witnessed every
 20 signature. Again, going to the integrity of the
 21 petition, they have now admitted in this affidavit
 22 that they did not witness every signature
 23 contained on the part petition. I believe the
 24 part petition needs to be deemed invalid.

Page 63

1 The decision finally is the Board's.
 2 Those are the counter legal arguments. But
 3 understand Skaggs, signature is signature. The
 4 Supreme Court has ruled on that.
 5 We spent many weeks dealing with that,
 6 just to count 1,000 -- we're dealing with 1 or
 7 2,000 provisional ballots. This Board voted on
 8 the issue of signature, it resulted in a tie, the
 9 Secretary broke the tie.
 10 The Supreme Court said no, signature is
 11 signature. It must be in the right place at the
 12 right time. As such, I think that's the most
 13 recent pronouncement from the Supreme Court on
 14 signatures. Granted, it's in another context.
 15 I think if the other courts had the
 16 benefit of the Skaggs case, the decisions might
 17 not have been as they were, given the Supreme
 18 Court's most recent pronouncement in that manner.
 19 CHAIRMAN PREISSE: Thank you very much.
 20 MR. PICCININNI: You're quite welcome.
 21 CHAIRMAN PREISSE: I would be shocked if
 22 counsel didn't want to have the last word.
 23 MR. McTIGUE: Thank you. I have some --
 24 CHAIRMAN PREISSE: We'll ask him to be

Page 64

1 brief.
 2 MR. McTIGUE: And I have some
 3 disagreements with Mr. Piccininni's, I think,
 4 characterization on a few things. Let me address,
 5 first of all, the issue of Mrs. Goshay.
 6 He says that we now have an affidavit
 7 where the circulator admits that she didn't
 8 witness the signatures. That's not what the
 9 affidavit admits. I hearken back to the item I
 10 made, the question -- she just states what the
 11 facts are. Whether something is witnessing, I
 12 think, is a legal conclusion.
 13 And, again, you have to make a decision
 14 based on the facts that you have, which are
 15 uncontested, exercising your discretion and the
 16 liberal policies, the policy of substantial
 17 compliance and liberal interpretation of the laws
 18 for access to the ballot.
 19 If you feel that you can take these
 20 facts that Ms. Goshay has and you can say that
 21 that's good enough for witnessing, that's what it
 22 comes down to.
 23 Now, with regard to the circulator,
 24 Ms. Perkins. First of all, there was some

Page 65

1 question about whether the circulator has to be
 2 registered by the county. Actually, circulators
 3 probably don't even have to be a resident of the
 4 state anymore, based on a recent directive from
 5 the Secretary of State. Okay? So that takes care
 6 of that.
 7 Now, one thing that I strongly disagree
 8 with here is that Mr. Piccininni said that
 9 substantial compliance goes to that the form has
 10 to be substantial compliance, it doesn't relate to
 11 how you fill in the form. Well, that's just
 12 wrong. Okay?
 13 The case that I read to you, the Stern
 14 case, was about how the form was filled in. The
 15 jurat wasn't signed by the notary, so clearly
 16 substantial compliance is more than just about the
 17 form. Because, quite frankly, the forms are
 18 preprinted, so how could there be a substantial
 19 compliance issue about the form if all you can
 20 look at is the form. Substantial compliance must
 21 be more, because you're using preprinted forms.
 22 It's about really about how you fill it in.
 23 And in that regard, I'll just give you,
 24 to rebut what Mr. Piccininni said, there's the

Page 66

1 Osbourne versus Fairfield County Board of
 2 Elections, where the part petitions were not
 3 identical, because the way in which the House
 4 District was filled in on some part petitions
 5 didn't quite match the way it was filled in some
 6 of the other part petitions. Again, it's how it
 7 was filled in.
 8 In the case of Phillips versus Lorain
 9 County Board of Elections, the issue was failure
 10 to use the correct ending date for a term. This
 11 was for an election for a nonexpired term, and
 12 they used the wrong date. The court said it was
 13 still substantial compliance. Again, it's how you
 14 fill it in.
 15 When the Stutzman versus Madison County,
 16 which is an Ohio Supreme Court case, and I'm very
 17 familiar with this, because I took this case up,
 18 and the court said that technical errors -- the
 19 allegation here was the way that they filled in
 20 the title of the ordinance that was subject to a
 21 referendum. There was a typographical error in
 22 the acreage.
 23 Again, the court said it was -- that no
 24 one would be misled by that. There was still

Page 67

1 substantial compliance, even though there was an
 2 error in the way the petition was completed.
 3 Mr. Piccininni also said that we don't
 4 have a signature, that the law says you have to
 5 sign this as the circulator, and we don't have a
 6 signature. Well, with all due respect, I think I
 7 argued that we do have a signature, it's just an
 8 alternative signature.
 9 But even if you say, no, that's not her
 10 signature, because on the statute that Mr. Mas and
 11 Mr. Piccininni referred to, even if you say that
 12 that doesn't constitute a signature, the question
 13 still remains for you, okay, is there substantial
 14 compliance.
 15 And you have to look beyond the
 16 technicalities. You can't simply say, "We don't
 17 have a signature." Now, if it was left blank,
 18 that's not substantial compliance. Okay? But you
 19 have something.
 20 And the law requires you to look then --
 21 if the technical requirement, meaning it's not in
 22 cursive, hasn't been fulfilled, you have to look
 23 at the facts and you have to make a decision
 24 whether there's substantial compliance, which

Page 68

1 there is here.
 2 She printed her name on these three,
 3 which she maintains is a signature, but even if
 4 you say it's not. There's no question that no one
 5 would be misled, there's no question that she was
 6 the circulator, there's no fraud involved here.
 7 And taking the petition as a whole, she
 8 signed her name. Her signature, in cursive, is on
 9 the same three petitions on the front. And, of
 10 course, it's in cursive in the circulator
 11 statement in seven or eight other petitions.
 12 So you have to determine whether there's
 13 substantial compliance, even if you say that's not
 14 her, quote, legal signature; for, under the
 15 election law, it still is not necessarily a fatal
 16 defect.
 17 And you have to exercise, I think, that
 18 based on the rule of liberal construction in favor
 19 of access to the ballot, unless you can show that
 20 the fact that she printed it somehow jeopardizes
 21 the public policy required for having a
 22 circulator's statement.
 23 And as Mr. Piccininni said, Jennifer
 24 Greer, when she was a judge said, yes, the

Page 69

1 circulator statement goes to the integrity of the
 2 petition. That is true. But here the name is
 3 filled in, it's filled in twice, including below
 4 where she says that it's being -- that it's under
 5 penalty of election falsification, she is subject
 6 to prosecution if it's a fraudulent circulator's
 7 statement.
 8 So the public policy is that the
 9 integrity of the petition is preserved. Thank
 10 you.
 11 MR. PICCININNI: I think the Skaggs case
 12 that this Board was a party to is instructive in
 13 this matter. The Supreme Court stated that where
 14 a printed signature was in the -- the signature
 15 was in the wrong place, the printing was there but
 16 not signed in the right place, it didn't -- it
 17 invalidated the provisional ballot. I think
 18 that's instructive to the requirements of the
 19 signature being on the part petition.
 20 The substantial compliance goes to the
 21 form, and that's what the statute says, "The form
 22 shall be substantial as follows," and then it
 23 lists the type of form. And the information that
 24 is required on the form needs to be there.

Page 70

1 This Board had its own form that
 2 substantially complied with the provisional ballot
 3 application that was at issue in the Skaggs case,
 4 that's what we're saying by substantial
 5 compliance.
 6 The Court said, yes, it may have
 7 substantially complied with what the statute says,
 8 but the information still all needs to be there.
 9 And that's strict compliance, and that's what
 10 we're dealing with here. It's strict compliance
 11 for the information that is required.
 12 Now, the issue, 38E, the person
 13 signed -- and going back to the one issue, I just
 14 need to point out to the court that -- to the
 15 Board that 3501.38(E), the beginning says, "The
 16 circulator shall sign it that they witnessed every
 17 signature."
 18 And it's clear, it's not it shall, they
 19 use the word "shall" several times in there. That
 20 goes to the, again, to the integrity of the
 21 petition, and that everything is filled out
 22 properly.
 23 And I understand where Mr. McTigue
 24 and his client are coming from; however, that does

Page 71

1 not change the case.
 2 She said, "I honestly believe that both
 3 had signed their own names." Well, you did not
 4 see them sign their own names, so you did not
 5 witness every signature, and that was the point
 6 that the Board needs to consider.
 7 The final decision, regardless of what
 8 Mr. McTigue or I may say, the final decision is
 9 the Board's, and it must make its decision in
 10 accordance with the law, as counsel, that's the
 11 way we've advised.
 12 CHAIRMAN PREISSE: Okay.
 13 MR. McTIGUE: Thank you.
 14 CHAIRMAN PREISSE: Thank you.
 15 Any other concerns or --
 16 DEPUTY DIRECTOR DAMSCHRODER: I would
 17 just say that, to the what-it's-worth category, if
 18 the Board is persuaded by the argument relative to
 19 the Goshay petition but not persuaded by
 20 Mr. McTigue's argument relative to the printed
 21 signature question, the printed name question,
 22 that that would still not be a sufficient number
 23 of signatures in order to have signatures --
 24 (Crosstalk.)

Page 72

1 CHAIRMAN PREISSE: Well, as someone who
 2 has failed access to the ballot by insufficiently
 3 filling out a petition and suffered the bitter
 4 consequences, this is a difficult and
 5 disappointing situation on many levels, and I
 6 share some of those sentiments as I reflect.
 7 But I think that we've exhausted the
 8 opportunity for discussion here. We've had a good
 9 one. We should probably proceed.
 10 DIRECTOR STINZIANO: Upon the
 11 recommendation of the County Prosecuting Attorney,
 12 a motion should be made in the affirmative, even
 13 if the ultimate outcome of the vote in whole or in
 14 part is in opposition to the motion.
 15 Just to be clear, those making the
 16 motion are not required to support the motion when
 17 voting. Just the hard back to the Upper Arlington
 18 issue we had in the past.
 19 MR. PICCININNI: All the motion does is
 20 get it on the table so you guys can vote yea or
 21 nay.
 22 MS. MARINELLO: Mr. Chairman, I move
 23 that the Board sustain the protest of placing
 24 Carol Perkins on the ballot as a candidate for a

Page 73

1 full term as a member of the Columbus Board of
 2 Education.
 3 MR. COLLEY: Second.
 4 DIRECTOR STINZIANO: Roll call vote.
 5 Mr. Colley?
 6 MR. COLLEY: No.
 7 DIRECTOR STINZIANO: Chairman Preisse?
 8 CHAIRMAN PREISSE: No.
 9 DIRECTOR STINZIANO: Mr. Mas?
 10 MR. MAS: No.
 11 DIRECTOR STINZIANO: Ms. Marinello?
 12 MS. MARINELLO: No.
 13 DIRECTOR STINZIANO: Then we'll move on
 14 to the next issue. It was a complaint filed by
 15 Nicholas Schneider. I'm not sure if Mr. Schneider
 16 is in attendance. He had given an indication that
 17 he would be in attendance, and he is not, but
 18 we'll still have Karen provide the staff report.
 19 Also note Mr. Cox from the City's Attorney's
 20 Office is here for any questions that the Board
 21 may have.
 22 MS. COTTON: Again, you have been
 23 provided notes of the investigation that was done
 24 in reference to the protest for appeal filed by

<p style="text-align: right;">Page 74</p> <p>1 Mr. Nicholas James Schneider. 2 His accusation was that he could not get 3 any answers or any investigative action from any 4 agency that he contacted because there were some 5 occurrence during the process of him circulating 6 his petitions where persons approached signers of 7 his part petitions and asked them to sign a slate 8 of candidate petitions after they had already 9 signed his. 10 There were three positions available. 11 The City Code references that in saying that a 12 person is limited to signing up to the number of 13 seats available, in order for the signatures to be 14 valid. Once they had signed his, if they then 15 also signed the democratic slate candidate, then 16 they signed for four candidates, rather than 17 three. Three was the maximum that they could sign 18 for. 19 So upon his complaint that was filed 20 here with the Board, I took to checking records 21 for both the democratic slate petitions that had 22 been filed with us, as well as the Nicholas 23 Schneider petitions that had been checked with us. 24 I might also reference the fact that</p>	<p style="text-align: right;">Page 76</p> <p>1 trying to report to us did, in fact, happen. 2 The problem that I could not do 3 additional signatures that had been signed on both 4 part petitions is, if you remember back to just 5 before the filing deadline, there were actually 6 two democratic slate petitions on the streets, so 7 it may have been a circulator for the other 8 democratic slate. 9 And we only checked enough of the 10 signatures on the democratic slate petitions that 11 were filed with our office to get enough of a 12 cursor that we knew that there was enough valid 13 signatures on that part petition. There were over 14 1,000 signatures that we did not examine on the 15 petition, so therefore those names and addresses 16 did not go into the database file that I was using 17 to compare the two sets of part petitions. 18 Any questions? 19 DEPUTY DIRECTOR DAMSCHRODER: I have a 20 question, if it's all right with the Board. 21 If the one signature that appears to 22 have been on both petitions were to be thrown out, 23 would the democratic slate of candidates have an 24 insufficient number of signatures to --</p>
<p style="text-align: right;">Page 75</p> <p>1 Mr. Schneider's complaint, he did fall short of 2 having enough valid signatures to get on the 3 ballot by 411 signatures. So this will not have a 4 bearing on whether or not he makes the ballot or 5 not. 6 His complaint was that he was getting no 7 answers on the City Code and the requirement that 8 you not sign more petitions than you could vote 9 for. So I took the database files from both of 10 these part petitions and exported them as an Excel 11 document and combined the records, and then I 12 looked for duplications within the files. 13 And I found lots of duplications; 14 however I could only find one part petition from 15 the Schneider petitions and one part petition from 16 the democratic slate petitions that were filed 17 with our office where I could see consistency in 18 the people signing in the same order on the two 19 part petitions. 20 So if John Smith signed on the Schneider 21 petition and he also signed on the other, then 22 they were signed on the same date and in the same 23 order. So I could prove that there was, in fact, 24 at least one instance where what Mr. Schneider was</p>	<p style="text-align: right;">Page 77</p> <p>1 MS. COTTON: We had over 1,000 2 additional signatures that we did not validate, 3 did not check, did not run it against our voter 4 registration file. I would anticipate that we 5 would have gotten enough signatures to cover 6 those. 7 DEPUTY DIRECTOR DAMSCHRODER: Is there a 8 minimum number? 9 MS. COTTON: We need 1,000 signatures, 10 and we got -- on that part petition, I believe we 11 got like almost 1,100, and not even checking the 12 whole part petition. We checked every signature, 13 however, on the Schneider petition, and found it 14 to be 411 sits short. 15 MR. PICCININNI: The statute allows them 16 to stop checking signatures when they get the 17 requisite number. 18 DIRECTOR STINZIANO: Mr. Schneider is 19 not here. If there's any questions for Mr. Cox. 20 We appreciate you coming down. There 21 was every indication that Mr. Schneider would be 22 here. I apologize. 23 MR. COX: The last case was a long seven 24 minutes.</p>

Page 78

1 CHAIRMAN PREISSE: Thanks, everybody,
 2 for your patience.
 3 DIRECTOR STINZIANO: again, we're going
 4 to need a motion, on the recommendation from the
 5 County's Prosecuting Attorney, in the affirmative,
 6 even if the ultimate outcome of the vote is whole
 7 or in part in opposition to the motion.
 8 MR. COLLEY: Mr. Chairman, I move that
 9 the Board sustain the protest and decertify from
 10 the ballot Eileen Paley, Priscilla Tyson, and A.
 11 Troy Miller as candidates for members of City
 12 Council, Columbus City Council.
 13 MS. MARINELLO: Second.
 14 DIRECTOR STINZIANO: We have another
 15 roll call vote.
 16 Mr. Colley?
 17 MR. COLLEY: No.
 18 DIRECTOR STINZIANO: Chairman Preisse?
 19 CHAIRMAN PREISSE: No.
 20 DIRECTOR STINZIANO: Mr. Mas?
 21 MR. MAS: No.
 22 DIRECTOR STINZIANO: Ms. Marinello?
 23 MS. MARINELLO: No.
 24 DIRECTOR STINZIANO: The Board did not

Page 79

1 sustain the protest.
 2 The next item on the agenda is a
 3 challenge right to vote correction and
 4 registration list. Mr. Howard Minny filed a
 5 protest with our office -- or a challenge with our
 6 office against Manual A. Napier. At this point in
 7 time, Mr. Napier, who was a Bureau of Motor
 8 Vehicle registration, has not attempted to vote.
 9 It's relatively new, so there has not been an
 10 election where we would know whether or not he is
 11 a resident at that address.
 12 The mailing address is the same, but
 13 because there has not been opportunity to vote
 14 yet, it's the staff recommendation that we place
 15 Mr. Napier in a pending status. So if he does
 16 attempt to vote in a poll vote, he will be voting
 17 provisionally, but we will not be removing him
 18 from the voting records, and let the process take
 19 hold, since we have had an acknowledgment card
 20 returned to our office.
 21 DEPUTY DIRECTOR DAMSCHRODER: It should
 22 be known that that's the recommendation of the
 23 manager of the Voter Services Department.
 24 CHAIRMAN PREISSE: And reminder, you had

Page 80

1 an acknowledgment card returned to the office,
 2 which indicates to us --
 3 DEPUTY DIRECTOR DAMSCHRODER: That he
 4 doesn't live there.
 5 CHAIRMAN PREISSE: It was returned.
 6 MS. MARINELLO: Mr. Chairman, I move
 7 that the Board not challenge the right to vote as
 8 filed by Mr. Howard David Minny of 2775 Regina
 9 Avenue, Columbus, Ohio 43204 against Manual A.
 10 Napier of 2775 Regina Avenue, Columbus, Ohio
 11 43204, and order that Manual A. Napier's
 12 registration be immediately placed in pending
 13 status.
 14 CHAIRMAN PREISSE: You can second that,
 15 if you wish.
 16 MR. COLLEY: I second that motion.
 17 DIRECTOR STINZIANO: All in favor?
 18 BOARD MEMBERS: Aye.
 19 DIRECTOR STINZIANO: Seeing none
 20 opposed, the next item are new precincts. We
 21 received correspondence from the Secretary of
 22 State's Office indicating that a number of our --
 23 well, not a number, about 10 of our precincts had
 24 exceeded the maximum number of electors allowed by

Page 81

1 law, so we are having -- we have contacted
 2 Secretary of State's Office, asked for those
 3 numbers to be put in compliance, keep it under
 4 1,400 active registered voters per precinct
 5 requirement. So we are just seeking Board
 6 approval for the creation of these additional
 7 precincts.
 8 MS. MARINELLO: Mr. Chairman, I move
 9 that the Board approve the creation of additional
 10 precincts to ensure continued compliance with the
 11 statutory requirement to have no more than 1,400
 12 active registered voters per precinct.
 13 MR. COLLEY: Second.
 14 DIRECTOR STINZIANO: All in favor?
 15 BOARD MEMBERS: Aye.
 16 DIRECTOR STINZIANO: Seeing none
 17 opposed, the next item is the procurement policy
 18 as distributed to the Board at the last meeting,
 19 and Mr. Mas has had an opportunity to review the
 20 procurement policy.
 21 And it's the Board's recommendation
 22 that -- it's the staff recommendation that the
 23 Board adopt the procurement policy as submitted.
 24 MS. MARINELLO: I move that the Board

Page 82

1 adopt, as submitted, the procurement policy
 2 previously presented to the Board.
 3 MR. COLLEY: Second the motion.
 4 DIRECTOR STINZIANO: All in favor?
 5 BOARD MEMBERS: Aye.
 6 DIRECTOR STINZIANO: Seeing none
 7 opposed, the staff now recommends or asks that the
 8 Board move into executive session.
 9 MR. MAS: Mr. Chairman, I move that the
 10 Board adjourn into a brief executive session to
 11 consider the appointment, employment, dismissal,
 12 discipline, promotion, demotion, or compensation
 13 of a public employee.
 14 MS. MARINELLO: Second.
 15 DIRECTOR STINZIANO: Roll call vote.
 16 Mr. Colley?
 17 MR. COLLEY: Yes.
 18 DIRECTOR STINZIANO: Chairman Preisse?
 19 CHAIRMAN PREISSE: Yes.
 20 DIRECTOR STINZIANO: Mr. Mas?
 21 MR. MAS: Yes.
 22 DIRECTOR STINZIANO: Ms. Marinello?
 23 MS. MARINELLO: Yes.
 24 MR. PICCININNI: No more than seven

Page 83

1 minutes.
 2 -----
 3 Board Members entered executive session.
 4 -----
 5 MR. MAS: Mr. Chairman, I move that the
 6 Board return to public session to consider
 7 personnel matters.
 8 MS. MARINELLO: Second.
 9 DIRECTOR STINZIANO: Roll call vote.
 10 Mr. Colley?
 11 MR. COLLEY: Yes.
 12 DIRECTOR STINZIANO: Chairman Preisse?
 13 CHAIRMAN PREISSE: Yes.
 14 DIRECTOR STINZIANO: Mr. Mas?
 15 MR. MAS: Yes.
 16 DIRECTOR STINZIANO: Ms. Marinello?
 17 MS. MARINELLO: Yes.
 18 CHAIRMAN PREISSE: And I'll note that,
 19 for the record, no motions were made, nor votes
 20 taken while we were in executive session.
 21 MS. MARINELLO: Mr. Chairman, I move
 22 that the Board hire Matthew Shade as a
 23 GIS/Operations Clerk, effective June 1st, 2009 at
 24 the hourly rate of 21.64.

Page 84

1 MR. MAS: Second.
 2 DIRECTOR STINZIANO: All in favor?
 3 BOARD MEMBERS: Aye.
 4 DIRECTOR STINZIANO: None opposed.
 5 The next matter is regarding
 6 Mr. Bidwell.
 7 MR. COLLEY: Mr. Chairman, I move that
 8 the Board permit Christopher M. Bidwell to adjust
 9 his daily time schedule of a 7:30 a.m. to 4 p.m.
 10 with a half hour for lunch.
 11 MS. MARINELLO: Second.
 12 DIRECTOR STINZIANO: All in favor?
 13 BOARD MEMBERS: Aye.
 14 DIRECTOR STINZIANO: I see none opposed.
 15 And the last is the advertising of the
 16 democrat IT.
 17 MR. MAS: And I move that the Board
 18 authorize the director and deputy director to
 19 advertise the position of a democrat IT clerk.
 20 MR. COLLEY: Second.
 21 DIRECTOR STINZIANO: All in favor?
 22 BOARD MEMBERS: Aye.
 23 DIRECTOR STINZIANO: Seeing none
 24 opposed, the last item on the agenda is the

Page 85

1 cancellation of the regularly scheduled meeting at
 2 the first of the month.
 3 MR. MAS: I'm on board for that. I move
 4 that the Board cancel its regularly scheduled
 5 meeting of Monday, June 1st, 2009. The Board will
 6 hold its next meeting at a time yet to be
 7 determined.
 8 MR. COLLEY: Second.
 9 DIRECTOR STINZIANO: All in favor?
 10 BOARD MEMBERS: Aye.
 11 CHAIRMAN PREISSE: The Board will hold
 12 its next meeting at a time yet to be determined
 13 between June 8th and 19th.
 14 BOARD MEMBER: Motion to adjourn.
 15 CHAIRMAN PREISSE: And we accept a
 16 motion to adjourn.
 17 MR. MAS: I second.
 18 DIRECTOR STINZIANO: All in favor?
 19 BOARD MEMBERS: Aye.
 20 DIRECTOR STINZIANO: All opposed?
 21 The meeting has ended.
 22 -----
 23 Thereupon, the proceedings were
 24 concluded at 6:32 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 ____ day of _____, 2009.

JENNIFER L. KOONTZ
Certified Digital Reporter
Notary Public - State of Ohio.
My commission expires September 15, 2013

DONNA J. BELLOUS
Certified Digital Transcriber

CRYSTAL SIMPSON
Certified Digital Transcriber