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APPEARANCES:

Franklin County Prosecutor's Office
By Mr. Harold J. Anderson, III
Mr. Nick A. Soulas
373 South High Street, 13th Floor
Columbus, Ohio 43215

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown,
Executive Assistant to the Board

Ms. Karen Cotton,
Operations Manager,
Franklin County Board of Elections

Mr. Jeffrey Mackey,
Petitions and Financial Filings Clerk,
Franklin County Board of Elections

Mr. Ben Piscitelli,
Public Information Officer,
Franklin County Board of Elections

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P R O C E E D I N G S

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DEPUTY DIRECTOR WALCH: All right. We'll go ahead and call this meeting of the Franklin County -- this regular meeting of the Franklin County Board of Elections to order, and I will take the role.

Kimberly Marinello?

BOARD MEMBER MARINELLO: Here.

DEPUTY DIRECTOR WALCH: Zachary Manifold?

BOARD MEMBER MANIFOLD: Here.

DEPUTY DIRECTOR WALCH: Douglas Preisse?

CHAIRMAN PREISSE: Here.

DEPUTY DIRECTOR WALCH: Michael Colley?

BOARD MEMBER COLLEY: Here.

DEPUTY DIRECTOR WALCH: We have a quorum and can move forward.

First, we want to approve the minutes of the March 27th and April 13th meetings that should have been sent to you all.

BOARD MEMBER MARINELLO: Mr. Chairman, I move the Board approve the minutes of the March 27th and April 13th, 2012 meetings of the Franklin County Board of Elections as submitted.

1 DEPUTY DIRECTOR WALCH: Is there a second
2 to that?

3 BOARD MEMBER MANIFOLD: Second.

4 DEPUTY DIRECTOR WALCH: It's been moved
5 and seconded. All those in favor, signify by saying
6 aye.

7 BOARD MEMBERS: Aye.

8 DEPUTY DIRECTOR WALCH: The matter is
9 approved.

10 The second item on our agenda is the
11 petition of Terri Jamison for judge, independent
12 candidate for judge here in Franklin County.

13 And Karen Cotton and Jeff Mackey are here
14 from our Petition Department to answer any questions
15 that you might have. Ms. Jamison is also here to
16 answer any questions that the Board might have too.

17 This was the situation we had before us a
18 month or so ago in which Ms. Jamison had requested to
19 be considered for the open seat of Judge Bessey that
20 commenced on January 6th, but the petition had a
21 commencement date of January 5th on it, and we wanted
22 to bring that up to the Board's -- for the Board's
23 attention today.

24 The office did check the signatures and

1 the staff found, and you'll see this in Exhibit A
2 that is presented to you today, the staff did check
3 that she had 3,875 valid signatures. That office
4 needed 3,841 valid signatures, so there were
5 sufficient signatures on that petition.

6 Does the Board have any questions or any
7 discussion on this matter?

8 CHAIRMAN PREISSE: Well, this is the
9 matter that came before us prior to the staff
10 checking that the petition on its face, in other
11 words, has sufficient number of registered voters
12 represented on the petition for the position sought.
13 Is that right?

14 DEPUTY DIRECTOR WALCH: That's correct,
15 Mr. Chairman.

16 CHAIRMAN PREISSE: And as I recall and in
17 reviewing the materials, and I'm speaking to everyone
18 in the room but particularly to the staff and to
19 Ms. Jamison, and as the Deputy Director has pointed
20 out, our understanding, supported by oral sworn
21 testimony as well as written correspondence, some of
22 which I think is notarized correspondence and the
23 original petitions, the petition itself, the
24 petitions themselves, part-petitions, the petition

1 was completed for the purpose of running in a
2 general, rather a domestic bench spot, but the
3 candidate and her representatives, also at least one
4 of which provided sworn testimony and I think he may
5 have been your treasurer, swore that all
6 representations made to the voters and signers were
7 for another judicial position in the General
8 Division.

9 DEPUTY DIRECTOR WALCH: That is correct.

10 CHAIRMAN PREISSE: And that presents us
11 with a difficult set of circumstances and
12 contradictory statements and attestations going in
13 two or three different directions depending on the,
14 it would seem, the predilection at the moment of the
15 candidate, potential candidate.

16 So I'm going to ask whether anything has
17 transpired since last we met that alters any of these
18 facts or seeming facts before us or occurrences in
19 the record. First, I'll turn to staff and ask if
20 there's anything that has changed?

21 MR. MACKEY: No.

22 MS. COTTON: (Shakes head.)

23 DEPUTY DIRECTOR WALCH: No.

24 CHAIRMAN PREISSE: I'll ask the Board

1 members to jump in when they wish.

2 I'll turn to Ms. Jamison and ask you the
3 same question. And if you wish to speak to the
4 matter generally or specifically to the Board, then
5 you are welcome to do so.

6 - - -

7 TERRI B. JAMISON

8 being first duly sworn, as prescribed by law, was
9 examined and testified as follows:

10 DIRECT TESTIMONY

11 MS. JAMISON: The only thing that has
12 changed, Mr. Chairman, is I did learn that I had
13 enough signatures and I have contacted the Bar
14 Association. I've already started my literature with
15 the Domestic Relations and Juvenile Court on it, so
16 I've already started my fundraising based on the fact
17 that I knew that I had enough part-petitions for that
18 position, so that's the only thing that's changed.

19 DEPUTY DIRECTOR WALCH: And if I might,
20 for the Board's assistance, in Exhibit A of your
21 information here, there's a copy of the front page of
22 the nominating petition and statement of candidacy
23 filed by Ms. Jamison; her receipt that she was given
24 when she did file those; a letter from Ms. Jamison,

1 along with three sworn affidavits from her and two
2 other people who helped her with her petition
3 process; and then also the minutes of -- or the
4 transcript of the last meeting that was pertinent to
5 this issue as we dealt with it; and then a letter
6 that Ms. Jamison sent to us that she did want to be
7 considered for the Domestic Relations position in the
8 Court of Common Pleas with a January 5th, 2013
9 commencement date, expressing her desire to be
10 considered for that; and then the last piece of paper
11 on there was a sample petition that Jeff Mackey had
12 done using our online system here at the Board of
13 Elections that would put in a date for you if you
14 detailed what office you wanted to run for.

15 So I just wanted to bring that to the
16 Board's attention as you look at the packet that was
17 presented to you.

18 BOARD MEMBER MANIFOLD: I guess my
19 question would be: I had concerns at the last
20 meeting, like you touched on, I think when I asked
21 you about circulating the petitions, you had stated
22 that I think it was that you had told people that you
23 were running for essentially what is Judge Bessey's
24 seat, that's the one you wanted to run for, but the

1 petitions that were filed were for Judge Geer's seat,
2 I believe.

3 MS. JAMISON: That's correct.

4 DEPUTY DIRECTOR WALCH: That's right.

5 BOARD MEMBER MANIFOLD: I guess my
6 concern was the legal question about if you tell --

7 BOARD MEMBER MARINELLO: Misrepresenting.

8 BOARD MEMBER MANIFOLD: -- if you're
9 telling registered voters when you're collecting
10 signatures, if you're telling them you're running for
11 a certain seat and the voter signs your petition and
12 then essentially, you know, maybe they didn't want to
13 sign that petition if they knew you were running, if
14 it was really for a different seat, I wonder I guess
15 about the legal question about it, what we -- how we
16 should handle the situation.

17 MR. SOULAS: Yeah, it does pose an
18 interesting legal problem and that's one that's
19 within the Board's discretion to take into
20 consideration whether or not the signers of the
21 petition were misled or could have been misled as a
22 result of the statements that were apparently made by
23 the circulators of the petition. So it is, in fact,
24 problematic.

1 MS. JAMISON: Well, it is also a problem
2 that's been before this Board before in Judge
3 Brandt's race about seven years ago. Someone
4 circulated a petition, they wanted to run against
5 Judge Glaeden and they filed a date matching with
6 Judge Brandt and they had to run against Judge
7 Brandt.

8 So it's something that's happened before
9 because there's no remedy in the Code to allow you to
10 change it to get into the race that you want to get
11 into.

12 But I have circulated the petitions, I've
13 contacted my circulators, I've contacted some of the
14 people that actually signed it and some of them
15 assured me that they had no problem.

16 I understand that it does present a
17 problem from the aspect of it could be seen as a
18 misrepresentation. That may be something that the
19 candidate would like to use against me; I don't know.
20 But I've got enough signatures. I intend to be in
21 this race whether it requires a federal writ of
22 mandamus or whatever it requires.

23 I've already been put into a position
24 where, as an independent candidate, I had to have 300

1 times the signatures that an endorsed candidate does.
2 It put an undue burden on my constitutional right to
3 be involved in the political process already.

4 CHAIRMAN PREISSE: Well, you're mixing
5 statements of opinion with supposed statements of
6 fact, which is fine of course, but --

7 MS. JAMISON: Well, that is a statement
8 of fact. You only need 50 signatures --

9 CHAIRMAN PREISSE: No, that's not the
10 part I was talking about.

11 MS. JAMISON: -- as an endorsed
12 candidate.

13 CHAIRMAN PREISSE: That's not the part I
14 was talking about.

15 MS. JAMISON: You need 300 times that to
16 be an independent candidate.

17 CHAIRMAN PREISSE: We have the original
18 petition, which you signed, saying you were running
19 for the January 5 spot, and we have correspondence
20 and an affidavit and your verbal statement at the
21 previous Board meeting, frankly not suggesting
22 there's any ambiguity or possibility that we
23 suggested a few moments ago that some people may have
24 and some people may not have, irrespective of calling

1 them back, and some, you suggest, didn't have a
2 problem, it sounds; therefore, you wouldn't have
3 called all 3,000 which would be unlogical in any
4 event.

5 MS. JAMISON: No, I didn't say I had.

6 CHAIRMAN PREISSE: And then we have, I
7 think, this gentleman, is he your treasurer, Ricardo
8 T. Gary?

9 MS. JAMISON: No.

10 CHAIRMAN PREISSE: Just a supporter.

11 MS. JAMISON: He was here when I filed
12 the petition.

13 We also have the testimony of Mr. Mackey
14 that he did give me incorrect information.

15 CHAIRMAN PREISSE: And this gentleman,
16 Mr. Gary, further and even more emphatically
17 suggested in his testimony that the voters were told
18 something other than what was suggested in the
19 petition.

20 And so I kind of get back to what I was
21 asking if anything has changed this -- if anything
22 has occurred that would enlighten the Board further
23 than we have been as to the changing back and forth
24 and back and forth nature of what happened and then

1 you were told happened and now that you wish to do.

2 MS. JAMISON: Well, I believe at the
3 previous Board meeting I was told I only had two
4 choices, that I was to stay in the race that I signed
5 -- that the petition was filed for, or to withdraw.
6 I choose not to withdraw.

7 CHAIRMAN PREISSE: Uh-huh.

8 Anybody have any questions, further
9 questions?

10 BOARD MEMBER MANIFOLD: I just want to --
11 I want to clarify. So the legal, as far as your
12 guys's legal view, it is in this Board's purview to
13 take into consideration that we have an affidavit
14 signed that essentially we believe voters, signers,
15 you know, were misrepresented, that this was for a
16 different seat than what they signed for; that we can
17 consider that --

18 MR. SOULAS: Yes.

19 BOARD MEMBER MANIFOLD: -- when deciding
20 whether to certify.

21 MR. SOULAS: That's correct.

22 BOARD MEMBER MANIFOLD: Okay.

23 DEPUTY DIRECTOR WALCH: Any additional
24 questions?

1 (No response.)

2 BOARD MEMBER MANIFOLD: Mr. Chairman, I
 3 move that the Board deny certification to the
 4 candidacy of Terri Jamison for judge, and that Ms.
 5 Jamison's name shall not appear on the November 6th,
 6 2012 general election ballot for the Office of Judge,
 7 Court of Common Pleas, Domestic Relations Division,
 8 with a commencement date of January 5th, 2013.

9 DEPUTY DIRECTOR WALCH: Do we have a
 10 second on that motion?

11 BOARD MEMBER COLLEY: Second.

12 BOARD MEMBER MARINELLO: Second.

13 DEPUTY DIRECTOR WALCH: It's been moved
 14 and seconded. All those in favor of the motion,
 15 signify by saying aye.

16 BOARD MEMBERS: Aye.

17 DEPUTY DIRECTOR WALCH: All those
 18 opposed?

19 (No response.)

20 CHAIRMAN PREISSE: Well, we have to take
 21 votes on petitions with problems all the time here
 22 and it is with regret in each instance that ballot
 23 access becomes problematic. Your situation is
 24 certainly unique based on my experience and --

1 MS. JAMISON: It is not unique,
2 Mr. Chairman. You have already --

3 CHAIRMAN PREISSE: I wasn't quite
4 finished. May I finish my statement and then we'll
5 permit you to make your closing statement, Ms.
6 Jamison?

7 MS. JAMISON: I will see you in court.

8 CHAIRMAN PREISSE: Your situation, in my
9 experience, is unique. And the Board has, based on
10 materials you've supplied and advise of counsel,
11 deliberated it and given you a chance to speak.

12 So you've suggested, in your previous
13 words, you may have other recourse, and I hope that
14 you take full advantage of all of your rights and
15 further examine your opportunities.

16 MS. JAMISON: So what about the
17 statements that the Executive Director made at the
18 last hearing that I had two choices? He said I could
19 run or I could withdraw.

20 CHAIRMAN PREISSE: Well, I --

21 MS. JAMISON: He said those were the two
22 choices that I had.

23 CHAIRMAN PREISSE: The Executive
24 Director's words or any individual's words do not

1 reflect what the deliberative nature and
2 decision-making, ultimate decision-making process or
3 final vote of the Board may be. So I don't know that
4 I even heard those comments.

5 MS. JAMISON: I will need her
6 transcripts.

7 MR. GARY: Why do you have -- not have
8 someone here that was here last time, and people are
9 not here, on the Board?

10 MS. JAMISON: That's okay. We'll go to
11 federal court.

12 MR. GARY: You guys are crazy.

13 CHAIRMAN PREISSE: Thanks for coming here
14 today.

15 THE COURT REPORTER: Sir, may I have your
16 name, please? Since you spoke on the record.

17 MR. GARY: (No response.)

18 THE COURT REPORTER: May I have your
19 name?

20 MR. GARY: (No response.)

21 THE COURT REPORTER: I need your name so
22 I can identify that you spoke on the record.

23 MR. GARY: (No response.)

24 MS. JAMISON: Ricardo Gary.

1 THE COURT REPORTER: Okay. Thank you.

2 MS. JAMISON: I will see you in federal
3 court.

4 DEPUTY DIRECTOR WALCH: Okay. The next
5 item up for consideration is the petition filed by
6 Mr. Warren Taylor. Mr. Taylor filed a petition to
7 run as an independent candidate in the
8 15th Congressional District.

9 I'd ask Karen Cotton or Jeff Mackey if
10 they might come forward and present to the Board the
11 findings of the petitions we checked for Mr. Taylor.

12 MR. MACKEY: Staff disseminated the
13 petitions for Mr. Taylor to all the inclusive
14 counties that had petitions --

15 BOARD MEMBER COLLEY: Can you speak up,
16 please?

17 MR. MACKEY: Sure.

18 We sent the petitions that we received
19 from Mr. Taylor to all the other counties that make
20 up part of the 15th Congressional District that had
21 petitions circulated in them. And between our
22 petitions and the petitions that the other counties
23 validated signatures on, Mr. Taylor's petition was
24 not sufficient in the number of valid signatures that

1 he had collected.

2 He had collected 1,195 valid signatures
3 out of all of the signatures that were validated and
4 he needed 2,414 signatures, so he was short over
5 1,200 signatures on his petition. So staff's
6 recommendation is that his petition not be certified
7 to the November 6th general election ballot on the
8 basis of he did not have sufficient signatures
9 presented.

10 DEPUTY DIRECTOR WALCH: Any questions for
11 Mr. Mackey or the rest of the staff on this issue?

12 CHAIRMAN PREISSE: Not from me.

13 DEPUTY DIRECTOR WALCH: Do I have a
14 motion from the Board on this one?

15 BOARD MEMBER COLLEY: Mr. Chairman, I
16 move that the Board deny certification to the
17 candidacy of Warren Taylor for Congress in the 15th
18 Congressional District on the basis that his
19 nominating petition and statement of candidacy lacked
20 a sufficient number of signatures as a candidate for
21 Congress to the November 6th, 2012 general election.

22 DEPUTY DIRECTOR WALCH: It's been moved.
23 Do I have a second on that?

24 BOARD MEMBER MANIFOLD: Second.

1 DEPUTY DIRECTOR WALCH: It's been moved
2 and seconded. All those in favor of the motion,
3 signify by saying aye.

4 BOARD MEMBERS: Aye.

5 DEPUTY DIRECTOR WALCH: All those
6 opposed?

7 (No response.)

8 DEPUTY DIRECTOR WALCH: The motion
9 passes.

10 The final item for consideration today is
11 a filing we got from the Groveport Madison School
12 District for a levy request. It's a Special Election
13 on August 7th.

14 Karen, can you -- Karen Cotton, can you
15 come up real quick and tell the Board about what was
16 filed by Groveport Madison, please?

17 MS. COTTON: The Groveport Madison Local
18 School District filed to put an issue on the ballot
19 for the August 7th Special Election. They filed a
20 resolution of necessity, the auditor's statement, as
21 well as a resolution to proceed.

22 They're asking for a substitute tax levy
23 for the emergency tax levy that is currently being
24 collected there that was passed in 2009. It's filed

1 under 5705.199. And we'll let the prosecuting
2 attorney's office give you any further information
3 that they can.

4 MR. SOULAS: We have no further
5 information to offer other than we have reviewed it
6 and it is appropriate to be considered.

7 DEPUTY DIRECTOR WALCH: Any questions
8 from the Board of Karen or the other staff or our
9 representatives from the prosecutor's office on this?

10 (No response.)

11 DEPUTY DIRECTOR WALCH: Hearing none, do
12 we have a motion to accept this?

13 BOARD MEMBER MARINELLO: Mr. Chairman, I
14 move that the Board accept the staff report and
15 hereby certify the August 7th, 2012 Special Election
16 ballot for the school levy in question, certified to
17 the Board by the Groveport Madison School District.

18 DEPUTY DIRECTOR WALCH: Do we have a
19 second on that?

20 BOARD MEMBER COLLEY: Second.

21 DEPUTY DIRECTOR WALCH: The motion's been
22 made and seconded. All those in favor, signify by
23 saying aye.

24 BOARD MEMBERS: Aye.

1 DEPUTY DIRECTOR WALCH: All those
 2 opposed?

3 (No response.)

4 DEPUTY DIRECTOR WALCH: The ayes have it.
 5 The motion passes. We will have the Groveport
 6 Madison School District issue on the August 7th
 7 Special Election.

8 The filing deadline for the
 9 August 7th Special Election is still the 9th --

10 MS. COTTON: Wednesday.

11 DEPUTY DIRECTOR WALCH: -- is Wednesday,
 12 May 9th. We have not, at this point, heard of any
 13 other issues that may file by that time, but they do
 14 have until Wednesday to do so. If anybody else does
 15 file, we'll have a subsequent Board meeting to this
 16 one to consider those filings.

17 That's all I have on the agenda today.

18 Is there any new business to be brought
 19 up today before the Board?

20 (No response.)

21 DEPUTY DIRECTOR WALCH: Motion to
 22 adjourn.

23 BOARD MEMBER COLLEY: So moved.

24 DEPUTY DIRECTOR WALCH: Second?

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BOARD MEMBER MANIFOLD: Second.

DEPUTY DIRECTOR WALCH: All those in favor, signify by saying aye.

BOARD MEMBERS: Aye.

DEPUTY DIRECTOR WALCH: We are adjourned.

(Thereupon, the proceedings concluded at 3:34 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Monday, May 7, 2012, and carefully compared with my original stenographic notes.

Carolyn M. Burke, Registered Professional Reporter, and Notary Public in and for the State of Ohio.

My commission expires July 17, 2013.

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