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APPEARANCES:

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

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown,  
Executive Assistant to the Board  
  
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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DIRECTOR ANTHONY: Good morning. I am going to call the Franklin County Board of Elections Special Meeting to order. I will do the roll call.

Kimberly Marinello.

BOARD MEMBER MARINELLO: Here.

DIRECTOR ANTHONY: Greg Haas.

BOARD MEMBER HAAS: Here.

DIRECTOR ANTHONY: Douglas Preisse.

CHAIRMAN PREISSE: Here.

DIRECTOR ANTHONY: And Brad Sinnott.

BOARD MEMBER SINNOTT: Here.

DIRECTOR ANTHONY: Mr. Chairman, we are all here and accounted for.

The first item on the agenda has to do with provisional ballots, and Dana has been working on this really hard, so I'll let Dana kind of take it from here.

DEPUTY DIRECTOR WALCH: Thank you for that, Mr. Director, but it's actually Renee and Julie that have been working really hard on it, but we have, to present to you today, 964 provisional

1 ballots that our bipartisan teams have determined  
2 should be counted, and 179 that we believe should be  
3 rejected.

4 There are still some we need to make a  
5 determination on which will be done at your meeting  
6 this afternoon, but, to get the ball rolling on this,  
7 these are ones, for the purposes of this morning's  
8 meeting, that we bring before you for approval for us  
9 to get counting on.

10 BOARD MEMBER MARINELLO: Mr. Chairman, I  
11 move the Board accept the staff recommendation for  
12 the validation of 964 provisional ballots and the  
13 rejection of 179 provisional ballots as submitted by  
14 staff and that these provisional ballots approved for  
15 counting be included in the official canvass of  
16 results of the May 6th, 2014, Primary Election.

17 BOARD MEMBER SINNOTT: Second.

18 DIRECTOR ANTHONY: All in favor?

19 (All eyes heard.)

20 DIRECTOR ANTHONY: The motion carries.

21 The second item on the agenda is remaking  
22 of absentee and provisional ballots.

23 DEPUTY DIRECTOR WALCH: On this, with the  
24 absentees that came in after Election Day, but are

1       okay for counting because they were mailed prior to  
2       Election Day, we have 20 absentee paper ballots that  
3       our bipartisan teams have determined need to be  
4       remade for various errors on them of people putting  
5       X's in instead of filling the oval in or circling the  
6       the name, et cetera.

7               And of the 964 provisionals that you just  
8       gave us approval to count, there are 39 we know need  
9       to be remade due to they are ballots that were cast  
10      in the correct polling location, but in the wrong  
11      precinct and, thus, by directive, we only count those  
12      portions of the ballot that the voter was eligible to  
13      vote in that precinct. So there are 39 provisionals,  
14      at this time, along with the 20 absentee papers that  
15      we ask for approval to remake.

16              BOARD MEMBER HAAS: Mr. Chairman, I move  
17      that the Board authorize the staff to remake 20  
18      absentee paper ballots and 39 provisional ballots and  
19      that these remade ballots shall be tabulated and  
20      included in the official canvass of results of the  
21      May 6th, 2014, Primary Election.

22              BOARD MEMBER MARINELLO: Second.

23              DIRECTOR ANTHONY: All those in favor?

24              (All ayes heard.)

1 DIRECTOR ANTHONY: Motion carries.

2 DEPUTY DIRECTOR WALCH: Bill, if I might,  
 3 what we'll do is have the folks go up and open all  
 4 those up that were approved and scan them in and at  
 5 our session later this afternoon we will bring before  
 6 you any remakes that need to be done on those  
 7 ballots.

8 DIRECTOR ANTHONY: At this time I would  
 9 like to bring before the Board -- or, request that  
 10 the Board move into Executive Session to discuss  
 11 personnel matters.

12 BOARD MEMBER SINNOTT: Very well.  
 13 Pursuant to Ohio Revised Code Section 121.22(G)(1) --

14 MR. ANDERSON: (2)(1). Sorry. 121.21.

15 BOARD MEMBER SINNOTT: 121.21(G)(1).

16 MR. ANDERSON: (2)(2). It was right.

17 BOARD MEMBER SINNOTT: Two-two to you  
 18 too.

19 (Laughter.)

20 MR. SOULAS: Correct as written.

21 MR. ANDERSON: Correct as written.

22 DEPUTY DIRECTOR WALCH: I was going to  
 23 say I got it from him in the first place.

24 BOARD MEMBER SINNOTT: Perhaps I

1 misspoke.

2 MR. ANDERSON: You were correct; I was  
3 incorrect.

4 BOARD MEMBER SINNOTT: Pursuant to Ohio  
5 Revised Code Section 121.22(G)(1), I move that the  
6 Franklin County Board of Elections go into Executive  
7 Session to discuss the investigation of charges or  
8 complaints against a public employee. No official  
9 actions will be taken during the Executive Session.  
10 The Board of Elections will resume its Special  
11 Meeting following the end of the Executive Session.

12 DIRECTOR ANTHONY: Is there a second?

13 BOARD MEMBER HAAS: Second.

14 DIRECTOR ANTHONY: I'll do a roll call.  
15 Kimberly Marinello.

16 BOARD MEMBER MARINELLO: Yes.

17 DIRECTOR ANTHONY: Gregory Haas.

18 BOARD MEMBER HAAS: Yes.

19 DIRECTOR ANTHONY: Douglas Preisse.

20 CHAIRMAN PREISSE: Yes.

21 DIRECTOR ANTHONY: And Bradley Sinnott.

22 BOARD MEMBER SINNOTT: Yes.

23 DIRECTOR ANTHONY: We now are in  
24 Executive Session.

1 (Executive Session.)

2 DIRECTOR ANTHONY: Is there a motion to  
3 come out of Executive Session?

4 BOARD MEMBER MARINELLO: Mr. Chairman, I  
5 move the Franklin County Board of Elections adjourn  
6 from Executive Session, where no votes were taken and  
7 no decisions made.

8 DIRECTOR ANTHONY: Is there a second?

9 BOARD MEMBER HAAS: Second.

10 DIRECTOR ANTHONY: I'll do the roll call.  
11 Kimberly Marinello.

12 BOARD MEMBER MARINELLO: Yes.

13 DIRECTOR ANTHONY: Gregory Haas.

14 BOARD MEMBER HAAS: Yes.

15 DIRECTOR ANTHONY: Douglas Preisse.

16 CHAIRMAN PREISSE: Yes.

17 DIRECTOR ANTHONY: Bradley Sinnott.

18 BOARD MEMBER SINNOTT: Yes.

19 DIRECTOR ANTHONY: We are now out of  
20 Executive Session.

21 We need a motion to basically go into  
22 recess until this afternoon.

23 DEPUTY DIRECTOR WALCH: Our plan with  
24 this is, as I said earlier, to go ahead and have the

1 staff, they are already working on opening those  
 2 provisional ballots. We will reconvene at 3:00 p.m.  
 3 for you to give us approval on counting additional  
 4 ones and remaking any that we would need.

5 BOARD MEMBER HAAS: Dana, thank you for  
 6 buying time for me to get to my place.

7 DEPUTY DIRECTOR WALCH: No problem.

8 BOARD MEMBER HAAS: I move that the Board  
 9 recess until 3:00 p.m. so staff can open and scan the  
 10 approved provisional ballots for the May 6th, 2014,  
 11 Primary Election.

12 DIRECTOR ANTHONY: Is there a second?

13 BOARD MEMBER MARINELLO: Second.

14 DIRECTOR ANTHONY: We stand in recess  
 15 until 3:00 today. Thank you all.

16 (Thereupon, the Board recessed at 11:19  
 17 a.m.)

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Monday Afternoon Session,  
3:10 p.m., May 19, 2014.

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DIRECTOR ANTHONY: I would like to have a motion to reconvene after the recess.

BOARD MEMBER MARINELLO: I move that the Board reconvene from recess.

DIRECTOR ANTHONY: Is there a second?

BOARD MEMBER HAAS: Second.

DIRECTOR ANTHONY: All those in favor?

(All eyes heard.)

DIRECTOR ANTHONY: Mr. Chairman, we are now back in session.

The first item of business is the approval of additional provisional ballots.

DEPUTY DIRECTOR WALCH: There were, in addition to the ones you approved this morning, there were another 140 that our bipartisan staff had to take a look at to make sure they were in the correct precinct and polling location, and some of them also hadn't made a party choice on them so we had to check that out, too. There were 140 of them. The bipartisan staff has determined that 137 of those should be counted and 3 should be rejected.

1                   CHAIRMAN PREISSE: What was your point  
2 about the voter did not make a partisan choice?

3                   DEPUTY DIRECTOR WALCH: There was no  
4 partisan choice made on the label that they put on  
5 the provisional ballot and we just had to get in to  
6 check them and make sure that they were -- what was  
7 inside of them, basically.

8                   BOARD MEMBER HAAS: I move that the Board  
9 accept the staff recommendation for validation of 137  
10 provisional ballots and the rejection of 3  
11 provisional ballots as submitted by the staff, and  
12 that those provisional ballots approved for counting  
13 be included in the official canvass of results of the  
14 May 6th, 2014, Primary Election.

15                   BOARD MEMBER MARINELLO: Second.

16                   DIRECTOR ANTHONY: All those in favor?

17                   (All ayes heard.)

18                   DIRECTOR ANTHONY: The motion carries.

19                   And we go to the remaking of provisional  
20 ballots.

21                   DEPUTY DIRECTOR WALCH: And of those 140,  
22 there were, I think it was determined that 13 of  
23 them -- actually, that's not -- let me rephrase that.  
24 Of the ones that we counted, that you gave approval

1 on this morning, those were scanned in and there were  
2 6 of those that needed to be remade because they  
3 wouldn't go through the counters, and then there were  
4 7 additional that were from the 140 that were right  
5 polling location, wrong precinct that will need to be  
6 remade for those portions of the ballot that can't be  
7 counted. So that's how we get to the total of 13  
8 provisional ballots that we need to get your  
9 authority on to remake.

10 CHAIRMAN PREISSE: And those are remade  
11 in a bipartisan --

12 DEPUTY DIRECTOR WALCH: That's correct.

13 CHAIRMAN PREISSE: -- staffing --

14 DEPUTY DIRECTOR WALCH: That's correct.

15 CHAIRMAN PREISSE: -- procedure.

16 DEPUTY DIRECTOR WALCH: That is correct.

17 BOARD MEMBER SINNOTT: All right. Then I  
18 move that the Board authorize the staff to remake 13  
19 approved provisional ballots cast on Election Day and  
20 that these remade ballots be tabulated and included  
21 in the official canvass of results of the May 6th,  
22 2014, Primary Election.

23 DIRECTOR ANTHONY: Is there a second?

24 BOARD MEMBER HAAS: Second.

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DIRECTOR ANTHONY: All those in favor?

(All eyes heard.)

DIRECTOR ANTHONY: Motion carries.

With that, is there a motion to adjourn  
until Thursday?

DEPUTY DIRECTOR WALCH: Thursday.

BOARD MEMBER SINNOTT: So moved.

DIRECTOR ANTHONY: Is there a second?

BOARD MEMBER HAAS: Second.

DIRECTOR ANTHONY: We stand adjourned.

(Thereupon, the Board adjourned at 3:13  
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 19, 2014, and carefully compared with my original stenographic notes.

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

My commission expires July 17, 2018.

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