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APPEARANCES:

Franklin County Prosecutor's Office
By Mr. Tim Lecklider
Assistant Prosecuting Attorney
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. Jeffrey Mackey,
Manager, Election Operations
Franklin County Board of Elections

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

Ms. Renee Klco,
Manager of Voter Services,
Franklin County Board of Elections

Ms. Carolyn S. Gorup,
Manager, Elections Technology,
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: I would like to call the Franklin County Board of Elections meeting to order. I will do the roll call.

(Roll call taken.)

DIRECTOR ANTHONY: Mr. Chairman, everyone is here and accounted for. The first item on the agenda would be the Amended Certification.

Before we start that, Jeff is here. It seems there was an anomaly in one of the ES&S programs. I have Jeff here to explain it or Carolyn. They are much better at explaining what happened.

Jeff.

MR. MACKEY: We don't have a real good description from ES&S yet as to what exactly happened, but we do know that 13 precincts were not totaled correctly by the Unity system. So once Carolyn had discovered that, she was working from her numbers, we went back in and informed ES&S that something was wrong. They have a feature on their system that corrects this problem, so we ran that and got the correct totals, which are now presented to

1 you in the report form.

2 MR. PREISSE: What was the substance of
3 the difference?

4 MR. MACKEY: There was a total of 136
5 votes that were in the system but were not in the
6 totals, so all of the buckets appeared to be correct,
7 a bucket being --

8 MR. PREISSE: Does that mean 136 voters?

9 MR. HAAS: Or individual votes?

10 MS. GORUP: Voters.

11 MR. PREISSE: So the entirety of what
12 they voted for?

13 MS. GORUP: Unfortunately, it's not
14 consistent.

15 MR. PREISSE: Okay.

16 MS. GORUP: Throughout the races there
17 were individual -- in 13 precincts where some of the
18 individual types of votes, whether they were in
19 person or election day, didn't add up to the total
20 that ES&S said it did.

21 MR. PREISSE: How did you catch that?

22 MS. GORUP: I do a lot of statistical
23 work with the results afterwards and things weren't
24 adding up.

1 MR. PREISSE: And what is the status of
2 ES&S' description to us, an explanation of what
3 happened and the remedies?

4 MR. MACKEY: We have not heard back from
5 them.

6 MS. GORUP: But there is a remedy. It's
7 a known problem to ES&S, something that's been in the
8 software since it's been certified. Basically what
9 it does, it zeroes out the totals and re-adds them.

10 MR. PREISSE: You mean the fixed totals?

11 MS. GORUP: Yes.

12 MR. MACKEY: We are prepared to use that
13 going forward at the end of night, every night, every
14 time.

15 MR. PREISSE: Is this the first time that
16 we've experienced this?

17 MR. MACKEY: It was the first time.

18 DIRECTOR ANTHONY: And we weren't the
19 only county.

20 MR. PREISSE: We weren't the only county.
21 How do we know that?

22 MR. MACKEY: Because Dan Shevesta, our
23 vendor representative, also has Delaware County, and
24 they called him about the same time we were calling

1 him and notified him of an issue.

2 MR. PREISSE: What is the plan to
3 understand this, if we have one, because I think we
4 need one, to understand this in intimate detail?

5 DIRECTOR ANTHONY: I totally agree. We
6 have been talking about it, and we do expect ES&S to
7 give us a full explanation of why this happened.

8 Meanwhile, we have resolved it, and we
9 know how to resolve it so it won't happen again in
10 another election. We have no idea why it happened in
11 this election and not prior elections. Once we have
12 that information, we will get it to you so you guys
13 have it.

14 MR. HAAS: Did we look at basically all
15 the precincts?

16 MS. GORUP: All the precincts and all the
17 races.

18 MR. HAAS: It was in these 13 precincts
19 where this took place, only these 13?

20 DIRECTOR ANTHONY: That's correct.

21 MR. PREISSE: Is there any pattern to
22 this, or is it all over the place?

23 MS. GORUP: We don't know if it has
24 anything to do with it. These were the ones that we

1 call coded ballots, which is your ADA provisional.

2 DIRECTOR ANTHONY: But in prior elections
3 we have had coded ballots and they did nothing.
4 Again, we are trying to just ascertain what happened,
5 and that is still based on ES&S.

6 MR. HAAS: All of these were coded
7 ballots?

8 MS. GORUP: We don't know which ones
9 weren't properly added, but there were 22 coded
10 ballots, but every place that there was an issue was
11 a multiple of eight, 8, 16, 24.

12 MR. PREISSE: Interesting.

13 MR. HAAS: I'm just curious, I mean, if
14 northeast weren't thrown out across the board, how do
15 we know, how do we find out that these votes weren't
16 actually counted? People drop off. They don't vote
17 in certain races.

18 MS. GORUP: Well, this was a case, we
19 refer to them as buckets. There's a number of how
20 many people voted absentee in person, how many voted
21 absentee by mail, election day paper, election day
22 machines, and provisionals ballots. And when you add
23 those five buckets together, it was off under 8, 16,
24 a multiple of 8.

1 MR. MACKEY: But all the votes were there
2 in the buckets.

3 MS. GORUP: In the individual buckets,
4 they were there. It was just when they were totaled.

5 MR. PREISSE: Well, this is as clear as
6 mud to me, but I'm easily confused.

7 MS. GORUP: I know what happened and it's
8 as clear as mud to me.

9 MS. MARINELLO: But they said that this
10 was something that was always there, but it just
11 happened this time?

12 MS. GORUP: It's in the certified
13 software which was done back in '03, '04.

14 MS. MARINELLO: If they knew it was
15 there, why didn't they fix it then?

16 MS. GORUP: They put a fix in, but it's
17 no -- I don't know that they know exactly what causes
18 it, but they know how to fix it.

19 MR. HAAS: It's not like the votes were
20 not there. They were there. They just weren't
21 totaled.

22 MS. GORUP: I can make wild guesses what
23 caused it, but that's all it would be, would be
24 guesses, because I don't know how the software works.

1 MR. HAAS: I would really ask that we
2 have at the next meeting an explanation from the
3 vendor about, A, what happened; why it's not been
4 fixed, because this is the kind of question we need
5 the answer for voters. All of the concerns about
6 computer voting, I mean, this brings them right to
7 the surface, and we need to have the answer. You
8 know, not -- I mean, I understand and I appreciate
9 everybody's effort on this, but I really would like
10 to be able to say to people, this is what happened.
11 If we get questioned, I don't want to just say -- you
12 know, a reporter would call and we get a question and
13 just say, Well, it's something in the software and
14 they don't know where it's at. That just doesn't...

15 MS. GORUP: We agree with that. They
16 have taken a copy of the database back to the
17 manufacturer to work with it.

18 MS. MARINELLO: Is this standard
19 procedure, for you to do your statistical?

20 MS. GORUP: Yes.

21 MS. MARINELLO: Thank goodness for you.

22 DIRECTOR ANTHONY: We certainly agree
23 with you, Board Member Haas, that we need an
24 explanation that we can stand in front of God and all

1 humanity and say, This is what happened.

2 MR. PREISSE: So you and Dan will work up
3 the plan for us to be informed and maybe even
4 directly briefed and informed by ES&S. Why don't you
5 guys talk about that?

6 DIRECTOR ANTHONY: All right. I think, I
7 mean, we need to know because, like you said, this is
8 the kind of thing that could cause a cascading
9 problem for us. Folks think that there's anomalies
10 that can cause anything to happen.

11 MR. HAAS: Frankly, it scares probably
12 all of us. It scares me. It's, like, there's this
13 problem we just found out about. It's, like, what
14 don't we know about?

15 DIRECTOR ANTHONY: Exactly. We will get
16 to the bottom of this.

17 MR. HAAS: I do understand, and I think
18 the important point in their summation and that we
19 ought to make sure that people understand is that all
20 the votes were in the buckets.

21 MS. GORUP: Yes.

22 MR. HAAS: It wasn't like it tipped any
23 scales or anything like that and the people in those
24 races were thoroughly random for last. I think those

1 are obviously two important factors to stress. But I
2 appreciate your thoroughness.

3 MR. SINNOTT: I move that the results of
4 the official canvass of votes cast in the November 4,
5 2014 General Election and certified by the Board on
6 Monday, November 24, 2014 be amended and be certified
7 as reflected on the Amended Official Canvass.

8 MS. MARINELLO: Second.

9 DIRECTOR ANTHONY: All those in favor,
10 say aye.

11 (Vote taken; motion passed.)

12 DIRECTOR ANTHONY: Motion carries.

13 MR. PREISSE: The certification form, I
14 am going to follow that with the overlap
15 certification form that has all the votes from the
16 other counties which were the most populous. I will
17 sign those as well.

18 DIRECTOR ANTHONY: The next item on the
19 agenda, if you guys are ready to proceed, is -- we
20 talked about this at the last meeting. It is the
21 holiday hours, and we wanted to put some ideas out
22 there for holiday hours.

23 Back in 2012 the way we did the holiday
24 hours was we gave -- we closed our offices at that

1 time the day before New Year's because of the way New
2 Year's fell on a Friday -- a Monday, New Year's Eve
3 fell on a Monday. The Board closed the office on
4 December 31, the day before New Year's, and then we
5 granted employees 24 hours of additional personal
6 leave to be used between December 26 and January 25.
7 That's what we did last year in '13. That was '13.

8 MR. SINNOTT: January 1st of 2013 was a
9 Tuesday. You said in '12 we closed the office
10 completely on the 31st.

11 MR. PREISSE: Were you talking '12 or
12 2013?

13 MR. SINNOTT: The end of '12 starting in
14 '13.

15 DIRECTOR ANTHONY: That's correct.

16 MR. SINNOTT: We closed completely on
17 December 31 and how many hours of personal leave?

18 DIRECTOR ANTHONY: 24.

19 MR. SINNOTT: Three days?

20 DIRECTOR ANTHONY: Yes.

21 MR. PREISSE: Is that your recollection,
22 or did you review it?

23 DIRECTOR ANTHONY: I'm looking at the
24 Board minutes, if you would like to see them.

1 MR. PREISSE: Yes.

2 DIRECTOR ANTHONY: We can make some more
3 copies and you can look at them. Do you want more
4 copies, or would that suffice?

5 MR. PREISSE: I don't think you need to.

6 DIRECTOR ANTHONY: We kept the offices
7 open. It never closed. We had a skeleton crew that
8 worked, and those three days we allowed the folks to
9 use within a 30-day period, is basically what the
10 proposal was. We are asking for the same thing,
11 pretty much, this time around as well.

12 MR. SINNOTT: There was a fall holiday we
13 reassigned to last Friday, right?

14 DIRECTOR ANTHONY: That's correct.

15 MR. SINNOTT: Which holiday was that?

16 DIRECTOR ANTHONY: Columbus Day.

17 MR. SINNOTT: So we already reassigned
18 Veterans Day to December 26.

19 DIRECTOR ANTHONY: That's correct, and we
20 assigned Columbus Day to the day after Thanksgiving.

21 MR. SINNOTT: Okay. So we are going to
22 be closed December 26 in any event.

23 DIRECTOR ANTHONY: That's correct.

24 MR. SINNOTT: And we have --

1 MR. PREISSE: I'm looking at my calendar.

2 DIRECTOR ANTHONY: I keep getting it
3 wrong every time I talk about it. I'll pull my
4 calendar out, too. We will be closed December 25 and
5 the 26th. Then what we are proposing is that
6 December the 29th, the 30th and 31st, that we allow
7 24 hours of personal leave that a person could -- you
8 know, those would be the dates we would allow for
9 that personal leave or they could take off between
10 December 29 through January 31.

11 MR. PREISSE: We work a full day on
12 Christmas Eve?

13 DIRECTOR ANTHONY: Yes. Normally what
14 happens on Christmas Eve is that the County normally
15 closes at noon and we send everybody home at noon on
16 Christmas Eve. Christmas Eve is a working day.

17 MR. PREISSE: We're not instructed by the
18 commissioners to send people home at noon?

19 DIRECTOR ANTHONY: No. That normally
20 happens at the last minute on the 24th. But right
21 now, the 24th is not part of what I'm proposing. The
22 24th is a workday.

23 MR. HAAS: I thought Brad had a good
24 suggestion and I've done some research on my own

1 talking to some other offices in the county, and,
2 actually, I even checked in with a few in the private
3 sector, and the idea of keeping the office open but
4 recognizing the incredibly slow demand, that it does
5 seem pretty typical to allow supervisors a lot of
6 flexibility in terms of time because, you know, the
7 phones aren't ringing and people aren't coming in and
8 there's not a lot of activity.

9 I know last time we kind of talked about
10 closing set days, and, you know, I think we all kind
11 of -- all four of us weren't wild about that idea,
12 but in terms of keeping it open and kind of
13 recognizing the pace of things, it seems pretty
14 consistent with a lot of public and even private
15 sector folks do allow that.

16 MR. SINNOTT: Greg, I have a report here
17 that the Auditor, Recorder, and Treasurer offices
18 will be closing at 2:00 o'clock on Christmas Eve and
19 New Year's Eve, and at least the Auditor's Office is
20 planning on running on reduced staff the day after
21 Christmas and the day after New Year's. I don't know
22 what the Recorder and Treasurer were planning on
23 doing.

24 So if we were to do something in '14

1 equivalent to what we did in '12, you are talking
2 about 24 hours or three days, right, three days of
3 personal leave to be used between December 29 and
4 January 31?

5 MR. PREISSE: Is that what we did?

6 MR. SINNOTT: I think so.

7 DIRECTOR ANTHONY: Yes. It was for a
8 30-day period. That's what it was.

9 MR. PREISSE: Subject to --

10 MR. SINNOTT: Subject to supervisor
11 approval.

12 MR. HAAS: That probably reflects some
13 other diverse religions in terms of the holidays.

14 MR. PREISSE: This says January 25.

15 DIRECTOR ANTHONY: That's probably the
16 way it fit.

17 MR. HAAS: Was Christians of the Orthodox
18 faith, because they celebrate Christmas on the 12th
19 or 15th, one of the reasons for allowing the extended
20 period?

21 DIRECTOR ANTHONY: We could amend that
22 through the 30th. The 30th is a Friday. The 31st is
23 a Saturday.

24 MR. SINNOTT: This motion that has been

1 drafted would have us close on the 2nd.

2 DIRECTOR ANTHONY: That's correct, the
3 day after New Year's. That would be a Friday.

4 MR. SINNOTT: And each employee, subject
5 to supervisor approval as to when it's used, would
6 have three days of time. So somebody could -- on an
7 individual basis, you could effectively schedule
8 yourself off under the terms of the motion from close
9 of business on the 24th all the way to the start of
10 business on Monday the 5th.

11 DIRECTOR ANTHONY: That's correct.

12 MR. SINNOTT: How this idea is different
13 than last time we met is we keep our offices open
14 Monday, Tuesday, and Wednesday of New Year's week?

15 DIRECTOR ANTHONY: That's correct. In
16 2012 we had several employees that said they were
17 willing to do that, and we would do the same now.
18 Basically when I say "work," we have someone
19 answering the phones.

20 MR. SINNOTT: I think Chanukkah begins on
21 the 16th of December.

22 MR. PREISSE: That's what I'm just
23 looking at. Is that right? Is it the same as Yom
24 Kippur?

1 MR. SINNOTT: We have the same thing as
2 we did in '12 and declaring a new holiday for the
3 office and then allowing three personal days to be
4 scheduled with the supervisor over a long stretch of
5 time is the -- that's the same thing?

6 MR. PREISSE: Yes.

7 MR. SINNOTT: That as to do with this
8 motion?

9 DIRECTOR ANTHONY: That's exactly right.
10 And a motion would create a new holiday, January 2.
11 That right now is not a holiday. That would create a
12 new holiday.

13 MR. SINNOTT: Would we want to start the
14 period in which the three personal days could be used
15 on the 17th of December, which would be the first day
16 following the previous evening onset of Chanukkah?

17 MR. HAAS: Yes.

18 MS. MARINELLO: That's a good idea.

19 MR. PREISSE: That is a good idea.

20 January 31 is a Saturday?

21 DIRECTOR ANTHONY: January 30 is Friday.

22 MR. SINNOTT: Let me see in this motion
23 would capture the sense of the Board.

24 I move that the Franklin County Board of

1 Elections be closed on Friday January 2, 2015, and
2 that the Board authorize each full-time employee 24
3 hours, or three days, of personal leave, subject to
4 supervisor approval, to be used by the employees
5 anytime between December 17, 2014 and January 30,
6 2015.

7 MR. HAAS: I'll second that.

8 DIRECTOR ANTHONY: All those in favor.

9 (Vote taken; motion passed.)

10 DIRECTOR ANTHONY: Motion carries.

11 MR. SINNOTT: Sounds as if we need to
12 inform the Board of Commissioners we have done this.

13 DIRECTOR ANTHONY: And we will do that.

14 But also we will still be open, except
15 the 2nd. We will let them know about the 2nd.

16 MR. SINNOTT: Yes, we are closed on the
17 2nd.

18 DIRECTOR ANTHONY: All right.

19 MR. PREISSE: Why don't you copy Tim so
20 we are --

21 DIRECTOR ANTHONY: Okay.

22 MR. PREISSE: Does that make sense?

23 MR. LECKLIDER: Yes.

24 DIRECTOR ANTHONY: No. The motion is

1 just that we be closed the 2nd. The others shouldn't
2 really matter to them, that we grant personal days.

3 MR. SINNOTT: Seems to be the opinion of
4 the 2008 letter we need to notify the Commissioners
5 when we alter the current holiday schedule but I
6 don't think we altered the current holiday schedule
7 for any day other than January 2.

8 DIRECTOR ANTHONY: That's correct. All
9 right.

10 The next item was one discussing
11 personnel matters, which we will go into executive
12 session for that.

13 MR. HAAS: I move we go into executive
14 session.

15 MS. MARINELLO: Second.

16 DIRECTOR ANTHONY: Kimberly Marinello.

17 MS. MARINELLO: Yes.

18 DIRECTOR ANTHONY: Gregory Haas.

19 MR. HAAS: Yes.

20 DIRECTOR ANTHONY: Douglas Preisse.

21 MR. PREISSE: Yes.

22 DIRECTOR ANTHONY: Bradley K. Sinnott.

23 MR. SINNOTT: Yes.

24 MR. HAAS: I move we go into executive

1 session.

2 (Executive session.)

3 DIRECTOR ANTHONY: Is there a motion to
4 come out of executive session?

5 MR. HAAS: I move we come out of
6 executive session.

7 DIRECTOR ANTHONY: Is there a second?

8 MR. SINNOTT: Second.

9 DIRECTOR ANTHONY: Kimberly Marinello.

10 MS. MARINELLO: Yes.

11 DIRECTOR ANTHONY: Gregory Haas.

12 MR. HAAS: Yes.

13 DIRECTOR ANTHONY: Douglas Preisse.

14 MR. PREISSE: Yes.

15 DIRECTOR ANTHONY: Bradley K. Sinnott.

16 MR. SINNOTT: Yes.

17 DIRECTOR ANTHONY: We are now out of
18 executive session. No votes were taken. No
19 decisions were made during the executive session.

20 Is there a motion to adjourn?

21 MS. MARINELLO: So moved.

22 DIRECTOR ANTHONY: Is there a second?

23 MR. HAAS: Second.

24 DIRECTOR ANTHONY: All those in favor.

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(Vote taken; motion passed.)

DIRECTOR ANTHONY: We stand adjourned.

(The hearing adjourned at 4:08 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, December 1, 2014, and carefully compared with my original stenographic notes.

Rosemary Anderson
Rosemary Foster Anderson,
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires April 5, 2019.

(RFA-77197)

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