BEFORE THE
FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: 

Special Meeting : 

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Proceedings before Chairman Douglas J. Preisse, Director William A. Anthony, Jr., Deputy Director Nathan Burd, and Board Members Michael F. Colley, Kimberly E. Marinello, and Zachary E. Manifold, taken at Franklin County Board of Elections, 280 East Broad Street, Room 100, Columbus, Ohio on Saturday, November 19, 2011, at 10:01 o'clock a.m.
ATTENDEES

Ms. Suzanne Brown, Executive Assistant, Franklin County Board of Elections

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

Renee Klco, Precinct Election Officials Manager, Franklin County Board of Elections
DIRECTOR ANTHONY: I'd like to call the Franklin County Board of Elections meeting to order.

Roll call.

Kimberly Marinello?

MS. MARINELLO: Here.

DIRECTOR ANTHONY: Zachary Manifold?

MR. MANIFOLD: Here.

DIRECTOR ANTHONY: Douglas Preisse?

CHAIRMAN PREISSE: Here.

DIRECTOR ANTHONY: Michael Colley?

MR. COLLEY: Here.

DIRECTOR ANTHONY: All counted for,

Mr. Chairman.

First item on the business is to review -- we've got about six ballots that we would like for you guys to take a look at for the signatures, and so we'll bring them in and have you guys one at a time take a look at them and see what you all think about them.

MS. KLCO: This is on the registration and this is how they signed the provisional on each one,
1 if you want to take a look at those and tell me what
2 you think.
3
4 CHAIRMAN PREISSE: And so these six are in
5 question here because of the --
6
7 MS. KLCO: Signature doesn't match at all.
8
9 CHAIRMAN PREISSE: -- anomaly between here
10 and here, this being a xerox copy of the registration.
11
12 DEPUTY DIRECTOR BURD: Bill and I reviewed
13 these, I think, two days ago, and we were of the
14 mind-set that we would recommend to reject all of
15 these because we don't think the signatures match at
16 all, but we wanted to bring them to your attention so
17 that you could let us know if you had any different
18 thoughts on it.
19
20 CHAIRMAN PREISSE: Why don't I give them to
21 you and then we can pass them down, if everybody wants
22 to look at them. We're comparing to this.
23
24 DIRECTOR ANTHONY: You want to do them one
25 at a time, or do you want to look at all of them and
26 then do them?
27
28 CHAIRMAN PREISSE: Well, I guess we could do
29 that. I think that makes sense. Yeah, let's look at
30 them one at a time. You saw that one. I saw it.
31
32 DIRECTOR ANTHONY: So this first one was
who?

MS. MARINELLO: Antoinette Horton.

DIRECTOR ANTHONY: Antoinette Corton?

MS. MARINELLO: Horton.

DIRECTOR ANTHONY: H-o -- spell it for me.

MS. MARINELLO: Like Horton Hears a Who, H-o-r-t-o-n.

DIRECTOR ANTHONY: Okay. What's the will of the Board? Has everybody seen this one? What's the will of the Board on this one? Does it match?

MR. MANIFOLD: I don't think it matches.

DIRECTOR ANTHONY: So how do we do that? So all those -- how would we do that?

CHAIRMAN PREISSE: What's our -- we -- do we have to make a motion?

DEPUTY DIRECTOR BURD: We were going to make -- what we were going to do is have you review them all and then just make a motion to reject them all, if you agreed with our assessment they should be rejected. If you didn't agree with that, then we could do it one by one.

CHAIRMAN PREISSE: Why don't we do that, and then if any board member wishes to pull one out --

DEPUTY DIRECTOR BURD: We can handle that.
CHAIRMAN PREISSE: -- for separate consideration. Does that make sense?

MS. MARINELLO: Yeah.

DIRECTOR ANTHONY: And then we just lump them in, all the ones that are rejected then?

DEPUTY DIRECTOR BURD: Uh-huh.

DIRECTOR ANTHONY: All right. I just made it complicated; didn't I?

MS. MARINELLO: You tried.

MR. COLLEY: Where does this go?

DEPUTY DIRECTOR BURD: Down to Zack and Kim.

DIRECTOR ANTHONY: There was six of those; right?

MS. MARINELLO: Uh-huh.

DIRECTOR ANTHONY: Okay.

(Board members reviewing documents.)

DIRECTOR ANTHONY: That was that.

CHAIRMAN PREISSE: Yeah. Any member of the Board want to comment on those six that we just reviewed?

MS. MARINELLO: They were pretty clearly --

CHAIRMAN PREISSE: I concur that there's great differences between the signatures in each of those.
MR. MANIFOLD: I agree.

DIRECTOR ANTHONY: So do you do a motion, then, for those, or do we lump them all up into --

DEPUTY DIRECTOR BURD: The second motion for the total numbers includes -- is prepared as if we were going to reject those six, so we can make a motion to reject those six --

DIRECTOR ANTHONY: Okay.

DEPUTY DIRECTOR BURD: -- and then the second motion will stay the same.

DIRECTOR ANTHONY: All right. We'll entertain that motion if anyone wants to make it.

MR. MANIFOLD: Mr. Chairman, I move that the board reject as invalid the six ballots reviewed for having non-genuine signatures.

MR. COLLEY: Second.

DIRECTOR ANTHONY: All those in favor, say aye.

THE BOARD: Aye.

DIRECTOR ANTHONY: Then the rest of them I could -- we probably should have Renee come up and go through the columns and say why they were not accepted as ballots.

Did we take a vote?
DEPUTY DIRECTOR BURD: Yeah, we did.

DIRECTOR ANTHONY: Oh, okay.

MS. KLCO: We had 548 ballots where the voter was not registered anywhere in Ohio; 349 where the voter voted in the wrong precinct; 66 voters failed to provide any identification; 24 did not sign the form; 46 did not print their name on the form, which is a requirement; and 19 voted absentee, 15 of them had incomplete forms that we couldn't process at all.

CHAIRMAN PREISSE: You skipped that six number, but just --

MS. KLCO: And we just went over the six.

CHAIRMAN PREISSE: Those were the ones we just rejected --

MS. KLCO: Yes.

CHAIRMAN PREISSE: -- where we voted on non-matching; right?

MS. KLCO: Correct.

CHAIRMAN PREISSE: So we minus that six out at 1,058?

DEPUTY DIRECTOR BURD: No, I think that we would keep it in, because this motion was just the total.
DIRECTOR ANTHONY: Okay.

DEPUTY DIRECTOR BURD: I think the first motion was just to solidify that the Board looked at those and agreed that they should be rejected. And then I think that it's okay to keep them in the total number of rejected ballots for our final motion.

That's my take on it.

DIRECTOR ANTHONY: All right. That's fine. And how many times do you go over these?

MS. KLCO: Two to three times.

DIRECTOR ANTHONY: Okay. And we also -- on the ones that we had in question, we reached out to the Secretary of State's Office and got an opinion on all of them before we ended up not accepting them.

DEPUTY DIRECTOR BURD: Yeah, we had, I think, six categories that we wanted clarification on, and we have written documentation on the response from the legal counsel in the Secretary of State's Office on all of those, so we feel pretty good that we had clarification on everything.

DIRECTOR ANTHONY: So we feel pretty confident we counted everything that we can legally count; and that those that we can't, we cannot legally count them.
DEPUTY DIRECTOR BURD: This would be a validity rate of 89.7 percent. Just for comparison, last year it was 91 percent, so it's fairly consistent with what we saw last year in terms of the number we were able to count -- or the percentage we were able to count.

DIRECTOR ANTHONY: Any questions of Renee? Any other ones you guys need to ask?

CHAIRMAN PREISSE: Not for me.

MS. MARINELLO: Not for me.

Mr. Chairman, I move that the Board accept the staff recommendation for the validation of 9,232 and rejection of 1,058 provisional ballots as submitted.

DIRECTOR ANTHONY: Is there a second?

MR. COLLEY: Second.

DIRECTOR ANTHONY: All those in favor, say aye.

THE BOARD: Aye.

DIRECTOR ANTHONY: All right. That's all we had to do today. Tomorrow --

DEPUTY DIRECTOR BURD: Yeah, I was going to say, we'll be opening these ballots on Monday and then the remaining absentees are still to be opened and
tabulated as well. And our plan is to certify Tuesday here at three to make the results official.

DIRECTOR ANTHONY: Okay.

DEPUTY DIRECTOR BURD: Appreciate you coming in on Saturday.

DIRECTOR ANTHONY: Is there a motion to adjourn? Unless there's something else you guys want to talk about. Is there a motion to adjourn?

MR. MANIFOLD: Move to adjourn.

DIRECTOR ANTHONY: Second?

MR. COLLEY: Second.

DIRECTOR ANTHONY: We stand adjourned.

Thank you for taking your Saturday.

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Thereupon, the proceedings were concluded at 10:19 o'clock a.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 22nd day of November, 2011.

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

CRYSTAL SIMPSON
Certified Digital Transcriber
EXHIBIT O
FRANKLIN COUNTY BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO

IN RE: Special Meeting

Proceedings before Chairman Douglas J. Preisse; Director William A. Anthony, Junior; Deputy Director Matt M. Damschroder; and Board Members Zachary B. Manifold and Kimberly E. Marinello; taken at the Franklin County Board of Elections, 280 East Broad Street, Columbus, Ohio, on Friday, November 19, 2010, at 3:12 o'clock p.m.
APPEARANCES:
Franklin County Board of Elections
373 South High Street
Thirteenth Floor
Columbus, Ohio 43215
By Mr. Anthony E. Palmer, Junior
Franklin County Prosecuting
Attorney's Office,
On behalf of the Department.

ALSO PRESENT:
Suzanne Brown, Secretary
Renee Klco - Manager, Voter Services
Ben Piscitelli - Media Relations
Charles Traylor - Liaison
DIRECTOR ANTHONY: I would like to call
the Franklin County Board of Elections meeting to
order. I'll do a roll call.

Kim Marinello?

BOARD MEMBER MARINELLO: Here.

DIRECTOR ANTHONY: Zachary Manifold?

BOARD MEMBER MANIFOLD: Here.

DIRECTOR ANTHONY: Doug Preisse?

CHAIRMAN PREISSE: Here.

DIRECTOR ANTHONY: All right. Mike
Colley?

DEPUTY DIRECTOR DAMSCHRODER:

Mr. Colley is out of the state today.

DIRECTOR ANTHONY: Oh, okay.

DEPUTY DIRECTOR DAMSCHRODER: I'm going
to be joining us.

DIRECTOR ANTHONY: So we do have a
quorum.

The first order of business is the
approval of the minutes from the last meeting.

BOARD MEMBER MARINELLO: Mr. Chairman,
I move that the minutes of the meeting of the Board held on November 1st, 2010, be approved as admitted.

DIRECTOR ANTHONY: Is there a second?

BOARD MEMBER MANIFOLD: Second.

DIRECTOR ANTHONY: All those in favor say aye?

BOARD MEMBERS: Aye.

DIRECTOR ANTHONY: The next item is the provisional ballots. Matt, did you want to talk about that?

DEPUTY DIRECTOR DAMSCHRODER: Sure. We have four motions for the Board to consider. The first three are kind of categories that are -- the staff considers to be exceptions from the normally accepted rules of validating provisionals that require a little bit of review.

The normally accepted categories would be, for instance, return of voter absentee ballot and voted a provisional as well so that provisional wouldn't count, et cetera, not a registered voter.

So the first category is a -- is a series of 83 provisional ballots where the provisional ballot was cast in the wrong precinct.
as evidenced by the name of the precinct written on
the envelope by the poll worker and/or the ballot
style and contained inside the envelope, but the
ballot was the -- the provisional ballot was cast
in the correct voting location, so it's the right
church, wrong pew issue.

Under the directive issued by the
Secretary of State earlier this year following the
Neoch consent order, the Secretary of State has
indicated that we're not permitted to invalidate a
provisional ballot that is in this right church,
wrong pew category if the error is attributable to
a poll worker mistake.

Unfortunately, the Court in its
infinite wisdom did not decide to define what poll
worker error is, and there is no evidence before
this Board, or at least the staff, that any of
these provisionals are the result of provisional --
or of poll worker error. There is also no evidence
before the Board that it isn't a result of poll
worker error.

Even before the Neoch decision, this
Board has taken a very broad approach in favor of
voter and franchise and have counted such ballots,
and so even though other counties are interpreting
the directive to say that because there's no
evidence -- there's no affirmative evidence that
there was poll worker error and rejecting those
ballots, our staff recommendation is that we go
ahead and count those ballots.

BOARD MEMBER MARINELLO: What would be
an example of a voter error in that? How could
they do that wrong?

DEPUTY DIRECTOR DAMSCHRODER: In
particularly -- and part of the reason why we do it
in this county is because with our consolidated
voting location approach where there's a single
table and a single set of poll workers assigned to
the task of provisional ballots for all the
precincts in a location, it would be pretty
difficult in this county to conceive of a situation
where it would be a voter error.

But, again, there's -- there's --
absent of a definition of poll worker error from
the Secretary of State or the Court, there's no
evidence before the Board that there is or there
isn't, so we're just giving our unique practices
here taking the guess that it is poll worker error,
although it might not be.

BOARD MEMBER MANIFOLD: How are we
doing overall with the past year results, and it
looks like we're looking at somewhere -- 90 percent
acceptance.

And, in particular, how about the -- I
know it was contentious before, I think the printed
name on the envelope? I think we had that issue in
the past. Is that down? That looks like it's
pretty far down, I think, from maybe what it was in
the past.

DEPUTY DIRECTOR DAMSCHRODER: I'll let
Renee speak to it a little bit, also, but I think
it's this; Franklin County has traditionally, among
our sister urban counties, had a higher rate of
validation of provisionals than, again, our sister
urban counties, and I think this is even higher
than we've seen in the past.

MS. KLCO: This is the highest we've
had for accepting provisional ballots. The one
category that went down considerably is voting in
the wrong precinct, at 5.66 percent, and all the
other county categories were down as well, and I
attribute a lot of that to the intense poll worker
training.

DEPUTY DIRECTOR DAMSCHRODER: So if you see Mary Hackett or Barcey McNeal, let them know that their work is paying off in terms of poll worker training.

I think the new training manual, the new approach to training that Mary and Barcey put together this summer, I think has really helped, so if you see them, give them our thanks.

BOARD MEMBER MANIFOLD: Do we -- after the election, this election, do we, like -- I'd assume that we do -- do we take these, like -- do we look for certain areas or locations where there's issues or possibly there's, like, a spike, like, you know, maybe the presiding judge of that location isn't?

MS. KLCO: And we report the location, and I would -- whether or not it's the paper ballot judge or the roster judge who's sending people to the wrong places, we report all those to Mary Hackett so she can deal with that poll worker that she sees -- sees fit:

We also read all the problems and
BEFORE THE

FRANKLIN COUNTY BOARD OF ELECTIONS

IN RE: Special Meeting

Proceedings before Chairman Douglas J. Preisse, Board Members William A. Anthony, Jr., Michael F. Colley and Kimberly E. Marinello, Director Michael Stinziano, and Deputy Director Matthew Damschroder, taken at the Franklin County Board of Elections, 280 East Broad Street, Columbus, Ohio, on Friday, November 14, 2008, at 4:53 o'clock p.m.

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RUNFOLA REPORTERS & VIDEOGRAPHERS 888-576-DEPO COURT REPORTING...WE'VE MADE A SCIENCE OF IT!
APPEARANCES:

Mr. Ron O'Brien
Assistant Prosecuting Attorney
Franklin County Prosecutor's Office
373 South High Street
13th Floor
Columbus, Ohio 43215

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown, Clerk
<table>
<thead>
<tr>
<th>Agenda Item</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplemental Procedures for Processing Provisional Ballots</td>
<td>4</td>
</tr>
<tr>
<td>Referral of Possible Voter Fraud Cases to the Prosecuting Attorney</td>
<td>34</td>
</tr>
</tbody>
</table>
PROCEDINGS

CHAIRMAN PREISSE: It appears that we have a full complement of Board members here, so why don't we call this meeting to order.

MR. STINZIANO: Roll call. Mr. Colley?

MR. COLLEY: Here.

MR. STINZIANO: Chairman Preisse?

CHAIRMAN PREISSE: Here.

MR. STINZIANO: Mr. Anthony?

MR. ANTHONY: Here.

MR. STINZIANO: Ms. Marinello?

MS. MARINELLO: Here.

MR. STINZIANO: This is the Franklin County Board of Elections Special Meeting for Friday, November 14th, 2008.

The first item on the agenda is regarding supplemental procedures for the processing of provisional ballots. We have several categories that the staff would like guidance on from the Board in terms of
clarification and how we should process them.

The first regards the individuals
who had mistakenly been designated a
three-voter on Election Day. It's the staff's
recommendation, those individuals that we can
determine should not have been designated a
three not be processed as provisional ballots
but treated as regular ballots.

CHAIRMAN PREISSE: Okay. And do we
know how many voters this affects?

MR. STINZIANO: I don't think we got
a final count, but I believe it was less than
-- it was around 50 to 75.

CHAIRMAN PREISSE: Okay. Do you
want to make a motion?

MR. ANTHONY: I think that's a good
thing.

Mr. Chair, I move that the Board
process as regular Election Day ballots the
provisional ballots cast by individuals who
were mistakenly designated in the Election Day
poll book as having had their registration
notice by the Board of Elections returned as
undeliverable, thus improperly requiring them
to vote a provisional ballot.

MR. COLLEY: Second.

CHAIRMAN PREISSE: Do we have any discussion or questions by the Board members or input from our legal counsel on this matter?

MR. O'BRIEN: I think that based on our research and discussion with both the staff and the Board, it's our advice that you vote yes on Mr. Anthony's motion.

CHAIRMAN PREISSE: Are there any questions?

(No audible response.)

MR. CHAIRMAN PREISSE: We have a motion and a second.

MR. STINZIANO: Do a vote. All in favor?

MEMBERS: Aye.

CHAIRMAN PREISSE: None opposed.

The second category are those individuals who the staff can determine requested a regular paper ballot by their signing of the poll book or providing other information on the provisional ballot.
envelope; for example, that they wrote "This
is a regular ballot" but for whatever reason
the poll workers put in a yellow provisional
envelope. It is the staff's recommendation
that those ballots be treated as a regular
ballots and not processed as provisional.

MR. ANTHONY: Mr. Chair, I move that
the Board process as regular Election Day
ballots those provisional ballots of
individuals who staff can determine requested
a single paper ballot by the signing in the
poll book or other information provided to the
provisional ballot envelope or whose ballot
was placed in a provisional ballot envelope.

MR. COLLEY: Second.

CHAIRMAN PREISSE: We have a motion
and a second. And I think this is a fairly
limited occurrence, and we are endeavoring to
correct this limited occurrence. Do we have
any questions of the Board or commentary or
advice from counsel?

MR. O'BRIEN: Yes. We talked to
both Mr. Damschroder and Mr. Stinziano and,
again, as counsel for the Board would indicate
we think that Mr. Anthony's motion should be voted yes.

MR. STINZIANO: All in favor?

MEMBERS: Aye.

MR. STINZIANO: None opposed.

The next category of individuals are those that contain a signature but not a written name on the provisional ballot envelope. We provided samples of the envelopes. It would be in step 1, there's no printed name but there is a signature at the bottom in step 1.

MR. O'BRIEN: I think those of us that read the newspaper are aware this is the subject of a lawsuit in the Ohio Supreme Court, a writ of mandamus against the Secretary, and the Board itself is named a party. Mr. Piccininni from our office, who regularly represents the Board, entered an appearance in that case.

This morning, Secretary of State filed a motion to remove that from the Ohio Supreme Court to the United States Federal Court here in Columbus. It was initially
assigned to Judge Frost, who agreed to have it consolidated to a pending case with Judge Marbley, and Judge Marbley has ordered us, attorneys for the plaintiffs, and the Secretary of State's office, represented by Mr. Cogly, who typically handles these election matters, to his office at 9 a.m. in the morning.

So in an unusual Saturday morning court proceeding in federal court, these issues are going to be discussed and could be the subject of either a writ or an injunction by Monday.

So it's my suggestion that the Board, since it has absentee ballots to count, overseas ballots to count, military ballots to count, that you defer deciding anything with respect to provisional ballots because they're the subject of a lawsuit, and although you're not enjoined right here as we sit in this room today, I think it would be ill-advised to move forward on this with those lawsuits pending.

MS. MARINELLO: Any idea how many of those we're talking about?
MR. STINZIANO: We do not have a count as of now. We had asked the question of the Secretary of State prior, and they had suggested -- or they said that they must be counted. And I think you've seen Brian Chin's explanation on that. But we do not have a count for any of these; they're just categories.

MS. MARINELLO: Okay.

CHAIRMAN PREISSE: Well, my concern is that we are aware that the rules of the game may or may not be changing, but there's at least a significant chance that they may, so I'm not sure we're well advised to make the next play when the rules may be about to change. I think I hear counsel saying that in more eloquent terms than my layman verbiage.

But do we have any other comments on the pending motion, which hasn't been made yet, before you make it?

MR. ANTHONY: Well, thank you, so much, Mr. Chair. I certainly do respect the opinion of our legal counsel, which I certainly appreciate and respect, but I'm
under the impression that we should proceed
with this anyway, and whatever happens in the
court happens and we're protected either --
and we are ready to either -- we don't have to
come back and meet and talk on it, so I'm
going to make a motion that we proceed with
this and then at least see what happens with
it.

I move that the Board proceed with
processing and deem as valid those provisional
ballots that contain the signature of a voter
but not the written name of the voter, if the
staff can determine the person to be a
qualified elector of the state who voted in
the correct precinct and the person was not
required to provide additional information to
the Board.

MS. MARINELLO: Second.

CHAIRMAN PREISSE: We have a motion
and a second. Is there any discussion?

I believe, in reviewing the statute,
that this is one of those places where it's
pretty crystal clear, at least to my eyes and
mind, that this is a clearly stated
deficiency, which under the law and current procedure would disqualify this provisional ballot. Am I off base there?

MR. DAMSCHRODER: That's certainly my view, having reviewed the statute, that it's very clear that the name and signature of the voter is required by the statute in order for it to be considered a provisional ballot eligible to be counted.

MR. STINZIANO: I think we thought there was some gray area with the Directive, and that's why we asked the Secretary of State's office for clarification. Their guidance was to proceed with processing them.

MR. ANTHONY: Mr. Chair, part of the reason I'm doing this is, I really believe that there's -- and I understand it's to be decided by the courts, maybe, or it may be decided by the Secretary of State, but based on her -- the e-mail we received not too long ago, and based on my own beliefs also, as well, that just because the person forgot to sign their name on there does not make it a fatal ballot, and we should make every effort
we can to count every ballot that was cast on
Election Day and not just throw the ballots
out because of a deficiency that isn't, in my
determination, that fatal.

So that's why I'm moving to put this
out there, so that we can at least make an
attempt to count every ballot that was cast on
Election Day.

CHAIRMAN PREISSE: Well, my concern
with that, Mr. Chairman, is that the advice
from the Secretary of State came in the form
of an e-mail, not a Directive or a more
substantial communication.

MR. ANTHONY: I understand.

MR. O'BRIEN: I might add, then, Mr.
Chairman, the Secretary of State is not

counsel for this Board. Mr. Piccininni
previously gave advice to counsel of this
Board. The regional counsel for the Secretary
of State is not the counsel for this Board,
either. Our office, by statute, passed by the
General Assembly, is your attorney.

And in the first instance, we
suggested it's ill-advised to try to proceed
on this. 

But secondly, if you are going to proceed on it, it would be our suggestion that you follow our advice and vote no, simply because that's consistent with what the Secretary of State says as recently as last March 31st in writing to this Board.

Number two, there's been an apparent flip-flop recently on that advice from the Secretary of State's office that's the subject of this lawsuit, and the cause of this lawsuit, I might add, that it would seem to me that the statute says a signature and the written name of the voter.

The last time I looked at a dictionary and the last time I looked at the courts' decisions, the word "and" is something that's called conjunctive; it means both of the items are to be considered together. Not disjunctive; they use the word "or" when you intend it to be a signature or a handwritten notation.

So both the case law and the Ohio Revised Code has a specific provision on that
matter, and so at least it would be my
suggestion and recommendation to the Board, as
your lawyer, that you vote no on this and
would so recommend.

CHAIRMAN PREISSE: We've had
substantial discussion on this point. Is
there any more?

(No audible response.)

CHAIRMAN PREISSE: Let's have a
vote.

MR. STINZIANO: Mr. Colley?

MR. COLLEY: No.

MR. STINZIANO: Chairman Preisse?

CHAIRMAN PREISSE: No.

MR. STINZIANO: Mr. Anthony?

MR. ANTHONY: Yes.

MR. STINZIANO: Ms. Marinello?

MS. MARINELLO: Yes.

MR. STINZIANO: The next category
are those individuals then in step 1 on the
provisional ballot form. In this situation,
they printed their name at the top but there
is no signature. Again, there is a gray area.
We asked for clarification from the Secretary
of State's office, and they said these should also be counted if we can show that they voted in the correct precinct and they're a qualified elector and they were not required to provide additional information to the Board.

MR. ANTHONY: Mr. Chair.

CHAIRMAN PREISSE: Are you going to do it again?

MR. ANTHONY: I'm going to do it again. And I know I'll be not following the advice of our counsel --

MR. O'BRIEN: Well, he followed it twice.

(Laughter.)

MR. ANTHONY: I'm kind of obstinate at times, and this would be one of those times.

Again, I believe that it is not a fatal flaw, and I believe that the intent of the voter -- that we should be looking at trying process as many of these as we can to allow as many folks to be able to vote as possible and not deny folks the right to vote.
So, Mr. Chair, I move that the Board proceed with processing and deem as valid those provisional ballots that contain the names of the voter but not the voter's signature, if the staff can determine the person to be a qualified elector of the state who voted in the correct precinct and the person was not required to provide additional information to the Board.

MS. MARINELLO: Second.

CHAIRMAN PREISSE: We have a motion and a second. Are there any comments, questions by the Board, or input from our counsel? And we may have just heard that already.

MR. O'BRIEN: Well, I think this is even more blatant than the previous one, and I say that because the voter's signature is not on the provisional ballot.

When people circulate petitions to put people on the ballot, they have to sign their name. The circulator has to sign their name. When they register to vote, they have to sign their name. You have their signature
in the poll book to compare.

All election documents require the signature of the voter to be effective, and there's a reason for that. There's a warning there that says what you're signing is subject to election falsification, subject to prosecution for voter fraud. And as we all know, and I think you have a motion on the agenda later, there was voter fraud in this county during this election cycle.

So what you're doing is saying that the signature that is to be placed on the provisional ballot that has the warning regarding election falsification, that that's not necessary to count the ballot. And I think that is very bad policy, first; but secondly, how are you going to compare the signature if you don't have -- with the poll book, if you don't have the signature of the person who presented himself to vote?

So I just don't know legally or from a policy standpoint how you can vote anything other than no, and I think this is a different issue than the previous one that the Board
just considered and split on. And I don't
want to speak for staff, but I'd ask the Board
to ask staff what their view is on it.

    CHAIRMAN PREISSE: Staff, we would
like to hear from you.

    MR. DAMSCHRODER: From the Deputy
Director's standpoint, I think it's for all
the reasons Ron mentioned but also that the
letter of the law, when it comes to the
qualifications for a provisional ballot to be
counted, that signature is a requirement.

    MR. ANTHONY: Mr. Chair, part of the
other reason why -- you know, this was a very
important election that we just went through,
and the person filling out this document here,
and looking at it and we have a poll worker
also there and the poll worker, part of that
responsibility is to kind of review this
document to make sure that everything is put
out properly.

    And so in some of those cases, and
maybe many or all of those cases, it may be
more deemed to be poll worker error than a
person's intent to defraud. So I don't
believe that those that we will be counting
would fall into the category as election
fraud. I would put it under the category as
it not being checked, it not being checked by
our poll workers, and we should not deny the
folks a right to vote because of that error.
And that's why I made the motion.

CHAIRMAN PREISSE: I appreciate your
comments. You opened by commenting on the
importance, a very important election, and I
don't disagree, and congratulations to the
victors high and low.

But the importance of the election
should not dictate to us compliance, pretty
standard compliance with very clear election
law, which again I reviewed, and I don't think
it could be written any clearer than this, the
lack of a signature, which is such a common
device used in everyday official proceedings
that is so clear in the statute, that it would
disqualify this document.

If there is no other commentary, we
can perhaps call a vote on this matter.

MR. STINZIANO: A roll call vote.
1 Mr. Colley?

2 MR. COLLEY: Vote no.

3 MR. STINZIANO: Chairman Preisse?

4 CHAIRMAN PREISSE: No.

5 MR. STINZIANO: Mr. Anthony?

6 MR. ANTHONY: Yes.

7 MR. STINZIANO: Ms. Marinello?

8 MS. MARINELLO: Yes.

9 MR. STINZIANO: We have a tie vote.

10 The next category are individuals on

11 the form that printed their name and signed

12 but not necessarily in the places in step 1.

13 In the vast majority of the cases, that

14 occurred in the affirmation at the bottom of

15 step 2.

16 Again, we asked the Secretary of

17 State's office for their interpretation. They

18 felt that if it was on the form, then that

19 would be sufficient, as long as we can

20 determine they are properly registered, voted

21 in the right precinct, and they didn't have to

22 show any more additional identification.

23 MR. ANTHONY: Mr. Chair, I have a

24 feeling we're not going to agree on this one
either, but I move that the Board proceed with
processing and deem as valid those provisional
ballots that contain the voter's name and/or
signature on the provisional ballot envelope
but not necessarily in the proper designated
place on the provisional ballot envelope, if
staff can determine the person to be a
qualified elector of the state who voted in
the correct precinct and the person was not
required to provide additional information to
the Board.

MS. MARINELLO: Second.

CHAIRMAN PREISSE: We have a motion
and a second. Any discussion or further
counsel?

MR. O'BRIEN: At least I think this,
I would suggest again, this would permit --
and if you have one of these forms and hold it
up and look at it, that would purport to say
that if someone prints their name anywhere on
that item, they're not signing the
affirmation, they're not signing who they are,
you're not signing the voter information,
nothing subject to election falsification,
then I could show up and print Bill Anthony's name on a form and you're saying that would be acceptable.

And that's just not the law and it's not what the statutes provide for, and I don't know how you can vote yes on that.

CHAIRMAN PREISSE: Any other comments or input?

(No audible response.)

CHAIRMAN PREISSE: Okay. We have a motion on the floor here.

MR. STINZIANO: Roll call vote. Mr. Colley?

MR. COLLEY: No.

MR. STINZIANO: Chairman Preisse?

CHAIRMAN PREISSE: No.

MR. STINZIANO: Mr. Anthony?

MR. ANTHONY: Yes.

MR. STINZIANO: Ms. Marinello?

MS. MARINELLO: Yes.

MR. STINZIANO: Another tie vote.

The next category, staff was made aware of at least one situation where the poll worker told an individual that they were in
the correct precinct. That individual cast a
provisional ballot and subsequently called our
office and learned that they were not in a
proper precinct.

In terms of reading Directive 101
and 103, where poll worker error seems to be
the concern, we thought it was worth having
the Board weigh in on whether or not they
thought they should also be processed as a
provisional ballot that's fatally flawed or if
it could be processed normally.

Typically, if they're in the wrong
precinct, we would agree it's fatally flawed,
but if there is poll worker error, and that is
the theme of the day, that seems to be the
concern that this is the case where it was
documented clearly as poll worker error.

MR. ANTHONY: Mr. Chair.
CHAIRMAN PREISSE: Yes.

MR. ANTHONY: You know, I had an
opportunity to visit a number of polling
places on Election Day, and I witnessed this
happen firsthand.

I saw a woman that was in the right
precinct but her driver's license had a
different address on it, and they told her to
go to another precinct. And she went to the
other precinct, and when she went to the other
precinct they had her in the books there, but
she said, I don't live here. And so they
said, well, you can vote here.

And then she was smart enough to
come back to the precinct that she was at, but
had she not come back, she would have voted in
the wrong precinct, and being directed to vote
in the wrong precinct by our poll workers. So
I see where this would be a situation that we
ought to at least take into consideration.

And with that, I move that the Board
process and deem as valid those provisional
ballots of individuals who have represented to
staff that the voter was given false
information by a poll worker, such as what is
his or her proper precinct for voting, and
thus cast a provisional ballot in the wrong
precinct.

MS. MARINELLO: I'll second that.

CHAIRMAN PREISSE: We have a motion
and a second on this matter. Do we have any questions, comments, or input from counsel down at the other end of the table conferring?

MR. O'BRIEN: I think, in this instance, if the person would come in and confirm, I don't know how the Board is getting the information that they were directed to the wrong location.

MR. STINZIANO: We were made aware of it by a poll observer. We didn't suggest the individual come in, and they have not yet, but if they did, we'd want not to just have them come in but kind of let them know, if they came in, what the process would be.

MR. O'BRIEN: I think if they came in and confirmed what the poll worker relayed, then it would seem to me that, yes, we should count their vote, because I think that is poll worker error and their vote should be counted. I think somewhat inexplicably, given the other issues, the Secretary of State's Directive says you shouldn't count that vote.

So I would say that that person, because it's our employee, directed him to the
wrong place, that we should count the vote.

MR. DAMSCHRODER: I think we
probably need some clarification then.
Because at this point, my understanding is all
we have is a written statement from an
observer and perhaps a copy of a declaration
from a voter that I don't believe was made
under oath and signed by a notary, and so I
guess if we're going to allow this to be a
category, I think the Board needs to develop
some kind of process or standard by which we
judge those, as opposed to just getting an
e-mail from an observer saying, on
such-and-such a date a person came in and a
poll worker directed them to the wrong place.

CHAIRMAN PREISSE: That sounds
reasonable to me. It falls within your --

MR. O'BRIEN: It falls within the
statute on how you should proceed, I think.

CHAIRMAN PREISSE: Well, I wonder if
it would be satisfactory to Chairman Anthony
to reconsider that motion; subsequently, we
can develop a policy and approach.

MR. ANTHONY: How come we can't vote
on it and then develop a policy?

MR. O'BRIEN: Maybe if you would

modify the motion to say that the vote should
be counted if satisfactory proof is provided
to the Board by the voter.

MR. ANTHONY: Then I will do that.

See, I don't always disagree with you, Ron.

What Ron said.

CHAIRMAN PREISSE: What would
satisfactory proof constitute? Any opinion?

MR. STINZIANO: I think a statement
from the poll worker that that incident did
occur and a statement from the voter that the
incident occurred, I think that would show
that said incident was truthful and that it
was properly then recorded, that they did tell
that individual to stay and vote and the voter
did that, and then that the voter learned
afterwards that they were given improper
information and there was a poll worker error
there.

CHAIRMAN PREISSE: I wonder if that
statement would require something so drastic
as a signature from the voter.
(Laughter.)

CHAIRMAN PREISSE: Should we have the motion read as amended so we know what we're voting on? Who's our scribe?

MR. DAMSCHRODER: I think we probably should do that. I don't know if the transcriptionist is able to put all of those different things together, or whether we're better off moving forward with other agenda items and maybe drafting something quickly that can be in the form of a substitute amendment, Mr. Anthony.

MR. ANTHONY: So what was the verbiage you had used?

MR. O'BRIEN: I think if you just tack on to the end of the existing motion "provided that sufficient evidence is presented to the Board from the poll worker and the voter."

MR. ANTHONY: Then I'd like to amend my motion to include "provided that sufficient evidence is provided by the poll worker and the voter." So is there a second for my amendment?
MS. MARINELLO: I second it.

MR. ANTHONY: So the whole motion is -- should we read it back?

MR. DAMSCHRODER: I think we have the sense.

MR. ANTHONY: Okay, then.

CHAIRMAN PREISSE: All right. Any further discussion?

MR. STINZIANO: Roll call?

CHAIRMAN PREISSE: I think that sounds sufficient. No, I don't think we need a roll call.

MR. STINZIANO: Okay. All in favor?

MEMBERS: Aye.

MR. STINZIANO: Any opposed? (No audible response.)

MR. STINZIANO: Motion passes.

The last category are individuals with provisional ballot envelopes that contain no identification verification, which would be your category 3 -- or category 2.

MR. DAMSCHRODER: From step 2.

MR. STINZIANO: From step 2, there's nothing checked in that box. There is a
printed name, a signature, but no forms of
identification documentation.

Again, contacted the Secretary of
State's office and it was their recommendation
that if a person is qualified elector of the
state who voted in the correct precinct and
they were not required to provide the
additional form, that we go ahead and process
them as valid.

CHAIRMAN PREISSE: All right.

MR. ANTHONY: Mr. Chair, I move that
the Board proceed with processing and deem as
valid those provisional ballots' envelopes
that contained no identification verification
on the provisional ballot such as the last
four digits of the Social Security number or
Ohio driver's license number, et cetera, if
the staff can determine the person to be a
qualified elector of the state who voted in
the correct precinct and the person was
required to provide additional information to
the Board.

MS. MARINELLO: Second.

CHAIRMAN PREISSE: Well, okay. I
have some thoughts about this one, but I
wonder if counsel wants to precede those with
any thoughts about this amazing motion, in my
mind.

MR. O'BRIEN: The only observation I
would make is the statute imposes a mandatory
duty on the voter to put that information on
the document, and in the absence of the voter
fulfilling their duty, that it should not be
acceptable. I mean, it's not the poll worker
error.

CHAIRMAN PREISSE: And as I
understand our statutes, in addition to that,
if the voter fails to or consciously chooses
not to, he or she may visit the Board within
ten days and provide further information.

And with respect, Mr. Chairman, your
motion would appear to say it's okay to do one
and, also, you don't have to comply with the
law and do the second piece which was
permitted previously. So you can guess how
I'm going to vote, I think. Any other --

MR. STINZIANO: I think again it's
the interpretation of reading Directive 101
and 103, with poll worker error, that there's
responsibility to the poll worker that there
is a reason it's not checked, and the
interpretation, as I understood it, was that
it's the poll worker's fault, not the voter's
fault.

MR. ANTHONY: And not to be
redundant, one of the things that I think we
all should be trying to do is, if the person,
after we've checked all the other information
out, if they are a qualified elector and
they're given a precinct where they voted,
that we should let them vote. And that's my
stance. So are we ready to vote on this?

MR. STINZIANO: Are you ready for a
vote?

CHAIRMAN PREISSE: Mm-hmm.

MR. ANTHONY: I am.

MR. STINZIANO: Mr. Colley?

MR. COLLEY: No.

MR. STINZIANO: Chairman Preisse?

CHAIRMAN PREISSE: No.

MR. STINZIANO: Mr. Anthony?

MR. ANTHONY: Yes.
MR. STINZIANO: Ms. Marinello?

MS. MARINELLO: Yes.

MR. STINZIANO: Those are all the categories that we desire to present before the Board, four of which have resulted in tie votes, three of which have passed.

CHAIRMAN PREISSE: Okay. Then I'm going to move that as certain of the preceding motions regarding the categories with provisional ballots that resulted in a tie vote shall be submitted to the Ohio Secretary of State pursuant to Section 3501.11, paragraph 10, of the Ohio Revised Code.

The Chairman asks that both sides of the issue submit their rationale for voting for or against the motions to the Director not later than noon on Tuesday, November 18th, 2008, so that the Director may submit the matter in controversy to the Ohio Secretary of State on Tuesday, November 18th, 2008.

MR. STINZIANO: The next item on the agenda is referral of possible voter fraud cases to the prosecuting attorney.

MR. DAMSCHRODER: We do have six
individual cases right now that are prepared
to go to the prosecuting attorney's office
that range from illegal registration of voting
to double voting, and so we would recommend
that the Board authorize the Director and
myself to forward these six instances on to
the prosecuting attorney for further
investigation and, if necessary, prosecution.

MR. STINZIANO: In addition, I think
it's also written there, there are other broad
categories that we are working on, and those
be persons voting in more than one county,
persons voting or attempting to vote who are
not citizens, fraudulent registrations and
absentee ballot applications, and persons
registering and voting who are in Ohio only on
a temporary basis and did not meet the
residential requirements.

So right now, we have six suggested,
but that's kind of the universe of cases we
are looking at.

MR. ANTHONY: Mr. Chair, I move that
the Board, per the recommendation of the
Director and Deputy Director, refer possible
voter fraud cases to the prosecuting attorney for further action.

MR. COLLEY: Second.

CHAIRMAN PREISSE: Any discussion?

MR. O'BRIEN: The only thing I would add, Mr. Chairman, is that we have been working with Mr. Stinziano and Mr. Damschroder probably back two weeks before the election.

When matters came to the Board's attention, they discussed them with our office, and we did look into some and resolved some apparent problems, and that precluded some votes being cast that would have been improper, and I think it was that effort that was successful and prevented it, but there are others that were not prevented and some cases that we've seen fraud using P.O. boxes for multiple applications and things of that nature.

So I would recommend that you approve it, and I appreciate the Board's cooperation to date on it.

CHAIRMAN PREISSE: And we appreciate the prosecutor's able work and the cooperation
of our professional staff and yours on this
very, very important matter of voter fraud.
Any time anybody is voting who shouldn't be
voting, they're cancelling out the vote of
someone who has voted properly.

I think we're ready for a vote.

MR. STINZIANO: Okay. All in favor?

MEMBERS: Aye.

MR. STINZIANO: No opposed.
The last item is the staff's
recommendation that the Board move into
executive session to consider the appointment,
employment, dismissal, discipline, or demotion
of an employee.

MS. MARINELLO: Mr. Chairman, I move
that the Board adjourn into executive session
to consider the appointment, employment,
dismissal, discipline, or demotion of a public
employee.

MR. COLLEY: Second.

MR. STINZIANO: Do a roll call vote.

Mr. Colley?

MR. COLLEY: Yes.

MR. STINZIANO: Chairman Preisse?
CHAIRMAN PREISSE: Yes.

MR. STINZIANO: Mr. Anthony?

MR. ANTHONY: Yes.

MR. STINZIANO: Ms. Marinello?

MS. MARINELLO: Yes.

MR. STINZIANO: We are in executive session.

Thereupon, the Board entered into executive session at 5:30 o'clock p.m.

MR. ANTHONY: I'd like to move that the Board come out of executive session. No motions were made, no votes were taken, and no consensus were reached.

MS. MARINELLO: Second that.

MR. STINZIANO: Mr. Colley?

MR. COLLEY: Yes.

MR. STINZIANO: Chairman Preisse?

CHAIRMAN PREISSE: Yes.

MR. STINZIANO: Mr. Anthony?

MR. ANTHONY: Yes.

MR. STINZIANO: Ms. Marinello?

MS. MARINELLO: Yes.
MR. STINZIANO: Out of executive session.

MR. ANTHONY: Mr. Chair, I'd like to make a motion for Erin Sellers to continue on paid administrative leave through November 25th, 2008, at which time the Board will hold an employment hearing in executive session.

CHAIRMAN PREISSE: Is there a second?

MS. MARINELLO: Second.

MR. DAMSCHRODER: Do a roll call vote.

MR. STINZIANO: Mr. Colley?

MR. COLLEY: Yes.

MR. STINZIANO: Chairman Preisse?

CHAIRMAN PREISSE: I'm going to abstain.

MR. STINZIANO: Mr. Anthony?

MR. ANTHONY: Yes.

MR. STINZIANO: Ms. Marinello?

MS. MARINELLO: Yes.

MR. STINZIANO: And those are all the items we have for this special meeting.

MR. ANTHONY: Mr. Chair, I move that
we adjourn.

CHAIRMAN PREISSE: Do we have a second?

MS. MARINELLO: Second that.

MR. STINZIANO: All in favor.

MEMBERS: Aye.

MR. STINZIANO: None opposed.

Meeting adjourned.

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Thereupon, the proceedings were concluded at 5:39 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 17th day of
November 2008.

MICHELLE K. SALINAS
Certified Digital Reporter
Notary Public - State of Ohio.
My commission expires July 10, 2013.

DONNA J. BELLOUS
Certified Digital Transcriber
HAMILTON COUNTY BOARD OF ELECTIONS
APRIL 25, 2012 BOARD MEETING
824 BROADWAY, THIRD FLOOR
COMMENCING AT 10:00 A.M.

APPEARANCES:
TIMOTHY M. BURKE, CHAIRMAN
CALEB FAUX
CHARLES H. GERHARDT, III
DAVID T. STEVENSON
ALEX M. TRIANTAFILOU
AMY Searcy, Director
SALLY KRISEL, Deputy Director

MORNING SESSION, April 25, 2012
CHAIRMAN BURKE: We will call this meeting of the Hamilton County Board of Elections to order. Notice has been given as required under the Ohio Sunshine Act. The minutes of the April 17th meeting were distributed, folks had the opportunity to suggest corrections to them. We have got a version of the minutes that has now been distributed. Are there any comments or corrections to the minutes?

MR. TRIANTAFILOU: I'll move we approve the minutes.

MR. FAUX: I'll second.

CHAIRMAN BURKE: All those in favor signify by saying aye.

MR. GERHARDT: Aye.

MR. TRIANTAFILOU: Aye.

MR. FAUX: Aye.

CHAIRMAN BURKE: Opposed?

The minutes are approved.

We're back to considering pending litigation and compliance with the Federal Court Order, and we have a number of documents in front of us.

MS. SEARCY: You have quite a number of documents in front of you. Most of these have been sent to you electronically, so you could look at them over the weekend. The only things that haven't are the ones that are additional since the weekend, particularly, poll worker questionnaires that were returned.

MS. SEARCY: If I can work backwards, just so you know what's in your packet. You're going to see a list of the poll workers who were contacted as the Board directed us to do.

CHAIRMAN BURKE: Is that this document?

MS. SEARCY: Yes, Mr. Burke. That is the document with those names and addresses of those poll workers, and that would be referencing Spreadsheet Number 4, Federal Court Order, that the NEOCH voters who did not properly complete the application that their investigation be done.

CHAIRMAN BURKE: And when you say Spreadsheet Number 4?

MS. SEARCY: At the front of the spreadsheet also is a summary.

CHAIRMAN BURKE: Let me just make sure I have Spreadsheet Number 4. This document?

MS. SEARCY: That is Spreadsheet Number 4. You will see a list of poll workers who were contacted. You will also have your copies of those provisional ballot envelopes with the information. You will also have your copies of the returned, completed questionnaires. And for your further information I have a copy here of the letter that was sent to the poll workers, and also showing that stamped return envelope was included with every letter.

We have, as you will see, at least one spreadsheet returned representing every polling location --
and honest election was done in 2010.
And I sit here today concerned
that that is not the case. That we are
being compelled to count ballots that
weren't appropriately cast. And whether
it changes the outcome of this election
or not is irrelevant to me. We are
embarking on something that has never
been done before in Ohio, and I think
that it is a dangerous precedent.
I hope we don't look back on this
today in the future and recall that,
what a colossal mistake has been made
in terms of how we conduct elections;
not only here in Hamilton County, but in
the State of Ohio. And I just caution
everybody to remember what's happened
and what impact it may have on the
future. I hope it doesn't, but I
suspect at some time it will, so --
CHAIRMAN BURKE: I did not
anticipate that we were going to
continue to debate all of this today,
but let me be very brief. I thought we
were here today to bring ourselves in

compliance with the Federal Court Order,
and that's certainly my intention.
I would point out that there was,
as we all know, a very lengthy trial
during which Judge Drott took evidence,
presented by both the plaintiffs and by
our counsel, and following that trial,
she issued a decision and an order which
some of us like, some of us apparently
do not like. Some supported requesting
a stay of that order and pursued that
stay with the 6th Circuit Court of
Appeals, both by the trial court and the
6th Circuit Court of Appeals the stay
was denied. We now have a Federal Court
Order to comply with.

There is a motion pending, and
that is in part designed to comply with
the Court's Order, that's to approve the
opening of these 13 envelopes indicated
on Spreadsheet Number 3. Is there any
other discussion on that motion?
Those in favor signify by saying
aye.
MR. GERHARDT: Aye.

MR. TRIANTAFILOU: Aye.
MR. FAUX: Aye.
CHAIRMAN BURKE: Aye. Opposed?
The motion carries.
MS. SEARCY: So, if you're
tallying, that's now 13 added to the 16.
CHAIRMAN BURKE: Do we have --
MR. FAUX: Yes, we do have
this -- can somebody explain again what
we're --
CHAIRMAN BURKE: This is Envelope
9672.
MR. TRIANTAFILOU: So, we're
moving back to Spreadsheet Number 1.
CHAIRMAN BURKE: Correct.
MR. TRIANTAFILOU: And this is
Ballot Number P-9672. On the
spreadsheet it's identified by Ballot
Number 78 on the Spreadsheet Number 1?
CHAIRMAN BURKE: From the
explanation we have from Mr. Stevenson,
it appears that the voter put on the
envelope an address that the poll worker
tested was the poll worker's address,
as opposed to the voter's address?

MR. STEVENSON: That's correct.
MR. FAUX: Here's the question, I
guess I have. The poll worker -- I
mean, the voter should have been writing
both their previous and current address
on this envelope; is that right?
MR. STEVENSON: That's my
understanding, yes.
MR. FAUX: How would the voter
have known what the poll worker's
address was --
MR. STEVENSON: That's a mystery.
MR. FAUX: -- without the poll
worker having told them?
MR. STEVENSON: Caleb, I cannot
explain how that ballot happened. I can
only tell you what the testimony was and
I can tell you -- what I said was, I
cannot explain how this ballot came to
have a poll worker's address instead of
the voter's address on here. And I
don't believe anybody else really can
accurately explain it either.
I can only tell you what -- we
raised that issue, and because of the
testimony in the trial -- and I can tell
you that Judge Dott specifically
referred that ballot in denying the
stay, indicating that we're only to
count otherwise valid ballots consistent
with her other orders.

MR. FAUX: In other words, she,
herself, stated no view on the validity
of this ballot or lack there of?

MR. STEVENSON: I am not sure I
would agree necessarily with that. I
think what she said was that we're to
make a decision with it, and I don't
think she's going to require us to count
it in the future.

MR. TRIANTAFILOU: I want to just
point out that the color of ink used by
the voter was black, and then the color
of ink used by the voter presumably was
in blue.

CHAIRMAN BURKE: By the poll
worker you mean in blue?

MR. TRIANTAFILOU: I'm sorry, by
the poll worker was in blue. So for
whatever that is worth, the ink colors

are different. So if there's some
belief that maybe the poll worker
accidently filled out the address for
the voter, that's --

MR. FAUX: That's not -- that's
not what I'm saying.

MR. TRIANTAFILOU: Again, there's
two different colors of ink, and I just
want that to be part of the record.

MR. STEVENSON: Is there a good
explanation for this? Do we have
theories on how this happened? I can't
give you that. I can tell you what the
poll worker said about that address on
that envelope.

MR. FAUX: Okay. And what did
the poll worker say?

MR. STEVENSON: That's my address
and she doesn't live with me.

MR. FAUX: But she offered no
explanation as to how the voter would
have known the poll worker's address?

MR. STEVENSON: I think that's a
fair statement, yes. The poll worker
did not offer any other explanation.

MR. FAUX: Do we know what the
correct address of this voter is?
MR. STEVENSON: No.

MR. FAUX: Is the former address
correct?

MR. STEVENSON: I don't know.

MR. FAUX: Has anybody looked?

MR. STEVENSON: I don't know that
it matters.

MR. FAUX: Well, I think it does
matter. If the voter put the poll
worker's address down here, I have a
hard time concluding anything other than
the poll worker gave that voter that
address.

MR. STEVENSON: I think there's
other explanations for it.

MR. FAUX: Such as?

MR. STEVENSON: It's a fraudulent
vote.

MR. FAUX: Pardon?

MR. STEVENSON: It's a fraudulent
vote?

MR. FAUX: Explain that to me.

MR. STEVENSON: Somebody else
filled out the ballot -- somebody else
filled out the ballot envelope. There's
a lot of explanations, Caleb, we don't
need to go into them.

MR. FAUX: I am not sure I follow
what you were just suggesting.

MR. STEVENSON: I'm suggesting
the same thing you are. There was some
kind of error and you view it one way
and I view it another. I'm just telling
you what the testimony was at trial, and
what Judge Dott said about that
specific ballot.

MR. FAUX: Well, the question
here is, was there poll worker error.

MR. STEVENSON: And the answer to
that is probably no, because the poll
worker who signed the ballot said that's
my address, and that woman doesn't live
with me. In fact, the evidence was
fairly strong that I didn't make a
mistake on this one.

MR. FAUX: So, how did the voter
know the poll worker's address?

MR. STEVENSON: You got me.
MR. FAUX: Other than the poll worker told the voter.

MR. STEVENSON: I don't know you can make that statement, Caleb. I'm certainly not going to make it.

CHAIRMAN BURKE: Is there a motion with regard to P-9672?

MR. TRIANTAFILOU: Before we do that, can I suggest that we -- I am not sure where you all are. I'm prepared to vote and follow the order -- well, let me back up.

I don't mean to get in the way of your proposing we make a motion, but are there any others in this Court Order Number 1 that are at issue that need further discussion?

MS. SEARCY: No, sir.

MR. TRIANTAFILOU: So, it's just that one?

MS. SEARCY: Yes, sir.

MR. TRIANTAFILOU: The rest of the group, the recommendation by counsel, I think probably by staff, although I don't want to put you in that situation, is that we need to vote to count these ballots pursuant to the court order; is that right?

MR. STEVENSON: I think that's a fair statement, yeah.

MR. TRIANTAFILOU: So I guess all I would say is I'm prepared to make a motion we count all of them except for P-9672 -- and you're nodding, so I appreciate that. And what I'll do, I'll go ahead and make a motion that we -- and, again, I think you all know how I feel about this, my intention here is to follow the order. I don't like it, but I nevertheless will make the motion that we count these ballots that are indicated in the spreadsheet that's labeled Court Order Number 1, except for the ballot on line 7-8, that is P-9672.

That's my motion.

MR. FAUX: I will second the motion.

CHAIRMAN BURKE: There is a second.

The motion is made and seconded.

I would just point out for everybody's benefit that that would be an additional 253 envelopes that are opened and the ballots in them counted.

Is there any further discussion on the motion?

MR. TRIANTAFILOU: Can I just be clear, I think that what's going to happen is we are going to -- we're voting to remake these, just to be specific, not to count them yet. I think, don't we vote to count the Remakes later?

CHAIRMAN BURKE: Yes, correct.

MR. FAUX: Assuming there are Remakes.

CHAIRMAN BURKE: Well, they will all -- and I got corrected on this earlier this week by staff. Because all of these ballots that we are going to offer as to count now, were counted in the wrong -- were originally cast in the wrong precinct. They all have to be remade for the correct precinct before they can be counted.

MR. FAUX: Okay.

MR. TRIANTAFILOU: And then those Remakes we will be voting on Friday?

MS. SEARCY: Friday.

MR. TRIANTAFILOU: Got it.

CHAIRMAN BURKE: Well, with that understanding, then I think we have a motion that would authorize the opening of the envelopes for these 253 envelopes, the ballots being removed, ultimately being remade.

MS. SEARCY: Remade.

CHAIRMAN BURKE: And that's the spirit in which all of this is being done today.

MS. SEARCY: Yes.

MR. TRIANTAFILOU: Again, I am not belaboring this, I know we debated plenty. I made the motion. I'm gonna vote for the motion. I think we're voting to count illegal ballots under Ohio law. I think we're putting ourselves in a delicate situation with the Ohio Supreme Court decision, which I read last night.
We're doing this simply because we're ordered to do it. I continue to believe that what we're doing is a violation of Ohio law, but we are being ordered to do it. It is my fervent hope somehow an Appeal's Court somewhere will finally see the chaos created in this process and put it to an end. Nevertheless, I am prepared to cast my vote.

CHAIRMAN BURKE: All those in favor of the motion signify by saying aye.

MR. GERHARDT: Aye.

MR. TRIANTAFILOU: Aye.

MR. FAUX: Aye.

CHAIRMAN BURKE: Aye. Motion passed.

MS. SEARCY: Just to clarify, you have now 16 plus 13 plus 253.

CHAIRMAN BURKE: Correct.

MR. TRIANTAFILOU: Do we need to do anything, what I'll call the 978 ballot, or do we just leave that one alone? Or do we need to --

MS. SEARCY: It is.

CHAIRMAN BURKE: Yes.

Spreadsheet Number 4 are the nine NEOCH ballots we discussed earlier in the meeting, and the one NEOCH ballot that we voted to reject last July.

MR. FAUX: Mr. Chair, in the instance of these nine ballots -- actually ten, including the one that we had previously voted on, I would move that we reject these ballots.

MR. TRIANTAFILOU: I'll second the motion.

CHAIRMAN BURKE: Any discussion?

Those in favor of the motion signify by saying aye.

MR. GERHARDT: Aye.

MR. TRIANTAFILOU: Aye.

MR. FAUX: Aye.

CHAIRMAN BURKE: Opposed?

Motion carries.

We are now at Spreadsheet Number 5.

MS. SEARCY: Spreadsheet Number 5 is the final spreadsheet. They are miscellaneous, so I ask the Board be patient. The first three have already been reviewed by the Board and voted on.

CHAIRMAN BURKE: Wait a minute.

Looking at the spreadsheet --

MS. SEARCY: Well, I'm looking at the summary, but I will --

MR. STEVENSON: It's 2 through 4. MS. SEARCY: I'm sorry. Number 2 through 4 have been addressed by this Board on 7/12 of '11. Two of them the Board has already voted yes to accept; one the Board voted no.

CHAIRMAN BURKE: And just to be clear, these three were envelopes that were discovered in an ongoing review of our equipment --

MS. SEARCY: Supplies.

CHAIRMAN BURKE: -- supply bags?

MS. SEARCY: That's exactly correct.

CHAIRMAN BURKE: And Number 2 on this list, Provisional ID-10547, was rejected because there was a defect in the envelope, other than the fact that
HAMilton COUNTY BOARD OF ELECTIONS
REGULAR MEETING HELD MARCH 19, 2012

The meeting of the Hamilton County Board of Elections was called to order at 8:00 a.m. by Chairman Burke. Present were Members Mr. Triantafilou, Mr. Faux and Mr. Gerhardt. Also present were Director Amy Searcy, Deputy Director Sally Krisel and Assistant Hamilton County Prosecutor David Stevenson.

Chairman Burke noted that the notice of the meeting was duly provided as required by O.R.C. 121.22.

I. APPROVAL OF THE MINUTES FROM THE MARCH 5 & 6, 2012 BOARD MEETING

Mr. Faux made a motion to approve the minutes from the March 5th and 6th Board Meetings; Mr. Gerhardt seconded. Chairman Burke-aye; Mr. Triantafilou-aye; Mr. Faux-aye; Mr. Gerhardt-aye. The motion carried.

II. PROVISIONAL BALLOT REPORT

The Board was provided a Summary Report of Staff Recommendation on the March 6, 2012 Election Provisional Ballots (Copy attached). The total number of Provisional Ballots issued was 1,272.

The total number of Provisional Ballot envelopes staff recommended eligible to have the ballots contained in them be counted was 1,014. Mr. Gerhardt made a motion to accept the staff recommendation to count these ballots; Mr. Faux seconded. Motion passed unanimously.

The total number of Provisional Ballot envelopes staff recommended for rejection of the ballots contained in them was 258. Director Searcy reminded the Board of the new provisional envelope being used. Director Searcy also informed the Board of staff communication with the Prosecutor’s Office and the Secretary of State with regard to the approval/rejection process of ballots. Director Searcy indicated the recommendations made by the Secretary of State were made pursuant to
SOS Directives. Every recommendation by the SOS is included in the BOE staff report (i.e.: those approved are included in the approved report and those rejected are included in the rejected report).

The Board proceeded to consider ballot envelopes in the categories that caused the recommendations for rejection:

1. **Not Registered (114):**
   Mr. Triantafilou made a motion to reject these ballots; Mr. Faux seconded. Motion passed unanimously.

2. **Voted in Wrong County (10):**
   Mr. Gerhardt made a motion to reject these ballots; Mr. Triantafilou seconded. Motion passed unanimously.

3. **No Identification (2):**
   Mr. Triantafilou made a motion to reject these ballots; Mr. Faux seconded. Motion passed unanimously.

4. **No Signature (25):**
   Mr. Triantafilou made a motion to reject these ballots; Mr. Faux seconded. Motion passed unanimously.

5. **Signature Mismatch (1):**
   Chairman Burke asked to see this Provisional Envelope. Director Searcy presented the envelope and it was explained that the voter used a new name but did not complete the change of name affidavit. It was further explained that this was “example #10” provided to the SOS and the recommendation of the SOS was not to count this ballot. There being no further discussion on this ballot, Mr. Triantafilou made a motion to reject this ballot; Mr. Gerhardt seconded. Motion passed unanimously.

6. **Voted Absentee (9):**
   Mr. Gerhardt made a motion to reject these ballots; Mr. Faux seconded. Motion passed unanimously.
7. Voted after 7:30pm (1):
   Deputy Director Krisel provided explanation of this situation. The voter arrived at the polling location after 7:30pm. Chairman Burke and Mr. Triantafilou questioned the time and it was reported that the time on the eScan when the voter arrived at the polling location was 7:31pm; the voter had not yet been processed. The poll worker was instructed to allow the voter to cast a provisional ballot. Deputy Director Krisel reported that the voter would be given voter credit for this ballot however the ballot is recommended for rejection because the voter did not arrive until after 7:30pm. Mr. Gerhardt made a motion to reject this ballot; Mr. Triantafilou seconded. Motion passed unanimously.

8. Voted Wrong Precinct (96):
The report was broken down into two categories: a) wrong location; b) right location. Chairman Burke suggests the Board act on these recommendations pursuant to the further breakdown:

   a. Wrong Precinct/Wrong Location (80):
      Mr. Triantafilou made a motion to reject these ballots: Mr. Faux seconded. Motion passed unanimously.

   b. Wrong Precinct/Right Location (16):
      Chairman Burke asked to view the ballot envelopes to see the areas where this occurred. Director Searcy presented the 16 Wrong Precinct/Right Location ballot envelopes to the Board for review.

      After reviewing the group of 16 Wrong Precinct/Right Location ballots the Board decided to set aside one ballot (P927) for further discussion. Mr. Triantafilou made a motion to reject the 15 remaining ballots; Mr. Gerhardt seconded. Mr. Burke commented that he is voting aye only because he believes he is required to do so based on current law and Secretary of State Directives pending the ultimate outcome of current litigation. Chairman Burke-aye; Mr. Triantafilou-aye; Mr. Gerhardt- aye; Mr. Faux-nay. The motion carried 3 in favor; 1 opposed.
The final ballot in the group of 16 (P927) was brought before the Board for discussion. This ballot was held from the group of 16 because it contained a note made by the poll worker. Mr. Gerhardt asked Mr. Stevenson for an opinion. Mr. Stevenson stated that the note made by the poll worker is irrelevant because this is not a NEOCH ballot. Mr. Stevenson advised the Board not to do a Poll worker error analysis on this ballot. There being no further discussion, Mr. Gerhardt made a motion to reject this ballot; Mr. Triantafilou seconded. Chairman Burke stated his objection but indicated he would vote in favor of the rejection. Chairman Burke-aye; Mr. Triantafilou-aye; Mr. Gerhardt-aye; Mr. Faux-nay. Motion carried 3 in favor; 1 opposed.

9. Ballots reviewed per NEOCH consent decree (4):
There were four ballots to be reviewed pursuant to the NEOCH consent decree:

a. Wrong Precinct/Right Location: Ballot #P177:
Poll worker indicated their mistake in the signature poll book notes pages. Mr. Faux made a motion to accept this ballot to be counted; Mr. Triantafilou seconded. Motion passed unanimously.

b. No signature or Printed name as follows:
P260: No signature
P361: No signature
P747: No printed name
Mr. Gerhardt asked if these ballots included any poll worker error. Director Searcy indicated they did not, however staff is not making any recommendations. Mr. Faux asked if there was any attempt by staff to contact the poll workers. Director Searcy indicated there was not. Chairman Burke asks Mr. Stevenson for an opinion on the Board’s obligation in this matter. Mr. Stevenson indicated the Board’s obligation under the “Painter decision” is to look at the Board documents; he further indicates that the NEOCH decree is silent on this matter. Mr. Triantafilou stated the provisional affirmation must have a printed name and signature. There being no further discussion, Mr. Gerhardt
made a motion to reject these ballots; Mr. Triantafilou seconded. Chairman Burke expressed his opinion on the envelope design relative to the signature section(s). Chairman Burke-aye; Mr. Triantafilou-aye; Mr. Gerhardt-aye; Mr. Faux-nay. Motion carried 3 in favor; 1 opposed.

A final ballot, which was held by staff for review was presented: P868. The voter provided the last four digits of their Social Security Number as Identification however the last four digits provided by the voter did not match the social security number on record with the BOE. Mr. Gerhardt asked Mr. Stevenson for an opinion regarding providing social security number as ID. Mr. Stevenson stated the number provided must be correct or it is the equivalent of no ID. Mr. Triantafilou agreed a voter must provide a correct social security number to vote. Chairman Burke asked if this ballot was presented to the SOS for review. Director Searcy replied it was not. Mr. Triantafilou made a motion to reject this ballot; Mr. Gerhardt seconded. Chairman Burke-aye; Mr. Triantafilou-aye; Mr. Gerhardt-aye; Mr. Faux-nay. Motion carried 3 in favor; 1 opposed.

III. REGISTERED VOTER CHALLENGES

The next item on the agenda was the Registered Voter Challenges. Director Searcy explained the elements of the report and spreadsheet provided to the Board. Registration Administrator Diane Goldsmith presented the report addressing the 20 voter challenges received by BOE staff:

Item 1-9 in report are voters with an “I” status and are already part of the BOE Voter Registration Maintenance program.

Item 10-20 in report are voters with an “A” status. Letters have been mailed to these voters requesting information. Staff will follow BOE procedures with respect to these voters depending upon the outcome of the letters sent.

After discussion, the Board decided to act on these challenges in two parts. Mr. Faux made a motion that voters 1-9 in the attached report be challenged in the precincts based on their “I” status in conjunction with the challenge; Mr. Triantafilou seconded. Motion passed unanimously.
Mr. Triantafilou noted that letters had been mailed to the “A” status voters (10-20) and time should be allowed to learn the results of these mailings. Mr. Triantafilou made a motion to table any action with respect to voters 10-20 in attached report until Friday; Mr. Faux seconded. Motion passed unanimously.

IV. DIRECTOR/DEPUTY DIRECTOR SALARY

Mr. Triantafilou made a motion to set the annual salary for Director Searcy at $105,499.00 and the annual salary for Deputy Director Krisel at $104,999.96; Mr. Gerhardt seconded. Motion passed unanimously.

V. BOARD OF ELECTIONS LOCATIONS UPDATE

Director Searcy reported the County received 3 proposals to review. A summary of these proposals was sent to the Board. Director Searcy and Deputy Director Krisel will be present on Tuesday, March 20, 2012 to observe the County review of the proposals. The locations of the three proposals received are:

- 7th and Elm Street
- 5500 Ridge Road
- 5445 Ridge Road

Proposal #4 would include a rehab of the BOE current location. A discussion followed of the BOE’s desire to expedite the process to the extent possible. Director Searcy indicated this item would remain in the forefront and would be an ongoing item on the Board’s future agendas.

VI. OTHER BUSINESS

Director Searcy reported the Voting Location Survey required by the Secretary of State has been completed and a copy was attached for the Board’s review.

Director Searcy informed the Board that a Post Election Audit is to be performed and will be the subject of discussion at the Friday, March 23, 2012 Board meeting.
There being no further business to come before the Board, Mr. Triantafilou made a motion to adjourn; Chairman Burke seconded. Motion passed unanimously.

APPROVED:
DATE: ________________

CHAIRMAN: DIRECTOR:

TIMOTHY M. BURKE AMY SEARCY
HAMILTON COUNTY BOARD OF ELECTIONS
SPECIAL MEETING HELD NOVEMBER 21, 2011

A special meeting of the Hamilton County Board of Elections was
called to order at 9:10 a.m. by Chairman Triantafilou. Present
were members Mr. Burke, Mr. Faux and Mr. Gerhardt. Also present
from the Hamilton County Prosecutor's office were Ms. Colleen
McCafferty and Mr. James Harper.

Chairman Triantafilou noted that the notice of the meeting was duly
provided as required by O.R.C. 121.22.

I. APPROVAL OF THE MINUTES FROM THE NOVEMBER 4
THROUGH NOVEMBER 8, 2011 BOARD MEETING

Mr. Gerhardt moved approval of the minutes from the November 4-8,
2011 Board meeting, Chairman Triantafilou seconded. Chairman
Triantafilou-aye, Mr. Burke-aye, Mr. Faux-aye and Mr. Gerhardt-aye.
The motion carried.

II. BOARD REVIEW OF PROVISIONAL BALLOTS CAST IN
THE NOVEMBER 8, GENERAL ELECTION

Mr. Faux noted the large number of provisional ballots reported Election night
and asked if staff had a chance to review these numbers. Director Krisel and Deputy
Director Searcy responded.
See the attached transcript for the full discussion of the provisional ballot
review, including specific categories for acceptance, rejection of the ballots.
Director Krisel reminded the Board that they meet tomorrow, Tuesday, November 22, 2011 at 2:30 pm. to review any absentee, un-scanned and provisional ballot remakes.

Mr. Gerhardt asked that the Board meeting scheduled for Monday, November 28, 2011, at 9:00 a.m. be moved to a later time. A Board meeting was set for Monday, November 28, 2011 at 1:30 p.m.

There being no further business to come before the Board, the meeting adjourned at 11:39 a.m.

APPROVED:

CHAIRMAN

DIRECTOR
Bring the provisional ballots out.

We put in your packet the relevant directives and advisories for reviewing. You may also have the spreadsheet. I'm just going to give you the top -- the top part is just for your own notes. This is how we are going to present the ballots in the categories at the top, that is the requirement from the Secretary's office. And as I stall for time, the report is being written, finished downstairs. Staff worked 8 to 8 all -- since the election on this, and both Saturdays to complete the review and try to have everything resolved before we bring it to you for the various precincts that we still have left to resolve. So, the actual summary sheet is being prepared downstairs with the P numbers for you. And more stalling of time. We actually used our new provisional module, both in office and on the actual voting and then on the reviewing process, which even though it took a long time to do, the staff is getting familiar with it.

We think it really produced -- is producing the statistics in a much clearer way for everybody. So, we're happy with that.

CHAIRMAN TRIANTAFILOU: Great.

MS. KRISEL: I stalled twice, Amy, do you want to say anything?

MS. SEARCY: I don't sing very well.

MR. FAUX: I do have a question while we're waiting. I have your copy from him -- a listing of provisional ballots by precinct, which I understand is not current. It's not updated.

MS. KRISEL: Probably not with what we have done -- what we did over the weekend.

MR. FAUX: But I note that there are truly dramatic swings in the number of provisional ballots from one precinct to the other. For example, Columbia C had 66 provisional ballots on election day, and Columbia E had zero. Have we done anything at all to look into why?

MS. KRISEL: I don't think those
numbers are current. We had a couple of places where the envelopes that came back and got counted and put on the report -- again the reports from election night said this is not a final report by any means.

What we found was that people put blank envelopes in with the regular envelopes, so they got counted as a count, but they weren't really --

MR. FAUX: They weren't really provisional.

MS. KRISEL: They weren't really provisional.

MS. SEARCY: Each precinct gets 50 empty provisional envelopes for their processing votes on election day. We found a couple of them, actually took the 50 empty ones and stuck them there and they all got pulled out of the ballot bags.

Again, we are trying to put these numbers to you quickly on election night. Some of them we found -- when we said 50, they were actually 50.

the provisionals were something like 7,066.

MR. FAUX: Right. And it's going to be how many?

MS. KRISEL: Our provisionals that were issued was 6,831.

MR. FAUX: We won't know as we look at these here this morning --

MS. KRISEL: Where they are from.

MR. FAUX: -- where they are from.

MR. BURKE: The election day provisions, just purely provisionals was only 6,152. The 68 I think was the 7,066 was what you had on the scan.

MS. KRISEL: But, again, the 6,831 includes all of the looking in all the boxes and everything else that we did.

MR. BURKE: Sure.

MS. KRISEL: Plus, we also did do the equipment out at the warehouse and looked underneath the scanners, found one. So, we have been trying to learn from all of those things that occurred last year to make sure we have everything we are supposed to have in the count.

This is the summary. And then the actual P number reports coming out, it's 6,796.

MR. FAUX: Again, just a matter of curiosity, we have 318 here who are rejected because they are not registered. Did we make any attempt at all to determine out of that number how many of these are people who were purged, meaning how many of these are people that were registered and then were purged --

MS. KRISEL: No.

MR. FAUX: -- for one reason or another?

MS. SEARCY: Again, not required to report to the Secretary of State. In the time we have to gather the information that has to be reported to the Secretary of State, it is not a step that we take.

MS. KRISEL: We can look at that later, but basically we did the -- you know, the staff did its own initial review. And all of these not registered are checked against everything state wide, if we find they are verified in
other counties.

    Then we also had our Registration
Department do a second look at every
nonregistered person in both places,
again to make sure that we found them
all.

    MS. SEARCY: And, again, remember
that provisional ballot envelope also
serves as a registration form. So, now
these are 318 people who will be
registered to vote in Hamilton County for
the next election.

    MR. FAUX: I see.

    MS. KRISEL: But we can look at
those 318 later.

    MR. FAUX: Yeah, I understand. You
guys worked very hard doing things that
are outside the mandatory steps. It's
not something I expect, just a matter of
curiosity.

    MS. SEARCY: Do we want to start?

    CHAIRMAN TRIANTAFILOU: Let's
please start.

    MS. KRISEL: So, we have 318 that
are not registered, and they are in this
bin. And the report that's coming up
will have the P numbers on them.

    MS. SEARCY: I do not --

    MS. KRISEL: So, we put the actual
number of them with the P numbers that
are attached to the numbers. So if you
wanted to refer to the number, not the P
number.

    MR. BURKE: The P numbers are not
in sequential order at all?

    MS. KRISEL: Correct.

    MR. BURKE: Those were given
numbers before?

    MS. KRISEL: Those come out of the
computer and goes in the order in which
we are doing them.

    MR. BURKE: I would move we reject
Envelope Numbers I through 318.

    CHAIRMAN TRIANTAFILOU: Should we
in some way -- not to get in the way of
your motion, I want to mark it as an
exhibit or something. I don't know if
they prefer that I should do it in some
official way, what do you all recommend
on that?

    MS. SEARCY: If we're consistent
with what we have done in the past, we
simply refer to P numbers. I think it's
best to --

    MR. BURKE: Except we're not going
to read all these P numbers.

    MS. KRISEL: If you refer to the

    CHAIRMAN TRIANTAFILOU: Okay. And
I guess maybe in the minutes we could --
yeah, attach them to the minutes.

Although, we have a court reporter too,
so, all right, let's not forget. We have
a court reporter, speak up, all right.

All right. So there's a motion
then that Mr. Burke has made regarding
those folks that are indicated as not
registered, if I understand it properly
on the report?

    MS. KRISEL: Umm-hmm.

    CHAIRMAN TRIANTAFILOU: And the
motion there is to reject those ballots.

    I will second that motion.

    Any discussion on rejecting those
ballots as a part of that motion?

All in favor of the motion. Aye.

    MR. GERHARDT: Aye.

    MR. FAUX: Aye.

    MR. BURKE: Aye.

    CHAIRMAN TRIANTAFILOU: It's
unanimous.

    All right. The next -- let's just
do it this way. Jump right in. Voted
Wrong Precinct is the next section. Now
I'm referring to the rejected provisional
ballots by rejection category and
Provisional Identification Number Report.
Mine's dated 11/21/2011 with a time on it
of nine o'clock and 38 seconds, a.m.

Again, we've voted four to zero to
reject the not registered portion. The
next category, the broader category is
Voted Wrong Precinct, and they are --
there are subcategories under Voted Wrong
Precinct here. I guess we will just take
those one at a time.

    And, again, we -- the record I
guess ought to reflect that we're
grapping with this issue again I
suppose. But, the first one is one that
That's Ballot Number P211.

MS. KRISEL: No, it's back in --

MS. SEARCY: It's up here

somewhere. These are not separated out.

These are by precinct. We were hoping

that we would present them as a whole as

wrong precinct. Was that on top?

MS. KRISEL: Umm-hmm.

MS. SEARCY: Okay.

MR. GERHARDT: So is staff's

recommendation that the category

identified as Voted Wrong Precinct with

the various categories underneath it be

presented as a whole, to us as a whole

with a recommendation?

MS. SEARCY: We're presenting these
categories breaking them out, but for the

fact that breaking them out for the

report and looking at them individually

they are presented to you as a category.

MR. GERHARDT: Just so I'm clear,

staff's recommendation then would be the

that all wrong precinct ballots cannot be

counted, but I will defer to the

prosecutor.

MS. MCCAFFERTY: It is our

recommendation that all of those ballots

not be counted.

CHAIRMAN TRIANTAFILOU: Why don't

make a motion and we can have a

discussion on the motion. I will make a

motion that we reject Ballots 1 through

452. The ones that were voted wrong

precint. And that does include the one

here at the Board of Elections. The

Right Location -- five Right Location

NEOCH ballots as well as the Wrong

Location ballots, which number 360 in

total. So, I will make a motion we

reject those. Do I have a second?

MR. FAUX: Second.

CHAIRMAN TRIANTAFILOU: All right.

Discussion?

MR. FAUX: Yes, Mr. Chair, I have

several questions I would like to raise

regarding that. Frankly, I would prefer

myself if, rather than vote on all of

450 ballots that were casted in the wrong

precint. That's what we're talking

about, correct?

MS. SEARCY: Umm-hmm.

MR. GERHARDT: And what is staff's

recommendation?

CHAIRMAN TRIANTAFILOU: It's 452.

MR. GERHARDT: I'm sorry, 452. I'm

looking at the number and saying that

wrong, 452. What is staff's

recommendation with respect to those 452

ballots? And that would be -- just so we

have it, that would be voted wrong

precinct as the category, and it would be

Number 1 through 452 in the category of

voted wrong precinct, correct? Those are

the ballots that we're discussing right

now?

MS. KRISEL: Correct.

MR. GERHARDT: All right. Just so

we know what we're talking about. Now,

is there a staff recommendation with

respect to those?

MS. KRISEL: It's our understanding

of the directives that we had received

these as a block, that we voted on these
categories separately and individually.

MR. BURKE: As would I.

MR. FAUX: First of all, on the

ballot that was issued here at Board of

Elections, can anybody enlighten us as to

how this voter was given the wrong

precinct ballot?

MS. KRISEL: Yes. The input the

person who logged the new address in

input the street numbers incorrectly. It

was a typographical error, and it

generated a ballot for Anderson instead

of the City of Cincinnati.

MR. FAUX: So, he was a City of

Cincinnati resident. He was changing his

address from one location inside the City

of Cincinnati to another location inside

the City of Cincinnati, and he was handed

an Anderson Township ballot.

MS. KRISEL: Correct.

MR. FAUX: And his vote will not be

counted now due to that.

MS. KRISEL: Correct.

MR. FAUX: I have a real serious
problem with that. He was deprived of his vote on those grounds.

MR. BURKE: Clearly, his vote on the Anderson Township issues shouldn't be counted; other than that, I agree with Caleb. What you're telling us is the screw up was entirely our staff's?

MS. KRISEL: Correct.

MR. FAUX: How we can justify not counting this vote under these circumstances? Please explain, how can we justify that?

MS. MCCAFFERTY: We have a clear opinion from the Ohio Supreme Court saying do not count wrong precinct ballots period. There are no exceptions within that group, except for those ballots that are considered NEOCH ballots that are subject to the decree.

MR. FAUX: That was my next subject.

MS. MCCAFFERTY: This ballot cast at the Board of Elections, as I understand it is not considered a NEOCH ballot, therefore, the clear directions from the Ohio Supreme Court as well as the Secretary of State is the ballot should not be counted.

MR. FAUX: I can't think of a clearer example of disenfranchisement. Regardless of what the Ohio Supreme Court has said, regardless of what the Ohio Legislature has said, this voter is being disenfranchised of their vote through no fault of their own.

MR. BURKE: Mr. Chairman, I would like to move to separate these ballots from the others. I will tell you after asking some questions, I'm prepared to vote to support the staff's recommendations on all of the other ballots, including the Right Church, Wrong Pew ballots, but I will have some comments on that. But I'm really struggling with this one, I prefer to separate it out.

CHAIRMAN TRIANTAFILOU: I am not familiar with the rules. I think Roberts says I have to take a vote on the motion that's on the floor.

MR. BURKE: I'm asking whether or not the Chair would accept a friendly amendment to separate this one out. You can force us to take the vote on the whole package, but I don't know why you would do that.

CHAIRMAN TRIANTAFILOU: I don't disagree. I agree with that. I'll withdraw the motion and then we can -- I'll tell you what, you want to go ahead and make the motion and we will clear it up after that. So, I'll withdraw the motion, first, for the record.

MR. BURKE: Hang on just a second. Let me ask a question before that motion. I'm inclined to support Caleb's position on this. This was our mistake. We know that it was our mistake. There's a simple solution to enfranchise this particular vote. If Caleb and I were to vote to reject the staff's recommendations, ultimately deadlock, obviously that one vote would have to be referred to the Secretary of State.

It's a vote that will have no impact on any race, as I understand it. Would the pendency of that being presented to the Secretary delay certification?

MS. MCCAFFERTY: Yes. Because you cannot count any provisional ballot until you have voted on all of them.

MR. BURKE: I am not sure, maybe I didn't explain my question correctly. We're going to vote on all of those today. Okay. When we are done, if we have a tie vote on this one ballot, we can go forward with everything else. You are saying, no, we can't, we have to stop and not count?

MS. MCCAFFERTY: You don't have three votes to accept or reject that one ballot.

MR. BURKE: I understand. What I'm trying to understand is whether or not that stops everything, because it certainly is not our intention to do that.

MS. MCCAFFERTY: Yes.

MR. BURKE: It stops what?
MS. MCCAFFERTY: It stops all of
the provisional ballots from being
counted.

MR. BURKE: Why?
MS. MCCAFFERTY: It's under clear
guidance from the Secretary of State. I
think the directive may be in here.

CHAIRMAN TRIANTAFILOU: I thought
it was also in the statute, as I recall
from last year. The same reason we're
still sitting on 850 rather than having
pieced them out in 2010.

MS. KRISSEL: Section 5 in Directive
2010-96. On page 3.

CHAIRMAN TRIANTAFILOU: Section 5?

MS. MCCAFFERTY: Also referred to
in Ohio Revised Code 3505.183.

MR. BURKE: You guys want to make a
motion to accept that one ballot? We're
not going to hold this up, one of us is
going to vote against it.

CHAIRMAN TRIANTAFILOU: Well, I
suppose procedurally perhaps that motion
could be made to count that one, perhaps
it might not proceed to second. But I'm
going to hold it.

the Ohio Supreme Court says, we should do
it otherwise.

MR. FAUX: I didn't say that. I
said it's wrong. I didn't say --
CHAIRMAN TRIANTAFILOU: I recall
the word "regardless." We exist here to
follow the law, and that's what I'm going
to do, so --

MR. FAUX: We can also question the
law, that's what I'm doing.

CHAIRMAN TRIANTAFILOU: Not as a
board we can't.

Anyway, as to the one ballot then,
I will vote to reject it.

Do I have a second on that?
MR. FAUX: I second.

CHAIRMAN TRIANTAFILOU: Okay. All
in favor of rejecting that one ballot.

Aye.

MR. GERHARDT: Aye.
MR. FAUX: Aye.
MR. BURKE: No.

CHAIRMAN TRIANTAFILOU: All right.

So we have a three to one vote. That
vote is to be rejected.

The remaining 451 Wrong Precinct
ballots, I will renew my motion—not
renew it, I'll make a new motion to
reject the balance of the 451 Wrong
Precinct ballots.

MR. FAUX: Mr. Chair.

CHAIRMAN TRIANTAFILOU: Do I have a
second on that so we can have a
discussion on this.

MR. GERHARDT: Second.

CHAIRMAN TRIANTAFILOU: Second.

All right. As to the discussion, Mr.
Faux, go ahead.

MR. FAUX: Yes. We do have some
obligation to investigate the NEOCH
ballots as to how they took place and
whether or not any of these ballots were
cast as they were due to poll worker
error.

MR. BURKE: Are the NEOCH ballots
included in this group?

MS. KRISSEL: Some of them are. Do
you want to --

MS. SEARCY: No, the NEOCH
ballots --
MS. KRISEL: No, they are all in further review.

MR. FAUX: Okay. None of these ballots that we’re voting or discussing here —

MS. KRISEL: No.

MR. FAUX: — are NEOCH ballots?

MS. SEARCY: No.

MS. POLAND: I think you might want to clarify that based on your spreadsheet because at the top of page 3 you have Right Location-NEOCH.

MS. KRISEL: Yeah. You want to separate those. We separated these out this morning. That’s what this new sheet is. So you want to take out 88, 89, 90, 91 and 92. And then we had 12 NEOCH, so that’s five of them.

CHAIRMAN TRIANTAFILOU: Why is the recommendation that we reject those five then?

MS. KRISEL: Did you want to review those separately?

CHAIRMAN TRIANTAFILOU: My motion is that’s been seconded that we reject the 451 ballots, but there are some questions. I suppose my question would be why are those indicated as NEOCH ballots?

MS. KRISEL: For recording purposes, and for the fact that we do have under directives an advisory as the obligation to review people who use the last four digits of their social only separately and hold them to a different standard.

CHAIRMAN TRIANTAFILOU: Has that been done here?

MS. KRISEL: Yes.

MR. GERHARDT: And, Mr. Chairman Advisory 210 — excuse me, 2011-03 indicates that if it is a NEOCH ballot, then you look for poll worker error, and that the ballot can only be counted if poll worker error is shown, and it must not be presumed, it must be demonstrated. So for these five ballots, were they reviewed under the NEOCH standards then?

MS. SEARCY: They were.

MR. GERHARDT: By bipartisan teams looking at all the documentation that we have here at the Board of Elections and Dusty Rhodes, the notes on the original ballots envelopes themselves. The troubleshooter notes and the BOE staff notes.

MR. GERHARDT: And was there any evidence as determined by these bipartisan teams as to poll worker error in these five ballots?

MS. KRISEL: No.

MR. FAUX: Mr. Chair.

CHAIRMAN TRIANTAFILOU: Sir.

MR. FAUX: I think what we are hearing here regarding the standard of the investigation of this question of NEOCH ballots of poll worker error is very much reflective of what we were hearing a year ago, which is that the investigation that takes place is simply a review of paperwork to see if any poll worker makes a note of the fact that they made an error. And what we have learned rather clearly I think is when poll workers make errors, they don’t make notes to tell us that they did. So, an investigation simply looking at paperwork is no investigation at all.

So, my question is: Was any attempt made to speak with the poll workers who handled these ballots? No. So, I would reiterate my point of view, no investigation has taken place. We have no basis upon which to reject these ballots.

MR. BURKE: What is the difference between the five NEOCH ballots, Voting in the Wrong Precinct and the others that are listed — the three others that are listed as NEOCH?

MS. KRISEL: There are different categories of NEOCH. If the voter did not sign, if the voter didn’t put their printed name.

MR. BURKE: I see, okay.

MS. KRISEL: Which we learned —

MS. SEARCY: We will get to those.

MS. KRISEL: They are in the
different categories.

MR. BURKE: I see.

CHAIRMAN TRIANTAFILOU: Any further discussion on the motion to reject them?

MR. BURKE: I am going to vote to reject all of these ballots. I have said in the past, I do so with great regret with regard to the Right Church, Wrong Pew voters. I sincerely hope that we will soon have in Federal Court a decision which will provide us guidance on this, and will make it appropriate for us to count those voters who get to the right place and for one reason or another voted the wrong table.

MR. FAUX: Does the motion stand to include the five NEOCH ballots?

CHAIRMAN TRIANTAFILOU: Yes. Well, they are -- just so it's more clear, they are not -- they are ballots that the NEOCH consent decree identifies, but they are ballots that despite the fact that they are reviewed under that NEOCH standard, there's a recommendation they not be counted. So, they are not NEOCH ballots --

MR. FAUX: But, again, we do have an obligation under the NEOCH consent decree to investigate how those ballots were cast and whether or not they were precinct poll worker error involved in casting those ballots. What I heard, there has been no investigation.

CHAIRMAN TRIANTAFILOU: At this point we disagree. I heard that there has been significant investigation, review of poll worker notes, poll books, and other methods to investigate which we have done here. So it is my position that we have investigated on those five ballots, which is why I'm prepared to take a vote.

All right. There being no further discussion, all in favor of the motion to reject 451, please say aye.

CHAIRMAN TRIANTAFILOU: Aye.

MR. GERHARDT: Aye.

MR. BURKE: Aye.

CHAIRMAN TRIANTAFILOU: Opposed?

MR. FAUX: No.

CHAIRMAN TRIANTAFILOU: One no cast.

All right.

MS. SEARCY: Before you leave Wrong Precinct.

MR. FAUX: Mr. Chair, just to make clear, I concur with Mr. Burke regarding what we refer to as Right Church, Wrong Pew votes. The law, as it stands today, says that we must reject those. I agree with him that that is objectionable, but we do have some obligation to follow the law here, much as we might think that law sometimes onerous.

My no vote here has to do with NEOCH ballots. I just want to make that clear. I don't think we can vote to reject those NEOCH ballots without having adequate investigation.

CHAIRMAN TRIANTAFILOU: Good enough. Amy.

MS. SEARCY: I didn't want to interrupt. Before we leave Wrong Precinct, because of reporting purposes on the spreadsheet, we also have voted in wrong county. It's P1342, P1878, P4734 and P5587.

CHAIRMAN TRIANTAFILOU: So, kind of jump to the bottom of the summary report it looks like.

MS. SEARCY: Page 466 at the bottom, Voted Wrong County.

MR. BURKE: Why is there a subcategory called Wrong Location?

MS. SEARCY: Again, because of how it breaks down with module reporting. The provisional module -- the provisional module is very good to help us process these, but on the other hand it breaks down every single possible category, which is good, yet also difficult to sift through.

MR. BURKE: I guess what I don't understand is, why if they voted in the wrong county, why aren't all four of them wrong location?

CHAIRMAN TRIANTAFILOU: I guess a different question is, what is the difference between the two and the other two?

MS. POLAND: There is no difference
between the four of them. Basically one bipartisan team entered in the note section Wrong Location, which we only required them to do if it was voted in any multi-county. Wrong County is Wrong County. The bipartisan team made a note in the note section. MS. SEARCY: So, they are all wrong county.

MS. KRISEL: We're still learning how to generate the report from these. MR. BURKE: I move to reject Numbers 1 through 4 in category Wrong County.


category means somewhere we do not have their proper identification. So there's— that's a subset of the larger No ID category. Like if your card was returned because the mail didn't deliver it to you, you get marked that you must vote provisionally, meaning you must show ID. And so, they didn't show the ID that they were supposed to show when they went and voted. And that's part of the group that we contact to say you have ten days to bring identification down to the board. MR. FAUX: Would a voter in that category make ID requirements by providing the last four digits of social?

MS. KRISEL: They would be required to vote provisionally, and that's what they did, and they put something or nothing down. They could have put the last four digits of their social. MR. FAUX: And that would have met the requirements they had done that? MS. KRISEL: Yes. MR. BURKE: Attached to the ballot of the voter who actually listed his driver's license, or somebody wrote a driver's license in down here, are a couple other sheets, screen prints, what are these? Is that information that they provided when they registered?

MS. SEARCY: That's our registration system. MS. KRISEL: Right. We spent some time on this guy. I can't remember the specifics on him.

MR. BURKE: And how — MS. SEARCY: To answer your question, the pieces of paper that you saw were generated from our voter registration system. We attached the envelopes for your review.

MR. BURKE: That was the only one that had any — MS. SEARCY: Okay.

MR. BURKE: — attached to it. I looked through all of these, all but three have absolutely nothing in the voter ID section. I take it a passport is not a valid ID under Ohio law?
MS. KRISEL: No, not currently.

MR. GERHARDT: Yeah. It's a 90-day law, though. Was it signed by the Governor on the 27th?

MS. SEARCY: Signed by the Governor that very same evening.

MR. GERHARDT: Unless there was an emergency clause, which I don't think there was, it's a 90 day — it doesn't become effective, the law does not become effective for 90 days.

MS. KRISEL: Wasn't that in — now what we had the clarification from —

MR. FAUX: It was 224, that was cited as the reason we could not have early voting on Saturday and Monday prior to Election Day. So, from that it stands to reason that law was in effect.

CHAIRMAN TRIANTAFILOU: The Secretary issued an advisory, though, as a separate —

MS. KRISEL: Saying what was valid and what was not valid in it. Wasn't that correct? Do you have —

MS. MALLORY: I can go get it.

MR. GERHARDT: I don't know whether...

224 had an emergency clause or not. I'm just saying that if it didn't, then it doesn't become effective.

MS. KRISEL: I didn't think the passport ID was effective. They sent --

MR. FAUX: The law was effective --

MR. BURKE: I don't understand how --

MS. SEARCY: The law isn't in effect until January 20th. It's correct that voting ended at six o'clock on Friday night before Election Day; not because of the law, but because of the directive from the Secretary of State.

MS. KRISEL: He issued a clarification about what was going to be affected as part of that 224 and what wasn't — or what we would adhere to.

Can we look at Gary Todd?

MS. SEARCY: You're not supposed to say the name.

MS. KRISEL: I'm sorry. Provided an invalid driver's license.

MR. BURKE: Do we know what was invalid? Was it just a number that didn't match? I'm just trying to understand.

MS. KRISEL: I think it was expired.

MS. SEARCY: Expired.

MR. BURKE: You can't use an expired driver's license as ID.

MS. KRISEL: No, all ID has to be current.

MS. SEARCY: You can use a driver's license from another location where you lived. You have to get a new driver's license immediately when you move for voting purposes, as long you update with the BMV. But the expiration of a driver's license makes it invalid.

MR. BURKE: But you cannot use a Kentucky driver's license.

MS. POLAND: It has to be standard Ohio.

MR. BURKE: There was one other in here that the note said they were going to submit their social security number to the Board of Elections. I take it they did not do that.
MS. POLAND: We only had one voter that appeared during the ten days, and that's in with the one that's being accepted.

MR. BURKE: The two pages that were attached, are they still attached to it?

I'm okay on all of these, except I just would like to know the answer to the passport.

CHAIRMAN TRIANTAFILOU: I'm looking at the bill, it doesn't say anything about emergency.

MS. MCCAFFERTY: Somebody have Internet? It's easier than on the phone.

MS. KRISEL: Out at the front desk.

MS. SEARCY: We can use my desk.

MS. KRISEL: Did you put the passport one on top?

CHAIRMAN TRIANTAFILOU: Yes.

MR. BURKE: Do we want to pull that one aside. I'm prepared to vote on all the others while we're waiting.

MR. GERHARDT: Yes, and keep moving forward.

CHAIRMAN TRIANTAFILOU: That's fine.

MR. BURKE: I would move to reject all of the No ID ballots with the exception of --

MS. KRISEL: Number two, which is P1092.

MR. BURKE: -- with the exception of P1092.

CHAIRMAN TRIANTAFILOU: You know, for the record, I'll withdraw the previously -- well, who made that previous -- that's all right, just so --

I don't want somebody saying we're not following the rules.

Who made that previous motion, anybody remember? Motion rejecting No ID Ballots.

(Court Reporter searching notes.)

MR. BURKE: I did make a motion to reject all No ID with the exception --

CHAIRMAN TRIANTAFILOU: Got it.

Thanks, Barb.

MR. GERHARDT: Second.

CHAIRMAN TRIANTAFILOU: Any discussion?

All in favor. Aye.

MR. GERHARDT: Aye.

MR. FAUX: Aye.

MR. BURKE: Aye.

CHAIRMAN TRIANTAFILOU: There was one ballot remaining in that No ID category that our legal counsel is currently looking to see if House Bill 224 has an emergency measure or not.

MS. SEARCY: Next category. No Voter Signature on Provisional Envelope.

Fifty-five. No NEOCHs are listed.

MS. KRISEL: No, we do have some NEOCH No Signatures.

MS. SEARCY: They are not in this. CHAIRMAN TRIANTAFILOU: This is as indicated on the summary report?

MS. KRISEL: There's 51.

MR. GERHARDT: Excuse me,

Mr. Chairman.

CHAIRMAN TRIANTAFILOU: Yeah.

MR. GERHARDT: The document, this one-page summary has 49 for No ID. The multi-page document that breaks out the specific P numbers has 51. Is that -- do we just reconcile --

MR. BURKE: He has 49 No Signature.

MR. GERHARDT: I'm sorry, No Signature. Did I say No ID?

MS. SEARCY: Yeah.

MR. GERHARDT: I'm sorry, I meant No Signature. Forty-nine No Signature on the one page and 51 here. So, I assume that this larger document is the one that --

MS. KRISEL: That's correct.

MS. SEARCY: Most recent.

MR. GERHARDT: Okay.

MS. SEARCY: So, it's 51 No Signature. Not NEOCH, 52, 53, 54, 55 are No Signature. Those are not ballots.

We're going to discuss those.

CHAIRMAN TRIANTAFILOU: That number is wrong. That six is wrong, too. Just so we're clear, that six is more like four, looks like.

MR. GERHARDT: Okay.

MS. KRISEL: Yes, it's four.

MR. GERHARDT: Okay.

MS. KRISEL: And I do have the Advisory 2011-07 from the Secretary which
was issued on October 14th which talked
about 224 and the summary and what was to
be observed in it and what wasn’t to be
observed in it. And as you’ll note, he
wrote at the bottom of it what we weren’t
going to be following until it become
effective, and the passport is one of
them.

MS. SEARCY: That effective date is
January 20th.

CHAIRMAN TRIANTAFILOU: Did the
Advisory reference the effective date of
January 20th?

MS. KRISEL: Well, it’s confusing
in that it says what -- what is followed
and what you don’t follow. It was
effective on the 27th of October, then
what’s unchanged?

MS. SEARCY: My understanding is
the Secretary of State consulting with
the Ohio Attorney General’s Office --

MR. GERHARDT: So, this directive
sends a passport is not a valid form of
ID.

MS. SEARCY: It’s actually an

MR. BURKE: Aye.

CHAIRMAN TRIANTAFILOU: Any
opposed?

All right. I know at least we had
three votes on that one.

MR. FAUX: Aye.

CHAIRMAN TRIANTAFILOU: Fourth?

MR. FAUX: I do find it
interesting, however, that some parts of
that bill seem to have taken effect and
others don’t. I am not quite sure what
logic there is to show that one part
should take effect and another part
shouldn’t.

CHAIRMAN TRIANTAFILOU: Move on
the next category then, which are the
four No Signature slash --

MS. SEARCY: We’re still on --

CHAIRMAN TRIANTAFILOU: We’re
still voting on the 51?

MS. SEARCY: We’re still doing the
No Signatures. Mr. Burke is looking at
them. We separated out the NEOCH four,
we will deal with those when we deal with
the --
CHAIRMAN TRIANTAFILOU: Why is that one in the category of No Signature?

MS. POLAND: If you look at the signature where it says Signature of Voter, that's not that voter's name.

CHAIRMAN TRIANTAFILOU: Oh.

MR. BURKE: That's true, too.

Yeah, she's right.

MS. POLAND: We believe it's another poll worker. It could also be another poll worker, a relative, or -- we don't know where it came from.

MR. FAUX: Is there any chance that is somebody that came to the poll to vote and was unable to read and write and therefore had somebody assist them?

MS. SEARCY: Those forms were filed, none of those forms indicated --

MS. KRISSEL: We also checked --

CHAIRMAN TRIANTAFILOU: She's like four different people.

MS. KRISSEL: That was very confusing.

MS. SEARCY: We spent some time really on that one.

MR. BURKE: P-2679. There is confusion about the spelling of one of the last names the voter has used, but the signature of the voter does not match by name even the name that the voter has put at the top. The poll worker offers another name of the voter on the back, and the voter signed in the signature book a fourth name.

And on P2673, again, there is a signature, but the signature, the name signed by the -- as under the signature, the voter does not match the name of the voter.

And P2237, it appears that the election official actually signed where the signature of the voter should be and also on the witnessing, the election official's line. So, the voter did not sign it.

P2009, the note says George Smith

signed both envelopes. The name of the voter in this particular envelope is Betty J. Smith, and it's signed by --

MS. SEARCY: Can you strike the name?

MR. BURKE: Sure, you can strike the name.

MS. KRISSEL: The husband signed for his spouse.

MR. BURKE: Based on having looked at all of these, I would agree the voter has not signed any of these.

CHAIRMAN TRIANTAFILOU: So just so we're clear, this is still the no signature category, that's 51. We're going to deal with the four that you have identified as No Signature NEOCH separately.

MS. SEARCY: Yes, when we get to further review.

CHAIRMAN TRIANTAFILOU: So, we're kicking that category down then?

MS. SEARCY: Yeah.

MR. FAUX: Mr. Chair, I move we reject the 51 ballots indicated as No

Signature.

MR. GERHARDT: Second.

CHAIRMAN TRIANTAFILOU: Any further discussion?

All in favor?

MR. GERHARDT: Aye.

MR. FAUX: Aye.

MR. BURKE: Aye.

CHAIRMAN TRIANTAFILOU: Any opposed?

The ayes have it.

So, we're skipping the category of the four NEOCH then?

MS. SEARCY: Umm-hmm.

CHAIRMAN TRIANTAFILOU: And we're moving to Signature Mismatch?

MS. KRISSEL: Right. We have three of those.

CHAIRMAN TRIANTAFILOU: Those -- I always like to look at them.

MR. BURKE: These get identified because in fact with each provisional ballot, staff looks at what signature records we have.

MS. KRISSEL: Everything. Our teams
went through it. Our Registration Department then went specifically after them, and Amy and I rereviewed those. We look for anything that possibly matches. 

CHAIRMAN TRIANTAFILOU: I don't see anything. I'm just curious. 

All right. I'll go ahead and make a motion that we reject the three signature mismatch ballots that are presented to us. Do I have a second?

MR. BURKE: Second. 

CHAIRMAN TRIANTAFILOU: Any further discussion?

All in favor?

MR. GERHARDT: Aye. 

MR. FAUX: Aye. 

MR. BURKE: Aye. 

CHAIRMAN TRIANTAFILOU: Any opposed?

The ayes have it. 

Next category, No Printed Name. 

The summary report says 33 ballots; is that right?

MS. SEARCY: Looking first at 31. Because NEOCH No Printed Name for further review are --

MR. GERHARDT: Mr. Chairman?

CHAIRMAN TRIANTAFILOU: Huh-uh. 

MR. GERHARDT: Amy, the one-page document that we have has No Printed Name 33. Should that be 31 then?

MS. SEARCY: It should be 31, when you break it down into NEOCH versus No NEOCH. 

MR. GERHARDT: And then there are three NEOCH?

MS. SEARCY: Now we have broken down three NEOCH No Printed Name. 

MR. GERHARDT: So there are 34 total?

MS. SEARCY: Yes.

MR. KRISEL: No, I think -- I think that we're going to find that 33 and 34 are not, are typo errors. So, we should just deal with No Printed Name. 

MS. SEARCY: So Number 32, P2980 is the only NEOCH No Printed Name. 

MR. GERHARDT: So, I have -- I want to make sure I have this document. So under No Printed Name, there should be

31. And then there's one NEOCH is what you --

MS. KRISEL: Correct.

CHAIRMAN TRIANTAFILOU: But the report has three listed. 

MS. SEARCY: Because the last two are just -- cross those out. 

MS. KRISEL: We tried to do these this morning to make sure the reports match so you can look at NEOCH separately, and we didn't get a chance to --

MS. POLAND: So on the last two, P1184 and P1367 are No Printed Names, they are not NEOCHs. They are in that stack with you. The bipartisan teams entered notes in the notes field which caused it to generate. 

MS. SEARCY: If you see red ink, that's our mistake. 

MR. BURKE: One envelope has --

MR. GERHARDT: So the total would be 32 under No Printed Name?

MS. SEARCY: Yes. 

MR. GERHARDT: One of which is a NEOCH ballot. 

MS. KRISEL: Right, but we would like to take that up afterward --

MR. GERHARDT: Separately. So, we're dealing with the 31?

MS. SEARCY: Umm-hmm. 

MR. GERHARDT: Okay. I just wanted to make sure that I --

MS. SEARCY: The two that are listed under NEOCH No Printed Name, 33 and 34, are actually up on top. We do have 33 No Printed Name nonNEOCH, and one No Printed Name NEOCH, correct?

MS. KRISEL: Yes. 

MS. POLAND: The 1184 and 1367 that is listed as Numbers 33 and 34, it correctly shows up in NEOCH. They are actually No Printed Name, the voter did provide another form of ID. 

MR. GERHARDT: So, they should be up in the top. Okay. 

MS. POLAND: And they are in your stack, if you would like to review those. 

MR. GERHARDT: So, we are dealing with 33?
Thirty-three or 31?

THE SECRETARY: It's 33.

MS. KRISEL: It's 1 through 31 and then Numbers 33 through 34. A total of 33.

CHAIRMAN TRIANTAFILOU: Makes sense. I'll second that for the record.

MR. FAUX: As a point of clarification, the eight that you referred to, Mr. Burke, are people who signed the envelope with matching signature?

MR. BURKE: I did not look at the signature on those. I just looked and noted there were eight people who signed, who printed their first name, clearly did not print their full name.

MR. FAUX: Just a matter of understanding. And, Counsel, is it your opinion that somebody who signs a full signature, prints a first or last name on the print line, that ballot cannot be counted as such?

MS. MCCAFFERTY: Yes, that is my recommendation. That voter did not properly complete the affirmation which includes the printed name and --

CHAIRMAN TRIANTAFILOU: I think the same issue may have gone up to the Secretary last year. I'm drawing a blank.

MS. MCCAFFERTY: It did.

CHAIRMAN TRIANTAFILOU: And came back it had to be a full name.

MS. MCCAFFERTY: Correct.

MR. BURKE: That was the one that involved the elderly --

MS. SEARCY: Yes.

CHAIRMAN TRIANTAFILOU: All right. There's a motion on the table to reject 33. I have seconded it.

Any further discussion?

All in favor. Aye.

MR. BURKE: Aye.

MR. GERHARDT: Aye.

MR. FAUX: Aye.

CHAIRMAN TRIANTAFILOU: Next category that staff wants to deal with?

MS. KRISEL: Signature in Wrong Place. The voter signed in the wrong location.

MR. BURKE: Com'on. Well, in two cases the voter has signed right above what certainly appears to be a signature line. I got to tell you --

CHAIRMAN TRIANTAFILOU: Do we have any legal guidance on this topic, directive or advisory, anything that might tell us?

MS. MCCAFFERTY: The only thing is that the Secretary of State included that in the category of rejection on the spread sheet. But, as I understand, we have never received no legal guidance from the Secretary of State about this category.

MR. HARPER: I think you can count it. It's not completely off.

MR. GERHARDT: I'm sorry, could you state that again.

MR. HARPER: I believe you can count those. The signature is close enough to the location. It is not clearly unlawful, and I do not know any directive that says it had to be on the
marked line.

MR. GERHARDT: For all three?

CHAIRMAN TRIANTAFILELOU: Does your opinion change at all for the witnessing, the election official signed where it says Signature of Voter?

MR. BURKE: That I would think strengthens your position.

MR. FAUX: Mr. Chair, I would make a motion that we accept these three ballots.

CHAIRMAN TRIANTAFILELOU: You're voting to accept all three?

MR. FAUX: All three, yes.

MR. BURKE: I'm comfortable --

MR. FAUX: Based on the advice of Counsel.

MR. GERHARDT: Just to be clear -- Mr. Chair, you're advice is regarding -- your recommendation is regarding all three of those ballots, correct?

MR. HARPER: That is correct.

MR. GERHARDT: Okay.

CHAIRMAN TRIANTAFILELOU: Can I see the category sheet. The Secretary of State has given us a category that fits this explicit category, Rejected Ballots. So in a roundabout way is the Secretary telling us that that's a reason for rejection?

I guess what I'd say is what was there an advisory or directive about these categories? Was it just kind of sent down to us? We received these categories, I guess --

MS. KRIGEL: These are part of the official certification accounting after the election, and it only lists the categories. It doesn't list details about the -- or it lists the forms. This is one type of form we fill out.

MS. MCCAFFERTY: Is there any indication that the voter declined to complete the affirmation?

MR. FAUX: They thought they had completed it. They signed above the signature indication.

MS. KRIGEL: I don't think we have anything --

MR. FAUX: The envelope very clearly has the last name and signature of the person's last name.

CHAIRMAN TRIANTAFILELOU: May I see them again. Step 8 on the affirmation is in my opinion the most important part of the affirmation. The last sentence: I hereby declare under penalty of election falsification the above statements are true and correct to the best of my knowledge and belief.

We have two signatures here -- three signatures that don't logically fall after that, they come before that.

MS. KRIGEL: We also have a NEOCH one that's signed in the wrong location that you may want to look at at the same time.

CHAIRMAN TRIANTAFILELOU: A contract needs to be signed at its end, doesn't it? Mr. Harper, Ms. McCafferty? A contract typically is signed at the bottom of the document. I'm treating these differently under that scenario, right?

MR. HARPER: Proximity to the --

MS. POLAND: On this particular ballot, it's possible the poll worker signed in the place of a voter signature, therefore, the voter had to sign in a different location. You can't say that about the other two.

MR. HARPER: That is a question: Is the line within the proximity? Is it in relationship to the statement? It's within your discretion to accept it for its proximate location of the affirmation.

MR. BURKE: I think you should take a look at that the election official signed the line for the signature of the voter.

CHAIRMAN TRIANTAFILELOU: Again, I'm still deciding on how to vote here. Candidly, my concern is how far does this go? We start talking about proximity, this board will have to make a decision each time about where it's okay to sign it because in two circumstances the person clearly just, the voter clearly erred in not voting next to the X in the
box.

So here we are now, because the voter didn't do what they were supposed to do, we're going to get in this business of deciding how close can your signature be to where it is supposed to be. To me, it's a bit of a slippery slope, but I certainly understand the reasoning behind why we want to do it because they are close, but how close is close enough?

MR. FAUX: Mr. Chair, I think we have been told by counsel that this is within our discretion to make that determination. And it strikes me when you look at these simple common sense cases, that the voter has in their mind completed the affirmation correctly.

CHAIRMAN TRIANTAFILOU: No, common sense actually tells me the opposite. They didn't read through that important paragraph in Step 8, which to me is the most important one, and they signed above it. So, common sense tells me they signed before they read that. Again, we can — we're trying to get in the mind of the voter. But, again, my concern is not necessarily with these, but are we going to go down this road now of determining how close can you be to the box because the voter didn't do the right thing?

MS. KRISEL: NEOCH Wrong Signature is P3586.

CHAIRMAN TRIANTAFILOU: The motion was just on three. We kind of talked on the NEOCH I think after --

MR. BURKE: Just take a look at it as the directive has suggested.

CHAIRMAN TRIANTAFILOU: Got it, okay. So about the motion that's on the table right now, is this -- so it's 100 percent clear — it's the vote, it's the vote to count Ballots 5359, 934, and 6108. That's the motion. There's been a motion and a second. We're preparing to vote. All in favor?

MR. BURKE: Aye.

MR. FAUX: Aye.

CHAIRMAN TRIANTAFILOU: Aye.

MR. GERHARDT: Aye.

CHAIRMAN TRIANTAFILOU: So, we will move this. The NEOCH one, do you want us to deal with that one now, too?

MS. KRISSEL: If you want to do all NEOCH at the end before we get into further review or take it up now, whatever you would like.

CHAIRMAN TRIANTAFILOU: Amy?

MS. SEARCY: Why don't you do the NEOCH at the end. Next are Provisional Ballots. Go to AV first.

MR. FAUX: Just to be clear —

CHAIRMAN TRIANTAFILOU: You know what, guys, these should have been with those other three, Signature in the Wrong Place.

MR. FAUX: -- these are voters who basically completed the AV ballot, mailed back to board, subsequently went to the polling place on Election Day and voted a provisional ballot there as well.

MR. BURKE: And they had to vote a provisional ballot because that's what our inside poll workers -- our inside poll worker knew they voted AV and required them to vote provisionally.

MS. SEARCY: Everything was done properly. The poll worker indicated they voted absentee — at least requested an absentee ballot, and the poll worker followed —

MR. BURKE: And these folks in fact did vote AV?

MS. SEARCY: From my understanding.

MS. KRISSEL: Correct.

MS. SEARCY: It could be they just weren't sure — there's a lot of reasons why.

MR. GERHARDT: Yeah, we can't speculate about that. I'm just asking the question about — so the ten that we have here, they voted in absentee ballot, correct?

MS. SEARCY: Yes.

MR. GERHARDT: And they submitted — this is their provisional ballot as well?

MS. SEARCY: Yes.

MR. GERHARDT: What is the
difference between this and voting twice?

MS. SEARCY: I'm going to talk about that next, voted twice --

MS. KRISERL: Voted on Election Day at the precinct and then voted provisionally.

MR. GERHARDT: Oh, elsewhere.

MS. KRISERL: Right. They may have voted at their original precinct where they were in the signature poll book, and then they went to their new precinct and voted a provisional ballot.

MR. GERHARDT: Okay. So the ten we have here, these are people that voted twice, correct? Okay. Well, we will deal with these, and then I think -- is there any further investigation about these with respect to people -- there are 14 votes here where people cast two ballots, is there any -- we can discuss that separately, but I just want to make sure I understood what these ten were about. Okay.

CHAIRMAN TRIANTAFILOU: I'll go ahead and make a motion that we vote to reject the folks who voted AV, and then attempted to vote on Election Day and were given a provisional ballot envelope. There are ten of those people indicated on our summary report.

Do I have a second?

MR. FAUX: Second.

CHAIRMAN TRIANTAFILOU: Seconded by Mr. Faux.

Any further discussion on those?

All in favor of rejection? Aye.

MR. GERHARDT: Aye.

MR. BURKE: Aye.

MR. FAUX: Aye.

CHAIRMAN TRIANTAFILOU: Any opposed?

The ayes have it.

Next category is Voted Twice.

We're ready to move on?

MS. SEARCY: Yeah. Four voters who voted in their precinct on Election Day ballots scanned and counted and then provisional.

MR. BURKE: In the same place? Can these folks vote provisionally in the same place?

MS. SEARCY: I think it's a mix.

One was in the same place, the others were different, went back to the other place unsure. Again, they wanted to make sure --

MR. FAUX: That they voted in a way that got counted.

MR. GERHARDT: I don't think we should speculate why people might do things, I mean, it's just, we have no idea. All we know is that these 14 people voted twice.

MR. FAUX: So just for clarification, one of their votes has already been counted; is that correct?

MS. SEARCY: It was scanned in the precinct. It was counted, yes.

MR. FAUX: One of their votes were?

MS. SEARCY: All four voted in precinct. All of them voted in precinct and all of their ballots were scanned and counted.

MR. FAUX: And then they subsequently vote provisional ballots or somehow another way?

MS. SEARCY: Yes. And only one actually voted original ballot in the same precinct that scanned a ballot.

MR. FAUX: Okay. So here we're simply determining because they had voted in precinct and had their vote counted, there's no reason for us to count the provisional ballot.

MS. SEARCY: Correct.

MR. FAUX: Why that took place is -- I agree with Chip, it's kind of hard for us to speculate on exactly why that happened.

CHAIRMAN TRIANTAFILOU: Well, why don't we deal first with the question of whether to count the ballots.

MR. FAUX: I would move we reject these ballots.

CHAIRMAN TRIANTAFILOU: I'll second the motion.

Any further discussion?

All in favor? Aye.

MR. GERHARDT: Aye.

MR. BURKE: Aye.
MR. FAUX: Aye.
CHAIRMAN TRIANTAFILOU: Any opposed?
They aye have it.
I do -- while we're talking about it, I don't know if you need a board motion, I certainly think we should investigate these further, you know, we have done that in the past. It's not turned up anything, but I think we have an obligation to find out why people think they can try to vote twice.
It's good that we caught them, but the attempt in and of itself is problematic in my mind.

MR. FAUX: Mr. Chair, I have no problem with the idea of investigation. I do recall last year we had an instance where somebody voted in a precinct and then came here to the board and voted provisionally, and we later learned they had done so at the specific direction of board staff employees because of a split precinct. I believe it was Loveland. So, there may be very benign explanations behind what took place. I have no problem checking into it.

CHAIRMAN TRIANTAFILOU: Agree. How do we do that? Do we do a board motion to make sure those are investigated?

MS. SEARCY: Do you want to clarify -- which ones are you discussing? The ones that were provisional and AV; provisional and in precinct; both; or one or two of the categories?

CHAIRMAN TRIANTAFILOU: I think anyone who attempted to vote twice at least ought to be looked at. To me, it's all four of them.

MR. GERHARDT: Yeah. Mr. Chairman, I would vote that the 14 provisional ballots that we just dealt with, voted AV and voted twice, under those two categories, be investigated as to why they cast two ballots.

CHAIRMAN TRIANTAFILOU: So, you're suggesting those 14 be investigated?

MR. GERHARDT: Correct.

CHAIRMAN TRIANTAFILOU: The question is do we do that or refer to the

Prosecutor's Office. I think in the past -- why don't I suggest this. Why don't I suggest on those 14 we have staff do a preliminary look, and then report back to the board at some future date what your findings are. And then on those 14, we can make an individual -- we can make more of an independent recommendation as to whether or not a criminal investigation is required. Any objection as to any of that by anyone?

MR. BURKE: No.
MR. FAUX: No.
MR. GERHARDT: No.

CHAIRMAN TRIANTAFILOU: That way we're being inclusive of the 14. Okay. Do we need a motion to do that or direct staff to do that?

MR. FAUX: I'm okay with direction.
MR. BURKE: Yes.
CHAIRMAN TRIANTAFILOU: So directed. The director is being directed.

Next category, Incomplete Envelope.

MS. KRISIL: Well, those are going to be in our further review that we need you to look at. Do you want to take up the final NEOCH ones before we move on to that?

MR. BURKE: The Invalid Address also --

MS. SEARCY: Invalid Address and Incomplete Envelope are -- this is your further review stack.

CHAIRMAN TRIANTAFILOU: You all can present to us any way you think is logical.

MS. KRISIL: Okay. Let's take NEOCH. We have the Name Not Printed. We have the Voter Signed in the Wrong Spot.

MR. BURKE: Let's do them --
MS. KRISIL: Separately, okay. Name Not Printed. And that's P Number 2980.

CHAIRMAN TRIANTAFILOU: This is NEOCH because the voter provided only the last four digits of their social, correct?

MS. KRISIL: Correct.
MR. FAUX: I would note --
MR. BURKE: There's nothing in it, is there, in the envelope?
MS. KRISSEL: Oh, well -- it does feel like there's something in there. I just think they folded it in quarters. I can see a ballot.
MR. BURKE: Oh, okay.
MR. FAUX: Well, in this particular instance -- I'll pass it down the line. It seems pretty clear to me that the voter's signature is very shaky. This is a voter born in 1933. It's pretty clear from the handwriting that the poll worker filled out this envelope, and it's the poll worker who failed to print the name. And that strikes me as conclusive evidence of poll worker error right here in writing in front of us.
MR. GERHARDT: Mr. Chair, the staff recommendation for this also is that it be rejected, correct?
MS. KRISSEL: It's our understanding that we cannot count a ballot that does not have a printed name. It does fall under the category of NEOCH, so that's why it's been further reviewed, in terms of any notes that we have in house.
MR. GERHARDT: So other than this being a NEOCH ballot, it's the same as the 33 others that we dealt with under the category of No Printed Name?
MS. KRISSEL: Correct.
MR. FAUX: Mr. Chair, I request advise of counsel. It seems to me that we have a directive with respect to NEOCH ballots where we are to look at whether or not poll worker error contributed to what has created a problem here. It strikes me that we have evidence on its face right on the envelope poll worker error. How can we ignore that?
CHAIRMAN TRIANTAFILOU: I'm confused, maybe somebody can fix this. But doesn't that apply to Right Precinct, Wrong Location ballots?
MR. FAUX: No, I don't believe that's true. I believe the NEOCH directive indicates other aspects of provisional voting as well.

MR. GERHARDT: Mr. Chairman, Mr. Faux's determination aside, did Staff find any evidence of poll worker error on its face?
MS. KRISSEL: Not in the documents that we reviewed.
MR. BURKE: Did staff look at Caleb's point?
MS. KRISSEL: In contacting workers?
MR. BURKE: No. In looking at -- Caleb's point is it certainly appears that the voter is somewhat of an elderly person and the voter signature is in fact shaky, so certainly the first name is very shaky on it. And yet, the printing on all the other lines is very clear and appears to be that of a poll worker.
MS. KRISSEL: Again, I'm at a loss --
MR. BURKE: The question is: Did staff look at that issue?
MS. KRISSEL: We did look at that, yes.
CHAIRMAN TRIANTAFILOU: And what was --

MS. KRISSEL: We put it in for the board to discuss. I think it's very unclear what we are supposed to be looking at in terms of actual evidence of poll worker error, and I think we all know that.
MR. BURKE: But there is -- Caleb has a decent point. When he looks at that -- and there appears to be at very least a strong indication that someone other than the voter filled in most of the ballot because the voter has got a problem.
MS. KRISSEL: That's a decision we cannot make.
MR. FAUX: The staff?
MS. KRISSEL: Correct.
MR. FAUX: But as a board we can.
MS. MCCAFFERTY: The standard has been whether there is objective evidence of poll worker error.
MR. FAUX: I would say we have objective evidence. Very clear objective evidence.
MR. BURKE: Perhaps it could be
solved if somebody would have picked up
the phone and called the poll worker and
asked whether or not they filled out any
ballots for voters who might in fact have
a handicap.

None of us are going to try to hang
up all of these NEOCH ballots, there’s
not that many.
Caleb has made a valid point.
There’s some indication on that envelope
that another question should be asked
that can’t be answered certainly by
looking at our paper record.

MR. FAUX: The provisional envelope
is part of the paper record.

MR. BURKE: I agree with that. You
got an indication to ask another
question. It could have been filled out
by his wife, I don’t know.

CHAIRMAN TRIANTAFILOU: That’s any
concern.

MR. BURKE: I agree with that. But
at the very least, I don’t think it takes
that long to pick up the phone and call
in an instance where you have a unique

situation like that. And I know staff
has worked very hard on this stuff. I am
not trying to overburden them. It seems
to me on this one other question should
have been asked that couldn’t be answered
just for our paperwork.

MR. FAUX: It strikes me the
question that would be simple to ask is:
We have a signature of a poll worker on
that envelope. From my observation, the
handwriting on everything but the
signature is matching that of the poll
worker. So, it would have been a very
simple question to ask that poll worker:
Did you fill out this envelope. And if
the answer was, yes, and it was that poll
worker who failed to print the name, that
to me is pretty conclusive evidence of
poll worker error to this ballot being
called into question.

MS. MCCAFFERTY: I think the board
should apply the same level of review for
all of the NEOCH ballots. So based on
information you have in front you today,
you should determine whether there is
clear, demonstrated evidence of poll
worker error.

CHAIRMAN TRIANTAFILOU: Stands
clear and convincing evidence.

MR. GERHARDT: Mr. Chairman, I make
a motion to reject this ballot.

CHAIRMAN TRIANTAFILOU: All right.
So we’re clear, this is Ballot P2980.
There’s a motion to reject it. I’ll
second the motion.

MR. BURKE: I’ll vote yes.

CHAIRMAN TRIANTAFILOU: I have not
called a vote yet.

MR. BURKE: Sorry.

CHAIRMAN TRIANTAFILOU: That’s all
right. The vote is to be rejected —

MR. BURKE: The point is on this,
we don’t want to hold up certification on
a ballot that doesn’t appear to impede
have any impact on the outcome of the
election. I am voting yes.

CHAIRMAN TRIANTAFILOU: All in
favor? Aye.

MR. GERHARDT: Aye.

MR. BURKE: Yes.

MR. FAUX: No. And, again, I would
reiterate, we have been down this path
with NEOCH ballots before, whether or not
we are adequately investigating the
question of poll work error. In this
instance, I think it’s very clear there’s
evidence of poll worker error. We have
not carried that investigation through as
we are directed to do, and I really have
a problem with that. Although, I
understand Mr. Burke’s vote in a desire
not to hold up certification of this
election.

MR. BURKE: We have folks who are
going to be sworn in on December 1st, and
we need to resolve the election to the
extent we can.

CHAIRMAN TRIANTAFILOU: Next
category.

MS. KRISSEL: We’re still on NEOCH.
This is P3586. This is a voter who
signed in the wrong spot.

MR. FAUX: I would argue in this
instance we have again evidence of poll
worker error, because the poll worker has
signed where the voter was supposed to sign.

MR. BURKE: It's the same situation on the other one we did approve. Here the voter has in fact signed below the certification statement, but the poll worker signed on the line for the voter and the voter signed on the line below it, but I move to approve.

CHAIRMAN TRIANTAFILOU: There's a motion. Is there a second?

MR. FAUX: Second.

MR. GERHARDT: Counsel, but for the NEOCH aspect of this, this is the same as the other three ballots where the signature was in the wrong location but proximate to the signature line, correct?

MS. MCCAFFERTY: Yes.

MR. GERHARDT: Okay. For those reasons I agree with the motions.

CHAIRMAN TRIANTAFILOU: All right. All in favor? Aye.

MR. BURKE: Aye.

MR. GERHARDT: Aye.

MR. FAUX: Aye.

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MS. KRISEL: Yes. We have three listed there, 52, 53 and 54. Those are three, and we're adding two additional.

MS. MCCAFFERTY: Sally, I think it's confusing because there's a 55.

MS. KRISEL: Right. That's what I said. Here -- we will renumber 55 to 57.

Then the additional two NEOCH would be 55 and 56.

MR. GERHARDT: And Number 57, which is P1372, is that a separate category?

MS. KRISEL: That's one that should have been under the No Signature originally. So, we will have to vote on that separately.

MR. GERHARDT: Okay. So, it is in the category of those 51 that we have already voted on?

MS. KRISEL: Correct.

MR. GERHARDT: Okay. So, we will deal with that shortly.

CHAIRMAN TRIANTAFILOU: So I can frame the issue, the question on these ballots is whether or not there's a poll worker error for there not being a
warrant some attempt to contact the
election official and ask for some
explanation as to why this took place.
We have not done it.

CHAIRMAN TRIANTAFILOU: Any further
discussion on the motion?

MR. GERHARDT: Mr. Chair?

CHAIRMAN TRIANTAFILOU: Hub-u-

MR. GERHARDT: I'm sorry. It was
indicated that a number of these do not
have a poll worker signature on them; is
that correct?

CHAIRMAN TRIANTAFILOU: Right.

MR. GERHARDT: Counsel, I'm looking
at Directive 2010-96 that indicates that
failure of a poll worker to complete and
sign the election official verification
statement portion of that SOS Form 12B is
clear evidence of poll worker error.
Would that apply in the cases that
were referred to here? Would that be
evidence of poll worker error?

MS. MCCAFFERTY: If we do not have
a poll worker signature, it appears it
falls in the category you just read.

official verification statement that this
section of 2010-96 refers to. Is there
any -- is there any indication, Counsel,
regarding the witnessing election
official signature line?

CHAIRMAN TRIANTAFILOU: The
election's official, all they did is sign
the back. They didn't sign under the
signature of the voter line because the
voter didn't sign.

MR. GERHARDT: So according to this
directive, it's the verification
statement portion that needs to be
signed, correct; and, if not, that is
evidence of poll worker error?

MS. MCCAFFERTY: Correct.

MR. BURKE: Correct.

CHAIRMAN TRIANTAFILOU: At least under
the guidelines for the components of this
directive, that is not the case here,
correct? So the verification statement
is signed in each one of these cases,
true?

CHAIRMAN TRIANTAFILOU: Yes. As I
to them, so if you could indicate the votes --

MS. KRISEL: Sure.

MR. GERHARDT: That would be great.

MS. KRISEL: So, we do need you to look at P1372 for no signature. That was in the broader category of the 51 above it.

MR. GERHARDT: And that's not a NEOCH ballot?

MS. KRISEL: It's not NEOCH.

MR. GERHARDT: And it's the same situation as the other no signatures?

MS. KRISEL: Umm-hhm -- oh, it's no ID and no signature. Okay.

MR. GERHARDT: Mr. Chair, I would move that we reject Number 57, which is P1372.

CHAIRMAN TRIANTAFILOU: Is there a second?

MR. BURKE: Second.

CHAIRMAN TRIANTAFILOU: All right. Discussion? Go ahead, Mr. Faux.

MR. FAUX: I was going to second.

Mr. Burke beat me to it.

CHAIRMAN TRIANTAFILOU: All in favor. Aye.

MR. GERHARDT: Aye.

MR. BURKE: Aye.

MR. FAUX: Aye.

CHAIRMAN TRIANTAFILOU: Any opposed?

The ayes have it.

MR. GERHARDT: Mr. Chair.

CHAIRMAN TRIANTAFILOU: Yes.

MR. GERHARDT: That would then make the category no signature 52 ballots, correct? You were at 51 before.

MS. SEARCY: That's the category under no signature, yes.

MR. GERHARDT: No signature. So, we will have 52. Thank you.

MS. KRISEL: That's one of the cases where it has no ID and no signature, you know, where do you place it. We put it under no signature.

MS. SEARCY: These are further review that are not NEOCH ballots.

MS. KRISEL: So, we have two invalid addresses. It's actually Number 2 and 3 on your listing.

MR. GERHARDT: What happened to Number 1?

MS. KRISEL: I don't know. At this point in time, that's all I got.

MR. GERHARDT: Okay.

MS. KRISEL: I think it's -- we're tracking that. We could make no heads or tail of where to try to locate this person on 12th Street.

MR. FAUX: Could be a park bench.

MS. KRISEL: It doesn't say what it is. It's actually an address.

MR. FAUX: So this Park Avenue address doesn't exist on Park Avenue. Is that our understanding?

MS. KRISEL: Correct, yeah. We looked at all different types of possibilities for the house number.

MR. BURKE: Can I ask, on the first one is 12th Street in 6-A?

MS. SEARCY: Runs through. It's one of those streets.

MR. BURKE: I understand.
MS. KRISL: Right. The problem is it was in several different wards or precincts -- not wards but precincts.

MR. BURKE: But the note on here says: Nothing on 12th Street is in 6-A.

MS. KRISL: I don't know about that. But we personally sat down and looked through them and we found there is -- there are some in 6-A, I think. We sat down and did these on Friday. And it -- there were several precincts that went through 12th Street.

So without any other indication, we actually discussed whether that could have been the DropIn Shelter address. But without -- like, if that was the only 12th Street that was in -- if that was the only precinct 12th Street was in, that might give us a better clue.

MS. SEARCY: 12 is 6C, 6D. 6C and 6D.

MS. KRISL: So, it's not 6A.

MR. BURKE: So it doesn't run through, but this voter voted in 6A.

MS. KRISL: Correct. If that's the note down there at the bottom.

MS. SEARCY: The sticker. The sticker is 6A. It's 6A.

MR. FAUX: So, it's the wrong precinct.

MR. BURKE: Assuming they live someplace on 12th, it is the wrong precinct.

MS. KRISL: Correct.

MR. BURKE: I'm sorry, I got side tracked. What was the response to Caleb's question about the Park Avenue address? Is there no such address, is that --

MS. KRISL: There's no such number there. We looked at several where there were -- the person put like transposed numbers, or not enough numbers, or too many numbers. And if they signed in the provisional signature poll book correctly, then we could verify they just had misnumbered it. And in that case, there was nothing in the provisional pages that showed a different number on Park Avenue.

MR. BURKE: I move to reject both of these ballots.

CHAIRMAN TRIANTAFIGLIO: Second.

Any further discussion?

All in favor?

MR. FAUX: Aye.

MR. GERHARDT: Aye.

MR. BURKE: Aye.

MS. KRISL: Here is the other Wrong Precinct. Again, we could find nothing in the signature -- or that the provisional signature poll worker attached -- we could find nothing that matched this address in our file.

We actually did have a voter provisional envelope that listed the Gospel Mission as the address. And we were able to verify that address of the Gospel Mission and did count that and put that in the recommendation, or put it in recommendation to count. So, we did go through these with --

MS. SEARCY: A fine tooth crumb.

MS. KRISL: -- a lot of scrutiny, yes.

MR. BURKE: So, on this one the voter voted in 7A, Cincinnati 7A. Is the voter just off by having too many ones in the street address?

MS. KRISL: Well, we're not sure.

MR. FAUX: There's also -- looks like there's an issue with the zip code there.

MR. BURKE: Yeah.

MR. FAUX: They wrote one zip code and changed it.

MR. BURKE: But the correct zip code, if it was 7A, would be 29, isn't it?

MR. FAUX: No.

MS. KRISL: Amy, we have the book. What is the street name?

MS. SEARCY: Eagan. We made a copy.

MS. KRISL: Of the street thing, and it's attached.

MS. SEARCY: Printed it.

MR. BURKE: This says 1115 Eagan Court. And Eagan Court -- why isn't that right? Am I reading something wrong?
CHAIRMAN TRIANTAFILOU: No, the zip is 29.
MR. BURKE: Is the only problem with the address it should have said 29 instead of --
MS. KRISEL: What precinct is that in?
MR. BURKE: 7A. And this is 7A.
MS. KRISEL: I don't know without looking at it again.
No -- yeah, because they put 1115.
MR. BURKE: Right.
MS. KRISEL: 115 is 7A.
MR. BURKE: Look at the --
MS. KRISEL: Oops. We went through that over and over.
MS. SEARCY: We looked at that over and over.
MS. KRISEL: I thought it was something else.
MS. SEARCY: Wasn't there something else on that one?
MS. KRISEL: No, you're right.
CHAIRMAN TRIANTAFILOU: Do you want to look at it just to be sure?

MR. GERHARDT: Is there only one of these, Sally?
MS. KRISEL: No, there are two.
They are the two that are listed.
MR. FAUX: Is this voter in fact a registered voter?
MS. KRISEL: We can't -- I don't think we can totally identify him.
MR. BURKE: You can't read that signature?
MS. KRISEL: We tried. The problem is that there were other ones that were just as funny in the same place.
MR. BURKE: No address, no identification.
MS. SEARCY: They didn't give us a lot of clues, no.
MR. BURKE: Reject.
CHAIRMAN TRIANTAFILOU: Second motion.

Any further discussion?
All in favor? Aye.
MR. FAUX: Aye.
MR. BURKE: Aye.
MR. GERHARDT: Aye.

MS. SEARCY: Yeah.
CHAIRMAN TRIANTAFILOU: The zip says 15. The zip would be wrong --
MS. SEARCY: The zip is 29.
CHAIRMAN TRIANTAFILOU: -- according to the green book.
MS. KRISEL: We wouldn't bounce it for a zip.
MR. BURKE: I move we approve this ballot.
MR. FAUX: I'll second.
MS. KRISEL: P726.
MS. SEARCY: It was not originally rejected by the team. It was just asked for us to further review.
CHAIRMAN TRIANTAFILOU: All right.
Any further discussion? Good catch.
All in favor. Aye.
MR. BURKE: Aye.
MR. GERHARDT: Aye.
MR. FAUX: Aye.
CHAIRMAN TRIANTAFILOU: Any opposed?
The ayes have it.
MS. KRISEL: Incomplete Envelope.

MS. SEARCY: What was that P Number?
CHAIRMAN TRIANTAFILOU: 6544.
MS. KRISEL: This is 6850, another Invalid -- or Incomplete.
MR. BURKE: There's absolutely nothing on here but the poll worker signature. I move to reject.
CHAIRMAN TRIANTAFILOU: Second.
MS. KRISEL: We did go to the provisional book to see if there were anybody that we didn't have already, and we looked at that as --
CHAIRMAN TRIANTAFILOU: Any discussion on that one?
MR. BURKE: There's not even the name of the voter on it, nothing.
CHAIRMAN TRIANTAFILOU: All in favor of the motion? Aye.
MR. GERHARDT: Aye.
MR. BURKE: Aye.
MR. FAUX: I would note, if you look at the notes here: Presiding judge slept and was on the phone most of the day and should have been --
MR. BURKE: I presume the presiding judge will not be here the next election.

MS. KRISSEL: I would think that would be reviewed.

Here's an address issue. This is one for further review. The address listed is not in the CAGIS system. It's not in our County Auditor system. We had two of those. We actually located one on a street that was torn down, but then there were houses put up and nobody had --

MR. BURKE: Is this Lincoln Heights, Valley Homes?

MS. KRISSEL: No, different locations, slightly different locations. This, however, is a house, and we sent our staff out to look at it. This is a house that you can see the street address runs one way, it's kind of a T. And it appears that somebody put a little house up and that could be the address, but they are not listed with the auditor.

So, we present that to you to determine whether you feel that's

probably where that voter is living.

MR. BURKE: Is there an address on the house, specifically on the house?

MS. KRISSEL: There's a number, but the staff couldn't see what it was. It appears to be three digits.

MR. FAUX: So aside from the question about the current address, there's nothing else problematic about this ballot?

MS. KRISSEL: No, complete and provisional.

MR. FAUX: Proper identification signature, everything else is correct And was this person in fact actually a registered voter?

MS. KRISSEL: Correct.

MR. FAUX: Because they don't list a former address.

MR. GERHARDT: Mr. Chairman?

CHAIRMAN TRIANTAFILOU: Yes, sir.

MR. GERHARDT: We have a picture of a house, but do we even know that this is -- it sounds as though we don't even know that this is the address that is

indicated on the outside of the provisional ballot envelope; is that correct?

MS. KRISSEL: We're not sure, correct.

MR. GERHARDT: So, I mean, other than a picture of this house, the address listed is invalid. According to our records, there's no evidence that it even exists?

MS. KRISSEL: Correct.

MR. BURKE: We don't have any records to tell us -- we don't have any records that have this address?

MS. SEARCY: That identify it, correct.

MR. BURKE: We don't have anything that tells us the address is invalid either.

MS. KRISSEL: Again, we had the same thing happen with another location in the same area, where we didn't have the house on that street either.

MR. FAUX: Do we know what address that voter was in fact actually registered under?

MS. KRISSEL: We can look it up.

MR. GERHARDT: That doesn't look like a newly erected structure.

MR. FAUX: No, it doesn't. But on the other hand, presuming the auditor's records are always complete and accurate.

MR. GERHARDT: Yeah, I understand that. But one of the things that I think we need to guard against is presuming -- presuming things. I mean, we have to work with the facts in front of us, and the facts today on this issue are that we have looked at CAGIS. We looked at the Auditor's website, and this is an invalid address according to those documents -- or it doesn't show that it even exists, and therefore invalid, right, if it doesn't exist?

MR. FAUX: Well, it might exist, but not show up in either CAGIS or the Auditor's records.

MR. POLAND: If I can give it a little bit of background information. There was a subdivision in Lincoln
Heights where a lot of the homes had been
torn down and other homes redeveloped,
streets changed, some streets were
completely eliminated. We did research
on that this summer using the assistance
of CAGIS as well as the auditor. This
was one of the streets that was
determined no longer had homes that
existed on it, this particular street in
Lincoln Heights.

So that street was eliminated from
our street index file, based on that
information from CAGIS and the auditor.
And any voters living on those were
thrown into an invalid address field in
our voter registration system. And then
this particular voter showed up to vote
on Election Day, because his street did
not exist, he appeared in the signature
poll book, but claimed to still live at
that address, so he voted provisionally.

And then we sent a team to Lincoln
Heights, and as you can see from the map,
this is a map from CAGIS, and it matches
the Auditor’s site as well. They do not

have this home on their whatever. X
would be the spot where after the team
went out to research this where the house
would be, they said it appears that it’s
a home that actually faces the street
above, but may have a side entrance on
this street, and that’s the home that
they took the picture of. They could not
read the address on the building, is what
they reported to me.

MR. BURKE: The home where the
Auditor’s record says there is no
building, there is in fact a building.

MS. POLAND: There is in fact a
building. But as we can see from the
voter registration record, the Election
Day notice I believe from this voter was
returned as undeliverable from this
address by the Post Office.

MR. FAUX: What address was the
voter registered?

MS. POLAND: This address.

MR. FAUX: Assuming that is the
correct address, where the voter is
registering.

MR. BURKE: What is that?
MS. GOLDSMITH: The National Change
of Address list stated that they live at
a different address than what we have on
file. And so, it was --

MR. FAUX: What address would that
be?

MS. GOLDSMITH: We sent a
forwardable confirmation that you’re
supposed to get at the address.

MR. FAUX: What address is listed?

MS. KRISSEL: What was the former
address?

MS. POLAND: The former address is
that address that appears on the
envelope.

MR. FAUX: That was where they were
registered?

MS. SEARCY: He’s saying, what is
the address that NCOA says?

MS. POLAND: They did not give an
address.

MS. GOLDSMITH: No, we don’t have
that listed, because forwardable, it is
supposed to be forward to their correct

address, and they are supposed to fill it
out and return it to us.

CHAIRMAN TRIANTAFILOU: Did you say
that forwarded address, is it in Hamilton
County?

MS. GOLDSMITH: Well, the U.S. Post
Office would have it.

MR. GERHARDT: So, this individual
has indicated an address on the envelope
that is -- is it different than -- is it
a different street address than where
this building is, or is it the same
street address?

MR. BURKE: It is the street
address.

MS. KRISSEL: That’s on the street
that he says he lives on.

MR. GERHARDT: Okay, but we have
this person registered at a different
address?

MR. BURKE: No. We have them
registered at this address.

MR. GERHARDT: But the
correspondence we sent to this address
came back undeliverable, right?
MS. KRISEL: No.

CHAIRMAN TRIANTAFILOU: We struck it from our roll because that street no longer.

MS. GOLDSMITH: We get a list from the Secretary of State from the Post Office, they match our addresses to the U.S. Post Office addresses. It's called the National Change of Address List. And when we receive that CD from the Secretary of State, we send them a confirmation return. That's the reason they were sent a confirmation return.

That confirmation notice was sent. I could go down and look at the National Change of Address.

MS. MCCAFFERTY: So as of May, he had changed his address?

MR. FAUX: I'm not entirely convinced of that, because what we had was the City of Lincoln Heights and the Auditor saying the street no longer existed and there is no house on that, and communicated that information to the Post Office. So, the Post Office might from that conclude it doesn't exist.

This house doesn't exist. This voter doesn't exist when in fact we have evidence they do.

MS. MCCAFFERTY: It seems the Post Office does have a new address.

MR. FAUX: Well, I don't get any indication from them to that effect at all. All the Post Office has said is that exists — that address no longer exists.

MS. GOLDSMITH: The Post Office didn't say — they just say where this person is registered, or where this person — their address now does not match our address. That's all they are saying. That's all the National Change of Address says. They don't say it doesn't exist, that's not their purview.

MR. FAUX: So, it is possible the City of Lincoln Heights in the process of rearranging their numbering system and their street system, assigned new address numbers to this building, which this voter apparently doesn't get.

Is the voter still in the same building, same place they always have been, but the address system has changed.

The Post Office knows it. The city knows that. The auditor apparently knows that, knows something, I am not sure what, but the voter doesn't?

MS. SEARCY: I have no idea.

MR. FAUX: We do know this voter was registered at that address before.

Do we know if the voter voted from that address before?

MS. POLAND: I'm looking at it. That voter last voted in the November 2010 Election.

MR. FAUX: From that address?

MR. GERHARDT: From the address that's listed on —

MS. KRISEL: Yes.

MR. GERHARDT: — which may or may not be that building. We don't know that that building is the same building that was assigned that address, correct? We just know that there's a building back there that is on a street that this person was at least formally registered to vote from.

MS. KRISEL: Correct.

MR. GERHARDT: Correct.

CHAIRMAN TRIANTAFILOU: You can't tell if that was a provisional ballot last year, can you?

MS. POLAND: It was not a provisional ballot.

MR. FAUX: So last year this voter voted from that address. Came back this year to vote from the same address where he was registered. Now suddenly we're telling him his address building doesn't exist. And we send staff out there to look and sure enough there is a building there. It seems like Alice in Wonderland.

CHAIRMAN TRIANTAFILOU: I move to count the ballot.

MR. BURKE: Second.

CHAIRMAN TRIANTAFILOU: All in favor. Aye.

MR. FAUX: Aye.

MR. BURKE: Aye.
MS. SEARCY: Are you done with yours?

MS. KRISEL: No.

MS. SEARCY: Why don't you finish all yours, and then I'll do all mine.

CHAIRMAN TRIANTAFILOU: Did you vote? Wait, hold on, he hasn't voted yet.

MS. SEARCY: I'm sorry.

MR. GERHARDT: No.

CHAIRMAN TRIANTAFILOU: It's all right. We can disagree sometimes.

MS. KRISEL: Are you done voting?

CHAIRMAN TRIANTAFILOU: We're done voting.

MS. KRISEL: All right. This is where the -- for further review the signature does not match. It doesn't match any of our documents. And, of course, it's signed the same in the provisional book because that was the same day.

MR. BURKE: How many more do we have?

MS. SEARCY: I have four more.

MR. GERHARDT: Chairman, I move that we reject this.

CHAIRMAN TRIANTAFILOU: This is P6854. I'll second the motion.

Any other discussion on that, Mr. Faux or Mr. Burke?

MR. BURKE: If I could just have a moment.

MS. KRISEL: His signature doesn't match his former signatures. That signature poll book is from a different year. We tried to look for anything.

MR. FAUX: I'll vote.

CHAIRMAN TRIANTAFILOU: All in favor? Aye.

MR. BURKE: Aye.

MR. FAUX: Aye.

MR. GERHARDT: Aye.

CHAIRMAN TRIANTAFILOU: Any opposed?

MS. KRISEL: That was P6854.

CHAIRMAN TRIANTAFILOU: Then I P -- Amy, do you want to go ahead?

MS. SEARCY: P Number 6855. This voter has no identification. Did not have any with her at the poll. Was asked to provide the last four of her social. The last four numbers that were provided did not match. We did a little research, she actually had the last four of her phone number.

CHAIRMAN TRIANTAFILOU: All right.

I'll vote to reject Ballot 6855.

MR. BURKE: Second. If that was a motion?

CHAIRMAN TRIANTAFILOU: Yes, it was a motion. We're at hour three here. Yeah, I'll move then to reject Ballot 6855. There's been a second.

All in favor? Aye.

MR. FAUX: Aye.

MR. BURKE: Aye.

MR. GERHARDT: Aye.

CHAIRMAN TRIANTAFILOU: All right.

MS. SEARCY: P Number 5440. This provisional voter actually voted -- he has two provisional ballots at the same precinct. We have to vote on one and not the other.

MR. BURKE: Any indication --
MS. SEARCY: I wish there was a time.

MR. BURKE: No notes either.

MS. SEARCY: No, we both looked.

MR. FAUX: So, there's no way to know which one of these two was cast first?

MS. SEARCY: No. We do not have that ability to discern that.

MR. GERHARDT: There's no number on the outside. The P number is assigned after --

MS. MCCAFFERTY: Exactly, it's assigned here. If you could open the envelope, which you cannot do -- and even with that, there's no guarantee you would be able to discern their --

MR. FAUX: So, which of the two --

MR. BURKE: The stub number would no longer be on the ballot, right?

MS. MCCAFFERTY: Yeah.

MR. FAUX: The stub number is taken off before the ballot is --

MS. KRIS: And the ballot is separated from the pack.

MS. SEARCY: Separated from the stub.

CHAIRMAN TRIANTAFILOU: This is another one I'm going to have staff look at. Why did this gentleman think he could go and vote twice on the same day? That's fundamentally improper.

MR. FAUX: It's the same polling place.

CHAIRMAN TRIANTAFILOU: It was, right?

MS. SEARCY: Same place.

MR. BURKE: Only one signature in the poll book?

MS. SEARCY: In the precinct, correct. One signature. And you will note that it says -- it has one stub number and they crossed off the second. There's only five ballots in between.

MR. FAUX: So the poll workers were clearly aware this person had cast two provisional ballots and must have had some understanding of why that happened.

MR. BURKE: That certainly -- I think that is evidence the poll workers knew there were two ballots for some reason, we just don't know what the reason is.

CHAIRMAN TRIANTAFILOU: Which one do we count, if we're going to count one?

MS. SEARCY: Correct, you choose that.

MR. BURKE: We cannot under these circumstances open the envelopes in order to determine whether or not the voter has written something on the ballot and indicated it was a mistake and spoiled it.

MS. MCCAFFERTY: You can't look at it under any circumstance.

MS. SEARCY: We can't open one --

MR. BURKE: Well, we can look at ballots under circumstances.

MS. MCCAFFERTY: Before you vote on whether to --

MR. BURKE: Except what we're trying to do is figure out which one to count out of the two. But you're still -- yeah, I can understand that.

If the voter spoiled a ballot, said he made a mistake, gets another ballot, you have to turn it in.

MS. SEARCY: Right. Then it would go in the soiled face envelope and we wouldn't have this dilemma.

MR. BURKE: Right.

MR. GERHARDT: So, there's a chance it may --

CHAIRMAN TRIANTAFILOU: Well, if we reject one, do you ever open them?

MS. SEARCY: You do not open the one that we reject.

CHAIRMAN TRIANTAFILOU: So, it's entirely possible the answer could be within these documents and we could vote to reject the one and provide us an answer if one is soiled. That solves the problem.

MR. FAUX: You never know.

MS. SEARCY: That's true.

CHAIRMAN TRIANTAFILOU: Well, I mean, that's -- what about this? On the verification statement there's clearly a problem, because the provisional verification statement is corrected on
the one in Gary Hilliard's name.
MS. SEARCY: Be careful not to say the name.
CHAIRMAN TRIANTAFILOU: Sorry, I said the name. Well, he's a poll worker.
These are election officials. So the election official's name is in place of where the voter's name ought to be on the one, so arguably this one is more correct. I'm just looking for a reason to count one rather than this one, if we're going to have to pick.
MR. BURKE: I agree.
CHAIRMAN TRIANTAFILOU: See what I'm saying? On this one somebody --
All right. I'm gonna make a motion that we count PS440, and that we -- there's not a P number on this one.
MS. SEARCY: We do want to give it another number --
CHAIRMAN TRIANTAFILOU: Well, then I'll identify it by being the one that actually has the P number written on it.
I'll move that we count that ballot and reject the other one. Second?

CHAIRMAN TRIANTAFILOU: Any discussion?
Anything else Staff wants us to consider?
MS. SEARCY: Uh-huh.
CHAIRMAN TRIANTAFILOU: Okay. Just so we're clear, Caleb, you're voting to count -- do they have the same P number?
MS. SEARCY: Same P number, same person.
CHAIRMAN TRIANTAFILOU: So P1957, as Caleb -- he's moving that we count the one in the correct precinct. There's been a second by Mr. Burke.
All in favor? Aye.
MR. GERHARDT: Aye.
MR. FAUX: Aye.
MR. BURKE: Aye.
CHAIRMAN TRIANTAFILOU: Any opposed?
The ayes have it.
MS. KRISEL: The last one, P6856. This voter put down a transposed number for their identifying information, which was the last four digits of their social.
CHAIRMAN TRIANTAFILOU: One more time on that, Sally, I'm sorry.
MS. KRISEL: You will see when it comes that they wrote down the wrong social security number, but you can see that they kind of transposed their numbers.
MR. GERHARDT: What is staff's
recommendation?

MS. KRISEL: To present it to the board.

MR. FAUX: The only thing I would suggest, look at this provisional envelope. It's clear, again, we're dealing with somebody who is elderly. The handwriting is extremely shaky, although they did make the effort to complete the envelope in its entirety. This person is a registered voter; is that correct?

MS. KRISEL: Yeah.

MR. BURKE: I would move that we count that ballot.

CHAIRMAN TRIANTAFILOU: There's a motion. Is there a second? I don't hear a second. Okay. Prepare the motion then for lack of a second.

MR. BURKE: Let me just point out that I understand Caleb's point, it's not all that close in terms of numbers listed, five digits, not four. They are not sequential at all.

CHAIRMAN TRIANTAFILOU: All right.

meeting, if we could push it back until ten, that would be helpful on the 28th.

MR. BURKE: I can do that.

MR. FAUX: The 28th?

MR. GERHARDT: Correct.

MR. FAUX: I actually have a Zoning Board Appeals meeting I'm going to. So, if we could push it back even further, that would be helpful.

MR. GERHARDT: I'm free all afternoon. I have got an 11:45 appointment.

MR. BURKE: I'm open all afternoon.

MR. GERHARDT: From 1:30 to 4:30. It shouldn't be long, right?

MS. KRISEL: It would be a certification meeting.

CHAIRMAN TRIANTAFILOU: Make it 1:30.

MR. FAUX: Great.

MR. GERHARDT: Yeah.

MR. BURKE: 1:30.

CHAIRMAN TRIANTAFILOU: All right.

Any other business?

Very good. All right. We will reconvene November 28th at 1:30 p.m. We're here tomorrow at two o'clock.

MR. BURKE: Tomorrow as I understand it is Remakes?

MS. SEARCY: It should be rather quick. Two o'clock.

CHAIRMAN TRIANTAFILOU: Tomorrow Remakes. And then the 28th is the day we certify, right?

MS. KRISEL: We didn't do a vote on the accepted.

MS. SEARCY: On the accepted, right, because the report came up late.

CHAIRMAN TRIANTAFILOU: That might be a good idea.

MS. KRISEL: That would be good.

MR. BURKE: Move to approve the accepted ballots on the report.

CHAIRMAN TRIANTAFILOU: Second.

MS. KRISEL: 1 through 5875.

CHAIRMAN TRIANTAFILOU: Second that.

MR. FAUX: 5876.

MS. KRISEL: Oh, 76.

CHAIRMAN TRIANTAFILOU: Yeah,
seconded.

Any further discussion on accepting those?

All in favor? Aye.

MR. GERHARDT: Aye.

MR. BURKE: Aye.

MR. FAUX: Aye.

CHAIRMAN TRIANTAFILOU: Any opposed?

The ayes have it.

All right. Back here tomorrow.

Anything else before we move to adjourn?

All in favor? Aye.

MR. FAUX: Aye.

MR. BURKE: Aye.

MR. GERHARDT: Aye.

CHAIRMAN TRIANTAFILOU: Stay adjourned.

(Meeting adjourned at 11:39 a.m.)

CERTIFICATE

I, BARBARA LAMBERS, RMR, the undersigned, an Official Court Reporter for the Hamilton County Court of Common Pleas, do hereby certify that at the same time and place stated herein, I recorded in stenotype and thereafter transcribed the within 133 pages, and that the foregoing Transcript of Proceedings is a true, complete, and accurate transcript of my said stenotype notes.

IN WITNESS WHEREOF, I hereunto set my hand this 22nd day of November, 2011.

__________________________
BARBARA LAMBERS, RMR
Official Court Reporter
Court of Common Pleas
Hamilton County, Ohio
EXHIBIT T
The Henry County Board of Elections met for a Special Meeting on Tuesday, November 25, 2008. Chairman David Grahn called the meeting to order at 5:10 PM. Present were Board Members, Melba Leatherman, William Booth, and Teresa Agler, Director Grace Speiser, Deputy Director Sandy Kurtz and Amanda Lee, SOS Rep.

Melba Leatherman made a motion to accept the minutes for the October 27, 2008 and November 4, 2008 meetings. Teresa Agler 2nd. Motion Carried.

William Booth made a motion to approve the bills, 2nd by Melba Leatherman. Motion Carried.

A motion was made by Teresa Agler and 2nd by Melba Leatherman to reject 46 Provisional’s due to either, voting in wrong precinct, or not registered. We had 291 good provisional’s. List for rejected provisional’s is attached.

Six absentee’s were rejected for not having correct identification on ID envelope and 11 absentee’s were post marked after November 3, 2008, Melba Leatherman made a motion to reject all 17 absentee’s and William Booth 2nd. Motion carried. List is attached.

William Booth made a motion to certify the November 4, 2008 elections, 2nd by Melba Leatherman. Motion Carried.

It was discussed about concerns in precincts where there are multiple splits (school districts) with voters receiving wrong ballots. This happened in Flatrock “S” and Damascus Twp. The chairman stressed it is our responsibility to see that the Poll Workers are trained and make sure that they are giving the correct ballot.

The Director reported that the Directors have accumulated 300 hours of comp time each. Melba Leatherman made a motion to pay Directors for 200 hours of comp time according to appropriations. They will take the remaining time off.

The county offices are to be opened all day Christmas Eve. The Board said the part time help is to work if Directors want off.


William Booth made a motion for Director and Deputy Director to get a 3% increase in compensation for 2009. 2nd by Melba Leatherman. Motion Carried
November 18, 2010
Certification of General Election
Regular Meeting

The Hocking County Board of Elections met Thursday November 18, 2010, at 9:00am for their regular meeting and the certification of the November 2, 2010 General Election. The Logan Daily News was notified in advance of the session.

Roll call of members: Rod Carr, Regina Prater, Rod Hedges and Bill Henderson.

Others in attendance were Sue Wallace, Director, Lisa Schwartze, Deputy Director and Crystal Oliver, Clerk.

The minutes from the October 14, 2010 regular meeting and the November 2, 2010 General Election were approved as read.

The first order of business was the Certification of the November 2, 2010 General Election. Hocking County had 9185 voters for a 49.29% turnout. The Board had to remake a total of 56 ballots.
Bill Henderson made the motion to accept 5 absentee ballots. Rod Hedges seconded. The motion passed unanimously.
Rod Hedges made the motion to reject 30 absentee ballots for the following reasons:
   5 incorrect address
   1 signature
   10 ballot not in ID envelope.
   7 birth date
   2 incorrect ID
   1 no stub
   4 post marked November 2, 2010
Regina Prater seconded the motion. The motion passed unanimously.

Rod Hedges made the motion to accept 150 provisional ballots. Regina Prater seconded. The motion passed unanimously.

Bill Henderson made a motion to reject 29 provisional ballots for the following reasons:
   4 incorrect birth dates
   11 not registered
   10 incorrect precincts
   1 incorrect address
   2 no ID
   1 ballot not in ID envelope
Rod Hedges seconded the motion. The motion passed unanimously.

The Board was informed that while the staff, were balancing the books, in preparation of the official count, it was discovered that Precinct Logan 4 had problems. There was a township split (Falls and Green) in this precinct. Deputy Director, Lisa Schwartze realized that there were no votes for the Green Township levy, but the signature book indicated that 64 people that voted, live in Green Township. Lisa spoke to the Presiding Judge about the problem, she didn’t have a clue, but stated
that it was the Ballot Judge’s error. The Board staff always highlights the voters that are to vote the smaller split and sends an extra report listing these voters for the ballot judge. Lisa emailed Josh Kimsey with this problem, stating that if all 64 voters had voted against the levy, it would not have changed the outcome. Josh called and asked if the voters that were given the wrong ballot, voted on any candidate or issue that they were not eligible to vote. Director Wallace informed Mr. Kimsey that there were no candidates or issues on the Falls Twp. Ballot that the Green Twp. Voters were not allowed to vote. That being the case Hocking County is to document the problem. The Board members stated that these two Poll workers (Presiding and Ballot judges) should not work again, but to do this discreetly, with a personal letter.

After all the tabulation was completed for the Official Count, Bill Henderson made the motion to certify the November 2, 2010 General Election. Regina Prater seconded the motion. The motion passed unanimously.

The Board was told that there would be a recount for the Ward Township Cemetery levy. With only one vote difference, this would be an automatic recount. Bill Henderson made the motion to conduct the recount on November 23, 2010 at 12:00p.m. Regina Prater seconded the motion. The motion passed unanimously. Director Wallace will notify the township of the date and time.

The Board then proceeded with their regular meeting. The Board was informed that the Commissioners had approved the special fund for elections. The Board will keep the settlement check from Diebold/Premier and all of the charge backs. All other monies coming into the Board will continue to be deposited in the General Fund.

The Commissioners voted to close the Court House on November 26, 2010, Bill Henderson made the motion that the Director and Deputy Director did not have to use a vacation day for this closing and were to receive their regular salary. Regina Prater seconded. The motion passed unanimously.

The Board was informed that the County Employee Christmas party would be on December 23, 2010 at 12:00p.m.

Bill Henderson made the motion to cancel the December 9, 2010 regular meeting and schedule January 13, 2011 as the first Board meeting of the New Year, with the second meeting being scheduled for February 3, 2011. Regina Prater seconded the motion. The motion passed unanimously.

The Board requested a copy of the 2011 budget, when the Commissioners had approved or disapproved.

The Board was presented with the following invoices:

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<tr>
<th>Company/Role</th>
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<tr>
<td>Logan Daily</td>
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EXHIBIT V
HURON COUNTY BOARD OF ELECTIONS MINUTES
REGULAR MEETING HELD ON MARCH 20, 2012

The press was notified in accordance with ORC 121.22.

The meeting was called to order at 8:32 a.m.

Roll was taken.
David Kniffin, Chairman-Present
Sue Lesch - Present
Tom McLaughlin, Member – Present
Reese Wineman, Member – Present

Sharon Locke, Director – Present
Tom Gerrity, Deputy Director – Present
Kathy Naff, Admin. Assistant – Present
Amy Maestas, Admin. Assistant – Present

Mr. McLaughlin moved and Mr. Wineman seconded to approve the following bills:

FINANCIAL REPORT
1. Senior Enrichment Center – janitorial fee 3-6-12 $ 50.00
2. U Haul – truck rental for 3-6-12 $338.18
3. Firelands Fas Print – name badge and signature stamp $ 39.50
4. Shipley’s – casters and posts for wire shelving; tape; pens $276.85

TOTAL ALL BILLS $704.53

The Chairman asked for a roll call vote.
David Kniffin - YES, Sue Lesch – YES, Reese Wineman – YES, Tom McLaughlin – YES

Mr. McLaughlin moved and Mr. Wineman seconded to approve the minutes from the March 2, 2012 meeting.
The Chairman asked for a roll call vote.
David Kniffin - YES, Sue Lesch – YES, Reese Wineman – YES, Tom McLaughlin – YES

Mrs. Lesch moved and Mr. McLaughlin seconded to approve the minutes from the March 5, 2012 meeting.
The Chairman asked for a roll call vote.
David Kniffin - YES, Sue Lesch – YES, Reese Wineman – YES, Tom McLaughlin – YES

The Director advised that there were 43 total provisional ballots; of the 43 two will be void; one because the voter was not registered in Ohio. The other provisional that is void was a voter error because the voter signed their name at the top of the envelope instead of printing it. The Director contacted the Secretary of State for an opinion on this error and was advised by them that it is a fatal error.

Mr. Wineman moved and Mrs. Lesch seconded to reject two provisional ballots, one because the voter was not registered in Ohio and the other due to voter error because they signed their name where it clearly stated that it should be printed.
The Chairman asked for a roll call vote.
David Kniffin - YES, Sue Lesch – YES, Reese Wineman – YES, Tom McLaughlin – YES

Mr. McLaughlin moved and Mr. Wineman seconded to approve forty-one provisional ballots.
The Chairman asked for a roll call vote.
David Kniffin - YES, Sue Lesch – YES, Reese Wineman – YES, Tom McLaughlin – YES

FYI - Effective January 19, 2012 David Freitag was appointed as Bellevue City Treasurer to replace Donald Berkey who resigned to take the office of Mayor.

FYI - Effective December 31, 2011 Jack Pfanner resigned from North Fairfield Village Council and Tina Patterson was appointed to fill his unexpired term on January 31, 2012.

FYI - Effective February 20, 2012 Charles Furey resigned as 3rd Ward Councilman in the City of Norwalk.
The Director advised that we need to purchase 50 printer housings for the TSX machines and 50 encoders. Some of the printer housings were damaged upon return from the polling locations and they are also suffering from normal wear and tear which will continue. The encoders are necessary because we need to have extras to replace the encoders as they age and we almost did not have enough for the primary due to all the minor parties and school splits. She stated that to purchase new printer housings would cost $350.00 each; and to purchase new encoders would cost $295.00 each. The Director spoke with Cuyahoga County and they are taking bids on the printer housings and encoders. They also said they would throw in some extra encoders in addition to the 50 that will be purchased. The Director advised that she and the Deputy Director discussed a bid of $30.00 each for a total of $300.00.

Mr. Wineman moved and Mr. McLaughlin seconded a motion to bid on 50 printer housings and 50 encoders at a cost of $30.00 each for a total of $300.00.
The Chairman asked for a roll call vote.
David Kniffin - YES, Sue Lesch – YES, Reese Wineman – YES, Tom McLaughlin – YES

The Chairman asked that the unfinished business of best practices and procedures be tabled until the April 16, 2012 regular Board meeting.

The Chairman then asked the Director to discuss the meeting that board member David Kniffin; the Director and the Deputy Director had with Commissioner Gary Bauer on Friday, March 16, 2012 concerning the need for more space for the Board of Elections. Mr. Bauer said he was confused as to why the BOE has waited a year to do anything but the Director advised him that discussions regarding space did not begin until October of 2011. The maintenance men asked the Director in February when they could begin the work; she told them they could start on March 7, 2012 as long as it was alright with the Commissioners. Mr. Bauer stated that he was told by Commissioner Silcox that Mr. Silcox did not understand why the BOE is asking for extra space when one of their rooms is being used as a break room. The Director stated that the “break room” also houses the red and green bags for poll workers; equipment that is needed every election and the supplies that are used for every election. Mr. Bauer was then shown the room so he could see that it is not a “break room” but a storage room and election preparation room. Mr. Bauer was also advised that just removing the two walls without gaining additional space either at the end of the hall in the Health Department area or the OSU area will not help alleviate long lines in November and the future. An option is to take down the walls between the absentee room and the main office; move the absentee staff to where the Administrative Assistants’ are now, so the voters’ would be waited on as soon as they walked in the main door of the BOE, then use the two offices in the main hallway of the building that are currently being used for the HCDC offices for the Director and Deputy Director to use as their office space. This option would allow for the space to add two additional computers for processing absentee voters and additional label printers for mail in absentee processing. This option also allows plenty of room for additional TSX machines. The Director told Mr. Bauer that if no changes are made, there will be long lines for the General Election in November 2012 and high part-time wages due to the fact that in person voting and by mail voting will not be able to be handled at the same time during regular office hours. Mrs. Lesch suggested that the Director contact the Commissioners about being put on the agenda for the Commissioner’s meeting as soon as possible so that we can talk to all the Commissioners at once and try to come up with a solution.

At 9:02 a.m., Mr. Wineman moved and Mr. McLaughlin seconded to recess to open the accepted provisional ballots and to conduct the public test.
The Chairman asked for a roll call vote.
David Kniffin - YES, Sue Lesch – YES, Reese Wineman – YES, Tom McLaughlin – YES

At 9:12 a.m. the Board reconvened to regular session. There were no remakes for the provisional ballots.

At 9:13 a.m. Mr. Wineman moved and Mr. McLaughlin seconded to adjourn.
The Chairman asked for a roll call vote.
David Kniffin - YES, Sue Lesch – YES, Reese Wineman – YES, Tom McLaughlin – YES
Respectfully submitted,
Sharon Locke, Director

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Chairman

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Director
EXHIBIT W
HURON COUNTY BOARD OF ELECTIONS MINUTES
REGULAR MEETING HELD ON NOVEMBER 15, 2010

The meeting was notified in accordance with ORC 121.22.

The meeting was called to order at 8:30 a.m.

Roll was taken.

Robert Duncan, Chairman – Present
Richard Hauser, Member – Present
David Kniffin, Member – Present
Reese Wineman, Member - Present
Sharon Locke, Director – Present
Tom Gerrity, Deputy Director – Present
Kathy Nafl, Admin. Assistant – Present
Amy Maestas, Admin. Assistant - Present

Mr. Kniffin moved and Mr. Wineman seconded to pay the following bills:
1. Tom Gerrity – fuel for UHauls for Nov. 2, 2010 $129.33
2. P & R – 4” cable ties for TSX wires and gorilla glue $11.97
3. UHaul – truck rental for November 1, 2010 $167.51
4. UHaul – truck rental for November 3, 2010 $162.77
5. Senior Enrichment Services – janitorial fee for Nov. election $50.00
6. Norwalk Reflector – legal ad for Nov. 2, 2010 election $65.10
7. Hyatt – 5 rooms/2 nights for Winter 2011 Conference $1,490.00

TOTAL ALL BILLS $2,076.68

The Chairman asked for a roll call vote.
Rob Duncan - YES, Richard Hauser – YES, David Kniffin – YES, Reese Wineman – YES

Mr. Wineman moved and Mr. Kniffin seconded to approve the minutes from the November 2, 2010 meeting.
The Chairman asked for a roll call vote.
Rob Duncan - YES, Richard Hauser – YES, David Kniffin – YES, Reese Wineman – YES

Mr. Kniffin moved and Mr. Wineman seconded to accept/reject the provisional ballots from the November 2, 2010 General Election. The Director advised the Board that there were 215 total provisional ballots and of those 215, there were 204 that were good and will be counted, there were 4 that were voted in the wrong precinct which can’t be counted and 7 that were not registered which can’t be counted. There was 1 provisional which was not placed in a completed yellow envelope which can’t be counted and which was not part of the 215 provisional ballots. There is 1 provisional ballot that the Director and Deputy Director agree that should be remade in the correct precinct. The voter came into the Board of Elections to vote but was given the wrong ballot for their precinct. There was another provisional ballot that was counted in with the 204 good provisional ballots where the envelope was not signed by the voter, but the elected official signed. According to Secretary of State Directive if the Board can get a written confirmation statement from the election official that the voter completed everything but forgot to sign, and the election official witnessed her complete everything then it can be counted as a good provisional ballot even though there is no voter signature.
The Chairman asked for a roll call vote.
Rob Duncan - YES, Richard Hauser – YES, David Kniffin – YES, Reese Wineman – YES

Mr. Kniffin moved and Mr. Wineman seconded to approve the remake of 1 UOCAVA ballot that was emailed to the voter, 12 absentee ballots that have check marks, x’s and stray marks and 1 absentee ballot that has a double bubble.
The Chairman asked for a roll call vote.
Rob Duncan - YES, Richard Hauser – YES, David Kniffin – YES, Reese Wineman – YES

The Director advised that the percentage of valid provisional ballots for this election was 94% compared to 69% for the 2008 General Election. This is due to having the poll workers call the office before a Provisional ballot is issued.

HCBOE 11-15-2010
The Director also advised the Board know that a new policy was put in place for scanning the ballots, which is if there are any ballots that are rejected by the scanner; they are to be brought to the Director and/or the Deputy Director at that time rather than overriding the scanner message.

The Director advised the Board that there are 6 absentee ballots that should not be counted due to the fact that the ballot was not sealed in the white ID envelope. There were 7 absentee ballots with missing or incorrect ID information and the voter was notified that they had 10 days to come in to fix the problem, but did not, and 4 absentee ballots that were received too late. There were also 6 absentee ballots that were good, as they were postmarked by November 1, 2010 and received with the 10 days after the election and should be counted with the official results.

The Chairman asked for a roll call vote.
Rob Duncan - YES, Richard Hauser – YES, David Kniffin – YES, Reese Wineman – YES

At 8:43 a.m. Mr. Kniffin moved and Mr. Wineman seconded to adjourn.
The Chairman asked for a roll call vote.
Rob Duncan - YES, Richard Hauser – YES, David Kniffin – YES, Reese Wineman – YES

Respectfully submitted,
Amy Maestas, Administrative Assistant

Chairman

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Director

__________________________
Jefferson County Board of Elections

117 N. 3rd Street
Steubenville OH 43952-4499

Telephone (740) 283-8522
Fax (740) 283-8640
www.electionsonthe.net/oh/jefferson

November 15, 2010

Mr. Richard J. Desman, Chairman, called the special meeting of the Jefferson County Board of Elections to order at 10:05 AM to discuss the possible duplication of provisional ballots. Roll call taken. Richard Desman, present; Ben Batenburg, present; John Abdalla, present; Frank Bruzzese present.

Mrs. Birkhimer informed the Board that 37 ballots would not be counted for the following reasons:
Not Registered (15)
Voted in wrong precinct (10)
No ID found to be shown (6)
No signature from the voter on the Provisional ID envelope (6)
Mr. Bruzzese made a motion to not accept these 37 ballots. Mr. Abdalla seconded. All were in favor, motion passed.

Mrs. Birkhimer presented to the Board the following ballots for approval:
ID’s were logged in signature binder (14)
Poll workers checked back of envelope as ID having been seen (7)
ID was logged on Authority to Vote Form (22)
Checked but did not log ID on front of envelope (12)

Mrs. Birkhimer informed the Board that in the past the Board has accepted these ballots as long as there is indication somewhere that an ID was shown to the poll workers. Mr. Bruzzese made a motion to accept these ballot as presented, Mr. Desman seconded. All were in favor, motion passed.

Mrs. Birkhimer presented to the Board the following ballots for Board decision:
1) No ID logged or marked on envelope, last four of the social security number was scratched out in signature binder, therefore no ID given. All were in favor of rejecting this ballot for no ID shown in the allotted time. Motion passed.
2) One in office provisional voter was give the wrong ballot. All were in favor of duping the ballot for the correct precinct. Motion passed.
3) Voter completely filled in one oval, and marked in a second oval. All were in favor of duping the ballot with just the completely filled in oval as a vote. Motion passed.
4) Voter check marked entire ballot, with three ovals checked for governor. All were in favor of duping the ballot with all votes for governor causing over votes. Motion passed.
Mrs. Gribble reminded the Board of Winter Conference. Mr. Batenburg and Mr. Desman will be attending as well as Mr. Bruzzese and Mr. Abdalla.

Mrs. Gribble informed the Board that Certification will be on November 18th at 10:00 am. At that time a date and time will be set for the Audit.

Mr. Abdalla made a motion to adjourn, seconded by Mr. Desman. All were in favor, meeting adjourned.

Chairman ________________________________

Director _________________________________

DMG\mmb
November 17, 2008

Ben Batenburg, called the meeting of the Jefferson County Board of Elections to order at 1:12 pm. Roll call was taken. Frank Bruzzese, present; Ben Batenburg, present; John Abdalla, present. Richard Desman was absent. Mr. Bruzzese made a motion that Ben Batenburg be designated as the officer that presides over the meeting in the absence of the Chairman. Mr. Abdalla seconded the motion. All were in favor. Mr. Desman arrived at 1:30 pm.

Ms. Gribble presented to the Board Directive 2008-113 which requires a post-election audit be performed 5 to 10 days after certification. Five percent of the total votes cast must be hand counted. December 2, 2008 at 10:00 am was set as the day for the audit. Ms. Gribble advised the Board of an election summit being held by the Secretary of State. This summit is open to the public to discuss the November 4, 2008 General Election. At this point no one from the Jefferson County Board of Elections would be attending due to the required audit of election results.

Mrs. Birkhimer explained to the Board that according to Brian Shinn new registrations from other counties that did not fill in a registration card could be counted if the ID envelope was completed with all the necessary information. Mr. Bruzzese made a motion to accept all provisional ballots where the poll workers logged the form of ID on the Authority to Vote forms or on the provisional pages in the signature book. Mr. Batenburg seconded, all were in favor. Mr. Batenburg made a motion to accept all provisional ballots where the poll workers indicated they saw a proper form of ID by checking marking either the front or back of the ID envelope. Mr. Bruzzese seconded, all were in favor.

Mrs. Birkhimer presented to the Board the following provisional ballots:

Voters whose registrations were cancelled: 22
Voters who were not registered in any county in Ohio: 35
Voters who had no registration form/ID envelope not filled out: 4
Motion made by Mr. Batenburg not to accept these ballots, seconded by Mr. Bruzzese, all in favor.

Voters' with no signature on ID envelope: 23
Motion made by Mr. Batenburg not to accept these ballots, seconded by Mr. Bruzzese, all in favor.

Voters who did not provide or did not have proper ID (two were passports used and one an out of state driver's license was used): 13
Motion made by Mr. Bruzzese not to accept these ballots, seconded by Mr. Batenburg, all in favor.

Voters who voted in the wrong precinct: 33
Motion made by Mr. Batenburg not to accept these ballots, seconded by Mr. Bruzzese, all in favor.

Total number of provisional ballots not counted: 130

Voter incorrectly voted provisionally as they moved within precinct and no form of ID was marked anywhere. Motion made by Mr. Bruzzese not to accept this ballot, seconded by Mr. Batenburg, all in favor.
Voter, who was military, came into the office on Election night and was not able to make it to his polling location by the closing of the polls. He was voted provisionally due to being military.
Mr. Desman made a motion to count this ballot, seconded by Mr. Abdalla, all were in favor.

A provisional voter registered in Franklin County, with the same name of a voter (inactive) in Jefferson County who was not able to be identified. The previous address was different than current and there was not birth date on the ID envelope; driver’s license listed on ID envelope but Social Security number on file with Jefferson County. The signature was similar but could not be determined positively.
Motion made by Mr. Battenburg not to accept this ballot, seconded by Mr. Bruzzese, all in favor.

Voter who voted in our office was given the wrong ballot (same address was in two different precincts).
Mr. Bruzzese made a motion to remake this ballot with the correct precinct and count the vote, seconded by Mr. Battenburg, all were in favor.

A voter whose address change was made on son’s voter registration record when it should have been done on father’s (same name), voted provisionally in his correct precinct.
Mr. Bruzzese made a motion to correct the voter's address and accept this ballot. Mr. Desman seconded, all were in favor.

A voter showed an expired driver's license, license number was logged; however on the back of the ID envelope the poll worker checked the voter provided his social security number.
Mr. Bruzzese made a motion not to accept this ballot. Mr. Desman seconded, all were in favor.

A voter provided a student ID which is not a proper form of ID; however, in the signature binder the poll worker checked they had seen a government document.
Mr. Bruzzese made a motion to accept this ballot. Mr. Abdalla seconded, all were in favor.

Mr. Bruzzese made a motion to adjourn, seconded by Mr. Abdalla. All were in favor. Meeting adjourned.

Chairman______________________________

Director______________________________

DMG/mmb
EXHIBIT Z
APPROVED MINUTES OF THE NOVEMBER 25, 2008 LAKE CTY. BOARD OF ELECTIONS MEETING

Present: Chairman Platz, Board Members Tagliamonte, Fellows, Vitaz, Director Clair, Deputy Director Daisher, SOS Regional Liaison Ed Monroe, Assistant Prosecuting Attorney Pat Nocero and John Hutchison of the News Herald.

The Meeting was called to order by the Chairman at 8:15 A.M..

Motion to approve the Minutes of October 20, 2008 and November 3, 2008 was made by Mr. Tagliamonte, seconded by Mr. Vitaz.

All Present Voted AYE

The Bills were reviewed and approved for payment, subject to Commissioners approval of appropriations, on a Motion by Mr. Fellows, seconded by Mr. Tagliamonte.

### BILLS

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The Board reviewed the Provisional and Absentee Ballots for rejection prior to the Certification of the November 3, 2008 General Election Ballot. The Director commended the Board for taking a proactive approach and adopting a policy to notify absentee voters of any flaws in their absentee ballots. Because the Board adopted a written policy to notify absentee voters, it is noted that 320 voters were able to correct problems with their ballots, so that their ballots would be eligible to be counted. There are only 102 absentee ballots recommended to be rejected based on the findings of the Director and Deputy and in accordance with the Directives and/or Ohio Revised Code. Of the provisional ballots, 208 were recommended to be rejected because they were not registered anywhere in the State of Ohio. Sadly, the Director reported that 288 provisional ballots were recommended to be rejected due to voting in the wrong precinct. Although the rejection rate percentage is relatively low, there is still the need for the poll workers to better understand the provisional voting process.