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APPEARANCES:

FRANKLIN COUNTY PROSECUTOR'S OFFICE
Timothy A. Lecklider, Esq.
Assistant Prosecuting Attorney
373 South High Street, 13th Floor
Columbus, Ohio 43215
(614) 525-3520,

On behalf of the Board.

Also present:

Antone White, Executive Assistant to the
Board, Director, and Deputy Director
Sara Ziemba
Carla Patton

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I N D E X

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Monday Morning Session
November 16, 2020
9:36 a.m.

- - -

DEPUTY DIRECTOR PAYNE: We'll call this meeting of the Franklin County Board of Elections, the November 16th meeting, to order.

I will remind you that we have a court reporter. So please identify yourself prior to speaking. Again, this is David Payne. I will take roll.

Kim Marinello.

MEMBER MARINELLO: Here.

DEPUTY DIRECTOR PAYNE: Mike Sexton.

MEMBER SEXTON: Here.

DEPUTY DIRECTOR PAYNE: Doug Preisse.

CHAIRMAN PREISSE: Here.

DEPUTY DIRECTOR PAYNE: And Brad Sinnott.

MEMBER SINNOTT: Here.

DEPUTY DIRECTOR PAYNE: We have a quorum.

The first item on the agenda is provisional ballots. Voter Services is starting by recommending 15,273 provisional ballots for

1 counting and a rejection of 3,408 provisional
2 ballots. I'm going to turn this over to the
3 supervisor of the Voter Services Department, Sara
4 Ziemba, to discuss the rejections.

5 MS. ZIEMBA: Thank you, David. Good
6 morning everyone. I'm Sara Ziemba, the supervisor
7 of Voter Services, and I am going to present the
8 ballots that we recommend for acceptance -- or
9 approval, which would be 15,273, and all of the
10 different categories for the ones that we recommend
11 to be rejected with a total of 3,408.

12 I just want to start by saying thank
13 you to all of the nearly 80 people we had
14 processing these over the shortened 12-day period
15 following the November 3rd General Election. They
16 all did great. Even Court Reporter Carla here, she
17 helped us, as well. We had people from PEO,
18 Absentee, Early Vote, trainers, VLMS, and our Voter
19 Services staff. They all did a wonderful job and I
20 just want to recognize them and thank them for
21 their time.

22 And these are the numbers that we
23 have. Like I said, we are recommending the
24 accepting of 15,273 good provisional ballots. All
25 of these ballots, the voters provided all of the

1 required elements, a name, birth date, Franklin
2 County address, some form of ID, and their
3 signature. So we recommend that those be accepted.
4 That, again, is 15,273.

5 Of the 3,408 that we recommend to be
6 rejected, these are the various breakdowns for why
7 we recommend that the Board reject these ballots.

8 The first reason is that there are
9 2,160 that were not registered anywhere in the
10 state of Ohio. And you can reference these numbers
11 on Exhibit A. I think the Board members should all
12 have that. So of the 2,160 that are not registered
13 anywhere in the state, bipartisan teams worked
14 together to process all of these ballots. They do
15 three searches within the county database and three
16 searches within the statewide database. And after
17 those six searches, then another bipartisan team
18 goes ahead and double checks all of those. These
19 2,160 voters were not found to be registered
20 anywhere in the state of Ohio.

21 The next category is the voters who
22 voted in the wrong precinct and the wrong location.
23 So there were 333 of these voters. According to
24 the Ohio Revised Code, voters must vote where
25 voters live and the addresses that these voters

1 provided on their provisional affirmation statement
2 on the envelope were not -- they went and voted in
3 the incorrect location for where their current
4 address stated they should vote. And that's 333
5 for voters who voted in the wrong precinct and the
6 wrong location.

7 The next category on your exhibit is
8 wrong precinct and correct location, and we had
9 zero voters that fall into that category.

10 The next category for rejection is
11 no signature. There were 24 voters who did not
12 sign their affirmation statement; and as that is
13 one of the five required elements in order to be
14 able to count the ballot, we recommend that since
15 they didn't sign those 24 ballots be rejected.

16 The next category is no printed
17 name. There were eight ballots where the voter did
18 not provide a printed name on the top of the
19 ballot, which is also one of the five required
20 elements. And so for the omission of the printed
21 name, we recommend those eight ballots be rejected.

22 The next category is the failure to
23 provide a valid current address. There were 105
24 voters who gave us an address that was not a
25 current valid address in Franklin County. They

1 could have been voters who gave us an out-of-county
2 address or they put down a post office box or a
3 business address. And so for those 105 voters that
4 failed to provide a valid current address, we
5 recommend those ballots be rejected.

6 The next category is no ID. There
7 were 309 ballots where the voters did not provide a
8 valid form of identification. They either did not
9 provide any form of identification or they provided
10 a mismatch which does not match what we have on
11 file or what the state has on their database. And
12 so by law we are recommending that those 309 be
13 rejected because they did not have one of the five
14 valid forms of information that is needed to count
15 the provisional ballot.

16 The next one is signature mismatch.
17 We had one signature mismatch where the signature
18 that that voter provided on the provisional ballot
19 affirmation envelope did not match what was on the
20 statewide voter database. And so for that one
21 voter we could not reconcile that it was indeed a
22 voter that signed it, so we recommend that one be
23 rejected as well.

24 The next category is voter has
25 already voted. There were 387 voters who cast --

1 their provisional ballot was the second vote that
2 they had cast either through in-person or early
3 vote or absentee by mail. 387 people had already
4 cast a ballot by the time we went to evaluate the
5 provisional, and for that reason we recommend that
6 those 387 ballots are rejected.

7 The next category you see is
8 challenge upheld, and there were zero ballots that
9 fell into that category.

10 The next one is date of birth
11 missing. There were 43 ballots in which the voter
12 failed to provide a date of birth. You might see
13 down further on the exhibit here for Board review
14 tomorrow we'll look at 65 cases where voters did
15 provide some form of date of birth where the Board
16 may vote to accept those; but for these 43, they
17 did not put anything down on the line. And so
18 they're missing one of the five required elements,
19 and we recommend that those 43 also be rejected.

20 And the last category, there was no
21 ballot in the envelope, we had 38 envelopes that
22 just came back empty with nothing in them. And so
23 we also recommend that because there's no ballot in
24 there to count that we reject the 38 that didn't
25 have a ballot.

1 So that grand total, again, of all
2 those categories together was 3,408.

3 And if there's any questions about
4 categories or anything, I'd be happy to answer.

5 Thank you.

6 DEPUTY DIRECTOR PAYNE: Very nice
7 report. Thank you very much.

8 If there are no questions, I would
9 entertain a motion for the recommending the
10 counting of 15,273 ballots. Unless there are any
11 questions or comments.

12 MEMBER SINNOTT: This is Sinnott.

13 David or Sara, at the bottom of
14 Exhibit A there are two categories that are
15 described as for Board review.

16 MS. ZIEMBA: Yes.

17 MEMBER SINNOTT: What are those?

18 MS. ZIEMBA: So the Board review
19 categories, the first one is the date of birth
20 issues where -- Mel will talk about this in
21 tomorrow's meeting -- where there's a provision --
22 or an exception to -- in the manual where if the
23 voter provides some date of birth that the Board
24 can vote by a majority of three members to accept
25 small discrepancies in date of birth, like the

1 month, the day, or the year. Sometimes people will
2 put 2020 as their birth year. And if we have --
3 everything else on the ballot matches what we have
4 on the database, then the Board members may vote to
5 accept those ballots. So we have different
6 categories. Mel will give more information on
7 those tomorrow at the adjudication meeting tomorrow
8 morning. And then the second category is the
9 outstanding county-to-county ballots. With the
10 shortened period, everybody -- all the counties
11 were sort of pressed to get everything done and we
12 are still waiting on hearing back from other
13 counties where the voter voted in Franklin County
14 but they are registered in a different county. So
15 we have to send a copy of our ballot to the other
16 county to see if the voter is registered, the
17 signature matches, and that they didn't cast a
18 ballot in the previous county as well. So we will
19 have a full report on those tomorrow once we hear
20 back from some more counties.

21 Does that help?

22 MEMBER SINNOTT: Those two
23 categories are deemed as items of business for
24 Tuesday's meeting?

25 MS. ZIEMBA: That's correct.

1 MEMBER SINNOTT: Thank you.

2 MEMBER MARINELLO: Mr. Chairman, I
3 move that the Board approve the counting of 15,273
4 provisional ballots and that all provisional
5 ballots deemed valid will be counted and included
6 in the official canvass results for the
7 November 3rd, 2020, General Election.

8 This is Kim Marinello.

9 CHAIRMAN PREISSE: This is Doug
10 Preisse. I second the motion.

11 DEPUTY DIRECTOR PAYNE: It's been
12 properly moved and seconded. I'll take roll.

13 Kim Marinello.

14 MEMBER MARINELLO: Yes.

15 DEPUTY DIRECTOR PAYNE: Mike Sexton.

16 MEMBER SEXTON: (No audible
17 response.)

18 DEPUTY DIRECTOR PAYNE: Mike Sexton.

19 MEMBER SEXTON: (No audible
20 response.)

21 DEPUTY DIRECTOR PAYNE: I'll come
22 back to Mike.

23 Doug Preisse.

24 MEMBER SEXTON: Can you hear me?

25 DEPUTY DIRECTOR DAVID PAYNE: Yes, I

1 can now.

2 MEMBER MARINELLO: I hear you.

3 MEMBER SEXTON: Okay. Yes.

4 DEPUTY DIRECTOR PAYNE: Okay. Very
5 good.

6 Doug Preisse.

7 CHAIRMAN PREISSE: Yes.

8 DEPUTY DIRECTOR PAYNE: And Brad
9 Sinnott.

10 MEMBER SINNOTT: Yes.

11 DEPUTY DIRECTOR PAYNE: Motion
12 carries.

13 The next item would be the rejection
14 of the 3,408 provisional ballots that are shown on
15 Exhibit A that Sara just described.

16 If there are no questions or
17 comments, I'd entertain a motion for the rejection
18 of those 3,408 provisional ballots.

19 MEMBER SEXTON: Mr. Chairman,
20 Michael Sexton. I move that the Board reject the
21 counting of 3,408 provisional ballots as identified
22 by category in Exhibit A and that all provisional
23 ballots rejected will not be counted or included in
24 the office canvass results for the November 3rd,
25 2020, General Election.

1 CHAIRMAN PREISSE: This is Doug
2 Preisse. Second the motion.

3 DEPUTY DIRECTOR PAYNE: It's been
4 properly moved and seconded for the rejection of
5 3,408 provisional ballots. I'll take roll.

6 Kim Marinello.

7 MEMBER MARINELLO: Yes.

8 DEPUTY DIRECTOR PAYNE: Mike Sexton.

9 MEMBER SEXTON: Yes.

10 DEPUTY DIRECTOR PAYNE: Doug
11 Preisse.

12 CHAIRMAN PREISSE: Yes.

13 DEPUTY DIRECTOR PAYNE: And Brad
14 Sinnott.

15 MEMBER SINNOTT: Yes.

16 DEPUTY DIRECTOR PAYNE: Motion
17 carries.

18 The next item would be authorizing
19 the extraction of the approved 15,273 provisional
20 ballots from their envelopes.

21 MEMBER SINNOTT: This is Sinnott.

22 I move that the Board authorize the
23 staff to extract the approved provisional ballots.

24 MEMBER MARINELLO: Second, Kim
25 Marinello.

1 DEPUTY DIRECTOR PAYNE: It's been
2 properly moved and seconded for the extraction of
3 provisional ballots. I'll take roll.

4 Kim Marinello.

5 MEMBER MARINELLO: Yes.

6 DEPUTY DIRECTOR PAYNE: Mike Sexton.

7 MEMBER SEXTON: Yes.

8 DEPUTY DIRECTOR PAYNE: Doug
9 Preisse.

10 CHAIRMAN PREISSE: Yes.

11 DEPUTY DIRECTOR PAYNE: And Brad
12 Sinnott.

13 MEMBER SINNOTT: Yes.

14 DEPUTY DIRECTOR PAYNE: Motion
15 carries.

16 The next item on the agenda would be
17 authorizing any remakes. When the staff opens
18 those envelopes, if there are any ballots that
19 require remaking that you would authorize the
20 remaking of those. And then we would give you a
21 report either tomorrow at the meeting or on
22 Wednesday at that meeting.

23 MEMBER SEXTON: Mr. Chairman,
24 Michael Sexton. I move that the Board authorize
25 the staff to remake provisional ballots and that

1 these remade ballots shall be tabulated and
2 included in the official canvass of the results of
3 the November 3rd, 2020, General Election with a
4 report to be made to the Board later.

5 CHAIRMAN PREISSE: This is Doug
6 Preisse. Second the motion.

7 DEPUTY DIRECTOR PAYNE: It's been
8 properly moved and seconded for the remaking of the
9 provisional ballots. I will take roll.

10 Kim Marinello.

11 MEMBER MARINELLO: Yes.

12 DEPUTY DIRECTOR PAYNE: Mike Sexton.

13 MEMBER SEXTON: Yes.

14 DEPUTY DIRECTOR PAYNE: Doug
15 Preisse.

16 CHAIRMAN PREISSE: Yes.

17 DEPUTY DIRECTOR PAYNE: And Brad
18 Sinnott.

19 MEMBER SINNOTT: Yes.

20 DEPUTY DIRECTOR PAYNE: Motion
21 carries.

22 The next item and final item on the
23 agenda is the remaking of unscanned election day
24 ballots. And I will turn that over to Carla Patton
25 to describe those 61 unscanned ballots that we

1 would like to have authorized.

2 MS. PATTON: Good morning. This is
3 Carla Patton.

4 On election night we had received
5 curbside ballots in our office that were voted
6 throughout the day on election day as well as
7 ballots that were deposited into the kiosk chute by
8 ADA voters. As we processed through those ballots
9 that scanned we found that there were 61 ballots
10 that needed to be remade due to a tear in the
11 ballot or a deficiency in the bar code of the
12 ballot that was marked by the ballot markers. So
13 we're asking that we remake those so that we can
14 move those ballots into the official count.

15 DEPUTY DIRECTOR PAYNE: And that
16 total was 61, Carla?

17 MS. PATTON: 61 ballots.

18 DEPUTY DIRECTOR PAYNE: I would
19 entertain a motion to authorize the scanning of
20 those election day ballots.

21 MEMBER SEXTON: Mr. Chairman, that's
22 61, to my understanding? This is Michael Sexton.

23 DEPUTY DIRECTOR PAYNE: 61 is the
24 correct number.

25 MEMBER SEXTON: This is Michael

1 Sexton. I move that the Board authorize the staff
2 to remake 61 unscanned election day ballots and
3 that these remade ballots will be tabulated and
4 included in the official canvass of the results
5 from the November 3rd, 2020, General Election with
6 a report to be made to the Board later.

7 CHAIRMAN PREISSE: This is Doug
8 Preisse. Second the motion.

9 DEPUTY DIRECTOR PAYNE: It's been
10 properly moved and seconded for the scanning of the
11 61 remade ballots. I will take roll.

12 Kim Marinello.

13 MEMBER MARINELLO: Yes.

14 DEPUTY DIRECTOR PAYNE: Mike Sexton.

15 MEMBER SEXTON: Yes.

16 DEPUTY DIRECTOR PAYNE: Doug
17 Preisse.

18 CHAIRMAN PREISSE: Yes.

19 DEPUTY DIRECTOR PAYNE: And Brad
20 Sinnott.

21 MEMBER SINNOTT: Yes.

22 DEPUTY DIRECTOR PAYNE: Motion
23 carries.

24 That's the last item on the agenda.

25 The one thing I wanted to mention

1 that Sara mentioned was the 65 date of birth issues
2 on the agenda for tomorrow, because -- And I'll
3 have Mel Fuhrmann explain tomorrow, but I believe
4 we can deal with all of those en masse in that the
5 directive explicitly states that the Board can
6 accept a date of birth as long as there was an
7 attempt to write a date. So we've looked at those
8 through bipartisan teams, Mel and Sara have both
9 looked at those, and the Director and I have all
10 looked at those. And tomorrow I believe we will be
11 recommending the acceptance of all those, but I
12 will have Mel deal with that tomorrow.

13 So unless there are any questions
14 about today's proceedings or tomorrow's
15 proceedings, I'd recommend a motion to adjourn.

16 MEMBER SINNOTT: This is Sinnott.
17 Move to adjourn.

18 DEPUTY DIRECTOR PAYNE: Is there a
19 second?

20 MEMBER MARINELLO: Second. Kim
21 Marinello, second.

22 DEPUTY DIRECTOR PAYNE: I will take
23 roll. All those in favor ...

24 Kim Marinello.

25 MEMBER MARINELLO: Yes.

1 DEPUTY DIRECTOR PAYNE: Mike Sexton.
2 MEMBER SEXTON: Yes.
3 DEPUTY DIRECTOR PAYNE: Doug
4 Preisse.
5 CHAIRMAN PREISSE: Yes.
6 DEPUTY DIRECTOR PAYNE: And Brad
7 Sinnott.
8 MEMBER SINNOTT: Yes.
9 DEPUTY DIRECTOR PAYNE: We are
10 adjourned. Thank you, Board.
11 - - -
12 Thereupon, the proceedings were
13 recessed at approximately 9:52 a.m.
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C E R T I F I C A T E

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THE STATE OF OHIO:

SS:

COUNTY OF FRANKLIN:

I, Carla D. Castle, a Professional Reporter and Notary Public in and for the State of Ohio, do hereby certify that the foregoing is a true, correct, and complete written transcript of the proceedings in this matter;

That the foregoing was taken by me stenographically and transcribed by me with computer-aided transcription;

That the foregoing occurred at the aforementioned time and place;

That I am not an attorney for or relative of any of the parties and have no interest whatsoever in the event of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 27th day of December, 2020.

/s/Carla D. Castle
Notary Public, State of Ohio

My Commission Expires: September 29, 2021.

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EXHIBIT A	
GRAND TOTAL RECOMMENDED TO ACCEPT	15273
REASONS FOR REJECTION	
Not Registered in the State	2160
Wrong Precinct and Location	333
Wrong Precinct and Correct Location	0
No Signature	24
No Printed Name	8
Failed to Provide Valid Current Address	105
No ID	309
Signature Mismatch	1
Voter Already Voted	387
Challenge Upheld	0
DOB Missing	43
No Ballot In Envelope	38
GRAND TOTAL RECOMMENDED TO REJECT	3408
FOR BOARD REVIEW	
DATE OF BIRTH ISSUES	65
OUTSTANDING COUNTY TO COUNTY BALLOTS	1258