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THE FRANKLIN COUNTY BOARD OF ELECTIONS

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In Re: :
:
Special Meeting. :

- - -

November 17, 2020

PROCEEDINGS OF REMOTE MEETING OF THE
FRANKLIN COUNTY BOARD OF ELECTIONS
VIA VIDEOCONFERENCING

before Chairman Douglas J. Preisse, Director Edward Leonard, Deputy Director David Payne, and Board Members Bradley K. Sinnott, Kimberly E. Marinello, and Michael Sexton (present for afternoon session only), on Tuesday, November 17, 2020, beginning at approximately 9:37 a.m., recessing at approximately 9:47 a.m., reconvening at approximately 2:49 p.m., and concluding at approximately 3:01 p.m.

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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
Mel Fuhrmann
Sara Ziemba

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I N D E X

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(None marked.)	

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1 Tuesday Morning Session
2 November 17, 2020
3 9:37 a.m.

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5 DEPUTY DIRECTOR PAYNE: Thank you
6 for joining. I'll remind the Board members to
7 identify yourself prior to speaking so that our
8 court reporter, Carla, can note who it is, please.

9 This is David Payne. I'll start the
10 meeting taking a roll.

11 Kim Marinello.

12 MEMBER MARINELLO: Here.

13 DEPUTY DIRECTOR PAYNE: Mike Sexton.

14 MEMBER SEXTON: (No audible
15 response.)

16 DEPUTY DIRECTOR PAYNE: Mike Sexton.

17 MEMBER SEXTON: (No audible
18 response.)

19 DEPUTY DIRECTOR PAYNE: I'll come
20 back to Mike Sexton.

21 Doug Preisse.

22 CHAIRMAN PREISSE: Here.

23 DEPUTY DIRECTOR PAYNE: Brad
24 Sinnott.

25 MEMBER SINNOTT: Here.

 DEPUTY DIRECTOR PAYNE: Mike Sexton.

1 MEMBER SEXTON: (No audible
2 response.)

3 MR. WHITE: I don't believe he's
4 joined yet.

5 DIRECTOR LEONARD: Given the nature
6 of what we're proceeding with, I think we can
7 proceed. We've got a quorum.

8 DEPUTY DIRECTOR PAYNE: Okay. We
9 have a quorum.

10 The first item on the agenda is
11 provisional ballots for consideration, and I
12 believe we have 66 provisional ballots that have an
13 issue with date of birth. And I will turn that
14 over to Mel Fuhrmann, our Director of Voter
15 Services to explain that.

16 MS. FUHRMANN: Good morning.

17 So there are 66 provisional ballots
18 that we've brought to the Board for consideration
19 this morning that all fall under the category of
20 some sort of inconsistency with the date of birth
21 compared to what we have in the statewide voter
22 registration database and what was on the
23 provisional.

24 There is a section of the Ohio
25 Revised Code that states that members of the Board

1 can vote to approve the acceptance of these
2 provisional ballots that fall under this category
3 where the date of birth provided by the voter on
4 the provisional is just a few digits off compared
5 to the information that we have on the database.
6 However, all information on the provisional ballot
7 has to match what we have on our records.

8 The breakdown of these provisionals
9 is as follows:

10 Wrong month, there were 5;
11 Wrong day, 14;
12 Wrong year, 41;
13 Wrong month and year, there was 1;
14 Wrong month and day, there were 3;
15 Wrong day and year, there was 1.

16 Now, as stated before, the Board may
17 vote to accept or reject these provisionals as a
18 group. And there is a section of the Ohio Revised
19 Code and also a section of the Election Manual that
20 gives the Board the discretion to do this, and that
21 is code Section 3505.183.35. And that section
22 states: If the information statement contains the
23 voter's date of birth but the month and day are
24 different from the month and day in the statewide
25 voter registration database, the Board must reject
the provisional ballot unless, (1), the voter's
date of birth in the database is 1-1-1800 or, (2),

1 if the voter has met all of the other requirements
2 of division (B) (3) of Ohio Revised Code
3 3505.183.35.

4 Based upon that code section, I
5 would recommend that -- and I would ask that the
6 Board accept those 66 date of birth provisionals
7 for approval.

8 MEMBER SINNOTT: This is Sinnott.

9 Mel, so we have 66 provisional
10 ballots where the only flaw is some sort of defect
11 in identification of the date of birth. Correct?

12 MS. FUHRMANN: That's right.

13 MEMBER SINNOTT: Everything else
14 about these provisional ballots is correct and
15 verified?

16 MS. FUHRMANN: That's right.

17 MEMBER SINNOTT: And I believe we
18 have a long-standing practice of approving all
19 provisional ballots in this status. Correct?

20 MS. FUHRMANN: That is correct, sir.

21 MEMBER SINNOTT: So there are 66
22 additional provisional ballots to be approved
23 pursuant to your recommendation and zero to be
24 rejected. Is that right?

25 MS. FUHRMANN: This is correct, sir.

1 MEMBER SINNOTT: Well, if there are
2 no more questions of Mel, -- this is Sinnott -- I
3 move that the Board approve the counting of 66
4 additional provisional ballots as discussed and the
5 rejection of no additional provisional ballots and
6 that all provisional ballots deemed valid will be
7 counted and included in the official canvass
8 results for the November 3, 2020, General Election.

9 MEMBER MARINELLO: Kim Marinello. I
10 second.

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

14 MEMBER MARINELLO: Yes.

15 DEPUTY DIRECTOR PAYNE: Mike Sexton.

16 MEMBER SEXTON: (No audible
17 response.)

18 DEPUTY DIRECTOR PAYNE: Doug
19 Preisse.

20 CHAIRMAN PREISSE: Yes.

21 DEPUTY DIRECTOR PAYNE: And Brad
22 Sinnott.

23 MEMBER SINNOTT: Yes.

24 DEPUTY DIRECTOR PAYNE: Motion
25 carries.

1 The next item is the extraction of
2 additional provisional ballots. And these are
3 county-to-county ballots that we have to make sure
4 that voters that voted here in Franklin County did
5 not also vote in a different county. We are
6 starting with a number of 1,258 county-to-county.
7 We're still waiting to hear from a few counties,
8 but I'll turn that over to Mel Fuhrmann again to
9 talk about that. So we're requesting the Board to
10 approve these additional provisional ballots.
11 Thank you.

12 MS. FUHRMANN: Good morning, again.

13 As David said, we do have 1,258
14 county-to-county ballots, and this morning I am
15 asking for the Board to approve the 1,148 to which
16 we have received an affirmative response from the
17 other county that the voter in fact is registered
18 in that county and in fact did not vote in that
19 county. There are 123 that we are still awaiting
20 responses, and we hope to have responses this
21 afternoon to those 123 that are outstanding where
22 we're still waiting for a response from the other
23 county.

24 And I'm sorry. There is one
25 rejection. There was one rejection where the voter

1 voted in the other county, so we would ask to
2 reject that one ballot.

3 CHAIRMAN PREISSE: Doug Preisse
4 here.

5 So you've -- what is the
6 registration status of these 1,248 or 58 in this
7 county, in Franklin County?

8 MS. FUHRMANN: 1,148. They are not
9 registered here in Franklin. They are registered
10 in another county, and we have confirmed with the
11 other county that they are in fact registered
12 there. However, they now live here in Franklin
13 County and cast their ballot here in Franklin
14 County.

15 MEMBER MARINELLO: Any more
16 questions? I'll make the motion.

17 I move that the Board authorize the
18 staff -- this is Kim Marinello -- authorize the
19 staff to extract the additional 1,148 approved
20 provisional ballots and the rejection of one
21 ballot.

22 DEPUTY DIRECTOR PAYNE: Is there a
23 second?

24 CHAIRMAN PREISSE: Doug Preisse.
25 Second.

1 DEPUTY DIRECTOR PAYNE: It's been
2 properly moved and seconded.

3 Kim Marinello.

4 MEMBER MARINELLO: Yes.

5 DEPUTY DIRECTOR PAYNE: Mike Sexton.

6 MEMBER SEXTON: (No audible
7 response.)

8 DEPUTY DIRECTOR PAYNE: Doug
9 Preisse.

10 CHAIRMAN PREISSE: Yes.

11 DEPUTY DIRECTOR PAYNE: Brad
12 Sinnott.

13 MEMBER SINNOTT: Yes.

14 DEPUTY DIRECTOR PAYNE: Motion
15 carries.

16 The next item on the agenda is
17 provisional ballots for consideration, voter
18 intent. We have none of those at this time.

19 So I would be looking for a motion
20 to recess rather than adjourn, if there aren't any
21 further questions.

22 MEMBER SINNOTT: Wait. This is
23 Sinnott.

24 So David, the plan is to kind of
25 recess, reconvene at 2:45 today and consider the

1 remaining out-of-county registrants who voted in
2 Franklin County?

3 DEPUTY DIRECTOR PAYNE: That is
4 correct. We're reaching out to all those other
5 counties that still owe us that information, and
6 we'll have that by 2:45 today when we meet again.

7 MEMBER SINNOTT: Thank you. I
8 understand.

9 MEMBER MARINELLO: This is Kim
10 Marinello. I move that the Board recess this
11 meeting of the Board of Elections, subject to
12 recall by the Chair at 2:45 p.m., Tuesday,
13 November 17th, 2020.

14 DEPUTY DIRECTOR PAYNE: Is there a
15 second?

16 MR. PREISSE: Second. Doug Preisse.

17 DEPUTY DIRECTOR PAYNE: Kim
18 Marinello.

19 MEMBER MARINELLO: Yes.

20 DEPUTY DIRECTOR PAYNE: Mike Sexton.

21 MEMBER SEXTON: (No audible
22 response.)

23 DEPUTY DIRECTOR PAYNE: Doug
24 Preisse.

25 CHAIRMAN PREISSE: Yes.

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DEPUTY DIRECTOR PAYNE: And Brad Sinnott.

MEMBER SINNOTT: Yes.

DEPUTY DIRECTOR PAYNE: We are in recess until 2:45.

(Board recessed at approximately 9:47 a.m.)

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1 Tuesday Afternoon Session
2 November 17, 2020
3 2:49 p.m.

4 - - -

5 DEPUTY DIRECTOR PAYNE: We
6 apparently have four of our Board members here. We
7 are returning from recess. I will take a roll just
8 to make sure we indeed have four.

9 Kim Marinello.

10 MEMBER MARINELLO: Here.

11 DEPUTY DIRECTOR PAYNE: Mike Sexton.

12 MEMBER SEXTON: Here.

13 DEPUTY DIRECTOR PAYNE: Doug

14 Preisse.

15 CHAIRMAN PREISSE: Here.

16 DEPUTY DIRECTOR PAYNE: And Brad

17 Sinnott.

18 MEMBER SINNOTT: Here.

19 DEPUTY DIRECTOR PAYNE: We indeed
20 have a quorum.

21 The first item on the agenda is
22 provisional ballots for consideration. These are,
23 as you'll recall from this morning, the
24 county-to-county provisionals that we were waiting
25 on to hear from a number of counties. We have
since heard from those. I will turn this over to

1 Sara Ziemba of our Voter Services Department to
2 walk through those numbers.

3 MS. ZIEMBA: Good afternoon
4 everyone. This is Sara Ziemba, Supervisor of Voter
5 Services. Thank you for your patience to the Board
6 members and everyone while we completed our
7 county-to-county process.

8 We are going to recommend that the
9 Board approve 339 provisional ballots, and then
10 there are two to reject for being not registered.
11 So that's 339 to approve, we recommend; and we
12 recommend that there are two rejected for being not
13 registered.

14 Thank you very much.

15 DEPUTY DIRECTOR PAYNE: Are there
16 any questions for Sara regarding that?

17 If not, I would entertain a motion
18 to accept 339 additional provisional ballots and
19 the rejection of two additional provisional ballots
20 for lack of registration.

21 CHAIRMAN PREISSE: So moved, Doug
22 Preisse.

23 MEMBER SINNOTT: Sinnott. Second.

24 DEPUTY DIRECTOR PAYNE: All those in
25 favor ...

1 Kim Marinello.
2 MEMBER MARINELLO: Yes.
3 DEPUTY DIRECTOR PAYNE: Mike Sexton.
4 MEMBER SEXTON: Yes.
5 DEPUTY DIRECTOR PAYNE: Doug
6 Preisse.
7 CHAIRMAN PREISSE: Yes.
8 DEPUTY DIRECTOR PAYNE: And Brad
9 Sinnott.
10 MEMBER SINNOTT: Yes.
11 DEPUTY DIRECTOR PAYNE: Now we need
12 to -- the next item is extraction of those 339
13 additional provisional ballots. If I could have a
14 motion to authorize extraction from the envelopes.
15 MEMBER MARINELLO: Yes.
16 I move that the Board authorize the
17 staff to extract the additional 339 approved
18 provisional ballots.
19 MEMBER SEXTON: Michael Sexton. I
20 would second.
21 DEPUTY DIRECTOR PAYNE: It's been
22 moved and seconded.
23 Kim Marinello.
24 MEMBER MARINELLO: Yes.
25 DEPUTY DIRECTOR PAYNE: Mike Sexton.

1 MEMBER SEXTON: Yes.

2 DEPUTY DIRECTOR PAYNE: Doug

3 Preisse.

4 CHAIRMAN PREISSE: Yes.

5 DEPUTY DIRECTOR PAYNE: And Brad

6 Sinnott.

7 MEMBER SINNOTT: Yes.

8 DEPUTY DIRECTOR PAYNE: The motion

9 carries.

10 That concludes this Board meeting.

11 We will have a Board meeting tomorrow at 9:30 a.m.

12 to certify the 2020 General Election.

13 So at this time I'd entertain a

14 motion to adjourn.

15 MEMBER SINNOTT: So moved. This is

16 Sinnott.

17 MEMBER MARINELLO: Second. Kim

18 Marinello.

19 DEPUTY DIRECTOR PAYNE: It's been

20 properly moved and seconded to adjourn.

21 Kim Marinello.

22 MEMBER MARINELLO: Yes.

23 DEPUTY DIRECTOR PAYNE: Mike Sexton.

24 MEMBER SEXTON: Yes.

25 DEPUTY DIRECTOR PAYNE: Doug

1 Preisse.

2 CHAIRMAN PREISSE: Yes.

3 DEPUTY DIRECTOR PAYNE: And Brad
4 Sinnott.

5 MEMBER SINNOTT: Yes.

6 DEPUTY DIRECTOR PAYNE: We are
7 adjourned until 9:30 tomorrow morning.

8 - - -

9 Thereupon, the proceedings were
10 adjourned at approximately 3:01 p.m.

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