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APPEARANCES:

FRANKLIN COUNTY PROSECUTOR'S OFFICE
Jeanine Hummer, Esquire
Amy Hiers, Esquire
Assistant Prosecuting Attorneys
373 South High Street, 14th Floor
Columbus, Ohio 43215,

On behalf of the Board.

Also present:

Erin Gibbons
Carla Patton
Travis Simmons
Matt Rushey

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Friday Morning Session
December 9, 2022
10:07 a.m.

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4 DEPUTY DIRECTOR PAYNE: I'm David
5 Payne. And if everybody would state their name
6 prior to speaking, that would probably help the
7 court reporter out.

8 I'm going to take roll call.

9 Kim Marinello.

10 MEMBER MARINELLO: Here.

11 DEPUTY DIRECTOR PAYNE: Mike Sexton.

12 (No response.)

13 DEPUTY DIRECTOR PAYNE: Doug

14 Preisse.

15 CHAIRMAN PREISSE: Here.

16 DEPUTY DIRECTOR PAYNE: And Josh

17 Jaffe.

18 MEMBER JAFFE: Here.

19 DEPUTY DIRECTOR PAYNE: We have a
20 quorum.

21 First item on the agenda is the
22 approval of the minutes from the October 23rd, '22,
23 and November 7th, 2022. I think those minutes were
24 sent to you.

25 CHAIRMAN PREISSE: I even read them

1 this time.

2 DEPUTY DIRECTOR PAYNE: You read
3 them, that's great.

4 MEMBER MARINELLO: Kim Marinello. I
5 move that the Board approve the minutes of the
6 October 3rd, 2022, and November 7th, 2022 meetings
7 of the Franklin County Board of Elections as
8 submitted.

9 CHAIRMAN PREISSE: Doug Preisse,
10 second.

11 DEPUTY DIRECTOR PAYNE: It's been
12 properly moved and seconded.

13 All those in favor of the motion,
14 signify by saying aye.

15 (Vote taken.)

16 DEPUTY DIRECTOR PAYNE: All opposed,
17 same sign.

18 (No response.)

19 DEPUTY DIRECTOR PAYNE: Motion
20 carries.

21 The next item on the agenda is the
22 start of the recount. It requires a, something to
23 get started here, somebody -- a motion, I believe.

24 MEMBER MARINELLO: Kim Marinello. I
25 move that the Board of Elections begin the recount

1 today at 9:00 a.m. or thereabouts in the races for
2 State Representative (Fifth District) and Judge of
3 the Court of Common Pleas commencing January 1st,
4 2023.

5 CHAIRMAN PREISSE: Doug Preisse,
6 second.

7 DEPUTY DIRECTOR PAYNE: It's been
8 properly moved and seconded.

9 All those in favor of the motion,
10 signify by saying aye.

11 (Vote taken.)

12 DEPUTY DIRECTOR PAYNE: All opposed,
13 same sign.

14 (No response.)

15 DEPUTY DIRECTOR PAYNE: Motion
16 carries.

17 I think Matt is here, and Matt can
18 take all of the observers back to the vault to
19 begin the recount.

20 UNIDENTIFIED SPEAKER: Can you give
21 us one more of those observer things, the badge?

22 DEPUTY DIRECTOR PAYNE: May I swear
23 her in real quick?

24 MEMBER JAFFE: Please.

25 (Thereupon, an observer was sworn in

1 by Deputy Director Payne.)

2 DEPUTY DIRECTOR PAYNE: Fantastic.
3 Thank you.

4 The next item on the agenda is an
5 ES&S EMS 6.3.0.0 upgrade. And we'll call on Carla
6 Patton, our operations manager, to tell us what
7 that is.

8 MS. PATTON: Good morning. Carla
9 Patton.

10 In front of you, you have a quote
11 from ES&S for an upgrade to our current EMS
12 election management system, which is tabulation.
13 Currently the system that we have is over five
14 years old now, and in computer terms, that's old.
15 And so we are looking to upgrade to the newest
16 version of software that Election Systems &
17 Software has to offer for tabulation, 6300.

18 So the quote in front of you is for
19 all the computer equipment, which replaces all the
20 current systems that we have; a new server, four
21 new work stations, all the equipment that goes with
22 those, the monitors; as well as upgrading the three
23 of the four computers that we currently have, with
24 the fourth one being maintained for historical
25 purposes, and also using the current server,

1 upgrading that as a redundant backup to the new
2 server that we will be receiving.

3 So we would ask that you approve
4 this quote for us to purchase the upgraded software
5 and the equipment for that.

6 DIRECTOR WHITE: And Carla, if I
7 may; in addition to the purchase of the equipment,
8 there's training that will be involved in learning
9 the new software, and we've got multiple Democrat
10 and Republican teams that will be trained on the
11 new software.

12 MS. PATTON: Right. It's a five-day
13 training session with Election Systems & Software
14 staff training us. And we've identified a total of
15 11 people in the office to at least go through the
16 training, to be familiar with it, and at the least,
17 but at the most, be able to code an election from
18 start to finish.

19 DIRECTOR WHITE: Including the
20 director and deputy director.

21 MEMBER JAFFE: Great.

22 MEMBER MARINELLO: Kim Marinello. I
23 move that the Board authorize the purchase of the
24 tabulation software and equipment EMS upgrade in
25 the total amount of \$35,519 from ES&S.

1 CHAIRMAN PREISSE: Doug Preisse,
2 second.

3 DEPUTY DIRECTOR PAYNE: It's been
4 properly moved and seconded.

5 All those in favor of the motion,
6 signify by saying aye.

7 (Vote taken.)

8 DEPUTY DIRECTOR PAYNE: All opposed,
9 same sign.

10 (No response.)

11 DEPUTY DIRECTOR PAYNE: Motion
12 carries.

13 The next item on the agenda, we have
14 two voter challenges. I'm going to call on Travis
15 Simmons, our voter service manager, to talk about
16 those two voter challenges.

17 MR. SIMMONS: Good morning.

18 According to Ohio Revised Code,
19 Section 3503.24, a qualified elector may file an
20 application for correction or challenge in person
21 or by mail with the office of the Board of
22 Elections. The challenger must use the Secretary
23 of State Form 257 to file an application challenge
24 no later than 30 days before the election and state
25 the reasons for the application challenge, and also

1 sign under penalty of election falsification.

2 In these two cases, all of those
3 requirements were met. I think you should have
4 those exhibits in front of you.

5 The first one is Millie Jenkins.
6 Ms. Jenkins is challenging the voter registration
7 status of Tom Rose. This is a simple case of voter
8 inactivity at this address. Ms. Jenkins has lived
9 at that address since 1975.

10 MS. GIBBONS: Travis, it looks like,
11 it appears that we don't have Ms. Jenkins on with
12 us yet.

13 DIRECTOR WHITE: So if you want to
14 take the other one.

15 MS. GIBBONS: Sorry.

16 MR. SIMMONS: No problem.

17 Okay. We'll start now with Steve
18 Loos. He's challenging -- Steve is right here.
19 Steve is challenging the voter registration status
20 of Michael Denton. Steve has, as you can see from
21 the exhibit, Steve originally was registered to
22 vote in Franklin County on February the 20th of
23 1996. He has remained a regular voter in Franklin
24 County, voted in nearly every election in which he
25 was eligible.

1 Steve updated his voter registration
2 to 1087 Urana Avenue with an online registration in
3 2019. And Mr. Loos affirmed on his challenge that
4 Mr. Denton does not live at 1087 Urana Avenue, and
5 the activity on Mr. Denton's record supports that
6 statement.

7 So in lieu of that, the voter
8 services department recommends that the Board
9 uphold the challenge against Mr. Denton and remove
10 as a registered voter in Franklin County. The
11 research supports that statement provided by
12 Mr. Loos that Mr. Denton no longer lives at
13 1087 Urana Avenue and should not continue as a
14 registered voter at that address.

15 Any questions?

16 MS. HUMMER: We need to have the
17 challenger testify.

18 MR. SIMMONS: You ready, Steve?

19 MS. HUMMER: He needs to be sworn.

20 (Thereupon, the challenger was sworn
21 in by the reporter.)

22 MS. HUMMER: You need to provide
23 your name and your current address.

24 MR. LOOS: Steven M. Loos,
25 1087 Urana Avenue, Columbus, Ohio.

1 MS. HUMMER: And provide the
2 information to the Board regarding why you are
3 challenging this individual's voter registration.

4 MR. LOOS: Absolutely. And thank
5 you for the Board's time this morning.

6 We've received several mailings and
7 documents in the mail for Mr. Denton, and it
8 appears that he has had voter activity signing a
9 petition in the past. But from what I can tell,
10 the gentleman lives in Pickerington and has not
11 voted in Franklin County, and he's not currently at
12 our address. I bought the home in 2019. And so in
13 order to clean up our voter rolls, I thought it was
14 good to bring it to the Board's attention.

15 CHAIRMAN PREISSE: I'm going to read
16 the narrative here.

17 MEMBER JAFFE: So you don't know
18 Mr. Denton?

19 MR. LOOS: No, I've never met him.
20 And the person that sold the home to us didn't
21 recognize him being a tenant in the past. He may
22 or may not have been, but they didn't recognize
23 him, so.

24 CHAIRMAN PREISSE: So he signed a
25 petition in 2019 which caused his, his voter

1 activity to go back to active, but he wasn't living
2 there then; you were already there?

3 MR. LOOS: Correct.

4 CHAIRMAN PREISSE: And then that's
5 why he's getting mail there now.

6 MS. HUMMER: For purposes of this
7 matter and not questions, it's my understanding
8 that there was a publication notice posted, so that
9 this individual would receive some kind of notice
10 of this hearing to be present, and he has not
11 appeared.

12 MEMBER JAFFE: Do we have any
13 contact information other than his address that
14 is --

15 MS. GIBBONS: We don't.

16 CHAIRMAN PREISSE: I don't have any
17 other questions.

18 MEMBER MARINELLO: I don't have any
19 questions.

20 MEMBER JAFFE: Nor I.

21 Anything else, Kim?

22 MEMBER MARINELLO: No.

23 MEMBER JAFFE: This is Josh Jaffe.

24 I will move that the Board approve the Challenge of
25 Right to Vote filed by Steven M. Loos, 1087 Urana

1 Avenue, Columbus, Ohio, against Michael R. Denton,
2 1087 Urana Avenue, Columbus, Ohio, and that Michael
3 R. Denton's registration be removed in the Franklin
4 County voter file.

5 MEMBER MARINELLO: Second. Kim
6 Marinello.

7 DEPUTY DIRECTOR PAYNE: It's been
8 properly moved and seconded.

9 All those in favor of the motion,
10 signify by saying aye.

11 (Vote taken.)

12 DEPUTY DIRECTOR PAYNE: All opposed,
13 same sign.

14 (No response.)

15 DEPUTY DIRECTOR PAYNE: Motion
16 carries.

17 Does it look like we have
18 Ms. Jenkins on now or --

19 MR. LOOS: Thank you.

20 MS. GIBBONS: It does not appear
21 that we have her on the call.

22 MS. HUMMER: It's my understanding,
23 if I may, that the individual that is challenging
24 does have medical issues. And the Board does have
25 discretion to move the matter and postpone it to a

1 later date to maybe see if she is able to come
2 forward in another month after her medical issues
3 are resolved. Or you could just --

4 MEMBER MARINELLO: Try again on the
5 19th meeting?

6 MEMBER JAFFE: Could we take care of
7 the rest of the agenda and see if she joins us in
8 that time?

9 MS. HUMMER: You can.

10 CHAIRMAN PREISSE: Do we have to
11 have the presence of the challenger?

12 MS. HUMMER: That is the person who
13 is bringing forth the matter, and you want to have
14 that testimony. Other than that, you just have to
15 have the Board's information. But if you want the
16 proper process, you should have the person who is
17 actually challenging present providing that
18 testimony.

19 DIRECTOR WHITE: In person?

20 MS. HUMMER: In person.

21 DIRECTOR WHITE: But it's up to the
22 Board to make that determination?

23 MS. HUMMER: Right.

24 CHAIRMAN PREISSE: Okay. Well,
25 let's pass on that until the end and see if she

1 joins us or not, and if she doesn't, we'll discuss
2 it further.

3 DEPUTY DIRECTOR PAYNE: Fantastic.

4 I'm wondering if we may go to the
5 ward and precinct update for Dublin, Grove City and
6 Hilliard. Matt Rushey is here, and he needs to be
7 back in the recount.

8 CHAIRMAN PREISSE: Sounds good.

9 DEPUTY DIRECTOR PAYNE: Matt, you
10 want to come on up, then? Matt Rushey works in our
11 petitions and filings department.

12 MR. RUSHEY: Good morning,
13 everybody. My name is Matt Rushey.

14 I will just say briefly that
15 following the most recent census, which was
16 approximately two years ago, the cities in Franklin
17 County of Dublin, Grove City and Hilliard redrew
18 their ward lines. Now, they have discretion to
19 draw their ward lines. We at the Board of
20 Elections have discretion to draw the precinct
21 lines to match their new ward lines, and so that's
22 what we recently did.

23 And there are several suburban
24 cities in Franklin that do that, and those are kind
25 of the first three that we've come across. And the

1 reason why they do that is to have the population
2 balance between their wards, and so every ten
3 years, they like to take a look at their wards and
4 make sure that everything is relatively similar
5 regarding population. And so we have recently
6 redrawn precinct lines in Dublin, Grove City and
7 Hilliard.

8 Also mention that Grove City and
9 Hilliard also added a fifth ward, okay, which
10 didn't exist before. And that can certainly come
11 into play with regarding central committee, county
12 central committee seats, for instance, as well as
13 city council seats in some cases that are not at
14 large.

15 So I'll just mention to you again
16 Dublin, Grove City, Hilliard, recently, we just
17 recently redid precinct lines in each of those
18 cities. And so that's what we are asking for
19 approval from the Board today. And if there's any
20 questions, I'll be glad to take them.

21 MEMBER JAFFE: I have a question.

22 MR. RUSHEY: Yes, sir.

23 MEMBER JAFFE: It's my understanding
24 that in terms of, if they elect board members to
25 their city council, their charter would govern how

1 they elect a new member in the cases where they've
2 added a ward. But with respect to county central
3 committee, does the ward exist now that the cities
4 have created it for the purpose of the central
5 committee or at the next election?

6 MR. RUSHEY: And that's a great
7 question, and I talked to Jeff Mackey, who's our
8 manager of petitions and financial filings. And
9 his opinion, and so I'm borrowing from what he told
10 me; and that is that we believe that, yes, that
11 the, since these changes are in effect for all
12 three suburbs at this point, Dublin, Grove City,
13 Hilliard, they're all in effect, their councils
14 have duly processed those changes and passed them;
15 that the parties, Democratic, Republican parties
16 would be at liberty to either fill the seat now or
17 wait until 2024, the next election for county
18 central committee.

19 MEMBER JAFFE: Okay.

20 MR. RUSHEY: So we believe, we
21 believe that they're at liberty, the parties are at
22 liberty to fill the seat now, the fifth seat, or to
23 wait till 2024.

24 MEMBER JAFFE: Thank you.

25 DIRECTOR WHITE: And that's in

1 Hilliard, is that correct?

2 MR. RUSHEY: That is Hilliard and
3 Grove City both, yes, sir.

4 CHAIRMAN PREISSE: Good report,
5 Matt. Thank you.

6 MR. RUSHEY: Thank you.

7 CHAIRMAN PREISSE: What do you
8 think, Kim?

9 MEMBER MARINELLO: I don't have any
10 questions. You guys?

11 CHAIRMAN PREISSE: No. I think this
12 sounds sensible.

13 MEMBER MARINELLO: Kim Marinello. I
14 move that the Board accept the changes proposed by
15 the Board of Election staff to the identified wards
16 and precincts in Dublin, Grove City and Hilliard.

17 CHAIRMAN PREISSE: Doug Preisse,
18 second the motion.

19 DEPUTY DIRECTOR PAYNE: It's been
20 properly moved and seconded.

21 All those in favor of the motion,
22 signify by saying aye.

23 (Vote taken.)

24 DEPUTY DIRECTOR PAYNE: All opposed,
25 same sign.

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(No response.)

DEPUTY DIRECTOR PAYNE: Motion carries.

Thank you, Matt.

Matt does a fantastic job for us here at the Board of Elections.

MEMBER MARINELLO: Yes, he does.

DEPUTY DIRECTOR PAYNE: And he's a very nice gentleman.

MEMBER MARINELLO: Yes, he is.

MS. HUMMER: You can tell it's the holiday season, can't you?

DIRECTOR WHITE: Thanks, Matt.

MR. RUSHEY: Thank you.

DEPUTY DIRECTOR PAYNE: The next item on the agenda is the Piedmont lease. Antone, was that something you were going to?

DIRECTOR WHITE: Yes.

DEPUTY DIRECTOR PAYNE: Okay. Fantastic.

DIRECTOR WHITE: Good morning. Director White.

This is an extension with the City of Columbus to utilize the building at 750 Piedmont Avenue for their building to use for poll worker

1 training. We've used this building now since 2019.
2 This is an extension for \$18,000 to utilize this
3 building through May 19th, 2023. This will be our
4 final extension for the use of that facility. The
5 City of Columbus is repurposing that building and
6 the building next to it, which they call Carolyn
7 Avenue. They're using those buildings for public
8 safety purposes, so I think they're going to be
9 demolishing those buildings.

10 And so we will have to find a new
11 facility to conduct our poll worker training.
12 We're currently working with the county to find a
13 facility. I'm working with county administration
14 right now. We've got some options that we're
15 working on. So we're optimistic that we'll have
16 something in place in time, you know, that our
17 lease is up here in May. But we do have one more
18 extension we'd like the Board to approve today.

19 MEMBER MARINELLO: Absolutely.

20 CHAIRMAN PREISSE: Sounds good.

21 MEMBER MARINELLO: Kim Marinello. I
22 move that the Board approve the lease agreement to
23 rent the building space at 750 Piedmont Avenue for
24 \$18,000. The space will be used for the training
25 of poll workers for the upcoming May Primary. The

1 lease agreement commences December 1st, 2022, and
2 ends at midnight on May 29th, 2023.

3 CHAIRMAN PREISSE: Doug Preisse,
4 second the motion.

5 DEPUTY DIRECTOR PAYNE: It's been
6 properly moved and seconded.

7 All those in favor of the motion,
8 signify by saying aye.

9 (Vote taken.)

10 DEPUTY DIRECTOR PAYNE: All opposed,
11 same sign.

12 (No response.)

13 DEPUTY DIRECTOR PAYNE: Motion
14 carries.

15 The next item on the agenda is the
16 E.E. Ward contract extension. Antone, was that
17 something you were going to?

18 DIRECTOR WHITE: Yes. Director
19 White again.

20 This is our annual contract with
21 E.E. Ward, our transportation contract for the
22 hauling of voting equipment to our polling
23 locations for Election Day. This contract, this is
24 the second extension of a contract that we entered
25 into an agreement with E.E. Ward back in 2020. The

1 previous year, we had a contract for, we entered
2 into a not-to-exceed-amount contract for 200,000.

3 This year going into 2023, it's
4 286,000. We extended or we increased the amount
5 because we wanted to add in a third election. We
6 wanted to make sure that we had enough budgeted in
7 case we had a third election, because the last two
8 years, we've had a third election. And also we
9 have, we move equipment offsite for L&A testing, so
10 we move equipment offsite to Piedmont, so we make
11 room in our warehouses for testing purposes.

12 So we've added to that budget to
13 ensure that we have enough there for transportation
14 services. It's a not-to-exceed amount. So we
15 don't expect to get to 286; it's there just in
16 case.

17 CHAIRMAN PREISSE: Gotcha.

18 MEMBER JAFFE: This is Josh Jaffe.
19 I'll move that the Board authorize the director and
20 deputy director to enter into an annual trucking
21 contract extension with E.E. Ward in an amount not
22 to exceed 286,000 for delivery and pickup of our
23 voting equipment in 2023.

24 MEMBER MARINELLO: Kim Marinello,
25 second.

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

3 All those in favor of the motion,
4 signify by saying aye.

5 (Vote taken.)

6 DEPUTY DIRECTOR PAYNE: All opposed,
7 same sign.

8 (No response.)

9 DEPUTY DIRECTOR PAYNE: Motion
10 carries.

11 The next item on the agenda is the
12 Veterans Day holiday, which was Friday,
13 November 11th, 2022. And our office was open and
14 working. Typically that's a holiday for the Board
15 staff. And what we would ask the Board is if they
16 would grant a floating holiday, which would be
17 eight hours to be used prior to Tuesday,
18 January 31st, 2023.

19 MEMBER MARINELLO: Absolutely. Kim
20 Marinello. As the BOE office was open on Friday,
21 November 11th, Veterans Day, I move that all
22 full-time Board employees be given a floating
23 holiday of eight hours to be used prior to Tuesday,
24 January 31st, 2023.

25 CHAIRMAN PREISSE: Doug Preisse,

1 second the motion.

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

4 All those in favor of the motion,
5 signify by saying aye.

6 (Vote taken.)

7 DEPUTY DIRECTOR PAYNE: All opposed,
8 same sign.

9 (No response.)

10 DEPUTY DIRECTOR PAYNE: Motion
11 carries.

12 The final item on here would be, I
13 suppose, to recess the, recess the Board.

14 CHAIRMAN PREISSE: Well --

15 DEPUTY DIRECTOR PAYNE: Oh. We got
16 to go back and -- I'm sorry.

17 MS. GIBBONS: She's not on there
18 still.

19 MEMBER MARINELLO: Could we have her
20 on the 19th? Is that too soon or too late?

21 MS. HUMMER: You can.

22 CHAIRMAN PREISSE: So we'll just
23 pass on that for now.

24 MS. HUMMER: Well, you need to do a
25 motion to postpone the matter to date, I would say

1 the 19th. That will allow Erin to reach out and
2 see if we can have her on. But I think given the
3 fact that she had mentioned to Erin her health
4 difficulties, I think that would be a fair
5 resolution.

6 MEMBER JAFFE: This is Josh Jaffe.
7 I move to postpone the Challenge of Right to Vote
8 filed by Millie Jenkins to our next meeting on
9 December 19th.

10 MEMBER MARINELLO: Kim Marinello,
11 second.

12 DEPUTY DIRECTOR PAYNE: It's been
13 properly moved and seconded.

14 All those in favor of the motion,
15 signify by saying aye.

16 (Vote taken.)

17 DEPUTY DIRECTOR PAYNE: All opposed,
18 same sign.

19 (No response.)

20 DEPUTY DIRECTOR PAYNE: Motion
21 carries.

22 I believe that is the end of items,
23 unless the Board has anything additional.

24 CHAIRMAN PREISSE: No.

25 In that case, I'll move -- Doug

1 **Preisse.** I move that the Board recess until
2 December 19, 2022, at which time we will conclude
3 the recounts in the races for State Representative
4 (Fifth District) and Judge of the Court of Common
5 Pleas commencing January 1, 2023.

6 **MEMBER MARINELLO:** Kim Marinello,
7 **second.**

8 **DEPUTY DIRECTOR PAYNE:** I'm not
9 sure, did that require a roll call?

10 **CHAIRMAN PREISSE:** I don't think it
11 does. We're in recess.

12 **DEPUTY DIRECTOR PAYNE:** We're in
13 recess. Thank you.

14 - - -

15 Thereupon, the proceedings were recessed at
16 approximately 10:30 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, Sarah S. Collignon, 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 either party and have no interest whatsoever in the event of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Columbus, Ohio, this 8th day of January, 2023.

/s/Sarah S. Collignon
Notary Public, State of Ohio

My Commission Expires: January 9, 2025.

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