

FRANKLIN COUNTY BOARD OF ELECTIONS
280 EAST BROAD STREET
COLUMBUS, OHIO 43215
(614) 462-3100

MINUTES OF THE MEETING ON

11-24-09

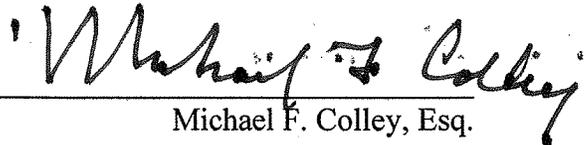
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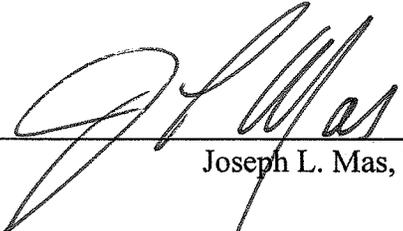
Douglas J. Preisse, Chairman



Michael F. Colley, Esq.



Kimberly E. Marinello



Joseph L. Mas, Esq.

ATTEST:



Michael Stinziano, Director

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BEFORE THE BOARD OF ELECTIONS
OF FRANKLIN COUNTY, OHIO

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IN RE:
Special Meeting

- - - - -

Proceedings before Chairman Douglas
J. Preisse, Board Members Michael F. Colley,
Kimberly E. Marinello, Joseph I. Mas, with
Director Michael Stinziano and Deputy
Director Matthew Damschroder, taken at Board
of Elections, 280 East Broad Street,
Columbus, Ohio, on Tuesday, November 24, 2009
at 4:07 o'clock p.m.

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1 APPEARANCES:

2 Franklin County Prosecuting Attorney
3 373 South High Street
4 13th Floor
5 Columbus, Ohio 43215
6 By Mr. Patrick J. Piccininni,
7 Assistant Prosecuting Attorney,

8 On behalf of the Board.

9 ALSO PRESENT:

10 Suzanne Brown
11 Karen Cotton

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P R O C E E D I N G S

MR. STINZIANO: This is the November 24, 2009 Special Meeting of the Franklin County Board of Elections. Begin with roll call.

Mr. Colley?

MR. COLLEY: Here.

MR. STINZIANO: Chairman Preisse?

CHAIRMAN PREISSE: Here.

MR. STINZIANO: Mr. Mas?

MR. MAS: Here.

MR. STINZIANO: Ms. Marinello?

MS. MARINELLO: Here.

MR. STINZIANO: The first item is the official certification of the November 3rd election. Karen Cotton, Operations Manager, is here to provide an overview and summary, and copies should be in your packets, of the Franklin County specific results.

MS. COTTON: Staff completed the official canvass earlier -- actually toward

1 the end of last week. We finished up on
2 Monday and we got the results from all the
3 counties, but we're still waiting on some of
4 the results from other counties. That's why
5 we you only have Franklin County on this
6 report.

7 We also completed an official
8 canvass for the write-in results and we also
9 presented a copy of those write-in results.
10 We're recommending your certification to the
11 results as you have them before you.

12 MR. MAS: Mr. Chairman, I move that
13 the results of the official canvass of votes
14 cast during the November 3, 2009 General
15 Election be certified as reported.

16 MR. COLLEY: Second.

17 MR. STINZIANO: All in favor?

18 (All say aye.)

19 MR. STINZIANO: As shown on the
20 official certification there are four races
21 where we will have automatic recounts as the
22 Board is aware. An automatic recount occurs
23 when they're within one-half of one percent
24 in these individuals and the trickle-down

1 fall into those categories.

2 MS. MARINELLO: Given that the now
3 certified result of the November 3, 2009
4 General Election contest as results in four
5 contests that are within one-half of one
6 percent, I move the Board establish:

7 Tuesday, December 1st, beginning at
8 8:30 a.m. at the offices of the Board as a
9 time, date, and location of the automatic
10 recount for the Riverlea - Member of Council;

11 Tuesday, December 1st, beginning at
12 10:30 a.m. at the offices of the Board as the
13 date, time, and location of the automatic
14 recount of the Reynoldsburg City School
15 District - Member of Education;

16 Wednesday, December 2nd, beginning
17 at 8:30 a.m. in the offices of the Board as
18 the date, time, and location of the automatic
19 recount of the Hamilton Local School District
20 - Member of Board of Education;

21 Wednesday, December 2, beginning at
22 1:00 p.m. at the offices of the Board as the
23 date, time, and location of the automatic
24 recount of the South-Western City School

1 District - Member of Board of Education.

2 MR. COLLEY: Second.

3 MR. STINZIANO: All in favor?

4 (All say aye.)

5 MR. STINZIANO: As the Board is
6 aware, based on the Secretary of State's
7 directive, we must have the random drawing of
8 precincts for the recount. And it is the
9 staff's recommendation we do that on November
10 30th at 1:00 p.m. I don't know if the Board
11 can accommodate that time, but that is what
12 we're suggesting right now.

13 CHAIRMAN PREISSE: Are we supposed
14 to be there?

15 MR. STINZIANO: Yes. It's the way
16 the dir --

17 CHAIRMAN PREISSE: Is that when we
18 -- when we pull it out of a hat?

19 MR. STINZIANO: -- correct. The way
20 the directive reads it is the Board does the
21 random selection.

22 CHAIRMAN PREISSE: Yeah. Well, I
23 remember it was actually --

24 MR. STINZIANO: The reason we would

1 request to do it on Monday and begin the
2 recounts the next day is so we have staff
3 time to pull out those particular precincts
4 and documents as needed so we have a swift
5 recount.

6 CHAIRMAN PREISSE: You're wanting to
7 do it at one?

8 MR. STINZIANO: Yes.

9 CHAIRMAN PREISSE: And it won't take
10 very long.

11 MR. STINZIANO: No. It should take
12 less than five minutes.

13 MR. MAS: The only problem that I
14 have, as I often have, is that I have a case
15 in federal court that begins at 10:30 and it
16 may or may not be done by one o'clock,
17 particularly if they have to continue it.
18 Are we stuck with one o'clock and --

19 MR. STINZIANO: We aren't stuck and
20 we also just need three. We don't need all
21 four. Only one person can actually pick at a
22 time.

23 MR. MAS: Oh, okay. So if I don't
24 make it, it's not the end of the world?

1 MR. STINZIANO: Correct. If you're
2 comfortable with that -- and random is
3 random.

4 CHAIRMAN PREISSE: So you need three
5 of us here?

6 MR. STINZIANO: Correct.

7 CHAIRMAN PREISSE: And I have a 1:30
8 and a noon, so 1:15 would actually be better.
9 Does that 15-minute difference make a
10 difference for you, Joe, or are you still --

11 MR. MAS: It wouldn't make any
12 difference. I still wouldn't know.

13 CHAIRMAN PREISSE: And you don't
14 know your schedule probably since you have
15 many people working for you? Although one of
16 them might know and --

17 MR. STINZIANO: And we don't have to
18 decide immediately, but we would like, before
19 we leave today, to have the time settled
20 because we are notifying those candidates
21 that are impacted. Under the directive they
22 have to be given adequate notice of when we
23 are doing the random drawing.

24 CHAIRMAN PREISSE: What time do you

1 start your meeting, Joe?

2 MR. MAS: My meeting starts at 10:30
3 and I'm going to see if we can just kind of
4 run through -- if we were to choose a little
5 bit later time, I'm almost absolutely certain
6 that I could be here.

7 CHAIRMAN PREISSE: Yeah. My problem
8 is I could do 2:30 or three, but I've got to
9 be in -- it won't take that long?

10 MR. STINZIANO: It will not.

11 MR. MAS: That would be fine. If we
12 do 2:30, I think I can make it.

13 CHAIRMAN PREISSE: I've got to be in
14 Westerville at 3:30 so -- did you say 2 --
15 2:45 would be perfect.

16 MR. STINZIANO: 2:45 works.

17 CHAIRMAN PREISSE: Does that work
18 for you, Kim?

19 MS. MARINELLO: Yeah. The later the
20 better is always good.

21 CHAIRMAN PREISSE: We're going to
22 meet here Monday, there needs to be three of
23 us to randomly draw for a couple recounts.
24 So if you can be here, that's great; but if

1 you can't, I don't think it's a problem if
2 the three of us can be. And it's going to
3 take how long?

4 MR. STINZIANO: About five minutes.

5 CHAIRMAN PREISSE: Four or five
6 minutes so --

7 MR. STINZIANO: It'll be all
8 prepared and we just need to pick the sample
9 size quickly. Also then, it's our intention
10 to certify the results of the recount at the
11 regular Board meeting scheduled for December
12 7th at three, just so you're all aware.

13 So then the next item on our agenda
14 is the reimbursement to Harold Fielder,
15 manager at the warehouse, for the doughnuts
16 that were incurred costs and it should be the
17 General Election.

18 MR. MAS: Mr. Chairman, I move that
19 the Board authorize the Director and Deputy
20 Director to reimburse Harold Fielder \$89.93
21 for expenses incurred at the Primary and
22 Special Elections.

23 MR. COLLEY: Second.

24 MR. STINZIANO: We'll do a roll call

1 vote on this one. Mr. Colley?

2 MR. COLLEY: Yes.

3 MR. STINZIANO: Chairman Preisse?

4 CHAIRMAN PREISSE: Yes.

5 MR. STINZIANO: Mr. Mas?

6 MR. MAS: Yes.

7 MR. STINZIANO: Ms. Marinello?

8 MS. MARINELLO: I abstain.

9 MR. STINZIANO: Next is we have
10 additional expenses incurred for the
11 placement of voting machines. The purchase
12 order did not cover all of the expenses
13 incurred, so it's our recommendation that the
14 Board open a purchase order with E.E. Ward
15 for the additional expenses that we incurred.

16 MS. MARINELLO: Mr. Chairman, I move
17 that the Board authorize the Director and
18 Deputy Director to open a purchase order to
19 cover the additional expenses of voting
20 machine transport with E.E. Ward for \$17,000.

21 MR. COLLEY: Second.

22 MR. STINZIANO: All in favor?

23 (All say aye.)

24 MR. STINZIANO: The next fiscal

1 matter is the Pitney Bowes equipment that we
2 have. The Pitney Bowes liaison contacted us
3 about an opportunity to consolidate our three
4 leases and save some money. So it is our
5 recommendation that we do consolidate those
6 three leases and order -- open a new purchase
7 order to cover those expenses.

8 MS. MARINELLO: Mr. Chairman, I move
9 that the Board authorize the Director and
10 Deputy Director to renew and consolidate the
11 Pitney Bowes leases and open a purchase order
12 to cover the expenses of the consolidation
13 with Pitney Bowes for \$16,488.

14 MR. COLLEY: Second.

15 MR. STINZIANO: All in favor?

16 (All say aye.)

17 MR. STINZIANO: Additionally, we are
18 looking to buy more supplies with the funds
19 that we currently have in our budget. I do
20 want the Board to know that at this point in
21 time we are not going to be requiring any
22 supplemental appropriations. So these are
23 monies we currently have and it's just
24 gearing up for next year.

1 MR. MAS: Mr. Chairman, I move that
2 the Board authorize the Director and Deputy
3 Director to open purchase orders for the
4 purchase of election supplies as follows:

5 \$40,000 to Current Components, Inc.
6 for VVPAT --

7 MR. STINZIANO: Which is the Voter
8 Verified Paper Audit Trail paper tapes.

9 MR. MAS: Thank you -- and precinct
10 summary tape thermal paper;

11 \$25,000 to E.J. Brooks for voting
12 machine and related tamper-resistant and
13 tamper-evident seals;

14 \$1,500 to INTAB for tamper-evident
15 tape for provisional ballot boxes;

16 \$2,000 to Transition Products for
17 barcode labels and printer supplies; and

18 \$5,000 to Buckeye Boxes for
19 provisional ballot boxes and records
20 retention supplies.

21 MR. COLLEY: Second.

22 MR. STINZIANO: All in favor?

23 (All say aye.)

24 MR. STINZIANO: Continuing with the

1 theme, we are recommending that we open a
2 purchase order of \$80,000 with Gordon Flesh
3 for payments on our existing lease. This is
4 the equipment that are copiers and scanners
5 that we use in the office.

6 MS. MARINELLO: Mr. Chairman, I move
7 that the Board authorize the Director and
8 Deputy Director to open a purchase order in
9 the amount of \$80,000 to Gordon Flesh for
10 payments on the existing lease of office
11 equipment.

12 MR. COLLEY: Second.

13 MR. STINZIANO: All in favor?

14 (All say aye.)

15 MR. STINZIANO: The last fiscal
16 matter is, with the remaining funds we have
17 in the cycle and the current budget that the
18 Commissioners are discussing, it does not
19 reimburse us or does not provide enough
20 funding to cover all the postage that we
21 anticipate. So we are recommending using
22 additional funds to add additional postage to
23 our USPS and Pitney Bowes equipment.

24 MR. MAS: Mr. Chairman, I move that

1 the Board authorize the Director and Deputy
2 Director to open purchase orders in the
3 amount of \$50,000 to both United States
4 Postal Service and Pitney Bowes for the
5 purchase of postage.

6 MR. COLLEY: Second.

7 MR. STINZIANO: All in favor?

8 (All say aye.)

9 MR. STINZIANO: As often is the
10 case, the next item is the possible -- or is
11 the referral of possible voter fraud to the
12 prosecuting attorney. When we were doing our
13 reconciliation with our provisional ballots,
14 there's one individual that appears to have
15 voted and to have cast a ballot in both
16 Hocking and Franklin County. So we are
17 seeking the Board's approval to forward that
18 on to the county prosecutor.

19 MS. MARINELLO: Mr. Chairman, I move
20 that the Board, per the recommendation of the
21 Director and Deputy Director, refer a
22 possible voter fraud case to the prosecuting
23 attorney for further action.

24 MR. COLLEY: Second.

1 MR. STINZIANO: All in favor?

2 (All say aye.)

3 MR. STINZIANO: Next it's our
4 recommendation that the Board adjourn in
5 Executive Session to consider the
6 appointment, employment, dismissal,
7 discipline, promotion, demotion, or
8 compensation of a public employee.

9 MR. MAS: And, Mr. Chairman, I move
10 that the Board adjourn into Executive Session
11 to consider the appointment, employment,
12 dismissal, discipline, promotion, demotion,
13 or compensation of a public employee.

14 MR. COLLEY: Second.

15 MR. STINZIANO: Do a roll call vote.
16 Mr. Colley?

17 MR. COLLEY: Yes.

18 MR. STINZIANO: Chairman Preisse?

19 CHAIRMAN PREISSE: Yes.

20 MR. STINZIANO: Mr. Mas?

21 MR. MAS: Yes.

22 MR. STINZIANO: Ms. Marinello?

23 MS. MARINELLO: Yes.

24 MR. STINZIANO: We're in Executive

1 Session.

2 (Executive Session begins at
3 4:20 o'clock p.m. and concludes
4 at 5:18 o'clock p.m.)

5

6 MR. STINZIANO: Roll call vote to
7 return to public session. Mr. Colley?

8 MR. COLLEY: Yes.

9 MR. STINZIANO: Chairman Preisse?

10 CHAIRMAN PREISSE: Yes.

11 MR. STINZIANO: Mr. Mas?

12 MR. MAS: Yes.

13 MR. STINZIANO: Ms. Marinello?

14 MS. MARINELLO: Yes.

15 CHAIRMAN PREISSE: I'd like to state
16 for the record that we took no votes,
17 entertained no motions during Executive
18 Session.

19 MR. MAS: Mr. Chairman, I move that
20 the Franklin County Board of Elections place
21 Harold Fielder on unpaid administrative leave
22 for two days for failing to follow management
23 direction effective immediately.

24 MR. COLLEY: Second.

1 MR. STINZIANO: All in favor?

2 (All say aye.)

3 CHAIRMAN PREISSE: Were we going to
4 do roll call on that because --

5 MR. STINZIANO: I apologize. Mr.
6 Colley?

7 CHAIRMAN PREISSE: Roll call vote.

8 MR. STINZIANO: Roll call vote. I
9 apologize.

10 MR. COLLEY: Yes.

11 MR. STINZIANO: Chairman Preisse?

12 CHAIRMAN PREISSE: Yes..

13 MR. STINZIANO: Mr. Mas?

14 MR. MAS: Yes.

15 MR. STINZIANO: Ms. Marinello?

16 MS. MARINELLO: I abstain.

17 MR. COLLEY: Mr. Chairman, I move
18 that compensation for certain full- and
19 part-time employees be amended as follows
20 effective with the start of the pay period
21 beginning November 23, 2009:

22 Michael Stinziano, an increase from
23 \$52.64 to \$53.68 per hour;

24 Matt Damschroder, an increase from

1 \$52.62 to \$53.66 per hour; and
2 Breanne Santone, an increase from
3 \$11.20 to \$13.50 per hour.

4 MS. MARINELLO: Second.

5 MR. STINZIANO: All in favor?

6 (All say aye.)

7 MR. STINZIANO: We have no other
8 matters before the Board. Is there a motion
9 to adjourn?

10 MR. MAS: I move to adjourn.

11 MS. MARINELLO: Second.

12 MR. STINZIANO: All in favor?

13 (All say aye.)

14 MR. STINZIANO: We're adjourned.

15 Reminder that we'll be meeting again November
16 30th at 2:45 to pick the random sample. And
17 then the next regular Board meeting is
18 December 7th. Thank you.

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20 Thereupon, the hearing was
21 concluded at 5:20 o'clock p.m.

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