

Reviewed by: _____

**ELECTION BOARD MINUTES
March 14, 2011**

Those present at the Election Board meeting held in Room 103 of the Courthouse Annex:

Craig Adams, Election Board Chairman	Martha Breene, Election Board Vice-Chair
Eleanora Miller, Election Board Member	Denise Jones, Chief Clerk
Richard Winkler, County Solicitor	Michael R. Hadley, Esq., Special Assistant
Gerry McGuinness, Voter Registrar	Amber Kistler, Clerk
Fred Weaver, Candidate	Janet Beichner, County Commissioner
Jil McAleer, General Public	

Call to Order

Craig Adams called the meeting to order at 6:07 p.m. The meeting began with a moment of silent prayer followed by the Pledge of Allegiance. There was no public comment on the agenda items.

Approval of Minutes

Upon a motion by Eleanora Miller and a second by Martha Breene, the minutes from the February 28th and March 7th Election Board Meetings were approved as presented; aye all.

Approval of Resolution VCBE-2011-08

Mr. Adams presented to the board for approval, Resolution #VCBE-2011-08. This Resolution rescinded Resolution VCBE 2011-01 and amends VCBE 2011-05 relating to the appointment of Michael R. Hadley, Esquire, as a Special Assistant to the Board of Elections for calendar year 2011. Upon a motion by Martha Breene and a second by Eleanora Miller, Resolution #VCBE-2011-08 was approved; aye all. In addition, the contract Mr. Hadley received from the Board of Commissioners and signed by a majority of the Board of Commissioners was executed by Mr. Hadley and a copy given to Chief Clerk Denise Jones. Mr. Hadley will also receive a fully executed copy of the Resolution #VCBE-2011-08, and a copy of said resolution is attached to these minutes.

Casting of Lots Discussion – March 16th

Mr. Adams outlined the procedures to be followed at the upcoming Casting of Lots to be held on March 16th at 10:00 a.m. in Room 100 of the Courthouse Annex.

The names of all candidates that have received letters to attend the casting of lots because they are involved in a contest that has more than one candidate, will have their names typed on a slip of paper that are all of the same size. The candidates will examine the slips of paper to ensure their name is

included in the casting and also examine the numbered pills that will be used to determine their placement on the ballot. If satisfactory, the slips of paper will be folded once and then placed into a container. A staff person or board member will draw the name of the candidate from the container. That candidate will then draw a numbered pill from the container. The container will only contain the same number of pills as there are candidates in the contest. The number they draw will determine the number they will be on the ballot.

The Party to draw first is determined by the party of the current Governor. This year the Republicans will draw first. If a contest involves cross-filing, the candidate will draw for their placement on the Republican ballot and when complete, the same process will begin for the Democratic ballot before proceeding to the next contest.

If a candidate cannot attend the casting of lots, they may appoint an agent to do so in their stead. Upon presentation of a notarized letter from the candidate to the Election Board, the agent will be permitted to participate in the casting of lots on behalf of the candidate. If a candidate does not appoint an agent, a member of the Election Board will draw a lot on behalf of the candidate.

Discussion of Policies relating to the electronic voting machines

The Election Board asked that one of the iVotronic Terminals be programmed and ready to be displayed in the Commissioners' Office by April 1, 2011. Discussion ensued as to how this could be accomplished. It was decided that we may be able to use a former Primary Election and load that on a terminal, or use something similar that will not require a lot of programming. The purpose is to allow sufficient time for electors to be able to have "hands-on" experience with the machines prior to Election Day.

The Election Board will certify the final candidate listing to Terry Williams for programming. The staff will review all of the petitions to verify that the information on the candidate listing is accurate prior to giving the listing to the Board for certification.

The Election Board wishes to have the following information results to be provided from the programming of the machines:

- 1- Total voters voting on the electronic machines.
 - a. This cannot be provided on the results tape from each machine, but it will be provided on manual hard copies to show how many electors voted on the machines, including any voters that may have voted on the machine but had to be cancelled because the elector did not confirm their vote on the last screen of the machine.
- 2- Total under votes for each office.
 - a. Can be included on the results tape from each machine as well as on precinct and summary sheets printed at Election Central.
- 3- Total votes for each candidate.
 - a. Can be included on the results tape from each machine as well as on precinct and summary sheets printed at Election Central.

- 4- Total ballots cast
 - a. Can be included on the results tape from each machine as well as on precinct and summary sheets printed at Election Central.
- 5- Total write-in votes for each candidate
 - a. Can be included on the results tape from each machine as well as on precinct and summary sheets printed at Election Central.
- 6- Total absentee ballot votes used in precinct
 - a. Cannot be included on the results tape from each machine as absentee votes are not entered into the iVotronic. However absentee ballots will be recorded on hard copy at the precinct by the poll workers, showing how many were received, how many were counted, and how many, if any, they may be returning that are not being counted. (voided or challenged ballots)
- 7- Total provisional ballot votes used in precinct
 - a. Cannot be included on the results tape from each machine as provisional votes are not entered into the iVotronic. However provisional ballots will be recorded on hard copy at the precinct by the poll workers, showing how many were received, how many were voted, and how many, if any, they may be returning that were not used.
- 8- Computer print out to match central tabulation.
 - a. The final computer print outs will match the central tabulation but has to include some hard copy manual reports to reconcile numbers as computer is reflecting ballots cast, not ballots that were cancelled, voided, or not used.
 - b. Board wants a final certification that will show the total number of absentee and provisional ballots that were distributed to each precinct in addition to showing the votes cast for all absentee and provisional ballots that were used by the electors.
 - c. Staff will draft a reconciliation form for absentee and provisional ballots received, used, and returned, that Poll Workers will be required to complete and post at their respective precincts at the end of Election Night – with a copy to be returned to Election Central.
- 9- Parallel Count Procedure
 - a. Board wishes to implement a procedure that will independently track the election results as they come in on Election Night. An individual that the Board believes to be a computer genius, is willing to provide this service and will develop a spread sheet of each precinct with all candidates and will enter the result totals as provided on the tapes. This process will be carried out from Election Night to the canvassing that is conducted by the Return Board to verify the election results. Those result totals will then be compared to the result totals on the county's electronic voting system.

Other Business /Member Comments

Denise Jones presented two issues. One was to request that each of the Election Board members complete a Financial Interest Statement and return it to her for filing in the office. The other was in reference to a memorandum dated September of 2010 from the Department of State regarding the Election Board's authority to dictate whether or not constables can carry firearms inside the voting precincts. Martha Breene stated that she was aware of the memo from before and they would take it under advisement. It is understood that constables can only carry firearms if they are certified to do so and Craig Adams stated that he was okay with it as he understands that if a constable is in full uniform, they become a target. At present, there is a total of 8 constables that could potentially show up at the polling places on Election Day. It does not appear that the Election Board has the authority to enforce a constable to do his duty on Election Day, however Mrs. Breene stated that it is required by statute and if they neglect this duty, it's on them, they have broken the law and could possibly be held liable if some disturbance occurs and they are not present to take care of it. Fred Weaver stated that people cannot sue for this as there is "no duty to protect". His question was if constables are on the ballot, can they serve at the polls? That same question had been posed before and the consensus is that they can because the statute says they shall serve – it does not give an exception for when they appear on the ballot. Constables may be considered the same as poll workers whose names appear on the ballot every four years and they are also required to work at the polls on Election Day.

Mr. Adams asked if he should attend the Commissioners' public meeting to request additional funds for the constables that may be at the polling places. After much discussion, it was decided that this was not necessary as the current Election Budget should be sufficient to cover those expenses.

Mr. Adams stated that three petitions came in after the deadline date of March 8th. Those petitions were not accepted and the individuals have been notified of that decision and have been advised that they can conduct a write-in campaign if they wish to pursue the position. There is no one else on the ballot for any of the positions they were interested in. Mrs. Breene stated that they can petition the Court if they wish, however the Election Board does not have the authority to accept or reject petitions that are submitted after the deadline date. She suggested, going forward, that we draft a form letter to be given to late filers, explaining the options that are available to them, including petitioning the Court and the write-in process. Fred Weaver stated that the late petitions should not even be considered because these individuals were given the same information that all candidates receive – the deadline date was not a secret and potential candidates should be held accountable to read and follow instructions.

Michael Hadley advised the Board that he may not be present at the next Election Board meeting on Monday as he has a prior engagement.

Public Comments

Fred Weaver commented on the absence of the press at the meeting. He stated that it looks suspect when they only cover certain meetings at which “grand standing” is done by people but don’t bother to cover other meetings where good discussion regarding the election process takes place. He also noted that only one Commissioner attended tonight’s meeting.

Mrs. Breene agreed with Mr. Weaver and stated that people should check the facts before speaking. She stated that this is the first Election Board that is actually acting like a board and has the experience to make a difference in how elections are conducted. She believes that the Judge had a specific motive in appointing this particular Election Board to serve as a true board. Mrs. Breene stated that what was said at the Commissioners’ public meeting was opinion and not factual. Eleanora Miller stated that this Election Board is doing a lot of work that will benefit all of the voters. Mrs. Breene said that Jan Beichner and Vince Witherup took time to review the Election Budget and to review the election process and believe there is sufficient money in the budget to accomplish the work to be done. She stated that the Election Board cooperated in the approach to provide the board with the Election Code books and she paid for the video streaming in an effort to educate the voters about the process. She also acknowledged Mike Hadley and thanked him for the hours of work he has provided to the Election Board. Mrs. Breene stated that Mr. Hadley should be thanked instead of criticized. Mike Hadley stated that he feels he has been thanked and is appreciated already by the Election Board and the two Commissioners.

Fred Weaver stated that the Election Board should question the newspaper as to why they didn’t show up tonight.

Announcements

Mr. Adams announced that the next Election Board meeting will be held on Monday, March 21, 2011 at 6:00 pm in Room 103 of the Courthouse Annex.

Adjournment

Upon a motion by Craig Adams and a second by Martha Breene, the meeting adjourned at 7:20 p.m.

Respectfully submitted,



Denise W. Jones – Chief Clerk