

**Marion County Election Board
Meeting Minutes
October 08, 2003**

Members Present: Chairperson Candace Marendt; Vice Chairman Steve Eichholtz; Secretary, Doris Anne Sadler

Attending: Dan Ladendorf (Election Board Attorney); Robert Vane (Election Board Administrator); Jennifer Walda, (Election Board Chief Clerk); David Woo (Election Board Supervisor); Valerie Hurd (Administration) Jennifer Pruitt (Election Board Clerk); Joel Miller (Democrat Headquarters); Joanne Sanders (City County Council member); LaDonna Freeman (Voter Registration); Sherry Beck (Voter Registration); Barbara Fowler (Voter Registration); Wendy Orange (ES&S representative); April Sellers,

- I. The meeting was called to order by Chairman Marendt.
- II. Chairman Marendt informed the Board and public of the judge's ruling this morning that gives us direction on how to proceed with this election. We wanted to make the public aware of this and we will be in compliance and will be following the judges' order. Secretary Sadler briefed the Board on the different types of ballots and stated that we have some very serious business ahead of us in the Election Board to try to comply with the ruling. Secretary Sadler stated the easiest fix on the ballot is the A-TEAM device. As to the Absentee ballots that the judge ordered to be in office block format with a blank space in between each party that is going to require programming change. Ms. Sadler stated in order to do a ballot that can be read by the central count tabulator, the election day ballots are a separate issue that requires very extensive manual programming and coding of all the PCMCIA cards in order for the tabulators to read the ballot. Ms. Sadler stated there are some serious doubts that we can physically accomplish this. We are going to make every effort to comply and we have communicated with Wendy Orange of ES&S and they have

begun the process of making the programming changes. Ms. Sadler concluded she would like the Board to meet on a daily basis starting tomorrow to update the progress being made and feels it is in everyone's interest, the Board and public, to know what we are doing and what we have accomplished in this progress. Vice Chairman Eichholtz asked Secretary Sadler how long the Election Board has to get this accomplished. Secretary Sadler answered the ballot has to be ready by October 20th for the public test and the statute states if we are not able to do the public test we will have to use paper ballots and they will have to be hand counted. Secretary Sadler also stated that delivery of the ballots to be used on Election Day could possibly be sent out with the inspectors the weekend before the election.

Chairman Marendt recognized Mr. Ladendorf and asked him for a brief synopsis of judge's ruling this morning. Mr. Ladendorf stated it was hard to summarize the thirteen page ruling but easiest to say the court found the ballot we were going to use, that two thirds of the counties in Indiana is using, was not in compliance with Indiana Law and ordered us to change it to the party column format ballot which is not used anywhere in the state of Indiana, but said we could use what was found to be the illegal ballot for our Absentee voting process. Mr. Ladendorf then stated the device that was filed in a timely manner by the Republican party was ordered that it could not be used on the ballot. Vice Chairman Eichholtz wanted to make it clear that the judge's decision is only in place for Marion County. Mr. Ladendorf agreed and stated that this is not a political issue but a vendor issue due to the designing of the ballot is only set up one way in the vendor's programming. Chairman Marendt stated the Election Board and its staff will move forward with putting on this election. Mr. Ladendorf stated that the Election Board is planning to file a stay of this order with the appeal and he thinks the Board is making a wise decision to move forward even with the outstanding issues including how to deal with the excluded cities and towns that were not a part of the lawsuit. Mr. Ladendorf stated another issue with the ballot layout could affect the 2004 Presidential ballot if there are more than five parties on the ballot, we will not be able to use the 11.1 million dollar tabulators in these elections under the current ruling because it can not read a ballot that is set up with more than five political parties. Mr. Ladendorf stated that the DRE (touch screen voting) machines that are required to start use in 2006 (but would like to get in place for the Primary next year) can only be set up one way and that is the office

block ballot style that is not in compliance with the ruling. Three million dollars of the eleven million spent is the DRE machines purchased and clarification of their set-up at a higher level may be desirable. Mr. Ladendorf also commented that three of the members of the Board and the Mayor's administration signed the contract and was informed of the layout of the ballot. Secretary Sadler stated that we will work hard to comply with the order but there are serious doubts that it can be done in a timely manner and made a motion to authorize Mr. Ladendorf to move forward with the appeal. Chairman Marendt second. Vice Chairman Eichholtz opposed. Motion carried by a 2-1 margin.

There being no further business to come in front of the Marion County Election Board, Chairman Marendt adjourned the meeting.

The next Election Board meeting is scheduled for Thursday, October 09, 2003 in Room 107 for a daily update of progress.

Candace Marendt, Chairman

Steven Eichholtz, Vice Chairman

Doris Anne Sadler, Secretary

