

Marion County Election Board
Meeting Update Minutes
October 10, 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. Secretary Sadler stated to the Board she had a press conference at 2:30 p.m. today to inform the public that the vendor will not be able to print the ballots by November 4th and the reasoning for the length of time is due to the programming of the 64 different ballot styles will have to be reprogrammed manually and that takes a tremendous amount of time. She stated that the ballots will have to be programmed to be able to be read by the optical scan tabulators with exact timing marks and the tabulator is not designed to read a party column ballot. Secretary Sadler stated there are a couple of options, one being not to use the 11.1 million dollar optical scan tabulators and in its place using paper ballots that will have to be counted by hand. The second option is to ask the court to order us to move the election date, which would be our last and worst alternative. Secretary Sadler asked for the Democrat at large candidates who filed the lawsuit to compromise with the Election Board to drop the injunction and use the Absentee ballot that is arranged by party with the space in between each party so the ballot could be ready in time for testing and Election Day. Secretary Sadler stated there is resolution she will propose to the Board. Vice Chairman Eichholtz

stated he had a lot of questions, concerns, and was disappointed that no input about the press conference was asked of by the Board. He also stated Secretary Sadler was being very unprofessional and any costs associated with the lawsuit should be taken care of by ES&S and wants the Board to consider terminating their contract. Secretary Sadler responded to the accusations that everything she has said was also stated in court under oath and she is not saying the ballot can not be done, but it can not be done by November 4th and definitely can not be done by the public test date. Secretary Sadler then reviewed the timeline with the Board and public beginning with October 9th with the production of the ballot, October 21st the public test has to be conducted and if unsuccessful we would have to go to paper ballot and count by hand. Secretary Sadler concluded coding would not be able to begin until November 8th which is definitely after the test date and the 2004 General Election date. Mr. Rob McGinnis (ES&S) stated to the Board that it is not that ES&S can not do this but it can not be done in a timely fashion. Secretary Sadler made a motion to adopt resolution. Chairman Marendt second. Vice Chairman Eichholtz opposed. Resolution adopted with majority vote. Vice Chairman Eichholtz requested the Board question Mr. McGinnis under oath and Mr. McGinnis responded that he did not have an issue with that, but what he feels more comfortable with (due to the accusations by Mr. Eichholtz at the beginning of the meeting) is to be questioned with his counsel. Vice Chairman Eichholtz made a motion to question Mr. McGinnis under oath. Motion dies for lack of second. Chairman Marendt asked Mr. McGinnis to return on Tuesday with his counsel for questioning that is not under oath. Mr. McGinnis stated he would be happy to do so. Vice Chairman Eichholtz asked Mr. McGinnis due to the circumstances if he planned to stop the process of reconfiguration. Mr. McGinnis stated he did not and has more than a dozen workers in three offices in Omaha, North Carolina, and Chicago working on this situation. Chairman Marendt made comment that the Election Board is still under a court order, we will comply with the order, and move forward.

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 Friday, October 10, 2003 in Room 107 for a daily update of progress.

Candace Marendt, Chairman

Steven Eichholtz, Vice Chairman

Doris Anne Sadler, Secretary