

To: Election Board Members
From: Robert Vane
Date: June 24, 2004
Re: Minutes of Election Board Meeting held on May 6, 2004

These minutes are the record of the meeting held to determine whether to count ballots discovered while looking inside the ballot box and uncounted storage bin for absentee ballots. By the time the meeting was called to order, ballots had been found in ballot boxes for the following precincts: Washington Township Precinct 86; Ward 21 Precinct 12; Ward 17 Precinct 4; Perry Township Precinct 39

Chairman Candace Marendt ("CM") called the meeting to order. Those present: Steve Eichholtz ("SE", Vice Chairman); Doris Anne Sadler ("DAS", Secretary); Dan Ladendorf ("DE", Board Attorney); Robert Vane ("RV", Board Administrator); David Woo ("DW", Service Center Supervisor); Darrin Duncan ("DD", Elite Transcon); Ruth Lemen ("RL", Election Board employee)

- CM: Should the discovered absentee ballots count as part of the canvass?
DL: There is no authority to count the newly-discovered ballots unless the Election Board is positive the ballots were not put through the tabulator.
DW: There are still four machines from Senate District 36 and four machines from House District 86 that have not been retrieved from the polling places.
DL: The number of ballots in dispute will not affect the result of the election in those districts; we also have to respect the fact that candidates in other races want to have their results certified.
SE: We checked 195 machines and secured four sets of absentee ballots in envelopes. Could we get a court order to force the places where we still have machines to stay open so we can go get them?
CM: Could we be sued by a candidate for not providing all the votes and the proper material?
DAS: A recount is the legal remedy for supposed uncounted ballots to be counted.
CM: What is the action for someone if they discover the absentee ballots could have turned the election?
DL: Recounts, contests, and special elections are the remedies.
DD: I can say flatly that it is impossible to the rest of the voting machines from the entire county back here by Monday in time for you to certify the election.
CM: Is it possible to get more workers and more trucks?
DL: The system puts the burden on candidates and parties to guard their interests.
CM: I am not comfortable telling candidates, 'you trusted us and you lose'. We need to make every effort to get all the machines back and make sure votes [in bin] are counted.
SE: Do we need to get bi-partisan teams to go out to the sites?

CM: I move that all absentee ballots found in the uncounted ballot storage bin today, and all others that might be found as more machines return, not be counted and that no PCMCIA cards be burnt for those precincts and that nothing is added to the results (Vice Chairman Eichholtz second; motion passes unanimously).

CM: I move that all absentee ballots found today [May 6, 2004] be locked in the vault until otherwise directed (Vice Chairman Eichholtz second; motion passes unanimously).

Recess

CM: Do we need to appoint people to look in the storage bins on behalf of the Election Board?

The Election Board directs that the Election Board staff will secure any ballots left in the uncounted ballot storage bin until all the machines have been returned.

The Election Board also directs that the canvass of write-in votes will be held on Friday, May 7, 2004; pay for the canvassers will be \$35 per day.

CM: I move to adjourn (Vice Chairman Eichholtz second; motion passes unanimously).