

Marion County Election Board Meeting Minutes
6/23/2004

Members present: Chairman, Candace Marendt, Vice Chairman, Steve Eichholtz, and Secretary, Doris Anne Sadler

Others present: Robert Vane, Administrator; David Woo, Service Center Supervisor; Jennifer Walda, Chief Clerk; Jennifer Pruitt, Deputy Clerk; Tony Schaffer, Chief Deputy; Sherry Beck, Voter Registration; Cathline Mullin, Voter Registration; Jay Cahill, Republican Headquarters; Toby McClamroch, Attorney for ES&S; Robb McGinnis, ES&S; Wil Wesley, ES&S; Linda Bennett, ES&S; Troy Drews, ES&S; Ken Carbullido, ES&S; Mike Brenner ES&S; Jamie Rough, ES&S; Steve Pierson, ES&S.

- I. Chairman Marendt called meeting to order.
- II. **Approval of meeting minutes:** Secretary Sadler made a motion to approve the minutes of April 29, 2004 with the amendment requested by Attorney Ladendorf regarding the wording and also the May 6, 2004 minutes. Vice Chairman Eichholtz seconded. Unanimous vote passed.
- III. **Service Center Update:** Mr. Woo stated that his staff is starting to prepare for ES&S to do their annual preventive maintenance on the M100s starting July 19th. Mr. Woo stated that the recounts have finished but the outcome is still pending. All poll books have been returned to Voter Registration except those involved in the District 36 recount.
- IV. **Administrator Update:** Administrator Vane stated that one theme throughout our office is the need to get better. Mr. Vane is working on a project (involving everyone who works the election) to have a written set of procedures regarding the election process. Mr. Vane stated that June 15th was the deadline to send out special ABS-3 ballots provided by the state for voters who are overseas (military and visiting) who have requested a ballot for the fall election. Mr. Vane explained that even though we send the ABS-3 early we still send the regular absentee ballot on the September 30th date. The ABS-3 acts as a failsafe if the regular absentee ballot is not returned in time. A safe has been procured in the Election Board to keep the ABS-3 and only the Election Board staff has the combination. Mr. Vane stated the staff is asking for bids for security in the computer room at the Service Center and we are looking into a key card access system. Vice Chairman Eichholtz stated that we need to tighten up security and he has concerns with the canvassing process as

- V. **Board Attorney Update:** Attorney Ladendorf stated that he is working on the procedures for the Election Day Commissioners for Marion County. He also informed the Board that oral argument at the Court of Appeals had taken place on June 14, 2004 on the ballot litigation but no decision is expected for several weeks. Attorney Ladendorf stated that the court indicated they knew of the deadlines and would be willing to get a decision in a timely manner. Attorney Ladendorf stated he had the pleasure of speaking at the Clerk's conference, mainly about the issue of ballot litigation that proceeded to be quite a lively subject among the Clerks.
- VI. **Voter Registration District Finder:** Sherry Beck and Cathline Mullin spoke to the Board on this matter. Mrs. Beck stated that there were two errors in the district finder that did not affect this past Primary election but were fixed for the future. Mrs. Beck suggested that anyone making changes of any kind, do so in writing and file with the Election Board who will then send a copy over to the Voter Registration Office for updating and double checking. Chairman Marendt suggested that a district list be sent to each school district superintendents for a check with them. Mrs. Beck stated she is sorry this happened and will make sure everything is correct for the fall and will expand the measures used in double checking the list.
- VII. **Campaign Finance:** The Election Board staff put together a list of those candidate committees who didn't file or filed late in the 2004 Pre-Primary reporting period. Secretary Sadler made a motion to accept the fines listed by the number of days late that the staff had made available to the Board. Vice Chairman Eichholtz seconded. Unanimous vote passed. Letters will be sent by the staff to make the candidate committees aware of the Board's decision and also give them time to submit a letter or appear in front of the Board at the next regularly scheduled meeting. Mr. Vane made Board aware that the staff had sent letters to those candidates who lost in the Primary election to close their committee if they did not intend to run again in the near future.

VIII. ES&S Presentation of party column ballots:

Linda Bennett and Ken Carbullido appeared to present the different types of ballots that ES&S had formulated for the review by the Election Board. Ms. Bennett passed out the different ballot types to the members to help them follow with the presentation.

Ballot style #1: Office block style. Mr. Carbullido stated this was the compromised ballot used last fall and stated that he had received word from the state that they can use any ballot without certification until 2006 but that some layouts are not used with ES&S software. Chairman Marendt asked Mr. Carbullido to get a ruling in writing from the state. Attorney Ladendorf asked if there is any federal requirement for ballot(s) to be certified. Mr. Carbullido stated no.

Ballot style #2: Mr. Carbullido stated this ballot does follow the party column format but any independent candidates would have to be wrapped around to the back of the ballot which is also able to tabulate. Secretary Sadler wanted to make clear that the reason the candidates would have to be wrapped around the back is due to this particular ballot is limited to three (3) columns on each side and voters would have to continue to flip back and forth. Vice Chairman Eichholtz asked Mr. Carbullido if the voter would still be notified if an overvote had taken place and asked if the lines could be removed from the ballot. Mr. Carbullido stated yes the voter would get the signal that they had overvoted in a race, but the lines on the ballot could not be removed. Mr. Carbullido also stated that with this particular ballot if a voter wanted to vote for a straight party ticket, the voter would have to mark that on each page and not just the first page. Vice Chairman Eichholtz asked if the ballots could be different colors to make them more distinct from one another. Ms. Bennett stated yes but the price would greatly increase for printing. Secretary Sadler asked what the spoilage rate is on this particular layout. Mr. Carbullido stated ES&S has had no county use this type of layout but it would take the voter longer to cast their vote. Ms. Bennett stated that the ballot accounting of this layout would be more difficult. Vice Chairman Eichholtz stated he is interested in any reports or studies ES&S has done on this and questioned if ES&S had created an office block ballot. Mr. Carbullido and Ms. Bennett stated no. Secretary Sadler stated that ES&S should go ahead and create both types of ballots so whatever ruling may come down from the appellate court, we will have a ballot prepared.

Ballot type #3. Mr. Carbullido stated this ballot is in party column format but the first page of the ballot, with the information on it is not what will be scanned in the M100. What is scanned and readable on the tabulators is a generic piece of paper, which is set up like an answer sheet used in tests. The names could be put next to the ovals along with the ballot number. The way this ballot is set up, only the second page (answer sheet)

would be the accounting of the ballot. Secretary Sadler asked if this ballot is used in any jurisdiction ES&S handles. Linda Bennett stated no.

Ballot types #4 & 5. Mr. Carbullido stated that these ballots were a landscape type of ballot but the problem is not being able to get many parties on each ballot. Chairman Marendt commented that voters would get to see all the choices for president in one glance.

Ballot type #6. Mr. Carbullido stated this ballot type is set up as party row format and thinks this meets state statutes because both row and column are present on this ballot. Ms. Bennett stated that this ballot style is two pages with the amendments on the back of the ballot. Vice Chairman Eichholtz thought this ballot was an interesting proposal.

Ballot type #7. Mr. Carbullido stated this ballot type is the same as ballot type #6 but is 19 inches long and all information will fit onto one ballot page, front and back, including the amendments. Secretary Sadler stressed to the Board that we could not use the duplex on the printers with a 19-inch ballot. Ms. Bennett agreed stating that if the Board decided to go with a 19-inch ballot we could not use the duplex and if the Board decided to go with a landscape type of ballot we could not use the Ballot On Demand program used to print all absentee ballots. The Board agreed to take the ballot styles into consideration, show to those interested and get their input, and schedule a meeting to make a final decision on what ballot style to use for the November 2004 election.

IX. ES&S presentation on printing ballots by precinct or by ballot style:

Ms. Bennett stated that ES&S recommends Marion County to print their ballots by style and not by precinct. Ms. Bennett stated that in the 2004 primary election ES&S and the election board staff proofed over 4800 ballots because they were printed by precinct and if printed by style the number would have been less than half of that. The difference is that printing ballots by style is you can use ballot style in different precincts and printing ballots by precinct makes that ballot distinct to that precinct. Attorney Ladendorf stated that we would have some precedence if we printed by style and would make things a little easier including proofing the ballots.

X. Other Business: Chairman Marendt asked that since ES&S was present at the meeting that they discuss the issue of security in the computer room at the Service Center. Vice Chairman Eichholtz asked them how many people to their knowledge has the password(s). No answer was given. Vice Chairman Eichholtz stated that this is a major issue and we need to get a handle on this situation now and suggested that the password be changed and a list be created of all those persons who have it and add to

There being no further business to come before the Board, Chairman Marendt made a motion to adjourn. Unanimous vote passed.

Chairman, Candace Marendt

Vice Chairman, Steve Eichholtz

Secretary, Doris Anne Sadler