

**Marion County Election Board Meeting Minutes
(Emergency Meeting)
10/14/2004**

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

Others present: Dan Ladendorf, Board Attorney; Robert Vane, Administrator; Jennifer Handlon, Chief Clerk; Joel Miller, Democratic Headquarters;

- I. **Call to Order.** Chairman Marendt called the meeting to order.

- II. **Finding of good cause to believe candidate for Center Township Board District 5, David B. Tess, has died-per I.C. 3-11-3-29.5 (2)(b).** Chairman Marendt stated that since a death certificate could not be produced in time, the obituary from the paper, as well as representatives from Democratic headquarters, would serve as sufficient evidence. Secretary Sadler made a motion to declare Mr. Tess deceased. Chairman Marendt second. Vote passed unanimously.

- III. **Discussion of issues related to replacement of deceased candidate and relevant ballot procedures.** Secretary Sadler noted that ES&S had made a new timeline of events. She stated that 200 absentee ballots had been received from the Center Township Board District 7, in which the candidate had been declared deceased. Election Day ballots with the new candidate's name will be printed as quickly as possible; however, these ballots will not be ready for the scheduled public test but will need to be tested at a later date. She also stated the Election Board would send notification letters along with an ABS-5 to voters who have returned their absentee ballot. She noted that the votes for the deceased candidate would still be counted as part of the Election Day results. Secretary Sadler also stated that the absentee ballots for that district would need to be hand counted. Vice Chairman Eichholtz stated that if a voter marked the straight party oval, the vote would count for the new candidate. Secretary Sadler agreed.

Chairman Marendt asked what the legal requirements were in the hand counting process. Secretary Sadler stated the process was up to the discretion of the Election Board according to Brad King at the Indiana Election Division. Robert Vane also stated that Dale Simmons from the Indiana Election Division reiterated that fact. Vice Chairman Eichholtz suggested that the ballots be counted on Election Day at the precincts. Secretary Sadler noted there was no mechanism to add the totals at the precincts on Election Day. Joel Miller inquired how the other races from that district would be counted. Secretary Sadler stated they would be hand counted after Election Day and added to the overall totals. Vice Chairman Eichholtz stated he thought all ballots, except for provisional, should be counted at the precincts on Election Day according to statute. Secretary Sadler stated it would be impracticable to do that. Robert Vane added that the statute gives no provision for this type of situation; it is simply up to the Election Board to decide

the process. Vice Chairman Eichholtz called for an emergency meeting to be set for Monday, October 18, 2004, after the public test to discuss provisional ballots.

- IV. Secretary Sadler moved to adjourn the meeting. Chairman Marendt second. Vote passed unanimously.

Chairman Candace Marendt

Vice Chairman, Steve Eichholtz

Secretary Doris Anne Sadler