

Marion County Election Board Meeting Minutes March 6, 2008

Members Present: Chairman William Groth, as proxy for Chairman Mark K. Sullivan; Vice Chairman Patrick J. Dietrick; Secretary Elizabeth L. “Beth” White;

Others Present: Andy Mallon, Director of Elections; Tenley Drescher-Rhoades, Counsel to the Election Board; A. Scott Chinn, Counsel to the Election Board; Cindy Mowery, Republican Board Member of Voter’s Registration; John Riordan, Democrat Board Member of Voter’s Registration; multiple media camera crews.

I. Call to Order. Chairman Groth called the meeting to order, and introduced the agenda. Chairman Groth explained that Mr. Sullivan could not attend this emergency meeting due previous court engagement.

Voter’s Registration Investigation: Due to the report of voters having received incorrect information from Marion County Voter’s Registration, the Marion County Election Board evoked IC 3-6-5-31, to investigate Voter’s Registration. Voter’s Registration shall be referred to as VR for the remainder of these minutes.

Chairman Groth swore in VR Republican Board Member, Cindy Mowery, and Democrat Board Member, John Kennedy Riordan.

Clerk Beth White noted that is her job to run elections, but with help of VR, political parties and the members of the press. She noted we all want voters to be able to vote. Clerk White also noted the reprecincting plan, which reduced the number of precincts in Marion County from 917 to 590. She also noted the timing of the reprecincting corresponded with the death of Congresswoman Julia Carson. The time frame for this reprecincting was to occur within the 64 days before the 7th District Special Election. Clerk White requested the VR Board Members to introduce themselves, explain the responsibilities of VR, and explicate how they gained their current position.

Cindy Mowery introduced herself as the Republican Board Member of VR. She described the role of VR, as the county entity to register individuals to vote, provide poll books with voter data, verify information of voters is correct and that all who apply are registered. Ms. Mowery explains that she was appointed the Republican Board Chair by the Republican Party Chairman.

John Kennedy Riordan introduced himself as the Democrat Board Member of VR. He reiterated the duties Ms. Mowery described and added the duty of verifying the accuracy and profession of all registered voters and maintaining public documents. Mr. Riordan also included the new duties associated with the reprecincting.

Clerk White requested VR Board Members to describe the responsibility of VR to notify voters of the new precincting, as well as the time line associated.

Mr. Riordan answered this inquiry. As the last step to the reprecincting process, postcards were mailed to all registered voters, noting new precinct information. He noted the human process of updating each voter and then all the information (districts, polling site location, etc.) into SRVS (First Tuesday). After all the information was entered into the system, postcards were mailed to voters.

Clerk White asked Ms. Mowery to describe First Tuesday a.k.a. SVRS.

Ms. Mowery explained SVRS is a new voter's registration system called First Tuesday. It collects data from registrations from which reports are generated. The system is used to generate new registrations, as well as, update and keep system maintained so poll books and postcards are as accurate as possible

Clerk White inquired as to the time frame for the notification/mailing of new precincts for voters.

Mr. Riordan explained the Special Election changed the timeline. With the new development of the Special Election, VR wanted to finish the reprecincting endeavor prior to Election Day. He noted that even though the election only encompassed the 7th Congressional District, VR wanted to send all the cards for all congressional districts in Marion County at the same time.

Clerk White asked if the process had ran according to plan.

Mr. Riordan responded that for the most part it had. He said that 633,000 postcards were sent out faster than any print house said possible.

Clerk White inquired if all the cards had been mailed?

Mr. Riordan responded that it was 3 p.m., so the remainder of the cards was on a mail truck right then.

Clerk White asked if there were any postcards left to mail.

Mr. Riordan said no.

Andy Mallon asked what the first day of mailing was.

Mr. Riordan replied that the mailing started last Thursday (February 28) and continued everyday after that, with the largest mailing going out Monday and Tuesday (March 3 & 4).

A fire alarm sounded. Clerk White requested notice as to whether this was a drill or not. Meeting was called to recess for safety reasons.

Meeting reconvened.

Mr. Mallon's question concerning the first day of mailing was posed to Ms. Mowery.

Ms. Mowery noted that the intent of VR was for the postcards to go out in mail Monday (February 25), but reprecincting issues caused delays.

Clerk White inquired as to whether VR had discovered any problems with the postcards, and if so, to please describe the problems.

Mr. Riordan indicated six individual voters had phone VR reporting they had received postcards with another voter's information on the back of the card. Mr. Riordan also noted that VR had determined how the problem arose and put safeguards into effect to eliminate this issue. He said the problem was reviewed as soon as it has been discovered. Mr. Riordan informed the Election Board that he reviewed a single batch of 1000 voters that were affected. VR identified those affected by printing error and resubmitted 1000 incorrect cards to be reprinted correctly and those were mailed in that day (March 6) mail. He explained that VR was now completing spot checks on other batches.

Clerk White asked if he was sure all the corrected cards had been mailed that day.

Mr. Riordan said yes.

Ms. Mowery explained she was surprised by the error. She said several sample tests had been completed and were fine. She believed only the batch of 1000 was affected. She ascertained the situation was under control.

Clerk White inquired as to how we could all be sure there isn't a broader scope problem?

Mr. Riordan said there is no way to be sure until other voters report problems.

Clerk White asked if there are additional problems, can the remedy of reprinting and mailing be effective with election being days away.

Mr. Riordan responded that if VR finds out the next day, reprinting would be the option. If the problems arise over the weekend, we would call voters, which would be a problem since a phone number is not required to register.

Ms. Mowery added that a voter's registration card is not required for one to vote at the polls on Election Day.

Clerk White explained to those viewing at home that voter's registration cards are not required to vote, but are sent out as a courtesy to notify voters of reprecincting. As long as voters have proper identification, as required by law, they will be able to vote. Clerk White then inquired as to what mechanisms were in place for those not receiving a card or those wanting to check polling place location for friends and relatives.

Mr. Riordan responded that voters can access their records in the VR office or use the internet at: indianavoters.com or the polling place locator on the indygov.org website. He indicated that on the indygov.org website, a voter could see if they were registered for this particular election and the location of their polling site.

Mr. Riordan distributed maps to the Election Board. The maps indicated the 2 precincts in which 1000 voter's registration postcards were incorrect.

Chairman Bill Groth requested Mr. Riordan to specify the precincts being reviewed.

Mr. Riordan identified those precincts as precinct 21007 and 21008, located in Washington Township.

Clerk White specified the boundaries on the map. The boundaries of 21008 were: North- Kessler, South- 54th St., West- Central, and East—just east of Birchwood. The boundaries of 21007 were: North- Kessler, South, 56th St., West- partly Illinois and partly Westfield, and East- College.

Mr. Riordan noted both precincts vote at Immaculate Heart. He indicated that even if they received a postcard with another voter's information, they could still vote in the same place.

Clerk White asked what voters should do if they received a misprinted card?

Mr. Riordan responded those voters should contact VR at 317.327.5040.

Clerk White inquired as to how the board could be sure this error didn't signal a larger problem with maps on Election Day?

Ms. Mowery stated if there were any problems on Election Day, please contact VR at 317-327-5040, and VR will issue a certificate of error.

Clerk White reiterated that voters and poll workers are to call 327-2000 (the inspector hotline) or 327-VOTE to receive a certificate of error, should errors arise on Election Day. She asked Ms. Mowery to please describe this process.

Ms. Mowery explained that an inspector would call and describe the issue. VR would then determine if there is an error on the part of VR. If the polling location is incorrect, VR would inform the caller of the correct polling site. If for some reason, there was an error in VR and the voter does belong at the polling site in question and is registered, a certificate of error number would be issued. The name and certificate of error number for that voter would be recorded in the back of poll book. The voter would then be given a ballot and allowed to vote.

Tenley Drescher-Rhoades, Counsel to the Election Board, inquired as to the staffing that would be available over the weekend, should problems arise.

Ms. Mowery indicated that VR would be open and staffed during the weekend with reinforcements on stand-by.

Clerk White asked how many phone lines are available in VR for the weekend.

Mr. Riordan stated there are 5 or 6 phone lines, of which all staff has accessibility.

Vice Chairman Patrick Dietrick asked Mr. Riordan to describe his confidence level that the errors are limited to the two precincts, 21007 and 21008.

Mr. Riordan responded that currently, the only voters who have voiced a problem are from these two precincts. Until voters from other precincts report problems, VR is confident there are no other problem areas.

Mr. Dietrick asked if spot checks have produced any other possible problem areas.

Mr. Riordan said initial spot checks by Xerox identified problems. Xerox then showed VR how to fix the problems. From that point on, the spot checks consisted of Mr. Riordan spot checking each box, by pulling a card from the bottom. He indicated he had checked over 3700 boxes in two days. Mr. Riordan said VR must have missed one batch.

Mr. Dietrick asked if those mistakes had been corrected and mailed.

Mr. Riordan said yes.

Mr. Dietrick directed his next question to Ms. Mowery. She has stated the postcards were not required to vote. He wanted to know what would happen if the wrong polling site was listed and a voter ends up at the wrong polling site. Mr. Dietrick wanted to know what was being done to ensure that voters were informed of their proper polling site.

Ms. Mowery replied voters could call 317.327-VOTE or our office at 317.327.5040. VR will instruct them where to go. Voters can also access the polling place locator on the indygov.org website.

Mr. Dietrick then inquired as to how voters given the wrong information via postcard with no internet access would be able to determine the correct polling site.

Ms. Mowery replied that poll workers should be able to help voters or voters could call the VR office.

Andy Mallon noted that six voters reported error and referenced the 1000 voters in precincts 21007 and 21008. He inquired as to VR's confidence that all 1000 voters received the wrong card.

Mr. Riordan replied he was sure.

Clerk White asked if every batch of 1000 was spot checked.

Mr. Riordan said no, he checked every box.

Clerk White asked how many batches were in a box.

Mr. Riordan replied there were several batches in each box, however many 3x5 index cards could fit in a banker's box.

A. Scott Chinn, Counsel to the Election Board, took the floor. He said it seemed as though the 1000 incorrect cards had been fixed, but wondered if VR had a contingency plan if the problem was more than one batch. He inquired as to the resources VR may need, including the Election Board, political parties, additional staffing, etc.

Mr. Riordan said there was no contingency plan as of that moment, as the problem arose 2 ½ hours ago. If a problem occurs tomorrow, cards will be resent. VR would only learn of problems through voter notification. As stated earlier, telephone numbers are not available for every voter. He indicated that he and Cindy would enlist the Election Board and political parties to assist in outreach to specific areas if necessary.

Mr. Chinn asked that if a problem should arise over the weekend, VR should compile a list and enlist resources and be sure to request funds if necessary.

Ms. Mowery noted that the current error in question was not caught by the Clerk's Office. She said it was brought to her attention and she shared that information with the Clerk's Office and the Election Board. She assumed that process would continue.

Mr. Riordan noted time constraints were a problem. He said VR did not draft the notice schedule and due to the manual nature of reprecincting, as dictated to VR, there was a limited amount of time to send out postcards before the Special Election.

Chairman Groth asked if any public members would like to offer any testimony. None responded. He then asked if any member of the Board would like to ask further questions.

Clerk White proposed a motion to the Board to officially request a formal report from VR by Monday, March 10, by email or letter describing the activities of the weekend. She noted that some voters may not know about the problem yet. The report would include what new discoveries were made, what remedial actions were taken and where VR is in this process.

Mr. Dietrick added that the Election Board reserves the right to reopen this investigation.

Mr. Chinn informed everyone that nothing about this meeting closed the investigation of VR. The investigation will cease to terminate until the Election Board takes action.

Chairman Groth seconds the motion. The motion was unanimously passed. The report from VR due date is 9 a.m. on Monday, March 10, 2008.

II. Adjournment: Chairman Sullivan motioned for adjournment and closed today's hearing.

Chairman, Mark K. Sullivan

Vice Chairman, Patrick Dietrick

Secretary, Elizabeth L. White