

Marion County Election Board Meeting Minutes

October 29, 2008

Members Present: Chairman Mark Sullivan; Vice Chairman Patrick Dietrick; Secretary Elizabeth "Beth" White

Others Present: Andy Mallon, Director of Elections; Tenley Drescher-Rhoades, Counsel to the Election Board, Myla Eldridge, Deputy Director of Elections; Angie Nussmeyer, Cindy Mowery; Scott Chinn; Counsel to the Election Board; Laurel Judkins; Jenny Troutman; Drew Carlson; Hud Pfeiffer; Marilyn Shank, Andy Gammill; Reed Parker

- I. **Absentee Voting Update:** Chairman Sullivan called the meeting to order. Chairman Sullivan mentions that voting is going smoothly. Madame Clerk White states the absentee voting update as of October 28: total absentee ballot request through the mail and in office are 66,587; early person voting is 38,572; averaging 5,000 – 6,000 a day at CCB, J. Everett Light, and at Southport Community Center. Madame Clerk mentions the remaining days and hours for satellite voting. The mail-in deadline has past. Printer toner, ballots, and envelopes have been ordered 5-6 times just today. Madame White states the EB will meet the demand of the entire early voter turnout. Chairman Sullivan gives his praise on how the election is being managed.
- II. **Update on Resolution of Herring v. Marion County Election Board:** Chairman Sullivan addresses the resolution of the lawsuit and introduces Scott Chinn to give an update. Counsel Chinn states over a week ago, two citizens and NACCP filed a lawsuit regarding Indiana Law on voters who are subject as home owners in foreclosing actions. It is being disputed what would happen if a voter showed up to vote who is on a foreclosing list. The lawyers for the EB, MCDP, MCRP, and NACCP agreed that no voter shall be challenged by anyone who has authority to challenge a voter at the polls solely on the basis that voter is on a foreclosure list or is subjected to an eviction. The order has been made known to the public through the website, this hearing, to all poll workers.
- III. **Election Day Staffing Plan:** Andy Mallon addresses the board on the issues of the Election Day Staffing Plan. Mr. Mallon states that turnout on Election Day will be heavy. It is important to utilize our staff and political parties. All precincts have been assigned an inspector to work on Election Day. 172 "Alpha" Inspectors have been signed up to assist inspectors on Election Day. Director Mallon states the county parties have been a tremendous help in hiring clerk, judges and inspectors. In total, MCRP assigned 1,256 poll workers. The MCDP have appointed 1,299 poll workers. Mr. Mallon mentions the EB will work with the parties to increase these numbers of poll workers and to increase poll workers in precincts with the greatest voter turnout. Mr. Mallon states that it is important to increase the number of poll

workers at precincts with high registered voters from 5 to 7. 72 hotline operators, who mostly are lawyers, are hired to answer questions by poll workers and troubleshoot problems that may occur on Election Day. 65 cabs will be hired to make supply runs. Chairman Sullivan states his praise and thanks for all the workers and volunteers who have been working for this election.

- IV. Resolution on Certain Precinct Board Assignments:** Chairman Sullivan makes the motion to discuss the resolution on precinct board assignments. Andy Mallon states that if there are poll worker vacancies at precincts, and one of the county parties has the opportunity to fill a poll worker to that precinct but does not do so, the Indiana Code allows the EB to fill that position. It is required by law, that the EB may assign poll workers if the precinct is not filled in 14 days prior to the election. Mr. Mallon states he is willing to work with both parties to help fill these positions. Chairman Sullivan states it is wise to have all positions filled well advanced before election. Madame Clerk makes a motion to authorize under statute the staff of the EB to continue to work with the political parties but to fill precinct positions as they become open up to and including Election Day. Vice Chairman Dietrick seconds that motion. It passes unanimously.
- V. Hearing on Ballot Replacement regarding Public Question:** Chairman Sullivan makes the motion to discuss the ballot question. Director Mallon states in certain precincts and IPS districts, some students that live in the IPS district go to a township school. 3 precincts were discovered with this problem based on issues regarding our maps and precinct boundaries. Some of the voters who were given ballots when they early voted did not have the public question on it. Director Mallon states this problem has been fixed in these precincts that had the problem. Mr. Mallon mentions it was a quick fix. 138 voters were affected by this problem. The solution is to make every effort to contact them. They are allowed to go to any satellite location or to the CCB and cast another vote. The other solution is to contact our office and set up a traveling board to meet them. Mr. Mallon mentions if a voter does not reveal themselves, their vote and ballot are still valid and will be counted. The voter has the option to either recast their ballot with the IPS question on it or not to take any action. Mr. Mallon states that they will be contacted by phone first, then by a letter. Director states it is important to know that the IPS question on the ballot is only affected by this. Chairman Sullivan personally thanks the voter (Hershel Tyler) who caught this problem. Madame Clerk makes a motion to approve this plan as it's been presented by Director Mallon. It passes unanimously.
- VI. Issue on how Poll Workers deal with Voters in lines at the Polls:** Chairman Sullivan says the law states if you are in line by 6pm you will be allowed to vote. Madame Clerk states that our technologies (voting machines)

are not affected after 6 pm. Mr. Mallon discusses that is important that our poll workers are aware of the law and to make sure to grant those voters the right to vote as long as they are in line by 6 pm. Chairman Sullivan wants to make a notion that will allow voters to vote who are in line by 6 pm. Madame White seconds that notion. It passes unanimously. Madame White states that the inspectors will have all of this information available to them in their packets.

Chairman, Mark K. Sullivan

Vice Chairman, Patrick Dietrick

Secretary, Elizabeth L. White