

**MADISON COUNTY BOARD OF ELECTIONS  
CANVASS / Regular SESSION  
Board of Elections Conference Room  
Tuesday, November 12, 2013  
11:00 A.M.**

**MINUTES**

CALL TO ORDER

Chairman Andy Gibson called the meeting of the Madison County Board of Elections to order at 11:15 A.M. at the Board of Elections Office Conference Room. Board and staff members in attendance were Andy Gibson, Chairman; Dyatt Smathers, Secretary; Jerry Wallin, Member; Shirley Ponder, Deputy Director; and Kathy Ray, Director.

Chairman Gibson forwarded the motion to recess the CANVASS / Regular meeting based upon legal input with the County Attorney in regards to one provisional ballot at the provisional ballot meeting that was held the previous evening.

**Moved, Second (AG, DS) and Carried (3,0) to recess the CANVASS / Regular meeting until 2 p.m. to allow time for the county attorney and for the candidates in question for the municipal race in the Town of Marshall Municipality to be present to revisit the provisional ballot from last night. At that point, depending upon the outcome of that ballot move forward with not only the certification of election results for the Town of Marshall but also other stated agenda items for the towns of Hot Springs and Mars Hill.**

Member Wallin did not vote on the motion citing that he was unsure of the legality of recessing the meeting, seeking legal counsel regarding the vote on the provisional application last night, and placing the re-visitation of the provisional ballot on the CANVASS / Regular agenda.

Member Wallin indicated that if he chose not to vote, the motion carried (3,0).

The meeting was recessed at 11:35 p.m.

Chairman Gibson called the meeting back to order at 2:00 p.m. The purpose of reconvening was to consider the municipal election results and act upon them.

Both candidates in question in the Marshall Municipal Alderman race and the county attorney were present at 2:00 p.m.

**Moved, Seconded (AG, DS) and Carried (3,0) to reconsider the provisional ballot application that was discussed last night (at the provisional meeting).** The reason for the motion was to consider new evidence and consultation with the State Board and county attorneys.

Prior to the vote on the motion, the county attorney advised the Board members that a meeting agenda could be revised at any time, and that the meeting had been noticed.

Chairman Gibson asked County Assessor Frank House about GIS mapping in regards to 1241 Bailey's Branch Road and whether or not that particular residence is within the municipal boundaries of the city of Marshall. Upon consultation with counsel, it appears the Board has the responsibility of

making determinations whether or not somebody is for voting purposes within the municipal boundaries regardless of what the municipality itself says.

County Tax Assessor Frank House looked at county GIS, county Mylar, and General Assembly maps; and they all showed the residence in question to be inside the municipal boundaries. The county GIS and the old Mylar maps have matched up over time. The General Assembly map showing the property boundary was not the exact same line, but the location of the residence was still within the town boundary. The property in question had some land inside the town boundary and some land outside the town boundary, but the house itself is located within the town boundary.

**Moved, Seconded (DS, AG), and Carried (3,0) to take a look at the evidence that has been presented in regards to the disputed ballot.**

The county attorney again advised the Board that since this was a regularly called meeting that had been noticed that any item could be added to the agenda. If it had been a specially called meeting, then the public would have to be noticed of what you're considering at that meeting.

**Secretary Smathers moved to reconsider the provisional application.** Secretary Smathers asked the Director to confirm that we had correspondence with State Board of Elections this morning from the attorney. She confirmed that she had consulted with Don Wright, Esq., Legal Counsel and George McCue, Esq. Elections Specialist.

**Moved, Seconded (DS, JW), and Carried (3,0) that in light of the evidence the State Board attorney made available to us, to accept the provisional ballot that's in question for inclusion in the municipal election for the Town of Marshall.**

The sealed provisional application was opened, and the ballot votes were read into the election result totals.

Secretary Smathers announced the unofficial results for the Town of Marshall. Lawrence Ponder as Mayor received 115 votes, top vote getter Christiaan Ramsey with 121 votes, the second top vote getter was Billie Jean Haynie with 98 votes, the third place finisher in the Marshall elections was Thomas Jablonski with 83 votes, and the fourth place person was Dennis Ledford with 82 votes.

The Director charged the audience that a recount could be requested. No requests for a recount were voiced at the meeting.

### 2013 Municipal General Election CANVASS

The Deputy Director reported on the Marshall, Hot Springs, and Mars Hill Election Data Reconciliation Reports. All ballots sent and voted, total ballots counted, SEIMS voter history, and the Authorization to Vote and provisional ballot poll books all reconciled.

The Hand Eye Audits were conducted for the Mayors races in South Marshall (30 votes cast) and Hot Springs (154 votes cast). The Director explained the Hand Eye process and purpose is to ensure that the machine and Hand Eye election results of election night reconcile with the audit post election Hand Eye count.

The CANVASS Block Style Report, Write-In Reports for all towns, and Certifications of Municipal Election, and Election Abstracts were presented to the Board.

**Moved, Seconded (DS, JW) and Carried (3,0) to accept the election data reconciliation for all three municipal elections November 5, 2013 as presented by the Director.**

**Moved, Seconded (DS, JW) and Carried (3,0) to approve the October 9, 2013 meeting minutes.**

Chairman's Report

No Report

Members' Reports

Secretary Smathers commented that he visited each election site on Election Day, beginning with the Mars Hill Municipality at 5:15 a.m. He was impressed with the staff and thanked them for their service. He progressed on to Marshall and Hot Springs to thank the staff. This Board, the Director, and Deputy Director can be very proud that every site's staff said the training was spot on, and they felt really good. The staff at each site worked smoothly together.

Director's Report

The budget report for October 31, 2013 will be reviewed at the December regular meeting. The municipalities will reimburse us in December for election services. The reimbursement funds are not deposited back to the line items of the Board of Election's budget but are deposited back into county line items. Filing fees are collected from local candidates and are also deposited into county line items. The towns' invoices reflect that collected candidate filing fees have been credited toward their invoices for election costs.

Old Business

The Board tabled the discussion and appointment of replacement Republican Judges at the Walnut and South Marshall precincts. The Director will contact Republican Party Chairman Matt Wechtel for recommendations to present at a future meeting.

County Manager Allen Lamberson presented information regarding the storage of voting equipment in the new storage area in the back of the administrative building. Mr. Lamberson explained that he doesn't see any changes coming for the Board of Elections, but he did want the storage area built with the potential to accommodate voting equipment in the future if needed. Thus he had asked the Board of Elections for factors to consider for the proper storage of voting equipment.

The Board informed Mr. Lamberson that our future storage needs may change due to recent legislation that the direct record voting equipment must be replaced by Jan. 1, 2018. The county commissioners need to be aware of the expense the county will incur to replace the voting equipment. The Board of Elections will submit a plan to the county regarding the voting equipment replacement costs so that commissioners can be setting aside capital funds each year to cover the costs.

New Business

The State Board approved county one-stop voting plan that was implemented during the November 2012 General Election was presented to the Board for review. The caveat for the upcoming plan will be the shortened one-stop window by one week and the State Board of Election's requirements to provide the same number of cumulative hours as was provided during the 2010 Primary Election. Our county must provide 414 cumulative hours unless we submit to the State Board of Elections a request to reduce the number of hours. Such a request must be supported by data and must receive the unanimous approval of all Board members.

A snapshot of data to consider in preparing the upcoming 2014 Primary One-Stop Plan was presented that included timelines and deadlines for submission of the plan.

The May 2013 Primary and November 2014 General Elections Calendars were presented for the Board members to review and mark their individual calendars and plans accordingly.

Other Matters

The Board discussed the salary for Board members. The salary for Board members has not been changed or addressed since at least 2009. The Board of Elections does not get mileage reimbursement other than that for attending state conferences or out of town meetings.

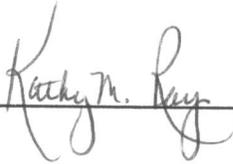
Announcements

The next regularly scheduled meeting is on Wednesday, December 11, 2013. The State Board of Elections Directors' Conference is December 16<sup>th</sup> and 17<sup>th</sup>.

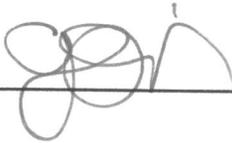
Adjournment

**Moved, Seconded (DS, JW) and Carried (3,0) to adjourn at 4:20 p.m.**

Director



Chairman



Secretary

