

PRE-RECOUNT MEETING AGENDA

(swear in recount team members, sign oath page and issue name tags)

Good morning, welcome, thank team members for their attendance/participation today.

Call to Order meeting of the County Board of Canvassers

This meeting is held in accordance with the provisions of the Open Meetings Act, and has been publicly noticed indicating the time and place for today's recount. Notices were posted at two places within the County Building (Friday, November 30, 2018, 3:30pm) and on our County Clerk's web site. In addition, both candidates have been notified; and a Press Release was emailed to area media.

Introductions

(self, canvasser's w/party affiliation-specify chair and vice chair, candidates, recount team, and city clerk.)

Board of Canvassers: *Chairman Susan Buckley (D), Vice-Chairman Sue Groth (R), Sallie Massa (R), Wayne Kukuk (D)*

Recount Team members: _____

Candidates in attendance: _____ Candidates introduce representatives.

Candidates and Representatives are asked to sign the sign-in sheet, and to wear a color coded Name Tag at all times throughout these proceedings.

Q: Have all candidates and their representatives signed the sign-in sheet and have a name tag?

Statement of Purpose

We are here to recount the votes cast for the office of Albion City Council Member Precinct 1.

Candidate Maurice Barnes, Jr. filed the appropriate request for a recount believing the canvass of votes cast is incorrect because of fraud and error in the precinct returns for the City of Albion, Michigan, Precinct 1 at the City Election held Nov. 6, 2018 for the office of Albion City Council Member Precinct 1.

Mr. Barnes has requested that the Precinct 1 be recounted, and he has made the required deposit of \$25.

Conduct of Recount

This recount will be conducted under the authority of the Calhoun County Board of Canvassers using the Rules issued by the Board of State Canvassers for the conduct of election recounts as they relate to electronic voting systems. This is to insure the fair, impartial and uniform conduct of recounts.

The optical scan ballots cast in Precinct 1 of the City of Albion will be hand recounted by two two-member teams assigned by the Calhoun County Clerk's Office.

Each candidate is permitted to designate two representatives to observe each of the recount teams. This count does not include the candidate or legal representative.

The Calhoun County Canvassing Board has provided the Poll Book and Statement of Votes documents; while the City of Albion has provided the secured ballot container(s) and related materials needed to complete this recount.

Provision shall be made for public observance of the conduct of recounts, but the public shall not be allowed within the confines of the actual working area, nor shall vocal or other disturbances by the public be permitted.

Overview of Recount Procedure

There are 2 steps in the Recount Procedure ~ 1) determine if the precinct is recountable, and 2) actually hand count votes cast for the office of Albion City Council Member Precinct 1. Team members should direct any and all procedural questions to myself or a Board of Canvasser Representative!

In the first step we will **determine the recountability of the precinct and to unseal ballot containers.**

I have a 'Recount Statement of Returns' form that we will follow together.

The ballots shall be recountable unless any of the following conditions occur:

- 1) The seal is NOT placed on the ballot container in such a way to ensure that ballots cannot be inserted or removed from the container without breaking the seal or damaging the container (visual check of the container for rips, tears, broken zippers, etc.).
- 2) The seal on the ballot container is broken or bears a different number than that recorded in the poll book (or receiving board certificate), the breaking or discrepancy is unexplained, and security has not been preserved.
- 3) The number of ballots and the number of voters shown in the Poll Book do not conform, and the difference cannot be explained to the satisfaction of the board of canvassers conducting the recount.
Note: Ballots will be picked up one-at-a-time. Team members will sort the ballots into stacks of 25, turning each stack of 25 in a different direction. A physical count of the total number of ballots cast will be compared to the total number of voters according to the Poll Book.

The determination of the precinct's recountability will be announced for the precinct.

If the board of canvassers determine that the ballots of a precinct are **not recountable**, the original return of the votes for that precinct shall be taken as correct. Reason(s) will be recorded in the "Comments" section of the recount form. Ballots are returned to the ballot container, and new seal numbers are recorded.

If the board of canvassers determines that the ballots of a precinct **are recountable**, ballots will be hand tallied using the sort and count method; all ballots will be accounted for. It is important that any errors or discrepancies be resolved before moving to the next step.

If **Provisional Envelope ballots** were issued in the precinct, determine if any ballot(s) were counted.

If so, verify the envelope ballot was properly sealed in a ballot container; then add ballot to recount pile.

If ballots have been **duplicated**, team members will check duplications for errors and correct if necessary.

Ballots will be picked up one-at-a-time, reviewed by those present at the table and placed into one of three stacks: one stack of valid votes cast for **Maurice Barnes, Jr.**, one for valid votes cast for **Donnie Brewer**, one stack for **invalid or blank** votes cast for that office. Ballots containing one or more write-in votes for the office being recounted should be brought to my attention.

The vote shall not be considered valid unless it is clearly evident that the intent of the voter was to cast a vote. In determining intent of the voter, the board of canvassers shall compare the mark subject to recount with other marks appearing on the ballot.

(Refer to and review State Validity Standards sheet) A valid marking is a mark within the 'predefined area' for casting a vote. Michigan allows for a voter to make a **correction** on their ballot. A correction that causes a "false" tabulator read does not count as a valid vote, thus a vote should be counted for the candidate correctly marked in the predefined area.

In the same way, a "stray mark" made within a predefined area is not a valid vote.

There were no Write-In Declaration of Intent filings; therefore, there are no valid write-in candidates for this office. However, team members will check to see if a write-in mark, in combination with one or more direct votes cast for the same office, results in an over vote. An **invalid write-in** vote is not considered when determining whether an over vote occurred. Ballots containing one or more write-in votes for the office being recounted should be brought to my attention.

Once sorted into appropriate stacks, team members will **visually inspect** the ballots in each stack to verify their work. They will next **count** the number of ballots in each stack and verify the count. The totals will be entered on the Recount Statement of Returns. Ballots will be returned to the ballot container(s) and new seal numbers recorded on the Recount Statement of Returns and Ballot Container Certificate.

Challenges

Two representatives will be allowed to observe the work of each team, one of which will be designated as the spokesperson. This count does not include the candidate or legal representative.

- * Candidates and their representatives may **not** touch ballots, seals, Poll Books, Statements of Votes or recount documents.
- * It is the responsibility of the designated spokesperson to voice his/her intent to challenge to a member of the team at the time that the decision to recount the precinct is made or the vote on a ballot is awarded to a candidate.
- * Decisions made by a team will not be revisited for the purpose of entering a challenge.

All challenges will be fully documented on the recount form. In addition, all challenges will be recorded. Challenged ballots will be set aside as specified under the Rules issued by the Board of State Canvassers for the conduct of election recounts as they relate to electronic voting systems.

It will be necessary for the Board of County Canvassers to convene to address the challenges as directed. Each candidate can designate one representative to address the Board of County Canvassers on the challenges.

Minutes of all of the challenge proceedings will be taken by the Secretary of the Board of County Canvassers or a designated representative. Any interested party will be permitted to orally submit any objection, proposed correction or addition to the minutes. Decisions made on challenges by the Board of County Canvassers are final.

Conclusion

At the conclusion of the recount, the Board of Canvassers will convene to certify recount results and will address any challenges that have been filed.

Are there any questions?

PROCEDURE FOR RECOUNT

We will first determine if each precinct is recountable. We will refer to the 'Recount Statement of Returns' form.

The heading indicates the precinct. You will notice in **Item I** the number of voters according to the Poll Book $379 + 82 = 461$, and the seal numbers used to seal the ballot container (#25546 and #25550).

In **Item II**, question 1 we will determine if the seal is placed on the ballot container in such a way that the ballots cannot be removed or added without breaking that seal or damaging the container?

We will check YES or NO to the right of the question.

Question 2, compare the number on the actual ballot container seal to the seal number recorded in the Poll Book (Item I above). If it matches, check YES, if not NO.

- If the answer to questions 1 and 2 is YES, we will proceed to question 3.
- If the answer to questions 1 and 2 is NO, the precinct is NOT recountable, proceed to question 4. Answer NO and follow the instructions listed. (The "Determination – Precinct not Recountable" form must be completed). If the precinct is **not recountable**, the original return of the votes for that precinct shall be taken as correct. Return ballots to the ballot container, and new seal numbers are recorded. Announce the Precinct is not recountable.

Question 3 (if answers 1 and 2 are YES): break the seal (scissors provided) and take out all the voted ballots. (Rubber fingers or sort-wick is provided). Team members will sort the ballots into stacks of 25 by physically picking up each ballot and turning each stack of 25 in a different direction. A physical count of the total number of ballots cast will be compared to the total number of voters according to the Poll Book.

- If the number of ballots tabulated **agrees** with the number of voters shown in the Poll Book (Item I above), the precinct is recountable. Answer YES to question 3 and 4, and sign where indicated. Announce the Precinct is recountable. Proceed to Item III.
- If the first count does **not agree**, check the following:
 1. Refer to the Ballot Summary – Were one or more ballots 'duplicated'? If YES, are all 'duplicate' and corresponding 'original' ballots accounted for? (Check the #5 Duplicated envelope). Are all 'duplicate' ballots included in the number of ballots counted and are all 'original' ballots secured inside the #5 envelope? 'Original' ballots should not be included in the physical count.
 2. Refer to the Ballot Summary – Were one or more ballots 'spoiled'? (Check the #4 Spoiled envelope). Are all 'spoiled' ballots secured inside the #4 envelope? 'Spoiled' ballots should not be included in the physical count.
 3. Refer to the Remarks Page – is there an acceptable explanation for the discrepancy?
 4. Refer to the Statement of Votes (Totals Tape) – does the number of ballots tabulated according to the physical count agree with the number of ballots tabulated according to the Statement of Votes (Totals Tape)?

If after a review of the above items it is determined that the first count agrees with the total number of voters according to the Poll Book and/or the total number of ballots tabulated according to the Statement of Votes (Totals Tape), the precinct is recountable. Answer YES to question 3, sign where indicated, announce the Precinct is recountable, and proceed to Item III.

- However, if the first count does not agree and a reasonable explanation for the discrepancy cannot be identified, the ballots must be counted a second time; proceed as follows:

Count #2 – count the ballots a second time. If the total number of ballots tabulated agrees with the total number of voters according to the Poll Book and/or Statement of Votes (Totals Tape), the ballots must be counted a third time to verify the count; proceed to Count #3.

- However, if the second count does not agree, the precinct is not recountable. Answer NO and follow the instructions listed. (The “Determination – Precinct not Recountable” form must be completed). If the precinct is **not recountable**, the original return of the votes for that precinct shall be taken as correct. Return ballots to the ballot container, and new seal numbers are recorded. Announce the Precinct is not recountable.

Count #3 – count the ballots a third time. If the total number of ballots tabulated agrees with the total number of voters (as verified with Count #2) the precinct is recountable; answer YES to question 3 and 4, sign where indicated, announce the Precinct is recountable, and proceed to Item III.

- However, if the third count does not agree with Count #2, the precinct is not recountable. Answer NO and follow the instructions listed. (The “Determination – Precinct not Recountable” form must be completed). If the precinct is **not recountable**, the original return of the votes for that precinct shall be taken as correct. Return ballots to the ballot container, and new seal numbers are recorded. Announce the Precinct is not recountable.

SUMMARY: the number of ballots tabulated (per the physical count) must agree with
(1) The Poll Book and/or Statement of Votes (Totals Tape) total on the first count OR
(2) The Poll Book and/or Statement of Votes (Totals Tape) total on the second AND third counts.
If the number of ballot and the number of voters do not agree, and an acceptable explanation for the discrepancy cannot be identified, the precinct is not recountable.
In all cases, the determination of the precinct’s recountability must be announced from the podium.

Item III, Envelope Ballots. NOTE: this step is only completed if one or more ‘envelope’ ballots were counted during the 6 day review period. If there were none, skip to Item IV. (Albion City Pct. 1 had no envelope ballots for the 11/06/18 General Election)

Answer questions 1 and 2. If the answer to question 1 and 2 is YES, answer YES to question 3; the envelope ballots are recountable – place the envelope ballots with the other ballots to be recounted.

- However, if the answer to question 1 or 2 is NO, answer NO to question 3; the envelope ballots are not recountable. Proceed to Item IV. (Note: a determination that the envelope ballots are not recountable, has no bearing on the recountability of the precinct.)

Item IV, Duplicate Ballots: Look for envelope #5 Duplicated Ballots or review the Ballot Summary Certificate to determine if any ballots were used for duplication. Answer question #1.

- If the answer is YES, match each ‘original’ ballot to the corresponding ‘duplicate’. Verify that all ‘valid marks’ recorded by the voter on the ‘original’ ballot, for the office being recounted, are reflected on the corresponding ‘duplicate’ ballot. If errors are identified, make the necessary corrections and proceed to Item V.
- If the answer is NO, proceed to Item V.

COUNTING VOTES: Place table tents for each candidate on the table, refer to the green Validity Standards sheet when determining if a vote is valid.

Review Write-in votes:

- In order for a write-in vote to be valid, the voter must write the name of the declared write-in candidate, in the blank space provided under the Council Member office, and completed the corresponding arrow. There were NO Valid Write-in Candidates!
- If **invalid**, determine if an over vote occurred, if so you must count a vote for other candidate marked.

STEP 1, SORT BALLOTS: Referring to ONLY the Council Member office, review all voted ballots

STEP 2, VERIFY VOTES CAST: Visually inspect each ballot in each pile/stack to verify.

STEP 3, COUNT BALLOTS: Same as with counting total ballots, team members will count the ballots by physically picking up each ballot and turning each stack of 25 in a different direction. It is necessary to come to the same number twice.

Item V, Challenges: answer question 1.

- If the answer is YES, review all documentation recorded on the Challenge Exhibit Envelope(s) for completeness and accuracy, answer YES to question 2 and proceed to Item VI.
- If the answer to question 1 is NO, proceed to Item VI.

Item VI, Ballot Container Resealing: return all ballots to the ballot container. Re-seal the container and record the new seal number under Item VI, in the Poll Book and on the Ballot Container Certificate. Initial and date the entries in the Poll Book and on the Ballot Container Certificate. (Note: Do not seal Challenge Exhibit Envelope(s) containing ballots in the ballot container.)

Item VII, Recount Returns:

- If the precinct is recounted, complete Column A, B and C and sign in the designated area.
- If the precinct is not recounted, complete Column A and B and sign in the designated area.

POST-RECOUNT MEETING AGENDA

Meeting of the County Board of Canvassers

1. A summary of the recount proceedings will be presented by a representative of the Board of County Canvassers which will include:
 - ★ Total number of precincts included in the original petition (1)
 - ★ Total number of precincts determined to be recountable
 - ★ Total number of precincts determined not to be recountable
 - ★ Original Vote results
 - ★ Recount vote results
2. A representative of the Board of County Canvassers will present any challenges to the Board
3. Each candidate or a representative will be given the opportunity to present oral arguments to support their challenge(s)
4. Once the board renders its decision, each challenged ballot will be returned to the “Challenge Exhibit” envelope which will be resealed using an official Red Paper Seal. The envelope will remain sealed for the remainder of the retention period.
5. Each candidate or representative will be given a final opportunity to enter any final statements or objections into the record.

Request for a “Motion to Accept” – a motion to accept the recount results as entered on the “Recount Statement of Votes” as the official vote for the office will be made and accepted by the County Board of Canvassers.

Meeting adjourned.

NOTE: Decisions made by County Board of Canvassers are final and may not be appealed to the Board of State Canvassers. Any appeals must be taken up in Circuit Court.