

City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>



Action Minutes

Tuesday, July 8, 2014

11:00 AM

Larcom City Hall, 301 E. Huron Street, 2nd Floor, Council Work
Room

Election Commission

CALL TO ORDER

City Clerk Jacqueline Beaudry called the meeting of the City of Ann Arbor Election Commission to order at 11:02 a.m. Chief Seto arrived at 11:03 a.m. City staff Howard Scheps, Elections Trainer, and Assistant City Attorney Mary Fales were in attendance. Members of the media were present as was attorney Tom Wieder, representing third ward City Council candidate Robert Dascola.

Present 3 - Jacqueline Beaudry, Stephen Postema, and John Seto

APPROVAL OF AGENDA

City Clerk Jacqueline Beaudry requested that a motion to approve preliminary testing of the voting equipment be added to the agenda.

A motion was made by Postema, seconded by Chair Beaudry, that the agenda be approved with changes. On a voice vote, the chair declared the motion carried.

APPROVAL OF MINUTES

[14-1097](#)

City Election Commission Meeting Minutes of April 15 and April 24, 2014

Attachments: 2014-04-15 Election Commission minutes, 2014-04-24 Election Commission minutes

A motion was made by Seto, seconded by Postema, that the Minutes be Approved by the Commission and forwarded to the City Council by 8/7/2014. On a voice vote, the Chair declared the motion carried.

NEW BUSINESS

[14-1099](#)

Discussion of Third Ward Absentee Ballots and Process

Attachments: c thomas letter 63014

City Clerk Jacqueline Beaudry updated the Commission on the status of the third ward absentee ballot reprinting. She stated the ballots were approved by the City with all third ward candidates listed, but the Washtenaw County Clerk's Office later made programming changes that resulted in the omission of Mr. Dascola from the third ward ballot. 392 absentee ballots were mailed prior to the mistake being discovered. New ballots were programmed and printed by the County and the City Clerk's Office mailed the new ballots with letters explaining the mistake included. Beaudry noted that many first ballots returned were already beginning to be replaced with second ballots as voters began receiving their replacement ballots in the mail on July 3 and the City Clerk's Office started receiving voted second ballots on Monday, July 7.

Clerk Beaudry also provided a copy of a June 30 letter from Christopher Thomas, Michigan Director of Elections, stating that first ballots returned by voters who do not replace them with a returned second ballot must be counted for all races, including the third ward.

City Attorney Stephen Postema stated the City has not yet taken a position on the counting of the third ward race on any first ballots that are not replaced with second ballots, due to Mr. Dascola's lawsuit and the new motion filed.

The Election Commission members noted that they are meeting again next Tuesday, July 15 for the appointment of election inspectors. It was decided that they would again review the status of the third ward ballots at that time.

Reviewed and Filed

UNFINISHED BUSINESS

City Clerk Jacqueline Beaudry asked the Commission to formally pass a motion authorizing the deputy city clerk and sworn city clerk staff members to conduct the preliminary testing of the voting equipment and program for the August 5 and November 4, 2014 elections. The public accuracy test would be conducted by the deputy clerk with the supervision of the Election Commission at an upcoming Election Commission meeting.

Postema moved, second by Seto, that the deputy city clerk and sworn city clerk staff members be authorized to conduct all preliminary testing of the voting equipment and program for the August 5 and November 4, 2014 elections. On a voice vote, the motion carried.

PUBLIC COMMENTARY

Tom Wieder, attorney for third ward Council candidate Robert Dascola, stated his client's dispute is with the City and not the State of Michigan. He stated he has not seen any basis that the State has the legal authority to order the City to count the disputed ballots in the third ward race. Mr. Wieder stated he commends the city clerk for the rapid response to the problem, but noted that it can not be fully resolved. He stated even 10 ballots outstanding could make a difference in a close City Council race. He stated he and Mr. Dascola filed their motion because they want the Court to provide an opinion on this matter. Mr. Wieder said the Secretary of State's Office is off-base suggesting that defective ballots be counted.

Changming Fan, a member of the audience, inquired about campaign finance laws.

INFORMATION/UPCOMING BUSINESS**ADJOURNMENT**

Seeing no further business before the Commission, the City Clerk declared the meeting adjourned at 11:26 a.m.