



## Election Commission Meeting Minutes November 16, 2018

Present: Marjorie Ann Butler, (Chair), Jan Huffman, and John P. McDermott

Also present: Patricia Schiavoni (Assistant City Clerk), David A. Olson (City Clerk)

### **1. Approval of the minutes for the September 26, 2018 meeting.**

Clerk Olson noted that Newton South High School as an early voting location had been left out of the draft minutes sent before the meeting. That location has been added to the version in front of the Commission tonight. The minutes were approved.

### **2. Certify the Election Results for the November 6, 2018 State & Municipal Elections**

Patricia Schiavoni, Assistant City Clerk for Elections, explained that the election night results are the unofficial results as there are some categories of ballots that must be added to the election night totals. Both UOCAVA voters and provisional ballots that have been verified are added to the results. This election there were 63 provisional ballots completed, of which 10 could be counted. Those that we were not able to count included voters who were registered in other communities, or their registration never went through. Several of the Provisional ballot voters indicated that they registered at the RMV and the RMV had no record of their registration. It was asked by Commissioner Huffman why those ten that we were able to count had to cast provisional ballots. Asst. Clerk Schiavoni responded that they were not on the voter list for the election, but further research after the election found that they had registered at the RMV and when the RMV was contacted, the response was a registration had been received or there was a change in address and it had just not been forwarded on to the Secretary of State.

There were also absentee ballots that were dropped off or came in the mail the day of the election that did not get to the polls, so they had to be hand counted and added to the totals. There were also the hand counted ballots from the Wardens at each precinct. Clerk Olson noted that the voting machine does not accept a ballot if there is an over vote or the marks on the ballot could not be read by the machine. These ballots were then put in the hand count slot and the Warden's tallied them at the end of the night. After the election those numbers are also added to the unofficial results. It was asked by Commissioner Butler if some were rejected while the voter is standing there? Clerk Olson said that usually if the machine rejects a ballot, the voter is given an opportunity to cast a new ballot and the original ballot is spoiled. If for some reason the voter cast the ballot and walked away without noticing that the machine rejected it, it will then be put in the hand count slot and what can be counted on the ballot will be counted. If there was an over vote or they tried to erase a mark, the ballot will be counted blank for that race and all the other races are counted. Occasionally an absentee ballot or early ballot will have a mistake and the voter is not there to correct it, it is put in the hand count slot.

The spreadsheet with the official results was presented for signatures. Commissioner Butler asked how many voters were added? Asst. Clerk Schiavoni responded that there were 319 overseas voters; the hand count by the Wardens totaled 310 ballots - If you divide that by 32 it represents about 10 ballots per precinct. There were ten provisional ballots added, and the absentees that came in late on the day of the election represented 127 voters.

Clerk Olson noted that at both early voting and on election day around 99% of voters took both ballots. He stated that more ballots were processed on November 6<sup>th</sup> than the actual number of voters in Newton. It was a huge turnout and because of the dual election with two ballots there were over 80,000 ballots for the 60,000 voters that Newton has. Commissioner McDermott complimented the staff on the set-up of the Voter Lists to include the lists for both elections in one book. There was a motion to certify the election results. All were in favor and approved.

### **3. Review of the November 6, 2018 Elections**

Clerk Olson noted that several of the AccuVote machines had to be replaced on election day because the high volume of ballots overwhelmed them. The City has four spare machines, and all were used. All machines were serviced prior to the election and now will be serviced again to get them ready for the next elections. The municipal elections will have a much lighter turnout.

Election night was late; midnight for two locations. Commissioner Butler asked about the process at the polling locations for the early and absentee ballots. Clerk Olson stated that it was done one of two ways: either the Wardens processed the early and absentee ballots by checking them in and out and then the envelopes were opened and the ballots put through the machine; or the Warden will open all the envelopes and take the empty envelopes to the check in and check out tables, then put the ballots through the machine. During the training we had advised Wardens to process the Early Ballots in small batches throughout the day. Those that had a later night waited until the polls closed, then processed their ballots.

Commissioner Huffman asked what rule was used to split the list in two in order to get the A-L and M-Z books. Clerk Olson noted that there were about 130 pages per precincts. He divided the list as close to the middle as could be done without splitting a letter of the alphabet between two books. Every book had a different breaking point.

Commissioner Butler asked if there was something that could have been done to make the process easier for the poll workers. Clerk Olson explained that the issue was that there were more ballots that needed to be processed than voters. The percentage of voters voting was between 58% and 59% compared to 79% of the voters in 2016. Commissioner Huffman asked why we must check people off both coming in and going out. Clerk Olson responded that it is currently the law that it has to be done that way. For many years the City Clerk's Association has been trying to get the check out table eliminated completely, but that has gone nowhere with the legislature.

Commissioner Huffman noted that his precinct did not have instructions to post on the cubicle as to how to fill in the oval. The Warden felt that they were seeing more spoiled ballots because of this. Clerk Olson noted that will be addressed.

A thank you event for the poll workers will be held on December 4<sup>th</sup>.

#### **4. Discussion of regulations for campaigning outside Early & Absentee voting locations.**

Mr. Olson noted that Michelle Tassinari, Chief Legal Counsel for Elections, sent out the following to all City and Town Clerks a day or two before the election.

##### ***“150 Foot Rule”***

Since early voting sites are not technically polling places, the 150 foot rule that applies to polling places on Election Day does not specifically apply to the early voting sites during the early voting period. However, even though the local election official may not prevent someone from electioneering within the 150 feet, the local election official may still ensure that the entrance to the early voting site is not being blocked, and that there is no electioneering (including the wearing of or distribution of electioneering materials related to the November 6th candidates and questions) within the area where the vote is actually taking place. Local election officials should develop reasonable time, place and manner restrictions for each location to have a consistent policy, which should equally apply to in-person absentee voting.

Ms. Tassinari is encouraging all cities and towns to have a written policy about what can and cannot be done at the entrances to polling locations. She has said that 150 feet, which is the minimum on Election day, may be too excessive for early voting. Clerk Olson noted that this discussion could be taken up in the winter as the next elections are a year away. In the meantime he will check on other policies developed which can possibly be used as guidelines for Newton. The Commission can work with the City’s Law Department to develop a policy that does not impinge on free speech rights and does provide some protection for people coming in to vote. Commissioner McDermott asked why Ms. Tassinari thought that the 150 ft. was excessive. Clerk Olson was not sure, but the Commission could get advice from the Law Department. Clerk Olson will do more research and take it up at another time. It will not be an ordinance and the Election Commission can set these policies. When the agendas are posted, it would note that we are looking for public comment and invite people to come in

#### **Next Meeting**

The next meeting will be scheduled for Wednesday March 6, 2019 at 5:30 pm.

Respectfully Submitted,  
Marjorie Ann Butler, Chair