

**Election Commission
Meeting Minutes
March 15, 2016**

Present: John McDermott - Chair, Jan Huffman, Marjorie Butler

Also Present: David Olson

Certifying the March 1, 2016 Preliminary Elections.

Clerk Olson presented the election numbers for certification. He noted that the changes from the numbers reported on election night were the addition of the hand count ballots that were added to the totals from the hand count sheets submitted by the Wardens. There were very few hand counts for the presidential primary candidates. The majority of the hand counts were in the local Ward Committee races. There were Ward Committees for each of the eight wards for the Democrats, each of the eight wards for the Republicans, and Ward Committees for the United Independent Party and the Green Rainbow Party as well.

Commissioner Huffman asked how many write-ins were required for a Ward Committee person to be elected. Clerk Olson responded that five votes were needed and the Committees have been notified.

Update on the Bowen School Library as a Polling Location at the Preliminary.

Clerk Olson visited the Bowen School Library polling location on Election Day and said it was working extremely well. The Warden, Clerk and Inspectors were all very happy that they were no longer in the Teacher's Lounge and felt the space was working very well. On election night, there was concern regarding the location of the handicapped polling booths because they were not directly visible when voters came into the library. There were two booths that were designated for handicap voting. They were not directly visible when you entered the library space, but were with the other voting booths on the left as you headed into the library. The space seemed to work well enough for people to check in to the right, and go down to the voting carrels, and then check out on their right when they were leaving. The door was wide enough to accommodate those coming and going and worked well. There was some concern that even though there was a barrier in the hallway that was set up to stop people from walking past the library, some people did find their way around the barrier and continued to walk down the hall. They were quickly redirected into the library.

The library has a phone line where the Teachers' Lounge did not. This allowed them to connect and send their election results over the phone line for the first time. In discussions with poll workers and what was observed, the space should be able to work as well in November for the Presidential election. It was not overly crowded; flowed well and was no impact to children. The principal is willing to consider the gym; although not her first preference. There have been no reports from the public expressing any concern with this space.

Commissioner Butler stated that she had visited after school was out and could not tell if there were children walking around in the area. There did seem to be enough room but was concerned regarding the Presidential Election. She did not come to the same conclusion as the Clerk. It should be reviewed again in September. There was a 50% turnout for the primaries and the November Presidential elections have averaged between 79% and 80% turnout in the past. There was a recommendation to look again in September for the State Primary and then have further discussions.

Waban Library Polling Location

This item will be held until the next meeting so that Commissioner Levine can participate.

Discussion - Bill Clinton visit to the Newton Free Library on Election Day.

Clerk Olson reported that a letter was sent to the Mayor's Office regarding Bill Clinton's visit to the Newton Free Library and to Massachusetts polling places in general on Election Day. The Mayor passed the letter to the Law Department and the Law Department passed it to the Clerk to decide if the Election Commission wanted to respond. It was noted that Commissioner Huffman had been in to the Clerk's Office earlier with some concern about a response to the incident. In preparation for this meeting, Clerk Olson made a call to the Secretary of the Commonwealth's office and spoke with the Chief Legal Counsel for Elections. Counsel stated that they would not be issuing any statements regarding the visit. She noted that Newton was not even on their radar screen because whatever happened in Newton was not egregious at all. They were concerned with the visits in Boston, New Bedford and Taunton where Bill Clinton ended up in the actual voting locations taking photographs with people voting. That did not happen here in Newton. Clerk Olson spoke with the Warden and Clerk of the location and staff members who saw the event to get a sense of what happened. They were in agreement that the interactions and sign holding took place outside the 150' radius. The poll workers confirmed that President Clinton did not go into the polling location. At one point Bill Clinton did go in the library to greet the librarians at the circulation desk which is within the 150 ft. campaign radius, however, there was no overt campaigning for Hilary Clinton. There seemed to be no indication of any illegality in Bill Clinton's visit. Commissioner Huffman presented the text of the laws and regulations about campaigning at a polling location. He could not see any violation based on the text of the material. Commissioner Butler was in agreement. Clerk Olson will draft a letter to respond to the letter received and send it if all are in agreement.

Moving Memorial Spaulding to Temple Beth Avodah.

Clerk Olson began by letting the Commissioners know that the item on moving Memorial Spaulding to Temple Beth Avodah is scheduled for discussion in the Programs and Services Committee meeting on March 23, 2016. The committee will vote to recommend approval of the move to the City Council, or not. Clerk Olson will put a presentation together with pictures of both layout and parking spaces and make the case that Temple Beth Avodah scores higher on all of the criteria used to evaluate the spaces and so it makes sense to move the polling location across the street. He noted that there will probably be a discussion about security in the schools and whether things should be moved out of the school or not. Commissioner

McDermott stated that a fact based presentation is the best way to move forward. There was a suggestion to include in the presentation why the process was started. Commissioner Huffman asked who was opposed to the move. Clerk Olson responded that there was push back from the School Committee member from the ward. The numbers that created the scores for the location have not yet been presented to the Programs & Services Committee members for each of the locations and that might impact their decision. Clerk Olson invited the Commissioners to attend the Programs & Services Committee meeting.

Early Voting for the November Election

Clerk Olson explained that the regulations for early voting had just arrived and that a group of City Clerks will be getting together to discuss and see if they are all on the same page regarding the interpretation of the regulations. If the clerks have questions, they can send a letter to the Secretary of the Commonwealth's office for clarification.

Clerk Olson noted that one of the things rumored earlier, that is now part of the regulations, is the option of creating a central tabulation center for any of the early ballots that were cast. When using a central tabulation center, the results on election night will have the central tabulation center as its own "precinct". The results will not be combined with the individual precinct totals on election night, but will be combined for the official election results after the election.

Commissioner Huffman was surprised that the vote would not be counted when cast and that it would not be run through the machine until election night. He asked if this was the process in other states. Clerk Olson stated that he did not know what other states were doing, but that the process would be similar to Massachusetts absentee voting process. Commissioner Huffman asked if applications for early voting ballots could be completed at the time that the individual wanted to cast a ballot. Clerk Olson noted that it would be similar to the absentee ballot process and that a voter could apply beforehand or apply when they show up to vote early.

Clerk Olson suggested a final decision about setting up early voting be made before the summer. A request will have to be made for a budget to implement early voting.

Setting of date for next Election Commission meeting.

Next meeting scheduled for April 12th at 5:00 pm.

Respectfully submitted,

John McDermott, Chair