INGHAM COUNTY BOARD OF CANVASSERS
MEETING OF DECEMBER 5, 2018
BOARD OF COMMISSIONERS ROOM, GRADY PORTER BUILDING
LANSING, MICHIGAN

CANVASSERS PRESENT: Kathy Prout
Mary Kay Scullion
Joe Groff
Rebecca Bahar-Cook

OTHER PRESENT: Barb Byrum, Ingham County Clerk
Liz Noel, Elections/Clerk Coordinator

Meeting Called to Order
Chairperson Scullion called the December 5, 2018 meeting of the Board of Canvassers to order at 9:00 a.m.

Approval of Agenda
Moved by Canvasser Prout, supported by Canvasser Groff, to approve the agenda.

The agenda was approved unanimously.

Approval of the Draft November 7-9 and 13-15, 2018 Minutes
Clerk Barb Byrum stated emails from individuals included in the minutes need to be redacted, specifically those of Noel Garcia, Nicole Ellefson, and Lori Bourbonais.

Chairperson Scullion stated email addresses would be redacted from attachments.

Moved by Canvasser Bahar-Cook, supported by Canvasser Groff, to table the approval until the next meeting.

The motion carried unanimously.

2018 East Lansing School Board Recount
Clerk Byrum stated that East Lansing School Board candidate Noel Garcia submitted the necessary petition and deposit to call for the recount. She further stated that the notice of petition for a recount was sent to all candidates in the race, and there was a certain amount of time to respond with a counter petition, which fell over the Thanksgiving holiday.

Clerk Byrum stated that her Office accepted a counter petition via email, with the understanding that the counter petitioner filed the original petition and paid the deposit when the office reopened on Monday. She further stated that with the original petition and counter petition, 23 total precincts, including the Absent Voter (AV) Counting Boards for those precincts, would be recounted.
Canvasser Bahar-Cook asked if the petitioners knew that some East Lansing AV Counting Board precincts were retabulated during the canvass of the November 6, 2018 Election.

Clerk Byrum stated she had been transparent with the process, and had told candidates any information they had asked for.

Clerk Byrum stated that she recommended the recount be scheduled for December 10-12, because that was when the Ingham County Fairgrounds was open, and the availability of the initial recount worker responses. She further stated that she expected this recount to be nothing like the 2016 Presidential Recount, as there were seven candidates in the race and voters could select no more than four, which would change how things were tallied and the process.

Clerk Byrum stated that there would be 15 teams of 3, and there would be at least one member of each political party for each team. She further stated that if a precinct was determined not recountable, due to failing tests of whether seals and ballots were secure, then the results from the initial canvass would stand.

Clerk Byrum stated if a precinct was not recountable, recount workers would be given another precinct to review or be sent to another team to assist with their review. She further stated that there would be a Sheriff’s Deputy watching over the secured ballots when her staff was not present.

Discussion,

Clerk Byrum stated that the City of East Lansing would deliver their ballots Monday morning at 7 a.m., and the other municipalities’ ballots would be locked in a secure vault and transported to the Fairgrounds on Monday morning. She further stated no one except the Sheriff’s Deputy that would guard secured ballots overnight, should ever be alone with a ballot container.

Clerk Byrum stated she envisioned the recount happening like it did at the State level in 2016, where the Board of Canvassers would call the recount to order and then review the challenged ballots and certify the results at the end of the recount. She further stated that the locks would be changed at the Fairgrounds, there would be regular cleaning of bathrooms, ballots would be set on pallets on the other side of the room, recount workers would be fed, and there would be bleachers for the public to observe the recount.

Canvasser Groff asked if there were enough recount workers.

Clerk Byrum stated they could use more Republicans, and encouraged those interested to complete the Google form which was easier for her staff to do data entry. She further stated preference would be given to those who worked as election inspectors or that local clerks recommended.

Canvasser Prout asked what would happen if there were not enough Republican recount workers that signed up.

Clerk Byrum stated that officially, the recount teams did not need to have a worker from each political party, but she thought it was the right thing to do.

Canvasser Prout stated she was concerned about the long hours, the traffic getting to Mason in the morning, and the inability to feed workers that were working that many hours.
Clerk Byrum stated that she disagreed, as this was the schedule that had been done during the 2016 Presidential Recount, and workers had agreed to it. She further stated that it was also done this way to keep the cost down.

Discussion.

Clerk Byrum stated that if recount workers needed to take breaks, other workers who were currently not on a team or her Office's staff could step in for breaks. She further stated that traffic was not bad if people used the Kipp Road exit off of Route 127, rather than the Cedar Street exit.

Chairperson Scullion stated she did not see any problem with the hours of the recount, as that was what had been done two years ago.

Clerk Byrum stated that the longer the recount went on, the more taxing it was on her Office. She further stated that there was still a lot of work to be done from the Election, such as post-election audits.

Canvasser Bahar-Cook asked if there was a way to revisit the hours of the recount if they could not find enough people to work the recount.

Clerk Byrum stated that enough people had signed up, just not as many as she would like and she wanted to make sure all of the workers were great.

Canvasser Groff asked how the recount would address the City of Lansing, Ward 1, Precinct 45 issue where 88 people were given an East Lansing School District ballot that did not live in that school district.

Clerk Byrum stated that the recount would count the ballots that were voted on Election Day.

Discussion.

Canvasser Groff stated he knew that was the direction given for a recount, but it seemed that 88 voters erroneously voted in that election and it could make a big difference in the results of the East Lansing School Board race.

Discussion.

Clerk Byrum stated that the purpose of the recount was to recount the ballots that went through the tabulator on Election Day. She further stated that this was assuming that that precinct would be recountable, as there were standards that needed to be met, before it was recounted.

Discussion.

Chairperson Scullion stated she also wanted to address the role that the Board of Canvassers played in the recount. She further stated that the Board of Canvassers would convene the meeting, and then at the end of the recount, they would adjudicate any challenged ballots, but in the meantime, the Clerk's Office would conduct the recount.

Chairperson Scullion stated this process was consistent with what the State Board of Canvassers did, where the Clerk's Office would be on-site of the recount and overseeing the process, and the Board of Canvassers did not need to be on-site during the process, although they could certainly observe what was going on. She further stated that the State Board of Canvassers turned the recount over to the Secretary of State's staff, and then the State
Board of Canvassers adjudicated any challenged ballots at the end, which was what she saw happening in Ingham County, as the Clerk was the secretary of the Board of Canvassers.

Clerk Byrum stated that that was what had happened in the 2016 Presidential Recount, and she was the Chief Elections Official in Ingham County.

Discussion.

Clerk Byrum stated that while the recount was happening, the recounted results would be projected on a screen, as would the precincts that were marked unrecountable and the previously certified results would stand. She further stated that she knew lawyers would be there for candidates, and she encouraged those questioning the integrity of the elections process to come.

Clerk Byrum stated that she planned to have all ballot containers sealed at night, so no precinct would be left partly recounted at the end of a day.

Canvasser Prout stated she saw an issue with giving the County Clerk authority to oversee the process, as she did not mind doing the work herself.

Chairperson Scullion stated if the State Board of Canvassers followed that process, then she was comfortable with turning the authority over to the County Clerk.

Discussion.

Chairperson Scullion asked if candidates could have observers present, and if so, how many each could have.

Clerk Byrum stated that each candidate could have two observers at each table, and everyone would be identified, including recount workers with their party affiliation and observers with the candidate’s name. She further stated that everyone must sign in before they gained access to arena, and her staff would police the arena to make sure everyone was being respectful and responsible.

Clerk Byrum stated she wanted this to be as transparent of a process as possible.

Discussion.

Canvasser Groff asked if there would be a training session for everyone.

Clerk Byrum stated that after details of the recount were determined, she would send out the information to recount workers with a training video, and then she would talk about procedures and rules from about 8 a.m. to 9 a.m. on the first day. She further stated that while the training was happening, the Board of Canvassers could open the meeting so once training was done, they could begin recounting immediately.

Discussion.

Chairperson Scullion asked if the recount needed to be recessed and convened each night.

Clerk Byrum stated there were no concerns from the Bureau of Elections regarding the recessing of the recount, so it did not need to be recessed by the Board of Canvassers at night and reconvened in the morning.
Discussion.

Chairperson Scullion asked if the Board of Canvassers adjudicated challenged ballots at the end of the day, or at the end of the recount.

Clerk Byrum stated the Bureau of Elections recommended the Board of Canvassers adjudicate ballots at the very end.

Discussion.

Canvasser Prout asked if it would be possible to request that workers put their cell phones in cars, as sometimes phones delayed what the recount workers were doing.

Discussion.

Clerk Byrum stated that phones were to be put on silent and put in recount workers’ pockets, and personal items would be stored elsewhere. She further stated that no coffee or food would be allowed near the ballots, and in the past she had asked people to leave if they were not being helpful.

Moved by Canvasser Bahar-Cook, supported by Canvasser Groff, to call the recount for December 10, 2018 at the Ingham County Fairgrounds Main Arena, beginning at 8 a.m.

Discussion.

Motion carried unanimously.

Discussion.

Moved by Canvasser Bahar-Cook, supported by Canvasser Groff, to establish the rate of pay for recount workers to be $150 per day.

Clerk Byrum stated she would like to consider a separate amount if the workers were only needed for a half day.

Canvasser Bahar-Cook stated if the workers took time off from another job to work the recount, then they would not be getting paid for their full day at their job.

Discussion.

Clerk Byrum stated that recount workers will be told that the recount would begin December 10 at 8 a.m., but it could be cancelled up to one hour before they would be scheduled to work, as the petition for a recount could be withdrawn at any time and she was trying to mitigate the cost of the recount.

The motion carried. Yeas: Scullion, Bahar-Cook, Groff  Nay: Prout

Clerk Byrum invited the Board of Canvassers to assist with Post- Election Audits, which were taking place in addition to the recount. She further stated that this was a review of the practices of local clerks in ten randomly selected precincts in the County and involved a hand recount of three races in a precinct.

Discussion.
Other Business

Dale Downs, East Lansing resident, stated he was disappointed that this race had come to a recount, and he had read that the cost would be about $10,000 for the recount. He asked what costs were associated with the recount effort, aside from recount workers’ pay, as he assumed that $10,000 was the estimate for a three-day recount.

Mr. Downs stated in the future, he would like the Board of Canvassers to consider increasing the charge to file for the recount, as the cost was only $25 per precinct.

Chairperson Scullion stated that the rate for the recount deposit was set by the State Legislature. She further stated that she anticipated if the recount only lasted two days, the cost would go down.

Clerk Byrum stated that the deposit amounts for the recount increased after the 2016 Presidential Recount, and if the vote differential was higher, the deposit would be higher. She further stated that the cost would be about $6,750 per day for the recount workers alone, with no other costs associated, like the $706 for a Sheriff’s Deputy overtime pay each night.

Clerk Byrum stated she was able to keep the costs for the recount low in 2016.

Canvasser Groff stated he anticipated the recount would cost closer to $20,000.

Clerk Byrum stated it was important to note that these were new voting machines in Ingham County, that had been programmed and tested by the County Clerk and local clerks to make sure ballots were being read by tabulator properly. She further stated that it was within the candidate’s right to file for a recount.

Lisa Babcock, attorney representing Noel Garcia, stated the cost of the recount was unfortunate, but sometimes democracy carried costs. She further stated she appreciated the meticulous preparations being taken, and she was hopeful with a new legislature and Secretary of State taking office in January, that they could take into consideration the cost of the recounts.

Ms. Babcock stated that Noel Garcia was seeking the recount partly because of the issue in the City of Lansing Precinct 45, which she had heard an answer about today.

2018 East Lansing School Board Recount, Revisited

Chairperson Scullion stated that the Board of Canvassers officially needed to take action delegate the responsibility of the conduct of the recount to the County Clerk.

Moved by Canvasser Bahar-Cook, supported by Canvasser Groff, to authorize Clerk Byrum and the Staff of Clerk Byrum to represent the Board of Canvassers in any recount of votes cast at the November 6, 2018 General Election.

Discussion.

The motion carried. **Yeas:** Scullion, Bahar-Cook, Groff  **Abstain:** Prout

Discussion.

Public Comment
None.

**Adjournment**

The meeting was adjourned at 9:58 a.m.

BARB BYRUM, INGHAM COUNTY CLERK