

**BAY COUNTY BOARD OF CANVASSERS  
RECOUNT OF BAY CITY COMMISSION  
WARDS 2 AND 6  
NOVEMBER 27, 2007**

THE BAY COUNTY BOARD OF CANVASSERS MET IN THE THIRD FLOOR CONFERENCE CHAMBERS OF THE BAY CITY HALL ON NOVEMBER 27<sup>TH</sup> 2007 FOR THE PURPOSE OF RECOUNTING THE VOTES CAST AT THE NOVEMBER 6<sup>TH</sup>, 2007 GENERAL ELECTION. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN, DONALD CHEVALIER AT 9:10 A.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT:

ROLL CALL: DONALD CHEVALIER, CHAIRMAN  
WALT WOZNIAK JR., BOARD MEMBER  
MATT LANCE, BOARD MEMBER  
JANICE PIERSON, BOARD MEMBER  
MARY IDA DOAN, TALLY CLERK  
DOLORES NIEDZINSKI, TALLY CLERK  
ARLENE STONE, RECORDING SECRETARY  
AILEEN SEIFFERLY, ASSISTANT  
CYNTHIA A. LUCZAK, COUNTY CLERK  
JOHN AGUILAR, CANDIDATE WARD 2  
TOM BAIRD, CANDIDATE WARD 6  
SANTIAGO PEREGRINO, OBSERVER  
DAVE TINGLAN, OBSERVER  
DENNIS WIRGOWSKI, OBSERVER  
MIKE WOOLEY, OBSERVER

MEMBERS ACKNOWLEDGED AND THE CLERK CONFIRMED THAT THIS SESSION WAS BEING HELD IN ACCORDANCE WITH THE OPEN MEETINGS ACT AND WAS NOTICED ACCORDINGLY.

CHAIRMAN CHEVALIER EXPLAINED HOW THE PROCEDURE WOULD BE CONDUCTED FOR THE BENEFIT OF THE CANDIDATES AND OBSERVERS. THE POLL BOOKS AND A.V. RECORDS WOULD BE REVIEWED. IN ADDITION, SEAL NUMBERS WOULD BE VERIFIED WITH NOTES TAKEN ON ELECTION DAY FOR VERIFICATION THAT THE PRECINCT COULD BE RECOUNTED PER STATE LAW. ANY CHALLENGED BALLOTS WOULD CONSIDERED/REVIEWED DETERMINATION OF THE BOARD WOULD BE FINAL. BOARD OF CANVASS MEMBERS WOULD ALSO HAVE THE ABILITY TO CHALLENGE BALLOTS IF THEY WISHED TO DO SO. CANDIDATES WERE INSTRUCTED NOT TO TOUCH ANY OF THE ELECTION MATERIALS AND THAT THEY WOULD BE GIVEN AMPLE TIME TO ASK ANY QUESTION THEY MAY HAVE.

**CITY OF BAY CITY, WARD 2, PCT. 1**

SEAL NUMBER 9414234 WAS VERIFIED WITH THE POLL BOOK AND ONCE VERIFIED WAS BROKEN AND REMOVED. A TOTAL OF 170 BALLOTS WERE REMOVED FROM CAN WITH 1 SPOILED BALLOT SECURED SEPARATELY BALLOTS WERE PLACED IN PILES OF "10" FOR EASE OF COUNTING THE ENTIRE AMOUNT TO REVIEW.

THE CALLER OF THE VOTES CAST USED THE NAMES "AGUILAR", "NOVELLINO" AND "NO VOTE". AS "NOVELLINO" AND "NO VOTE" SOUNDED SO SIMILAR, THE CALLER WAS ASKED TO USE THE WORD "BLANK" AND WAS IT WAS AGREED.

THE FINAL COUNT OF THIS PRECINCT: AGUILAR - 82 VOTES  
NOVELLINO - 70 VOTES

THERE WAS NO CHANGE TO THE ELECTION DAY TOTAL FROM THIS. THE DOCUMENTS WERE PLACED IN THE BALLOT CAN AND SECURED WITH SEAL NUMBER 281255.

**CITY OF BAY CITY, WARD 2, PCT. 2**

SEAL NUMBER 9416869 WAS CONFIRMED WITH THE POLL BOOK AND THEN REMOVED BY THE OFFICIAL. A TOTAL OF 396 BALLOTS WERE REMOVED. THE ELECTION DAY POLL BOOK REMARKS INDICATED 395 BALLOTS WERE CAST AND 1 BALLOT HAD BEEN RUN THROUGH THE TABULATOR WITH ANOTHER BLANK. WITH THE DISCREPANCY SO NOTED THE MEMBERS PROCEEDED TO COUNT THE BALLOTS IN THE PILES OF "10". CANDIDATE AGUILAR QUESTIONED HOW THE STUB COULD BE REMOVED AND THE BALLOT PUT THROUGH THE TABULATOR WITHOUT KNOWLEDGE BY THE ELECTION WORKER. THE CHAIRMAN EXPLAINED HOW THE STUBS ARE DIVORCED FROM THE BALLOT BY THE WORKERS AND HOW IT WOULD BE EASY TO DO GIVEN THE THIN PAPER OF THE BALLOT. MR. PEREGRINO ASKED THAT THIS BE DOCUMENTED IN THE OFFICIAL MINUTES. AFTER THE COUNT THE NUMBERS REFLECTED AS FOLLOWS:

TOTAL VOTES FOR THIS PRECINCT: AGUILAR - 166 VOTES  
NOVELLINO-179 VOTES

IN THIS PRECINCT MR. NOVELLINO LOST ONE VOTE DUE TO THE NATURE OF THE APPEARANCE OF A SCRIBBLED MARKING. MATERIALS WERE THEN SECURED IN THE CAN AND SEALED WITH NUMBER 0081437.

**CITY OF BAY CITY WARD 2, PCT. 3**

MEMBERS REMOVED CAN SEAL NUMBER 9416856 TO FIND 363 BALLOTS AS CONFIRMED BY THE POLL BOOK. A FEW MINUTES WERE TAKEN UPON THE INQUIRY OF MR. AGUILAR AS TO THE ROTATION OF THE NAMES ON THE BALLOT. THE CHAIRMAN EXPLAINED THE ROTATION OF THE NAMES

WAS CONFIRMED BY THE LAYOUT OF THE BALLOT BY THE COUNTY CLERK OFFICE, IN ACCORDANCE WITH STATE LAW. THE PILES OF "10" BALLOTS EACH WERE READ ALOUD.

THE TOTAL VOTES FOR THIS PRECINCT: AGUILAR 134 VOTES  
NOVELLINO 168 VOTES

WITH NO CHANGE IN THE VOTE TOTALS FOR THIS PRECINCT, THE MATERIALS WERE PLACED IN THE BALLOT CAN AND SEALED WITH NUMBER 9414210.

THE BOARD MEMBERS TOOK A BREAK FOR LUNCH AND RESUMED AT THE HOUR OF 1:25 P.M.

**BAY CITY A.V 1**

SEAL NUMBER 826351 WAS BROKEN AND A.V CAN OPENED TO FIND A TOTAL BALLOTS OF 675. A DISCUSSION WAS HELD AS TO WHETHER OR NOT THE ENTIRE A.V. BOARD CONSISTING OF 10 PRECINCTS SHOULD BE COUNTED OR ONLY THE BALLOTS CAST FOR WARD 2. THE BOARD MEMBERS APPEARED TO BE SPLIT IN THEIR DECISION BUT WHEN INCLUDING THE CONSIDERATION OF THE TALLY CLERKS, IT WAS AGREED THAT IT MAY CAUSE LESS CONFUSION FOR THE TALLY CLERKS. THE 166 BALLOTS REPRESENTING WARD 2 WAS SEPARATED FROM THE ENTIRE GROUP.

THE TOTAL VOTES FOR THIS PRECINCT: AGUILAR 73 VOTES  
NOVILLENO 53 VOTES

THE GRAND TOTAL OF VOTES CAST FOR BOTH CANDIATES WAS TALLIED. JOHN AGUILAR RECEIVED 455 AND KEVIN NOVILLENO RECEIVED 470. THIS WAS A MINUS ONE VOTE FOR MR. NOVILLENO DUE TO SOME MARKINGS. CANDIDATE JOHN AGUILAR THANKED EVERYONE FOR THEIR ATTENTION. SEAL NUMBER 9416833 WAS AFFIXED TO THE MATERIALS FOR SECURITY.

**BAY CITY, A.V. BOARD 3**

AT THE REQUEST OF PETITIONER TOM BAIRD, THE A.V. VOTER CONTAINER HOLDING THE 6<sup>TH</sup> WARD COMMISSION DISTRICT BALLOTS WAS OPENED BY REMOVING SEAL NUMBER 9416843. A TOTAL OF 658 BALLOTS WERE IN THE CAN PLUS 1 NOT COUNTED AND 5 DUPLICATED AS CONFIRMED IN THE POLL BOOK. WHEN REMOVING THE 6<sup>TH</sup> WARD FROM THE BATCH, 195 WERE TO BE RECOUNTED.

MR. BAIRD WAS MOST INTERESTED IN THE BALLOTS CAST BY ABSENTEE AS OPPOSED TO THE THREE (3) INDIVIDUAL PRECINCTS.

MR. BAIRD QUESTIONED THE MARKINGS ON A BALLOT WHICH THE MEMBERS DID NOT COUNT ON HIS BEHALF. THE VOTER HAD PLACED A CIRCLE AROUND HIS NAME AND THIS DID NOT CONSTITUTE A VOTE PURSUANT TO STATE LAW. NO PART OF A MARKING WAS WITHIN THE OVAL "TARGET" AREA FOR THE EQUIPMENT TO TABULATE. ALL MEMBERS CONCURRED THAT THIS WAS NOT A VALID VOTE FOR MR. BAIRD.

UPON CONCLUDING, THE VOTES WERE AS FOLLOWS:

VOTES CAST IN THIS PRECINCT:	BAIRD	73 VOTES
NO CHANGE EVIDENCED:	DAVIDSON	116 VOTES

MR. BAIRD HAD BEEN SATISFIED WITH THE WAY THE RECOUNT HAD BEEN CONDUCTED AND SINCE THE RECOUNT OF BALLOTS IN A.V. #3 HAD NOT RESULTED IN ANY CHANGE IN THE VOTE TOTAL, MR. BAIRD AGREED TO CONCEDE THE ELECTION TO CANDIDATE DAVIDSON. HE ADDITIONALLY THANKED ALL BOARD MEMBERS FOR THEIR TIME AND ALL OF THEIR HARD WORK.

DON CHEVALIER MADE A MOTION TO ACCEPT THE RECOUNT AS FINAL. IT WAS SUPPORTED BY WALT WOZNIAK WITH A UNANIMOUS VOTE OF ALL MEMBERS. SEAL NUMBER 9414235 WAS AFFIXED FOR SECURITY.

FINAL VOTE COUNT FOR THESE CANDIDATES:	BAIRD	382 VOTES
	DAVIDSON	391 VOTES

THE RECOUNT CONCLUDED AT 3:45 P.M.

SEE SIGNATURES OF THE BOARD MEMBERS ON THE NEXT PAGE.

Donald C Chevalier  
DONALD CHEVALIER, CHAIRMAN

Walter Wojniak, Jr.  
WALTER WOJNIAK, JR., VICE CHAIRMAN

Matthew Lance  
MATTHEW LANCE, MEMBER

Janice Pierson  
JANICE PIERSON, MEMBER