

BAY COUNTY ELECTION COMMISSION
FEBRUARY 17, 2006
GROUND FLOOR CONFERENCE ROOM
BAY COUNTY BUILDING

- A. DISTRIBUTION OF DOCUMENTS @ 9:20 A.M.
- B. CALL OF MEETING TO ORDER @ 9:30 A.M.
- C. ROLL CALL OF MEMBERS
- D. ACKNOWLEDGMENT OF CITIZENS
- E. REVIEW OF 2005 ELECTION EVENTS
 - 1. Election Consolidation Act (Schools) 1/1/2005
 - 2. Implementation of M-100 voting system 4/1/2005
 - 3. Completed training by Clerk/Election Inspectors 6-8/2005
 - 4. Consolidation Efforts City/Townships 11/2005
 - 5. Return of \$120,000 to County General Fund 12/1/2005
- F. ANTICIPATED 2006 EVENTS
 - 1. New Qualified Voter File Software/Hardware
 - 2. Implementation of Disability Voting Device 4/2006
 - 3. Countywide inspections of Ballot Storage Devices
By the Board of Canvassers by 6/1/2006.
 - 4. Countywide training on Disability Voting Device 6-8/2006
- G. BUDGETARY CONCERNS
 - 1. Memo of C. Luczak 2/8/2006
 - 2. Memo of B. Elder 2/10/2006
 - 3. Letter by C. Luczak 2/15/2006 (Schedule)
- F. SIGNING OF ANNUAL RESOLUTION
- G. ADJOURNMENT

ELECTION COMMISSION

Friday, February 17, 2006

The Bay County Election Commission met on Friday 17, 2006 in the ground floor conference room of the Bay County Building. Judge Tighe, Bay County Probate Judge/Election Commission Chairperson called the meeting to order at 9:30 a.m.

Cynthia A. Luczak, Bay County Clerk/Election Commission Secretary took roll.

Present: Tighe, Brzezinski and Luczak.

Absent: None

Judge Tighe asked if anyone present wished to address the Board. Hearing none, Luczak explained this was the first meeting of 2006 to update the board. Three meetings were held last year to monitor progress and numerous law changes. The elections are a "whole new ball game". Clerk Luczak covered a review of the following 2005 election events: the Election Consolidation Act (Schools) 1/1/2005; implementation of the M-100 voting system 4/1/2005; completed training of Clerk/Election inspectors 6/8/2005; consolidation efforts with City/Townships 11/2005; Return of \$120,000 to County General Fund 12/1/2005.;

Bay County Commissioner Coonan asked who received the training in order to set/program the election cards. Luczak responded herself, Bay County Deputy Clerk Patti Shorkey, Bay City Clerk Dana Muscott and Bangor Township Clerk, Janet Santos and their deputies.

Comm. Coonan questioned the accuracy of the \$120,000 that the County Clerk returned to the Bay County General Fund that was unspent from the 2005 Bay County Election budget. Mike Regulski stated he would have to look at the budget but the election budget does not balance dollar for dollar. It is not that type of a fund. He verified C. Luczak's comment that a \$120,000 budget adjustment was made to the 2005 general fund from the election fund is correct. B. Redmond explained a total of \$26,000 was spent for new equipment and part-time help. He also stated that revenue sharing had been reduced.

C. Luczak outlined the following agenda items "F", Anticipated 2006 Events: New qualified voter file software/hardware; implementation of disability voting device 4/2006; countywide inspections of ballot storage devices by the Board of Canvassers by 6/1/2006; countywide training on Disability Voting Device 6/8/2006.

Judge Tighe stated she did not understand the problem. The purpose of the election commission is not to resolve budget problems.

C. Luczak confirmed that was not the intent of the meeting. The intent was only to inform election commission members.

Judge Tighe stated that she is offended by the memos from Commissioner Elder and

Clerk Luczak. She feels it is unseemly to take "pot shots" at each other outside of County Commission meetings. The County Clerk has mandated services that the Board of Commissioners must address. Judge Tighe questioned the steps the County Clerk has taken to pursue the budget adjustments.

R. Brzezinski explained that he is new to the Election Commission as of last year and is not really familiar with its duties. The Commission met as needed last year to discuss changes in election law and to sign a resolution directing the Clerk to proceed. He realizes the Election Commission is responsible for supplying election supplies and \$7000 was not enough upon his review of the budget in the AS400 system.

C. Luczak replied that she has discussed the budget problems and has been through the budget process since August 2005.

B. Redmond acknowledged he was to meet with the clerk but was out of town last week at the MAC conference.

Judge Tighe asked if it is correct that \$7000 is not enough for the May election.

C. Luczak answered, correct.

B. Redmond stated the election category totaled \$11,500.

Judge Tighe feels each election should be funded by individual budget adjustments. As each election approaches and the potential costs are predictable, the county clerk should request a budget adjustment from the board of commissioners. She also feels the clerk should program the election in order to save taxpayer dollars. The previous clerks programmed the elections for a cost savings to the county.

Comm. Elder asked if the schools could be billed for the election costs prior to paying the vendors.

C. Luczak did not have the actual language of the law but explained that the county pays up front and the schools have 82 days to reimburse. It may be difficult to find vendors willing to wait 82 days for payment. The next election would be occurring before the prior election is paid. In addition, substantial cost savings are realized when ballots and supplies are purchased in large quantities.

D. Muscott said Bay City purchases their own precinct kits.

Comm. Coonan asked if supplies are put out for bids.

C. Luczak replied the County Commissioners passed a resolution exempting election supplies

from the bid process.

Comm. Coonan stated the bid process would be beneficial to taxpayers.

C. Luczak answered that the filing deadlines, which affect the size of the ballots, impose time constraints on the ability to seek bids. Accuracy is also a large issue that needs to be taken into consideration. Quality of the product and the ability to deliver in a timely manner must also be considered. Cheaper is not always better. Many factors need to be taken into account when committing to the purchase of ballots.

R. Brzezinski asked if various vendors offer supplies.

C. Luczak replied that they are comparable.

Comm. Coonan asked if ballots have been ordered.

C. Luczak explained that adequate funds are not available to request a purchase order number from the finance department.

Comm. Coonan said that ballots should be ordered.

C. Luczak explained that ballots cannot just be ordered. The "programming of the ballot", which is the entire ballot image, needs to mesh with the election cards, voting machines and ballots themselves.

B. Redmond agreed that a different approach to election budgets should be put in place. Budget adjustments on an election to election basis may be the answer. The elections have never been programmed out of house. B. Redmond stated that many years ago he was a former employee of the clerk's office and was for a short time appointed county clerk. He has experience setting up the lever machines for elections and he stated the new machines must be much simpler to set up for an election.

Motion 1:

Motion by Judge Tighe, supported by R. Brzezinski, to adopt the resolution submitted by the County Clerk, dated February 17, 2006.

Judge Tighe asked if anyone present wished to discuss the resolution.

B. Redmond addressed the 2nd to the last paragraph. He stated some counties go out for bids and the bid process should be followed for the August and November elections.

Judge Tighe agreed the bid process should be followed if time allows and if it does not run the risk of ruining the election.

B. Redmond said the new voting machines are not as sensitive as the old voting machines. He stated that the ballots still had problems in 2005 and had to be re-cut.

C. Luczak pointed out that the re-cutting was for the 2004 General election when the old equipment, the Optech Eagles, were still in place. The cuts on the ballots for the 2004 General election were not precise and had to be re-cut. In an effort to get the ballots to the local clerks quicker, numerous times she and her deputy drove to the Flint printing factory to pick up ballots as they were ready, then delivered directly to the local clerks. Issues were had in the past with other vendors, too.

D. Muscott stated that the City of Bay City bids out their supplies. Four printers; Print Systems, ES& S and MER are licensed to print ballots in Michigan for the M-100 voting machines. All four are trustworthy and have been used by the City of Bay City in the past. In order to be certified to print ballots for the M-100 voting machines, printers must meet State of Michigan Bureau of Elections criteria. You can not just call up Horak's and order ballots.

Judge Tighe feels an obligation to the taxpayers to get the best price.

C. Luczak explained that ES & S is the vendor for the M-100 voting machines. They are located in Omaha, Nebraska which creates logistics issues when ballots/ballot information goes between their office and the Bay County Clerk's office. They have been used in the past to print the ballots but they subcontract the ballot printing because they are not printers. They have printers in Michigan as well as other states. Whenever possible, the printing job is kept in Michigan.

Judge Tighe agreed to sign the resolution with the understanding that the county clerk will do the programming, a bid process will be used when feasible in future elections and if a temporary worker is needed, a budget adjustment will be done.

For the record, C. Luczak stated that the programming is not a statutory duty of the county clerk. Outside programming is not less expensive and we now have the equipment to customize elections for a cost savings.

B. Redmond stated that former clerk Barb Albertson was payed an additional \$2000 salary to program the election.

R. Brzezinski agreed with Judge Tighe's suggestions.

Judge Tighe asked for a roll call vote.
3 Ayes: Tighe, Brzezinski and Luczak
0 Nays

Motion 2:
Judge Tighe adjourned the meeting at 10:20 a.m.

RESOLUTION

WHEREAS, THE STATE OF MICHIGAN HAS SET THE FOLLOWING ELECTION DATES FOR THE YEAR 2006 IN ACCORDANCE WITH THE MICHIGAN ELECTION CONSOLIDATION ACT PUBLIC ACT 298-306 OF 2003 FOR PLACEMENT OF STATE AND LOCAL CANDIDATES/PROPOSALS.

MAY 2, 2006
AUGUST 8, 2006
NOVEMBER 7, 2006

WHEREAS, UNDER SAID LEGISLATION, THE COUNTY CLERK HAD UNDERTAKEN MEASURES TO "CONSOLIDATE" THE EFFORTS OF CITY, TOWNSHIP AND SCHOOL DISTRICT OFFICIALS DURING THE MAY 2005 ELECTIONS FOR A SIGNIFICANT COST SAVINGS. THEREFORE, BY THE PASSAGE OF THIS RESOLUTION, SHALL AUTHORIZE THE CLERK TO PROCEED IN A SIMILAR MATTER BY CONSOLIDATION OF ELECTION FUNCTIONS FOR THE MAY 2, 2006 ELECTION.

WHEREAS, THE CLERK SHALL BE FURTHER DIRECTED TO ENTER INTO A GRANT AGREEMENT WITH THE MICHIGAN DEPARTMENT OF STATE FOR THE STATEWIDE VOTER REGISTRY QUALIFIED VOTER FILE (QVF) INFRASTRUCTURE UPGRADE ALSO KNOWN AS THE "REFRESH PROJECT". THIS GRANT AGREEMENT WILL PROVIDE UPDATED COMPUTER SOFTWARE AND/HARDWARE AT NO COST TO BAY COUNTY. THIS WILL MEET THE REQUIREMENTS OF HAVA FUNDING FOR A DIGITIZED SIGNATURE PROJECT.

WHEREAS, IN THE SPRING OF 2006, THE STATE OF MICHIGAN WILL RELEASE AN ESTIMATED \$500,000 IN EQUIPMENT TO THE COUNTY OF BAY THAT WILL ACCOMMODATE AMERICANS WITH DISABILITIES. BY THIS RESOLUTION, THE CLERK IS AUTHORIZED TO TAKE THE MEASURES NECESSARY FOR THE ACCEPTANCE OF THIS PROJECT, WITH ANY NECESSARY MEASURES FOR COUNTYWIDE TRAINING.

THE COUNTY CLERK SHALL ASSIST THE BAY COUNTY BOARD OF CANVASSERS IN COMPLETION OF BALLOT STORAGE INSPECTIONS BY JUNE 1, 2006 IN ACCORDANCE WITH STATE LAW.

WHEREAS, THE COUNTY CLERK HAS A STATUTORY DUTY TO PERFORM ALL ELECTION RELATED FUNCTIONS UNDER THE CONSTITUTION OF THE STATE OF MICHIGAN, BE IT RESOLVED THE COUNTY CLERK SHALL BE GRANTED AUTHORITY BY THIS COMMISSION TO PAY ALL EXPENSES ASSOCIATED WITH CONDUCTING THE ELECTIONS.

FURTHER, THESE COSTS SHALL INCLUDE BUT NOT BE LIMITED TO , THE ORDERING OF SUPPLIES; PUBLISHING OF NOTICES; THE PROGRAMMING FUNCTIONS AND THE ORDERING OF BALLOTS OR ANY OTHER COSTS ASSOCIATED PERFORMING STATUTORY FUNCTIONS UNDER THE MICHIGAN ELECTION LAW.

THE CLERK SHALL HIRE THE NECESSARY PERSONS FOR TABULATION OF THE ELECTION RESULTS FOR ELECTION DAY/NIGHT AS NECESSARY TO FINALIZE RESULTS. IN ADDITION, CONTRACT WITH THE BAY COUNTY BOARD OF CANVASSERS WHO WILL BE PAID ON A PER DIEM BASIS. ALL EXPENDITURES TO BE TAKEN FROM THE GENERAL FUND FROM THE COUNTY OF BAY AS TO BE ALLOCATED IN THE GENERAL APPROPRIATIONS BUDGET ACT RESOLUTION IN ACCORDANCE WITH STATE LAW.

BAY COUNTY ELECTION COMMISSION
DATED: FEBRUARY 17, 2006

Cynthia A. Luczak
Cynthia A. Luczak, County Clerk

Richard F. Brzezinski
Richard F. Brzezinski, Treasurer

Karen A. Tighe 2-17-06
Karen A. Tighe, Probate Judge



Courthouse Erected A.D. 1932

Cynthia A. Luczak
Bay County Clerk

515 Center Ave., Suite 101
Bay City, MI 48708-5941
Phone (989) 895-4280
Fax (989) 895-4284
TDD (989) 895-4049

MEMORANDUM

TO: CITY/TOWNSHIP CLERKS
FROM: CYNTHIA A. LUCZAK, CLERK
DATE: FEBRUARY 8, 2006
RE: MAY 2, 2006 ELECTION

TO FOLLOW IS THE LISTING OF CANDIDATES WHO HAVE QUALIFIED FOR THE MAY 2, 2006 REGULAR ELECTION BALLOT AFTER THE FILING DEADLINE OF FEBRUARY 7, 2006. THE WITHDRAWAL DEADLINE WILL LAPSE ON FEBRUARY 10, 2006 AT 4:00 P.M.

AT THIS TIME, WE HAVE NOT RECEIVED CONFIRMATION OF SCHOOL DISTRICT BALLOT QUESTIONS FROM ANY DISTRICT. WE UNDERSTAND THE BAY CITY SCHOOLS WILL BE SUBMITTING A QUESTION FOLLOWING THEIR NEXT BOARD SESSION. WE WILL UPDATE YOU.

ALSO, IT WILL BE NECESSARY FOR YOU TO CONVEY ANY PRECINCT CONSOLIDATION EFFORTS AT YOUR PRECINCT LOCATIONS AND A.V. BOARD USAGE TO ME IN WRITING, AS SOON AS POSSIBLE. THIS WILL EXPEDITE THE BALLOT PROGRAMMING AND ORDERING OF SUPPLIES.

IT HAS BEEN A DIFFICULT YEAR IN EDUCATING OUR BOARD OF COMMISSIONERS AS TO THE DEMANDS OF OUR ELECTION DUTIES WITH THE CONSOLIDATION ACT OF 2005; IMPLEMENTATION OF THE NEW M-100'S AND THE COMPLIANCE WITH THE A.D.A. REGULATIONS TO COME. IT APPEARS THAT ELECTION FUNDING IS NOT A PRIORITY FOR OUR BOARD. WE CAN EXPECT TO FEEL AN EFFECT OF THIS IN A DELAY OF THE AVAILABILITY OF ABSENTEE BALLOTS TO YOUR CONSTITUENTS.



Bay County Building 1932

Cynthia A. Luczak
County Clerk

BAY COUNTY BOARD OF COMMISSIONERS

515 CENTER AVENUE, SUITE 405, BAY CITY

(989) 895-4120 FAX (989) 895-4226 TDD (989) 895-4049

e-mail address: bergerd@baycounty.net

www.baycounty-mi.gov

February 10, 2006

BRIAN K. ELDER
CHAIRMAN
7TH DISTRICT

To: City/Township Clerks

EUGENE F. GWIZDALA
VICE CHAIRMAN
8TH DISTRICT

Re: County Clerk's letter dated February 8, 2006

RICHARD L. BYRNE
1ST DISTRICT

Dear Colleagues:

PATRICK H. BESON
2ND DISTRICT

On behalf of the Bay County Board of Commissioners, I wish to apologize to you for the unprofessional letter received from County Clerk Cynthia A. Luczak dated February 8, 2006. Her letter came as a surprise to Commissioners who were not given the courtesy of a copy. The fact that Ms. Luczak has threatened your ability to conduct elections is completely inappropriate and offensive.

VAUGHN J. BEGICK
3RD DISTRICT

Please rest assured that the County Board of Commissioners will not allow Ms. Luczak's threats to be carried out. Even in the face of budgetary constraints, the County Board of Commissioners will not allow a County office to hold its core function hostage to political posturing.

DAWN A. KLIDA
4TH DISTRICT

ERNIE KRYGIER
5TH DISTRICT

As with every other level of local government, Bay County has experienced tough budgetary times over the last few years. The County lost all of its revenue sharing ahead of the cuts that all of you are now experiencing. With one exception, every Bay County elected official has understood the budget pressures we have faced. With one exception, Bay County elected officials have worked with the County Board of Commissioners to face these problems, and we are certainly appreciative of their efforts.

KIM COONAN
6TH DISTRICT

WILLIAM G. TACEY
9TH DISTRICT

Once again, please accept my apology on behalf of the County Board for Ms. Luczak's conduct. If you have any concerns regarding this issue, please contact me, or your County Commissioner, directly. We are happy to work with you. Thank You.

ROBERT J. REDMOND
FINANCIAL ANALYST
(989) 895-4125
redmond@baycounty.net

DEANNE C. BERGER
BOARD COORDINATOR
(989) 895-4121
bergerd@baycounty.net

Sincerely,

Brian K. Elder, Chairman
Bay County Board of Commissioners

cc: All County Elected Officials



Courthouse Erected A.D. 1932

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Bay County Clerk

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Bay City, MI 48708-5941
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February 15, 2006

Brian Elder, Chairman
Board of Commissioners
515 Center Avenue
Bay City, Michigan 48708

Dear Chairman Elder:

As you know, the 2006 budget for the office of the Bay County Clerk has been reviewed and discussed since August of 2005. It is unfortunate that after all of this time and consideration, the funding levels for the election functions remain inadequate, as the deadlines for preparing for the May 2, 2006 election are rapidly approaching.

We have finalized the list of candidates and proposals which will be appearing on the ballot now, even though the state deadline for proposals is March 3, 2006. Our next step is to determine who will set up the ballot and whether it will be completed in-house at a substantial cost savings, or contracted with a vendor. The estimated cost from our election vendor is a minimum of \$4,500.00. This process takes 6-8 weeks. The ballots are printed and distributed which takes a minimum of 2 weeks. The testing of software, hardware and ballots for up to as many as 75 precincts, must be finished.

The law requires this process to be completed and the absentee ballots ready for distribution by April 12th. With the amount of work involved in this step, our Clerks push for these ballots to be ready at least 30 days in advance.

Please let me know what course of action I should take by March 1, 2006. Without funding, I am restricted from the issuance of purchase order numbers which my vendors need to proceed. The election consolidation law calls for reimbursement of costs associated with the May election but the locals have 82 days in which to pay. I will have to commit funds in an estimated amount of \$12,000 to my printer on or before March 20, 2006 for printing to begin.

Board of Commissioners

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February 15, 2006

Without timely authorization, I will be prevented from conducting the statutory functions of my office. Further, I have scheduled a meeting with the Bay County Election Commission to apprise the members of this situation. It will be held on Friday, February 17th, 2006 at 9:30 a.m. in the Ground Floor Conference Room of the Bay County Building, 515 Center Avenue, Bay City, MI.

Please feel free to attend this session or contact me directly.

Sincerely,

Cynthia A. Luczak
Bay County Clerk

cc: Commission Members
Election Commission
City/Township Clerks
School Administrators
Tom Hickner, Executive
Robert Redmond