

BAY COUNTY BOARD OF CANVASSERS
RECOUNT OF
BAY CITY COMMISSIONER, WARD 5
NOVEMBER 13, 2009

THE BAY COUNTY BOARD OF CANVASSERS MET ON FRIDAY, NOVEMBER 13, 2009 AT 9:05 A.M. AT BAY CITY HALL, ROOM 317. THE PURPOSE OF THE MEETING WAS TO CONDUCT A RECOUNT OF THE VOTES CAST FOR THE OFFICE OF BAY CITY COMMISSIONER, WARD 5, IN THE GENERAL ELECTION HELD NOVEMBER 3, 2009. BAY CITY COMMISSIONER, WARD 5, CANDIDATES WERE JIM IRVING AND MEGAN TRASK.

PURSUANT TO PUBLIC ACT NO. 267 OF THE PUBLIC ACTS OF 1986, THE OPEN MEETING ACT, PROPER NOTICES HAVE BEEN POSTED. ACCORDING TO STATE STATUTE, BAY COUNTY CANVASS BOARD PRESIDES OVER THE BAY CITY COMMISSIONER RECOUNT.

THE FOLLOWING INDIVIDUALS WERE PRESENT FOR THE RECOUNT PROCEDURE:

WALTER WOZNIAK, JR., CHAIRMAN
MATTHEW LANCE, VICE-CHAIRMAN
JANICE PIERSON, BOARD MEMBER
DENNIS POIRIER, BOARD MEMBER
DOLORES NIEDZINSKI, TALLY CLERK
MARY IDA DOAN, TALLY CLERK
ARLENE STONE, SECRETARY
CYNTHIA A. LUCZAK, BAY COUNTY CLERK
PATTI SHORKEY, BAY COUNTY DEPUTY CLERK
JAMES IRVING, CANDIDATE
MEGAN TRASK, CANDIDATE
MIKE WOOLEY
JOHN ANDRUS
MICHAEL BUDA
WANDA IRVING
JENNIFER BARNES
STEPHEN SORITEU
SHANNON MURPHY

CHAIRMAN WOZNIAK INTRODUCED THE BOARD TO THE CANDIDATES AND THOSE IN ATTENDANCE. HE EXPLAINED THAT TWO REPRESENTATIVES OF EACH CANDIDATE MAY BE ALLOWED TO OBSERVE THE RECOUNT, BUT ONLY ONE MAY ADDRESS THE BOARD AT A TIME. IN ADDITION, NONE OF THE RECOUNT DOCUMENTS MAY BE TOUCHED AT ANY TIME. HE THEN EXPLAINED THE CHALLENGE PROCEDURE.

CHAIRMAN WOZNIAK ANNOUNCED THAT BAY CITY, WARD 5 PRECINCT 1, BALLOT STORAGE CONTAINER HAD BEEN SEALED WITH SEAL #624199 WHICH MATCHED THE SEAL NUMBER NOTED IN THE POLL BOOK. THE SEAL WAS BROKEN.

ALL BALLOTS WERE REMOVED FROM THE STORAGE CONTAINER AND COUNTED.

ONE BALLOT WAS MARKED "AUXILIARY BIN". NO REMARKS WERE MADE IN THE POLL BOOK IN REFERENCE TO THAT BALLOT. 98 BALLOTS WERE COUNTED WHICH MATCHED THE 98 BALLOTS AS NOTED IN THE POLL BOOK.

TALLY COMMENCED. ONE BALLOT WAS BLANK.
TALLY RESULTS- WARD 5-1: IRVING, 53 VOTES; TRASK 45 VOTES.

MIKE WOOLEY CHALLENGED THAT TALLY. HE STATED THAT IF 98 BALLOTS WERE COUNTED WHICH INCLUDED THE BLANK BALLOT, THE CANDIDATE RESULTS WERE IN ERROR WITH ONE VOTE TOO MANY. THE TALLY OF VOTES SHOULD HAVE BEEN 97. BAY COUNTY CLERK LUCZAK REMINDED THE CANVASSERS OF THE BALLOT THAT WAS PLACED IN THE AUXILIARY BIN BUT WAS NOT NOTED IN THE REMARKS SECTION OF THE POLL BOOK. 97 BALLOTS WERE INDICATED ON THE M100 TABULATOR TAPE. THE CANVASSERS RETALLIED THE BALLOTS.

TALLY RESULTS: IRVING 52 VOTES; TRASK 45.

THE BALLOT CAN WAS RESEALED WITH SEAL #244244.

CHAIRMAN WOZNIAK ANNOUNCED THAT BAY CITY, WARD 5 PRECINCT 2/WARD 5, PRECINCT 3 BALLOT STORAGE CONTAINER HAD BEEN SEALED WITH SEAL #624240 WHICH MATCHED THE SEAL NUMBER NOTED IN THE POLL BOOK. THE SEAL WAS BROKEN.

THERE WERE 198 BALLOTS TO BE COUNTED, WHICH MATCHED THE NUMBER IN THE POLL BOOK. THE TALLY COMMENCED. AT 9:50 A.M., THE TALLY CLERKS' TOTALS DID NOT MATCH. THE CANVASSERS DECIDED TO PLACE EACH CANDIDATES BALLOTS COUNTED THUS FAR INTO TWO SEPARATE PILES AND COUNT THE VOTES. EACH PILE WAS COUNTED: IRVING 27; TRASK 60. ALL PARTIES AGREED THE COUNT WAS CORRECT. THE TALLY COUNT CONTINUED AT 9:52A.M.

TALLY RESULTS WARDS 5-2 & 5-3: IRVING 77 VOTES; TRASK 121.

THE BALLOT CAN WAS RESEALED WITH SEAL #244293.

THE BOARD RECESSED AT 10:10 A.M. FOR A BREAK. THE BOARD OF CANVASSERS RECONVENED AT 10:20 A.M. ALL MEMBERS WERE PRESENT.

CHAIRMAN WOZNIAK ANNOUNCED THAT BAY CITY, AVCB BALLOT STORAGE CONTAINER HAD BEEN SEALED WITH SEAL #624222 WHICH MATCHED THE SEAL NUMBER NOTED IN THE POLL BOOK. THE SEAL WAS BROKEN.

THE POLL BOOK INDICATED 532 BALLOTS WERE TO BE COUNTED WITH ONE DUPLICATE BALLOT. THE FIRST COUNT WAS 531. BALLOTS WERE RECOUNTED AND THE TOTAL WAS 532. THIS AVCB CONTAINED ADDITIONAL WARDS IN ADDITION TO WARD 5. CANVASSERS DISCUSSED THE METHOD OF COUNTING THE VOTES OF WARD 5. IT WAS AGREED THAT THE BALLOTS OF WARD 5 WOULD BE SEPARATED FROM THE OTHER WARDS AND COUNTED. THE M100 TABULATOR TAPE INDICATED 314 BALLOTS CAST IN WARD 5, PRECINCT 1 AND PRECINCTS 2-3. 314 WARD 5 BALLOTS WERE SEPARATED AND THE TALLY COMMENCED. ONE BALLOT WAS BLANK. ONE BALLOT WAS OVER-VOTED. MIKE WOOLEY

REQUESTED THE OVER-VOTED BALLOT BE PLACED ASIDE FOR A POSSIBLE CHALLENGE. THE COUNT CONTINUED. MIKE WOOLEY DECIDED NOT TO CHALLENGE THE OVER-VOTED BALLOT DUE TO IT NOT MAKING A DIFFERENCE IN THE ELECTION OUTCOME.

TALLY RESULTS-AVCB: IRVING 176 VOTES; TRASK 136.

TOTAL VOTES:

IRVING 305

TRASK 302

CHAIRMAN WOZNIAK ASKED BOTH CANDIDATES IF THEY HAD ANY CHALLENGES OR COMMENTS. NEITHER CANDIDATE HAD ANY CHALLENGES. BOTH CANDIDATES THANKED THE BOARD OF CANVASSERS FOR THEIR EFFORTS.

MOTION BY D. POIRIER, SUPPORTED BY W. WOZNIAK TO APPROVE THE MINUTES OF THE NOVEMBER 3, 2009 GENERAL ELECTION AS PRESENTED.

THE BALLOT CAN WAS RESEALED WITH SEAL #512604. CANVASSERS DISCUSSED THE POLL BOOKS NOT BEING IN SEALED ENVELOPES. IT WAS DECIDED THAT THEY WERE GIVEN TO THEM UNDER THOSE CONDITIONS, AND THEY WOULD BE RETURNED TO THE CITY CLERK IN THE SAME CONDITION. POLL BOOKS SHOULD BE SEALED IN THE CANVASSERS' ENVELOPE.

MOTION BY M. LANCE, SUPPORTED BY W. WOZNIAK TO ADJOURN AT 11:30 A.M.

WALTER WOZNIAK, JR., CHAIRMAN

MATTHEW LANCE, VICE CHAIRMAN

JANICE PIERSON, MEMBER

DENNIS POIRIER, MEMBER