

BAY COUNTY BOARD OF CANVASSERS

AUGUST 30, 1988

THE BAY COUNTY BOARD OF CANVASSERS MET ON TUESDAY, AUGUST 30, 1988 IN THE COMMISSIONERS CONFERENCE ROOM OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY THE COUNTY CLERK, BARBARA ALBERTSON, TO RECERTIFY THE AUGUST 2, 1988 PRIMARY ELECTION RESULTS FOR THE PINCONNING TOWNSHIP TREASURERS RACE.

THE FOLLOWING BOARD MEMBERS AND GUESTS WERE IN ATTENDANCE:

BARBARA ALBERTSON, BAY COUNTY CLERK
LINDA TOBER, BAY CO. DEPUTY CLERK
CYNTHIA A. LUCZAK, SECRETARY TO THE CLERK
WALTER WOZNIAK, JR., VICE CHAIRMAN
RICHARD BRZEZINSKI, BOARD MEMBER
WALLACE NIELSEN, BOARD MEMBER
GEORGE MULLISON, BAY CO. PROSECUTOR
LEROY ATWATER, PINCONNING TWP. CLERK
BILL KARBOWSKI, PINCONNING TWP. SUPERVISOR;
BAY CO. TOWNSHIP ASSOCIATION;
AND MEMBER OF THE TWP. BOARD
OF DIRECTORS
BARBARA JOHNSON, INCUMBENT TREASURER
MICHAEL BERGERON, CANDIDATE FOR TREASURER

ABSENT WERE: CHAIRMAN OF THE BOARD OF CANVASSERS, DONALD CHEVALIER.

BAY COUNTY CLERK, BARBARA ALBERTSON, EXPLAINED TO BOARD MEMBERS AND GUESTS A PROBLEM WITH THE AUGUST 2, 1988 PRIMARY ELECTION RESULTS FROM THE PINCONNING TOWNSHIP TREASURERS RACE AS CERTIFIED BY THE BAY COUNTY BOARD OF CANVASSERS ON AUGUST 15, 1988.

THE PROBLEM SURFACED WHEN MS. BARBARA JOHNSON CONTACTED THE COUNTY CLERK STATING THAT SHE HAD NOT RECEIVED THE CERTIFICATE OF NOMINATION FOR THE OFFICE OF PINCONNING TOWNSHIP TREASURER, WHICH SHE UNDERSTOOD THAT SHE HAD WON. UPON RESEARCHING THE PROBLEM THE COUNTY CLERK REVIEWED THE WORKSHEET AS CANVASSED BY THE BAY COUNTY BOARD OF CANVASSERS. THE TOTAL VOTES APPEARING ON THE WORKSHEET WAS 412 FOR MICHAEL BERGERON AND 355 FOR BARBARA JOHNSON. THE BREAKDOWN ON THE WORKSHEET FROM THE MACHINE TOTALS FOR PINCONNING TOWNSHIP WERE AS FOLLOWS: 282 VOTES CAST FOR BERGERON, 303 VOTES CAST FOR JOHNSON. THE ABSENTEE COUNTING BOARD RESULTS SHOWED 130 VOTES FOR BERGERON, AND 52 VOTES FOR JOHNSON. MS. JOHNSON STATED THAT SHE FELT THAT THE ABSENTEE VOTES WERE DUPLICATED AND BARBARA ALBERTSON THEN REVIEWED THE RETURN SHEET FROM THE AUGUST 2, 1988 PRIMARY ELECTION. THE RETURN SHEET FROM THE VOTING MACHINE PRECINCTS SHOWED FOUR MACHINES AND ABSENTEE VOTES TOTALED TOGETHER THE GRAND TOTAL OF 282 VOTES FOR BERGERON AND 303 FOR JOHNSON. THE CLERK PROCEEDED TO CHECK THE ABSENTEE COUNTING BOARD RETURN SHEET SHOWING 130 VOTES FOR BERGERON AND 52 VOTES FOR JOHNSON, AND COMPARED THE RETURN SHEETS WHICH SHOWED THAT THE ABSENTEE VOTE COUNT WAS TABULATED TWICE. UPON THE DELETION OF THE ABSENTEE VOTES THAT WERE INCLUDED IN THE MACHINE PRECINCT RETURN SHEET, THE RESULTS WERE CHANGED FOR THE OFFICE OF THE PINCONNING TOWNSHIP TREASURER.

LEROY ATWATER AT THIS POINT EXPLAINED THAT PINCONNING TOWNSHIP HAS FOUR VOTING MACHINES IN WHICH VOTES ARE TALLIED FROM AND THAT THESE ARE KEPT IN A SEPERATE ROOM FROM THE ABSENT VOTER TABULATION OF VOTES.

BILL KARBOWSKI, PINCONNING TOWNSHIP SUPERVISOR, STRESSED THE FACT THAT THE CONTROL OF TOWNSHIP GOVERNMENTS WILL BE LOST IF THESE TYPES OF ERRORS ARE OVERLOOKED. HE ALSO QUESTIONS HOW THE BOARD OF CANVASSERS COULD HAVE NOT NOTICED THE ERROR WHILE CANVASSING.

WALTER WOZNIAK, VICE CHARIMAN, RECOGNIZED THAT THE CLERICAL ERROR HAD BEEN MADE AND SUGGESTED THAT THE RECORDS BE CHANGED TO INDICATE THAT THE OFFICE OF THE TOWNSHIP TREASURER SHOULD GO TO BARBARA JOHNSON WHO ACTUALLY RECEIVED THE LARGER NUMBER OF VOTES.

CANDIDATE MICHAEL BERGERON REALIZED THAT A HUMAN ERROR HAD BEEN MADE IN THE CALCULATION OF THE VOTES CERTIFIED BY THE BOARD OF CANVASSERS. HE OFFERED TO RELINQUISH HIS POSITION AS CERTIFIED BY THE BOARD OF CANVASSERS, AND SIGN AN AFFIDAVIT TO PREVENT ANY FURTHER LITIGATION IN THE MATTER. MR. BERGERON ADDED THAT HE HAD TRIED TO CONTACT THE COUNTY CLERK BY TELEPHONE TO NOTIFY HER OF THE CONFLICT AND FIND OUT WHAT STEPS NEEDED TO BE TAKEN TO RECTIFY THE SITUATION.

BILL KARBOWSKI, TOWNSHIP SUPERVISOR, ADDED THAT THERE WERE TWO ISSUES IN THE MATTER OF CONFLICT. ONE ISSUE BEING THE OVERSIGHT BY THE BOARD OF CANVASSERS IN NOT DISCOVERING THE ERROR OF DOUBLE ADDITION OF ABSENTEE VOTER BALLOTS, AND SECONDLY, THE MISFEASANCE OF THE TOWNSHIP CLERK, LEROY ATWATER.

THE BAY COUNTY CLERK REALIZED THE PROBLEM WITH THE INQUIRY OF MS. BARBARA JOHNSON. MS. ALBERTSON ADDED THAT A NUMBER OF RECORDS WILL NEED TO BE UPDATED BY THIS ERROR SINCE NOTIFICATION OF CANDIDATES TO OFFICE HAD ALREADY BEEN SENT TO THE REPUBLICAN AND DEMOCRATIC PARTY CHAIRPERSONS AS WELL AS TO THE CANDIDATES THEMSELVES.

WALT WOZNIAK OFFERED AN EXPLANATION ON BEHALF OF THE BOARD OF CANVASSERS THAT HE FELT THAT THE BOARD ASSUMED THAT THE MACHINE VOTES DID NOT INCLUDE THE ABSENTEE VOTES BECAUSE THE CLERK CHOSE TO USE THE ABSENTEE COUNTING BOARD AND THAT THE RETURNS WERE TO BE ON SEPERATE RETURN SHEETS.

GEORGE MULLISON, BAY COUNTY PROSECUTING ATTORNEY, SUPPORTED THE BELIEF THAT NO SYSTEM OF THIS TYPE IS FREE FROM HUMAN ERROR AND THAT A CLERICAL ERROR HAS CAUSED CONFLICTS AT ONE TIME OR ANOTHER. MR. MULLISON URGES RESOLUTION OF THE PROBLEM AT THIS POINT AND TIME TO PREVENT ANY FURTHER LITIGATION THROUGH THE COURT SYSTEM.

LEROY ATWATER ADDED TO MEMBERS IN PRESENT THAT HE MAY BE RESPONSIBLE FOR SOME OF THE CONFLICT RAISED BY THIS ISSUE.

GEORGE MULLISON PROMPTED THE FOLLOWING MOTION BY STATING ANY DECISION MUST BE MADE BY BOARD OF CANVASSER ACTION SO THE ELECTION PROCEDURES CAN CARRY ON WITHOUT DELAY.

MOTION 1: RICHARD BRZEZINSKI MOVED THAT THE BAY COUNTY CLERK BE AUTHORIZED TO ISSUE A CERTIFICATE OF NOMINATION TO INCUMBENT CANDIDATE, BARBARA JOHNSON, FOR THE OFFICE OF PINCONNING TOWNSHIP, REPRESENTING THE DEMOCRATIC PARTY. MR. BRZEZINSKI ALSO ADDED THAT THE CERTIFICATE FORMERLY ISSUED TO MR. MICHAEL BERGERON BE REVOKED. MR. NIELSEN SUPPORTED THE MOTION AND IT WAS PASSED BY A VOICE VOTE OF 3 YEAS, 0 NAYS, 1 ABSENT-DON CHEVALIER.


MOTION 2: RICHARD BRZEZINSKI THEN MOVED THAT THE CLERK ALSO BE AUTHORIZED TO ADJUST THE PREVIOUS TOTALS FROM THE PINCONNING TOWNSHIP PRIMARY ELECTION RESULTS TO REFLECT THE DELETION OF THE ABSENT VOTER BALLOTS TWICE IN THE TOTAL FIGURE, THUS LESS ONE COMPLETE LIST OF ABSENT VOTER TOTALS, ON ALL DOCUMENTS PREVIOUSLY RECORDED IN THE OFFICE OF THE COUNTY CLERK. WALLACE NIELSEN SUPPORTED THE MOTION AND IT WAS PASSED BY A VOICE VOTE OF 3 YEAS, 0 NAYS, 1 ABSENT-DON CHEVALIER.

THERE BEING NO FURTHER BUSINESS TO COME BEFOR THE BOARD MR. BRZEZINSKI MADE THE FOLLOWING MOTION:

MOTION 3: RICHARD BRZEZINSKI MOVED TO ADJOURN THE MEETING OF THE BAY COUNTY BOARD OF CANVASSERS. WALLACE NIELSEN SUPPORTED THE MOTION AND THE SESSION WAS ADJOURNED AT 3:35 P.M. BY A VOICE VOTE OF 3 YEAS, 0 NAYS, 1 ABSENT-DON CHEVALIER.



 WALT WOZNIAK, VICE CHAIRMAN



 RICHARD BRZEZINSKI



 WALLACE NIELSEN

RESPECTFULLY SUBMITTED



 BARBARA ALBERTSON, CLERK
 BOARD OF CANVASSERS