

Haines Borough  
Borough Assembly Meeting  
Election CANVASS  
October 13, 2009  
MINUTES

Approved

THIS WAS A SPECIAL MEETING HELD SOLELY FOR THE PURPOSE OF CANVASSING THE RESULTS OF THE OCTOBER 13, 2009 GENERAL MUNICIPAL ELECTION. NO OTHER BUSINESS WAS DISCUSSED.

1. **CALL TO ORDER:** Mayor Jan **HILL** called the election canvass to order at 5:30 p.m. in the Assembly Chambers of the Public Safety Building and led the pledge to the flag.
2. **ROLL CALL Present:** Mayor Jan **HILL**, Assembly Members Norm **SMITH**, Douglas **OLERUD**, Steve **VICK**, Scott **ROSSMAN**, and Pete **LAPHAM**. Absent: Assembly Member Jerry **LAPP**.

**Staff Present:** Julie **COZZI**/Borough Clerk and Acting Manager, Jamie **HEINZ**/Deputy Clerk, and Gary **LOWE**/Chief of Police.

**Visitors Present:** Jessica **EDWARDS**/CVN, Diana **LAPHAM**, Kelly **LOWE**, Deborah **VOGT**, Daymond **HOFFMAN**, Gary **LIDHOLM**, Nelle **JURGELEIT-GREENE**, Roger **MAYNARD**, Jack **WENNER**, Les **HOSTETLER**, Bill and Libby **KURZ**, and others.

3. **CANVASS – October 6, 2009 General Municipal Election:**

**COZZI** reviewed the Borough Clerk's written election canvass report. She reported that the following ballots were not counted on Election Day and are subject to the assembly consideration during this canvass:

- 9 Absentee-By-Mail Ballots received after Election Day,
  - 1 Invalid Absentee-by-Mail Ballot received prior to Election Day,
  - 11 Absentee-by-Fax ballots, and
  - 17 Questioned ballots.
- 38** Total

She offered the following counting recommendations based upon her post-election research:

**COUNT THE FOLLOWING BALLOTS:**

- 7 Absentee-by-Mail ballots, because each voter was qualified and applied correctly and the ballots were postmarked no later than Election Day, as required.
- 11 Absentee-by-Fax ballots, because each voter was qualified, applied correctly, and voted within the required timeframe ending 10/6, 8:00pm.
- 12 Questioned ballots. These qualified voters did not appear on the voter register on Election Day because they voted out of their precinct.

**DO NOT COUNT THE FOLLOWING BALLOTS:**

- 1 Absentee-by-Mail ballot received prior to Election Day determined to be invalid per HBC 2.68.260. This voter returned a ballot they did not apply for. It is apparent that this person voted a ballot belonging to another individual who did apply for an absentee by mail ballot.
- 5 Questioned ballots. The voters are either not registered to vote in the Haines Borough or registered too late to qualify for the 10/6 election. The Division of Elections advised not to count them.

**TWO MORE BALLOTS TO CONSIDER:**

Two absentee-by-mail ballots were returned without a postmark, so there is no way to know if they were mailed on or before Election Day. The outside of the ballot envelope clearly and specifically states that "The enveloped must be POSTMARKED on or before date of election." Additionally, the written instructions that accompany the ballot state that "it must be postmarked...no later than 8:00 p.m. on October 6, 2009 in order to be counted in this election."

**COZZI** noted that it is absolutely the voter's responsibility to make sure the ballot has a postmark

on it. The borough's election procedures are vital to preserving the integrity of an election. She added that she cannot recommend that the ballots be counted, but the assembly may decide otherwise.

**COZZI** summarized her recommendations. 30 ballots should be counted, and 8 should not.

**Motion** by **OLERUD**: Accept the Borough Clerk's recommendations regarding ballots to be counted during the October 6, 2009 Election Canvass. It was seconded by **ROSSMAN**. The motion carried unanimously.

The Clerk delivered the 30 ballots to be counted to Mayor **HILL**. **HILL** opened the envelopes making sure to put the envelopes to one side and the voted ballots to the other. After all were opened, and with **ROSSMAN** observing, the mayor read aloud each vote. Two assembly teams tallied: 1) **LAPHAM/SMITH** and 2) **OLERUD/VICK**. Additionally, **COZZI** and **HEINZ** individually tallied.

During the counting, the mayor questioned a ballot containing "X" marks rather than filled-in ovals. The assembly members were asked to decide if the ballot should be counted, and they made the decision to discount it citing the ballot instructions "Ovals must be completely filled in. Checks, X's or other marks may not be counted" as the reason. No motion was made but there was no dissention voiced. Therefore, one of the 30 ballots was not counted making a total of 29 ballots actually counted during the Canvass.

Following the counting, **HILL** called for a brief recess to enable **COZZI** to transfer the October 6, 2009 Election totals to the certification form to be read into the record.

Following the recess, **COZZI** read the final election results into the record, as follows:

**ASSEMBLY - SEAT A**

LES HOSTETLER	<u>48</u>	
GARY LIDHOLM	<u>438</u>	WINNER
KATHLEEN MENKE	<u>111</u>	
WRITE-IN DAYMOND HOFFMAN	<u>433</u>	
WRITE IN OTHER	<u>9</u>	

**ASSEMBLY - SEAT D**

PETE LAPHAM	<u>429</u>	
JOANNE WATERMAN	<u>600</u>	WINNER
WRITE IN VOTES	<u>12</u>	

**SCHOOL BOARD - SEAT A**

CAROL KELLY	<u>559</u>	WINNER
WRITE-IN JULIA HEINZ	<u>326</u>	
WRITE IN OTHER	<u>33</u>	

**SCHOOL BOARD - SEAT D**

NELLE JURGELEIT-GREENE	<u>870</u>	WINNER
WRITE IN VOTES	<u>21</u>	

**SCHOOL BOARD - SEAT E**

GREG STUCKEY	<u>692</u>	WINNER
WRITE IN VOTES	<u>70</u>	

**PROPOSITION #1**

YES	<u>578</u>	PASSED
NO	<u>465</u>	

**PROPOSITION #2**

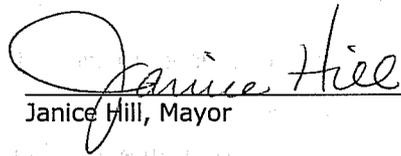
YES	<u>459</u>	DEFEATED
NO	<u>571</u>	

**Motion** by **LAPHAM**: Certify the results of the October 6, 2009 General Municipal Election. It was seconded by **ROSSMAN**. The motion carried unanimously.

The mayor recognized **VOGT** who, for the record, objected to the assembly's decision NOT to count the two absentee-by-mail votes that were missing postmarks. She also asked if there is a process for demanding a recount. **COZZI** explained that 2.68 Article XIII of the borough's election code addresses the process for contesting elections, and a recount demand is part of that section of code. The recount process is less clear, but the election contest process is spelled out including the timeframe. A notice of election contest must be received by the clerk prior to the election canvass, and the assembly must be informed of the notice prior to commencement of the canvass.

Mayor **HILL** reminded the assembly members to sign the Election certification form following adjournment.

**4. ADJOURNMENT - 6:27 pm**

  
\_\_\_\_\_  
Janice Hill, Mayor

ATTEST:

  
\_\_\_\_\_  
Julie Cozzi, Borough Clerk

