



Board of Civil Authority Meeting - Monday, January 5, 2015, Contois Auditorium 1/5/2015

Board of Civil Authority Meeting - Monday, January 5, 2015, Contois Auditorium (Monday, January 5, 2015)

Generated by Lori Olberg on Friday, January 9, 2015

Members present

Tom Ayres, Sharon Bushor, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon, Miro Weinberger

Absent

Selene Colburn, Jane Knodell, Vince Brennan, Dave Hartnett

Also Present

CAO Rusten, City Attorney Blackwood, ACAO Goodwin, COS Kanarick and Lori Olberg

Meeting called to order at 7:34 PM

1. Agenda

Action, Procedural: 1.01 Motion to Approve/Amend Agenda

Adopt the Agenda

Motion by Chip Mason, second by Joan Shannon.

Final Resolution: Motion Passes

Aye: Tom Ayres, Sharon Bushor, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon, Miro Weinberger

2. Deliberative Agenda

Action, Discussion, Information, Report: 2.01 Report: Bob Rusten, Chief Administrative Officer, re: Report on Election Issues

Mayor Weinberger stated he requested that CAO Rusten draft this report after they had a second instance of having to reprint ballots due to errors. The report addresses that and other related election issues.



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CAO Rusten stated he was charged to look at preventable errors that occurred in the past several elections that had a substantial impact on the City and create action steps to prevent these issues from happening again. He spoke with the Secretary of State's Office, Clerk/Treasurer and City Attorney Staff, Council members and a candidate. In their desire to have a perfect election as possible, they need to remember that they have over 100 appointed and elected officials, 11 Clerk/Treasurer Staff who work on these elections. They also have the most complex municipal election in the State. They must take into account the people who do the work to make the elections as successful as possible. He has identified three areas- human error, process errors, and reported errors that may not be actual problems. The report has been posted on the Board of Civil Authority agenda. There were two instances in which ballots had to be reprinted and people had to be sent replacement ballots. This cost the City money and created problems for people. They have identified that although multiple people had reviewed draft ballots, errors had been missed. In the future, they will have better coordination between the Mayor's Office, City Attorney's Office, and Clerk/Treasurer's Office to ensure that ballots are accurate. They will also send ballot proofs to the parties so they can review them prior to the ballots being printed. They will have someone at the Clerk/Treasurer's Office who has not seen the ballot before review it one last time prior to printing. There were complaints about poll watchers and side checkers having to register with the City. There were also questions about the number of people allowed to be outside of the guardrails. The Statute talks about candidates having two representatives. People were asked to register in advance to have a process in place by which election officials would know that a person is affiliated with a candidate. The Secretary of State's Office does not require people to formally register to be a representative of the candidate. They will inform Ward Clerks that this is not a requirement. There is also no statutory requirement as to the number of people who can be outside the guardrail. The Ward Clerks are responsible for the order of the election, so they will inform Ward Clerks that people have the right to be outside of the guardrail so long as they do not interfere with the election. They plan to create rules to assist Ward Clerks in understanding how to provide order for elections. He has committed to sharing the draft rules with the Board of Civil Authority and Ward Clerks to allow them to provide feedback. The issues of those rules will be designed to meet the spirit of the Statute. There was also a concern about Ward Clerks serving as campaign staff. The Statute talks about incompatible offices. Being connected to a campaign and serving as a Ward Clerk is not listed as an incompatible office. Ward Clerks have to be elected in their Wards and also have to serve in their Ward. There is nothing in the Statute that says a person would be elected in one ward but serve in another ward. They will be meeting with Ward Clerks to identify issues they have been facing. They will create training to make the election as smooth and error free as possible. They have an elections team that has been meeting on a regular basis to ensure that they are doing what they need to do when they need to do it. Assistant City Attorney Gene Bergman has taken the lead on running the election. They look forward to running the upcoming election as smoothly as possible.

Councilor Wright stated they will have a new system for the upcoming election in March. Every City Councilors, School Board member and the Mayor will be up for reelection. He inquired how confident they are that they are prepared for this difficult election. CAO Rusten stated they are confident that they are prepared. Councilor Wright stated there have been problems with the ward/district designation, especially when the issue came up so close to the election. Candidates were not informed of this change. A voter got a letter from the City saying she would be voting in another district. Candidates ought to be informed so that they can campaign in the proper area. He inquired who informed the City of the district error. CAO Rusten stated a candidate informed them of the error. Councilor Wright stated the appearance is that one political party brought it to the City's attention while others did not know. That is something that they have to avoid in the future. He is glad to see that poll watchers will not have to register with the City. Poll watchers who had done it before were told that they could register with the Ward Clerk and then were told that they had to leave. CAO Rusten stated they have an incredible group of staff who work hard on elections. They have been giving out street and ward maps to candidates. They have added a disclaimer on the maps reminding people to check the webpage so that they are giving out accurate information.



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Councilor Bushor thanked the CAO for the work that they have done to resolve these issues. She inquired if they have solicited input from Ward Clerks to know if there is anything outstanding that needs to be addressed. CAO Rusten stated they will be meeting with all Ward Clerks together to identify any issues that they have or information that they need. Councilor Bushor stated she appreciates that they have found out the legal requirements about Ward Clerks working in a campaign capacity. As elected officials, they have to evaluate if they have a perceived conflict of interest. She finds it troubling to have a Ward Clerk managing a campaign for a candidate running in their ward. It would be good to figure out a way to have that person step aside for that election. It is a perceived conflict of interest. City Attorney Blackwood stated the First Amendment gives people the ability to do this. The law does not say that this is not an incompatible office, so they have the right to do both. Councilor Bushor stated she is looking for common sense for the Ward Clerk to say that this does not play out well for those involved and for them to find a replacement for that election. She hopes that they would be able to step aside when appropriate. CAO Rusten stated Ward Clerks may also consider the difficulty of finding other people to serve in that capacity. There is nothing that would prohibit a candidate from asking that campaign manager to step aside. Councilor Bushor stated she would hope this would come up when they meet with Ward Clerks.

Councilor Ayres stated candidates collect petition signatures for School Board and City Council races. They now have 4 district races and 8 ward races. However, that change does not become effective by law until Tuesday, March 3. He inquired if candidates need to collect signature from the existing wards. He inquired how this would affect the new Ward 8 candidates. City Attorney Blackwood stated they looked at this question when determining the effective date. The interpretation is that as they are preparing for an election, the petitions and voters will be from the new wards. They will still live in the existing ward, but signatures will be from their new wards. Councilor Ayres inquired if someone who lives in Ward 1 now but will live in Ward 8 can sign a petition in either ward. City Attorney Blackwood stated they could only sign a petition for their future ward.

waive the reading, accept the report and place it on file

Motion by Sharon Bushor, second by Rachel Siegel

Final Resolution: Motion Passes

Aye: Tom Ayres, Sharon Bushor, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon, Miro Weinberger

3. Adjournment

Action, Procedural: 3.01 Motion to Adjourn

Without objection, Mayor Weinberger adjourned the Board of Civil Authority meeting at 7:58 pm



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