

BAY COUNTY BOARD OF CANVASSERS
RECOUNT OF VOTES CAST FOR BAY COUNTY SHERIFF
SEPTEMBER 3, 1996
(DAY 1 OF 5)

THE BAY COUNTY BOARD OF CANVASSERS MET ON TUESDAY, SEPTEMBER 3, 1996 IN THE CITY COMMISSION CHAMBERS OF THE BAY CITY HALL. THE SESSION WAS CALLED TO ORDER AT 9:00 A.M. FOR THE PURPOSE OF RECOUNTING VOTES CAST IN THE AUGUST 6, 1996 PRIMARY ELECTION FOR THE OFFICE OF BAY COUNTY SHERIFF BETWEEN CANDIDATES JIM WOODS AND JOHN MILLER. IN ADDITION TO THE 27 PRECINCTS MR. WOODS HAD REQUESTED A RECOUNT OF IN THE SHERIFF'S RACE, THE PRECINCTS INCLUDED IN THE SECOND (2ND) COUNTY COMMISSION RACE WERE ALSO TO BE RECOUNTED AT THE REQUEST OF MR. WILLIAM REDER. THE SECRETARY RECORDED THE PRESENCE OF THE FOLLOWING MEMBERS AND GUESTS FOR THE RECORD.

ROLL CALL: DONALD CHEVALIER, CHAIRMAN
WALT WOZNIAK, MEMBER
WILSON BERGER, MEMBER
DOLORES NIEDZINSKI, CANVASS ASST.
MARY IDA DOAN, TALLY CLERK
BETTY CAVANAUGH, TALLY CLERK
BETTY HACKER, TALLY CLERK
BEV SNABLE, TALLY CLERK

ALSO PRESENT: BARBARA ALBERTSON, COUNTY CLERK
CYNTHIA A. LUCZAK, SECRETARY TO CLK.
JOE SHEERAN, BAY CO. PROSECUTOR
CONNIE DEFORD, CITY CLERK
JANET CURRIE, ASST. CITY CLERK
PAM WRIGHT, HAMPTON TWP. CLERK
CATHY GEIRESBACH, HAMPTON REP.
JIM WOODS, CANDIDATE/PETITIONER
PETER DAHM, ATTN. FOR J. WOODS
DICK BRZEZINSKI, FOR J. MILLER
LEONARD PORTNOY, FOR J. MILLER
PAUL DANNESBURGER, FOR J. MILLER
BOYD BOETTGER, FOR J. MILLER
SUE DeSTEIGUER, BRC CORPORATION
LLOYD PAJOT, 2ND DISTRICT CANDIDATE
KATHLEEN BRAGIEL, FOR L. PAJOT
AMY BISHOP, BAY CITY TIMES
JANET NEWSHAM, WOODS TALLY CLK.
BARB MEYER, WOODS TALLY CLERK

FOLLOWING THE CALL TO ORDER BY CHAIRMAN CHEVALIER, THE PROPER INTRODUCTION OF CANVASSERS, TALLY CLERKS, COUNTY CLERK, CANDIDATES, CHALLENGERS AND OTHER STAFF MEMBERS TOOK PLACE.

CHAIRMAN CHEVALIER'S FIRST ORDER OF BUSINESS WAS TO DESIGNATE COLORED SHEETS OF PAPER TO RECORD THE CHALLENGES OF EACH CANDIDATE AND THEIR REPRESENTATIVES UPON. NOTED IN THE RECORD WAS THE FACT THAT CHALLENGES POSED BY JIM WOODS AND HIS DESIGNEE, WERE TO BE EVIDENCED BY A GREEN SLIP OF PAPER. FURTHER, ANY OF THE CHALLENGES POSED BY THE JOHN MILLER REPRESENTATIVES WERE TO BE RECORDED BY THE SECRETARY ON A YELLOW SLIP OF PAPER PRIOR TO CONSIDERATION AND VOTE OF THE BOARD OF CANVASSERS.

THE CLERK (S) AND APPOINTED DESIGNEES OF THE BOARD WERE POINTED OUT OF THE GROUP. CANDIDATES AND THEIR REPRESENTATIVES WERE REMINDED THAT THESE WERE THE ONLY PERSONS ELIGIBLE TO PHYSICALLY CARE FOR THE BALLOTS AND BALLOT MATERIALS. THE CITY CLERK AND HER ASSISTANT WERE PRESENT AT THIS TIME TO ANSWER ANY QUESTIONS.

THE RECOUNT WAS ANTICIPATED TO BE A VERY SLOW PROCESS SINCE IT WAS THE FIRST TIME THE CANVASS MEMBERS WERE SUMMONED TO REVIEW THE VOTES CALCULATED BY THE OPTECH VOTING EQUIPMENT. AS A RESULT, THE CANVASS BOARD WAS DIVIDED INTO THE FOLLOWING TWO (2) TEAMS IN ATTEMPT TO ACCOMPLISH THE TASK IN A TIMELY MANNER.

TEAM 1: CONSISTING OF MEMBERS WILSON BERGER, WALT WOZNIAK, BETTY HACKER AND BETTY CAVANAUGH.

TEAM 2: CONSISTING OF MEMBERS DON CHEVALIER, DOLORES NIEDZINSKI, MARY IDA DOAN AND BEV SNABLE.

CHAIRMAN CHEVALIER BRIEFLY REVIEWED HOW THE CANVASS WAS TO BE CONDUCTED. THE BALLOT CANS WERE TO BE CHECKED FOR THE PROPER SEALS AND COMPARED TO THE POLL BOOK TALLIES. CANS WERE TO BE OPENED AND THE BALLOTS REMOVED. SOME CITIES AND TOWNSHIPS MAY HAVE HAD THE BALLOTS PLACED INTO BALLOT BAGS AND OTHERS HAD NOT USED THE SECURITY OF THE BALLOT BAG. WITH THE OPTECH SYSTEM, THE PLACEMENT OF THE BALLOTS INTO A BALLOT BAG WAS NOT REQUIRED. ONCE THE BALLOTS WERE REMOVED, THEY WOULD BE COUNTED AND PLACED INTO PILES OF 25 EACH. FOLLOWING CONFIRMATION OF THE TOTAL BALLOT NUMBERS WITH THE POLL BOOK, THE RECOUNT WAS TO BE CONTINUED. MEMBERS WERE TO KEEP A WATCHFUL EYE FOR BALLOTS

WHICH WERE ORIGINALS, DUPLICATED, SPOILED, CROSS VOTED OR EVEN OVER VOTED. IF POLL WORKERS HAD FOLLOWED THE PROPER PROCEDURES, THE SPOILED BALLOTS AND ORIGINAL BALLOTS SHOULD HAVE BEEN PLACED IN SEPARATE, SEALED ENVELOPES BEFORE SECURED IN THE BALLOT CAN WITH THE REMAINDER OF THE BALLOTS.

ONE (1) REPRESENTATIVE PER CANDIDATE COULD ACT AS AN OBSERVER AND CHALLENGE ANY BALLOTS STATING THEIR REASONS FOR THE RECORD. CHALLENGES WERE TO BE PROPERLY MARKED AND REVIEWED/VOTED UPON AT THE END OF THAT PARTICULAR PRECINCT.

THE FIRST DAY OF THE RECOUNT COVERED THE CITY OF BAY CITY A.V. PRECINCTS 1-2-3 AND A GOOD PORTION OF HAMPTON TOWNSHIP. THE FOLLOWING OBSERVATIONS/CHALLENGES/COMMENTS WERE DOCUMENTED:

CITY OF BAY CITY, PRECINCT 1

TEAM #1 BEGAN THE RECOUNT OF BAY CITY A.V. PRECINCT #1 BY REMOVAL OF CAN SEAL NUMBER 20646 WHICH WAS NOTED IN THE POLL BOOK. THE TOTAL NUMBER OF 658 BALLOTS WAS VERIFIED BEFORE MOVING ON. CANDIDATE JIM WOODS QUESTIONED THE INCLUSION OF THE "DUPLICATED" BALLOTS WITH THE OTHERS IN THE CAN. HE WAS INFORMED THE DUPLICATED BALLOTS HAD BEEN COUNTED WITH THE OTHERS TO CONFIRM THEM WITH THE TOTAL NUMBER RECORDED IN THE POLL BOOK. WILSON BERGER FURTHER EXPLAINED THAT MR. WOODS WOULD BE GIVEN AN OPPORTUNITY TO COMPARE THE ORIGINAL AND DUPLICATED BALLOT AT THE CONCLUSION OF THE PRECINCT.

TEAM 1/CHALLENGE 1: CANDIDATE WOODS CHALLENGED A BALLOT IN WHICH AN EXTRANEIOUS MARKING FROM A RED PEN WAS EVIDENCED IN THE TOP, LEFT HAND CORNER OF THE BALLOT. HE FELT THE MARK COULD POSSIBLY IDENTIFY THE VOTER AND ASKED IT BE PLACED ASIDE FOR REVIEW. THE VOTE WAS INITIALLY TALLIED FOR MR. MILLER. A UNANIMOUS DECISION OF THE BOARD UPHELD THIS RULING AS THERE WAS NO WAY TO VERIFY THE DELIBERATE INTENT OF THIS VOTER TO MARK THE BALLOT FOR PURPOSES OF IDENTIFICATION. THE BOARD CONCLUDED THE INCIDENTAL RED MARK HAD NOT IDENTIFIED THE VOTER IN ANY WAY.

- TEAM 1/CHALLENGE 2: CHALLENGE NUMBER 2 WAS INITIATED BY THE JOHN MILLER REPRESENTATIVES AND WAS BASED ON THE PREMISE THAT DARK, PERFORATION TYPE/ INDENTATION MARKINGS ON THE REVERSE SIDE OF THE BALLOT MAY BE IDENTIFYING. A VOTE WAS CAST FOR JIM WOODS BUT THE BALLOT WAS MARKED AND SET ASIDE AS CHALLENGED. UPON OBSERVATION, BOARD MEMBERS CONCURRED IN THE TALLY OF THE VOTE INITIALLY GIVEN SINCE THE MARKINGS WERE THE RESULT OF THINNER BALLOT PAPER BY THE MANUFACTURER AND BY NO MEANS AN IDENTIFICATION OF THE VOTER.
- TEAM 1/CHALLENGE 3: CHALLENGE NUMBER 3 WAS EXPRESSED AS A RESULT OF DARK, PERFORATION TYPE/INDENTATION MARKINGS ON THE BACK SIDE OF THE BALLOT AS INDICATED IN CHALLENGE 2. THE BOARD AGAIN NOTED THIS WAS IN THE PRODUCTION OF THE BALLOT AND NOT PLACED BY THE VOTER. THE TALLY STOOD AS INITIALLY CALCULATED FOR MR. WOODS.
- TEAM 1/CHALLENGE 4: JOHN MILLER REPRESENTATIVES CLAIMED THE MARKINGS ON THIS PARTICULAR BALLOT SHOULD BE DOCUMENTED AS CHALLENGE NUMBER 4. THE VOTER CAST A PROPER MARKING FOR JIM WOODS WITHIN THE TARGET AREA BUT THEN HAD ALSO DRAWN AN ARROW IN BETWEEN THE CANDIDATES NAME AND THE TARGET AREA. MR. BRZEZINSKI FELT MARKINGS OF THIS TYPE COULD IDENTIFY THE VOTER AND SHOULD NOT BE COUNTED FOR MR. WOODS. ATTORNEY DAHM QUOTED PARTS OF THE STATE STATUTE WHICH ADDRESSED THE DISQUALIFICATION OF A BALLOT FOR ITS MARKS. MR. DAHM FELT THE ARROW PLACED BY THIS VOTER WAS TO EMPHASIZE HIS CHOICE AND NOT IDENTIFY. LEONARD PORTNOY COMPARED THE OTHER BALLOT MARKINGS AND WAS COMMITTED TO THE FACT IT WAS IDENTIFYABLE AND SHOULD NOT BE COUNTED AS A VOTE FOR MR. WOODS. MR. JOE SHEERAN REFERRED TO THE TYPES OF MARKS WHICH MAY BE CONSIDERED IDENTIFYABLE AND IN THIS CASE WAS NOT CONVINCED THE VOTER PLACED THE ARROW FOR DISTINCTION BUT ONLY

- TEAM 1/CHALLENGE 4: TO SHOW HIS CHOICE OF CANDIDATES. IN REVIEW BY THE BOARD MEMBERS, MR. CHEVALIER FELT THIS WAS NOT A MARKED BALLOT. WILSON BERGER CONCURRED AND WITH THE AGREEMENT OF WALT WOZNIAK WAS TALLIED AS A VOTE-WOODS.
- TEAM 1/CHALLENGE 5: THE MILLER CHALLENGERS ASKED THIS BALLOT BE MARKED AS CHALLENGE #5 AS IT HAD SHOWN THE SAME TIME OF DARK, PERFORATIONS/INDENTATIONS ON THE REVERSE SIDE OF THE BALLOT, AS EXPRESSED IN CHALLENGES 2 AND 3. CANVASS MEMBERS VOTED TO ACCEPT A VALID VOTE CAST FOR JIM WOODS SINCE THE MARKS RESULTED FROM THE BALLOT PAPER AND NOT BY ACTION OF THE VOTER.
- TEAM 1/CHALLENGE 6: THIS BALLOT WAS CHALLENGED BY MR. WOODS BECAUSE THE BOARD DID NOT TALLY WHAT HAD APPEARED TO BE THE VOTERS INTENT TO CAST A VOTE FOR HIM. THE VOTER HAD PLACED THE PENCIL MARK FOLLOWING MR. WOOD'S NAME AND NOT BETWEEN THE BLACK BARS OF THE TARGET AREA. FOLLOWING CONSIDERATION OF ALL THE BOARD MEMBERS, WAS STILL DETERMINED TO BE AN INVALID MARKING AND A UNANIMOUS DECISION TO NOT ACCEPT THE WOODS VOTE WAS EVIDENCED.
- TEAM 1/CHALLENGE 7: CANDIDATE WOODS INITIATED CHALLENGE NUMBER 7 BECAUSE HE FELT THE BALLOT HAD BEEN CROSS VOTED BETWEEN POLITICAL PARTIES. THE VOTER HAD PLACED MARKS FOR REPUBLICAN CANDIDATE, GEORGE MATOUSEK, IN THE 97TH DISTRICT REPRESENTATIVE RACE WHILE THE REMAINDER OF THE BALLOT HAD BEEN VOTED DEMOCRATIC. THE VOTER ATTEMPTED TO ERASE THE MARK FOR MR. MATOUSEK BUT MR. WOODS THOUGHT IT WAS STILL OBVIOUS. THE BOARD OF CANVASSERS THEREAFTER MADE THEIR DETERMINATION. IT WAS THEIR FINDINGS THAT THE VOTER REALIZED HE/SHE HAD CROSS VOTED THE BALLOT AND ERASED THE MARK IN THE REPUBLICAN COLUMN. TALLY CLERKS WERE INSTRUCTED TO RECORD A VOTE FOR JOHN MILLER.

CITY OF BAY CITY, PRECINCT 2

WHILE TEAM #1 RECOUNTED BAY CITY PRECINCT #1, TEAM #2 PROCEEDED WITH THE RECOUNT OF BALLOTS CAST IN BAY CITY PRECINCT #2. THE PROCEDURE BEGAN WITH THE OPENING OF THE BALLOT CAN SEAL NO. 20678 WHICH HAD CONCURRED WITH THE POLL BOOK. THE NEXT ORDER OF BUSINESS INCLUDED CONFIRMATION OF TOTAL BALLOTS. THE INITIAL COUNT REVEALED 661 BUT THE POLL BOOK REFLECTED 663. THE BALLOTS WERE COUNTED AGAIN BY THE WORKERS AND FOUND TO COINCIDE IN NUMBER.

TEAM 2/CHALLENGE 1: LEONARD PORTNOY CHALLENGED A BALLOT IN WHICH THE VOTER PLACED HIS MARKINGS WITHIN THE TARGET AREA BUT OF WHICH WERE NOT CONNECTED TO EACH SIDE OF THE BAR NECESSARY TO COMPLETE THE VOTE. SOME OF THE MARKINGS WERE SLANTED UPWARD WHILE SOME OTHERS WERE AT A DOWNWARD SLOPE BUT AS THEY WERE COMPARED WERE FOUND TO NOT APPEAR CONNECTED IN ANY WAY. A MAGNIFYING GLASS WAS UTILIZED TO CONFIRM IF ANY PORTION OF THE MARKINGS CONNECTED TO THE BAR IN THE TARGET AREA. MR. DAHM STATED A VOTE FOR NEITHER CANDIDATE SHOULD BE TABULATED AS THE MARK WAS SO UNCLEAR AND IN BETWEEN THE PROPER AREAS. MR. PORTNOY CHECKED TO SEE IF EVEN ANY PORTION OR A TAIL OF A MARKING CONNECTED TO CANDIDATE MILLER. AS THIS WAS NOT THE CASE, THE BOARD OF CANVASSERS REFUSED TO TABULATE ANY VOTES FOR THE SHERIFF CANDIDATES.

TEAM 2/CHALLENGE 2: MR. DAHM CLAIMED THE BALLOT IN QUESTION IN THIS INSTANCE SHOULD BE VOTED FOR CANDIDATE WOODS BUT HAD NOT BEEN TALLIED BY THE CLERKS SINCE THE BOARD DECLARED IT A SPLIT PARTY BALLOT.

TEAM 2/CHALLENGE 3: THE SAME CHALLENGE WAS EVIDENCED BY MR. DAHM AS IN CHALLENGE NUMBER 2. CANVASSERS CAME TO THE CONCLUSION THE BALLOT WAS SPLIT AND NOT TO BE VOTED WHILE MR. DAHM FELT A VOTE SHOULD HAVE BEEN CAST-WOODS.

TEAM 2/CHALLENGE 4: MILLER REPRESENTATIVE, PAUL DANNISBERGER, CALLED ATTENTION TO THIS BALLOT AS ERASER SMUDGES WERE APPARENT ON AN ORIGINAL BALLOT WHICH HAD BEEN DUPLICATED BY WORKERS. THE ERASER HAD BEEN UTILIZED TO OMIT A VOTE CAST ON THE REPUBLICAN SIDE OF THE BALLOT, IN THE SPACE FOR 97TH DISTRICT REPRESENTATIVE, GEORGE MATOUSEK. THIS MAY HAVE BEEN DECLARED A CROSS VOTED BALLOT SHOULD THE VOTER HAVE NOT MADE AN ATTEMPT TO CORRECT. WILSON BERGER WAS CONVINCED THE VOTER HAD MADE EVERY EFFORT TO AMEND HIS MISTAKE. MR. DAHM REFERRED TO A COUPLE OF RULES APPLICABLE TO THE CONSIDERATION OF ERASER MARKS. FIRST, THAT ERASER CORRECTIONS WERE DEEMED RESPECTIVE MARKINGS BUT DID NOT INVALIDATE THE BALLOT WHEN CLEARLY SHOWN. FURTHER, THAT A COMPARISON OF ALL BALLOT MARKINGS MUST OCCUR. THE OBVIOUS MARKS WERE IN A DARK, HEAVY PEN WHILE THE ERASED MARK WAS LIGHTER, SMUDGED AND INCONSPICUOUS. BOARD MEMBER UNANIMOUSLY AGREED A VOTE WAS TO BE CAST FOR CANDIDATE WOODS.

THERE HAD BEEN A TOTAL OF 21 DUPLICATED BALLOTS IN PRECINCT 2. CITY CLERK DEFORD ASKED TO BE INCLUDED IN THE COMPARISON OF ORIGINAL AND DUPLICATED BALLOTS FOR TEACHING PURPOSES. PETER DAHM REQUESTED THE BOARD CALL THE VOTE FROM THE ORIGINAL BALLOT AS OPPOSED TO THE DUPLICATE IN WHICH A POSSIBILITY OF ERROR EXISTED. ALL DUPLICATED BALLOTS APPEARED TO BE EXACT EXCEPT IN THE CASE OF ORIGINAL 12B. CANVASSERS ACKNOWLEDGED THE CLEAR DARK MARKINGS IN THE DEMOCRATIC PARTY BUT PAID CLOSE ATTENTION TO AN ERASER MARK ON THE REPUBLICAN SIDE. IT WAS DECIDED TO APPROVE THE VOTES CAST ON THE BALLOT FOR JIM WOODS AS THE ERASER MARK WAS DISREGARDED.

CITY OF BAY CITY PRECINCT 2 FINAL COUNT:	MILLER	365 VOTES
	WOODS	178 VOTES

THE BALLOTS WERE RETURNED TO THE CAN AND SEALED WITH STATE OF MICHIGAN CAN SEAL NUMBER 897884 UPON THE FINAL CLOSING.

THE CHALLENGERS SWITCHED TEAMS FOR THE FOLLOWING PRECINCTS.

DUPLICATES TO BE MIXED IN WITH THE PILES OF 25 BALLOTS AND MR. DAHM POINTED OUT THE DIFFERENCE IN PROCEDURES. IT WAS HIS SUGGESTION THE DUPLICATES BE KEPT SEPARATE OR MARKED WITHIN THE PILES OF 25 TO LOCATE THEM FOR COMPARISON WITH THE ORIGINALS. THIS WAS PERFORMED AT THE CONCLUSION OF RECOUNTING EACH PRECINCT.

TEAM 1/CHALLENGE 1: MR. DAHM CHALLENGED THIS BALLOT ON BEHALF OF CANDIDATE WOODS. THE VOTER HAD WRITTEN IN "JIM WOODS" NAME IN THE WRITE-IN SECTION OF THE BALLOT BUT HAD NOT PUT A VALID MARKING IN THE TARGET AREA TO REINFORCE HIS INTENT/CAST VOTE. ATTORNEY DAHM UNDERSTOOD WHY THE VOTE HAD NOT BEEN CAST FOR MR. WOODS BUT ASKED THE BALLOT BE MARKED TO "PRESERVE THE ISSUE".

AS THE END OF THE WORKDAY APPROACHED, THE UNCOUNTED, DUPLICATED(11) AND ORIGINAL BALLOTS WERE PLACED INTO A BALLOT BAG AND SEALED WITH TAG NUMBER 17308. MEMBERS COULD DISTINGUISH THIS BAG AS UNCOUNTED BALLOTS SINCE IT WAS MUCH WHITER THAN THE OTHER, CREAM COLORED BALLOT BAG. THE BALLOTS REMAINING ON THIS DATE WERE THEN PLACED INTO THE BALLOT CAN AND SEALED WITH METAL SEAL 897887. THE COMPLETED PILE OF BALLOTS WAS PUT INTO THE CREAM COLORED BALLOT BAG AND SEALED WITH TAG 897888. ONCE INSIDE THE BALLOT CAN WERE SECURED WITH SEAL 897807. TALLY CLERKS HAD PLACED THEIR TALLY SHEETS IN THE BALLOT CAN FOR THE EVENING AND WOULD RESUME THE TALLY ON WEDNESDAY, SEPTEMBER 4, 1996.

Don Chevalier, Chairman
Donald C. Chevalier
Walt Wozniak, Member

Wilson Berger, Member

Dolores Niedzinski, Member

BAY COUNTY BOARD OF CANVASSERS
RECOUNT OF VOTES CAST FOR BAY COUNTY SHERIFF
SEPTEMBER 4, 1996
(DAY 2 OF 5)

THE BAY COUNTY BOARD OF CANVASSERS MET ON WEDNESDAY, SEPTEMBER 4, 1996 IN THE LARGE CONFERENCE ROOM OF THE BAY COUNTY COMMUNITY CENTER. THE SESSION WAS CALLED TO ORDER BY CHAIRMAN CHEVALIER AT 9:00 A.M. FOR THE PURPOSE OF RECOUNTING VOTES CAST IN THE AUGUST 6, 1996 PRIMARY ELECTION FOR THE OFFICE OF BAY CO. SHERIFF BETWEEN CANDIDATES JIM WOODS AND JOHN MILLER. ALONG WITH A RECOUNT OF THE SHERIFF RACE, A RECOUNT OF THE 2ND COMMISSION DISTRICT WAS TO BE CONDUCTED AT THE SAME TIME (SEE THE MINUTES OF SEPT. 5,6 AND 9, 1996). THE FOLLOWING MEMBERS/GUESTS WERE PRESENT ON THIS DATE:

ROLL CALL: DONALD CHEVALIER, CHAIRMAN
WALT WOZNIAK, MEMBER
WILSON BERGER, MEMBER
DOLORES NIEDZINSKI, CANVASS ASST.
MARY IDA DOAN, TALLY CLERK
BETTY CAVANAUGH, TALLY CLERK
BETTY HACKER, TALLY CLERK
BEV SNABLE, TALLY CLERK

ALSO PRESENT: BARBARA ALBERTSON, COUNTY CLERK
CYNTHIA A. LUCZAK, SECRETARY TO CLK.
JOE SHEERAN, BAY CO. PROSECUTOR
PAMELA WRIGHT, HAMPTON TWP. CLK.
CATHY GEIRESBACH, HAMPTON REP.
DICK MARTIN, BANGOR TWP. CLERK
HELEN STEIH, MONITOR TWP. CLERK
LILA BEISER, MONITOR TWP. REP.
TUJI ARNOLD, MONITOR TWP. REP.
SUE KERNSTOCK, FRANKENLUST TWP.
JIM WOODS, SHERIFF CANDIDATE
PETER DAHM, ATTORNEY FOR WOODS
DICK BRZEZINSKI, JOHN MILLER REP.
BOYD BOETTGER, JOHN MILLER REP.
JANET NEWSHAM, WOODS TALLY CLK.
BARBARA MEYER, WOODS TALLY CLK.

THE TOWNSHIP OF HAMPTON WAS CONCLUDED AS THE TOWNSHIPS OF

BANGOR, MONITOR, GARFIELD AND FRANKENLUST WERE RECOUNTED ON THIS DAY NUMBER TWO (2) OF THE SIX (6) DAY RECOUNT PROCESS.

TEAM NUMBER ONE (1) HAD STARTED THE RECOUNT OF HAMPTON TWP. BALLOTS THE DAY BEFORE, SEPTEMBER 3, 1996, THEREFORE CONTINUED WITH THE FOLLOWING OBSERVATIONS.

HAMPTON TWP. CONTINUED

MEMBERS WOZNIAK AND BERGER PROCEEDED WITH THE OPENING OF THE BALLOT CAN SEALED WITH TAB 897807 WHICH HELD THE TALLY CLERKS RECORD SHEETS FROM THE PREVIOUS DAY AND RECOUNTED BALLOTS. IT WAS NECESSARY TO CUT SEAL 897887 ON THE CAN WHICH HOUSED THE BALLOTS TO BE RECOUNTED. THE UNCOUNTED BALLOTS WERE TAKEN OUT THE BALLOT BAG FOLLOWING REMOVAL OF THE BAG SEAL NUMBER 17308.

TEAM 1/CHALLENGE 2: IN THE CASE OF THIS BALLOT, CANVASSERS DID NOT TALLY A VOTE CAST FOR MR. WOODS SINCE THEY CONSIDERED THE BALLOT A CROSS PARTY VOTE. LINES HAD BEEN DRAWN IN THE TARGET AREAS FOR A REPUBLICAN TREASURER AND REGISTER OF DEEDS WITH THE REST OF THE BALLOT VOTED IN THE DEMOCRATIC PARTY. A DIAGONAL SLASH WAS PLACED THROUGH THE REPUBLICAN PARTY MARKINGS AND MR. DAHM FELT IT WAS THE INTENT OF THE VOTER TO CORRECT HIS/HER ERROR AND VOTE DEMOCRATIC/ WOODS. MR. DAHM REFERRED TO MCLA 168.199 A (3) WHICH ADDRESSED THE COMPARISON OF MARKINGS ON THE ENTIRE BALLOT. IN HIS OPINION, THE VOTERS MARKS WERE EVIDENT FOR A DEMOCRATIC PARTY AND CORRECTED FOR THE MARKINGS MADE IN THE REPUBLICAN PARTY. MR. BRZEZINSKI, REPRESENTING MR. MILLER, STATED THE VOTER SHOULD HAVE WRITTEN THE WORD "MISTAKE" NEAR HIS VOTE IF IT WAS HIS INTENT TO CORRECT THE ERROR. LEONARD PORTNOY DISAGREED WITH MR. DAHM'S EXPLANATION BY STATING THE MARKINGS APPEARED TO FORM AN "X" AND WAS TO BE CONSIDERED A CROSS BALLOT BY THE BOARD. SINCE THERE WAS

TEAM 1/CHALLENGE 2: NO WAY TO CONFIRM THE INTENTIONS OF THE VOTER, MR. PORTNOY REQUESTED THE VOTES BE DISREGARDED AS A SPLIT PARTY BALLOT. THE BOARD OF CANVASSERS HAD NOT CALCULATED ANY VOTES FOR THIS BALLOT AS THEY CONTINUED TO COMPARE THE MARKINGS. MR. WILSON BERGER NOTED ALL OF THE MARKS WERE SOLID LINES WITHIN THE TARGET AREAS WITH EXCEPTION OF THE ONES BROKEN BY THE SLASH OR DIAGONAL LINE. CHAIRMAN CHEVALIER AGREED TO COUNT THE VOTES AS HE DID NOT BELIEVE THE BALLOT WAS CROSS VOTED OR SPLIT PARTY SINCE THE VOTER TRIED TO CORRECT THE ERROR. MR. WILSON CAST HIS VOTE IN CONCURRENCE WITH MR. CHEVALIER. IT WAS THE OPINION OF WALT WOZNIAK THE BALLOT APPEARED TO BE A SPLIT PARTY VOTE AND SHOULD THEREFORE BE DISREGARDED. THE VOTE WAS RECORDED AS CHEVALIER AND WILSON CASTING "YES" VOTES TO ACCEPT THE VOTES AND WOZNIAK VOTING "NO" TO ACCEPT THE VOTES. IT WAS NECESSARY TO HAVE ONE AFFIRMATIVE VOTE FROM EACH RESPECTIVE POLITICAL PARTY TO APPROVE THE ACTION. AS THIS VOTE WAS TWO TO ONE, THE BALLOT WAS NOT TALLIED INTO THE COUNT GIVEN TO THE TALLY CLERKS. THE BALLOT IN QUESTION WAS SEALED INTO A SEPARATE ENVELOPE AND LABELED A "TIED" DECISION. SHOULD THE FINAL RECOUNT RESULTS DIFFER BY ONE VOTE OR SIGNIFICANTLY ALTER THE RESULT, MAY BE APPEALED TO THE BAY COUNTY CIRCUIT COURT FOR DETERMINATION.

AS THE MAJORITY OF THE BALLOTS HAD BEEN REVIEWED, IT WAS TIME TO COMPARE THE ORIGINAL BALLOTS WITH THEIR CORRESPONDING DUPLICATES PREPARED BY THE POLL WORKERS. ATTORNEY DAHM INSISTED THE ORIGINALS AND DUPLICATED BE DIVIDED INTO SEPARATE PILES. DURING THE INITIAL COUNT, THE BOARD DISCOVERED 16 ORIGINAL BALLOTS BUT IN ACTUALITY THERE WERE 14 ORIGINALS. BOARD MEMBERS FOUND THREE (3) BALLOTS MARKED A.V.#6 AND CONCLUDED TWO (2) OF THE THREE (3) WERE ORIGINALS OF #6. INITIALLY ONLY ELEVEN (11) OF THE FOURTEEN (14) DUPLICATES WERE DISCOVERED. IN ORDER TO COMPARE ALL THE DUPLICATES WITH THEIR CORRESPONDING ORIGINAL, IT WAS NECESSARY TO REMOVE

BANGOR TOWNSHIP A.V. CONT.

THE DUPLICATE BALLOTS WERE COMPARED WITH THE ORIGINAL ONES. IN THIS TOWNSHIP ELECTION WORKERS DID NOT MARK THE ORIGINAL BALLOTS AS "ORIGINALS" BUT RATHER MARKED THE BALLOTS AS "DUPLICATE 1 AND DUPLICATE 1; DUPLICATE 2 AND DUPLICATE 2, DUPLICATE AND DUPLICATE 3" AND SO ON. MR. DAHM REQUESTED THE TALLY BE CALLED FROM THE BALLOTS MARKED "DUPLICATE" BUT CONTAINED WITHIN THE "ORIGINAL" ENVELOPE. DUPLICATE BALLOTS NUMBER 6 AND 7 WERE PREPARED FROM ORIGINAL BALLOTS WHICH HAD BECOME TORN IN THE PROCESS.

BANGOR TOWNSHIP A.V. FINAL COUNT:	WOODS	299 VOTES
	MILLER	270 VOTES

BALLOTS WERE PLACED BACK INTO THE BALLOT CAN AND SEALED WITH STATE OF MICHIGAN METAL SEAL NUMBER 897890.

GARFIELD TOWNSHIP

BALLOTS WERE REMOVED FROM THE CAN FOLLOWING THE CUTTING OF SEAL NUMBER 898025. THE BALLOTS WERE IN A BAG AND SECURED WITH SEAL 898027. THIS BAG SEAL NUMBER WAS NOT NOTED IN THE POLL BOOK BUT WAS NOT REQUIRED WITH THE OPTECH MACHINE. THE CHAIRMAN CONFIRMED THE TOTAL NUMBER OF BALLOTS AS 322 ONCE COUNTED.

THERE WERE NO SPOILED, DUPLICATED OR CHALLENGED BALLOTS IN GARFIELD TOWNSHIP.

GARFIELD TOWNSHIP FINAL TOTALS:	MILLER	108 VOTES
	WOODS	127 VOTES

MONITOR TOWNSHIP A.V.

THE RECOUNT OF THE MONITOR TOWNSHIP BALLOTS BEGAN BY REMOVAL OF METAL SEAL NUMBER 896343. THE BALLOTS WERE LOOSE IN THE CAN BUT STILL TOTALED 546 BALLOTS. DURING THE COUNT OF THE TOTAL BALLOTS THE WORKERS DISCOVERED 530 REGULAR BALLOTS PLUS 13 BALLOTS MARKED "DUPLICATES" AND THREE (3) MARKED "ORIGINALS". THE THREE BALLOTS MARKED "ORIGINALS" CONFUSED THE BOARD AS THEY SHOULD HAVE BEEN SEALED INTO THE ORIGINAL ENVELOPE WITH THE OTHERS. MR. DAHM SUPPORTED THE COUNTING OF ALL 16 MARKED

MONITOR TOWNSHIP A.V. CONT.

BALLOTS BASED ON THE POLL BOOK FIGURES INCLUDING THEM.

MONITOR TOWNSHIP CLERK, HELEN STEIH, EXPLAINED A PROBLEM WITH THE OPTECH MACHINE HAD OCCURRED ON ELECTION DAY AND TWO OR THREE BALLOTS WHICH HAD BEEN REJECTED ORIGINALLY MAY HAVE BEEN RECORDED BY THE MACHINE DURING THE SECOND ATTEMPT. THE BALLOTS MAY HAVE BEEN MARKED "ORIGINALS" IN ERROR REALIZING A DUPLICATION WAS NOT REQUIRED.

THE CANVASSERS WAITED FOR THE EXPLANATION OF WORKER TUJI ARNOLD. MS. ARNOLD TOLD THE CANVASSERS THE OPTECH VOTING MACHINE WOULD NOT INITIALLY ACCEPT THREE BALLOTS AND SHE THOUGHT THEY WERE TALLIED BY THE MACHINE ON THE SECOND ATTEMPT TO PROCESS THEM. MS. ARNOLD RECALLED FROM MEMORY IF THE BALLOTS HAD BEEN DUPLICATED AND ANY DUPLICATES MISSING OR DESTROYED. AS MS. ARNOLD WAS THE ONLY ONE WHO TOOK CARE OF THE ORIGINAL/DUPLICATE BALLOTS ON SAID ELECTION DAY. THE WORKERS EXPERIENCED SITUATIONS WHEREBY THE OPTECH DECLARED PARTICULAR BALLOTS OVERVOTED AND REJECTED THEM. BY INSPECTION OF THE BALLOT, WORKERS FOUND IT WAS NOT OVERVOTED AND MAY HAVE BEEN CALLED SUCH BY THE DARKER MARKINGS. THE MONITOR TOWNSHIP OFFICIALS HAD RECEIVED AUTHORIZATION FROM COUNTY CLERK, BARBARA ALBERTSON, TO RESTART THE TABULATION TAPE ON THE OPTECH MACHINE, FOLLOWING THE PROBLEM DESCRIBED.

PROSECUTOR SHEERAN POSED A NUMBER OF QUESTIONS TO MS. ARNOLD INCLUDING WHAT MAY HAVE HAPPENED TO THREE (3) DUPLICATE BALLOTS WHICH THEY MAY HAVE MADE FROM THE ORIGINALS? HAD ANY BALLOTS BEEN DESTROYED BY THE WORKERS? WHAT HAPPENED TO ANY AND ALL MATERIALS USED THE FIRST TIME, ONCE AUTHORIZATION WAS GIVEN BY THE COUNTY CLERK TO START IT ALL OVER AGAIN? WHAT WAS THE WISHES OF THE BOARD OF CANVASSERS IN THIS SITUATION AND WAS IT NECESSARY TO PROBE INTO THE ISSUE FURTHER BY SEEKING THE EXPLANATION OF OTHER POLL WORKERS WHO WERE PRESENT THAT DAY?

MS. ARNOLD DID HER BEST TO RECALL WHAT HAD TAKEN PLACE ON THAT ELECTION DAY. IT SEEMED THAT THE BALLOT HAD NOT BEEN ACCEPTED BY THE OPTECH MACHINE ON THE INITIAL ATTEMPT BUT WERE TALLIED FOLLOWING THE SECOND TRY. THEY WERE MARKED ORIGINALS IN CASE DUPLICATES WERE TO BE MADE BUT LATER FOUND IT WAS NOT NECESSARY. MS. ARNOLD ASSURED THE BOARD THAT NO BALLOTS HAD BEEN

DESTROYED. SHE WAS CONVINCED THE BALLOTS HAD BEEN MARKED "ORIGINALS" IN ERROR AND THAT NO DUPLICATES OF THE THREE (3) IN QUESTION, HAD BEEN MADE. THE MISMARKING LEAD TO THE CONFUSION WHEN ORIGINALS WERE MATCHED WITH THE CORRESPONDING DUPLICATES. MS. ARNOLD WAS THE ONLY PERSON WHO PROCESSED THE ORIGINALS/DUPLICATES. SHE FURTHER EXPLAINED SHE MADE SURE TO DUPLICATE EACH BALLOT ONE AT A TIME AT A SEPARATE TABLE. WHEN ORDERED TO BEGIN THE ENTIRE PROCESS OVER AGAIN BY THE COUNTY CLERK, HAD STARTED OVER FROM SCRATCH AS INSTRUCTED. CANVASSERS ASKED MS. ARNOLD IF THE DUPLICATED BALLOTS MAY HAVE BEEN INCLUDED IN THE ENVELOPE WITH "SPOILED" BALLOTS. SHE DID NOT RECALL.

MR. DAHM, ATTORNEY FOR MR. WOODS, SUGGESTED THE 13 ORIGINAL BALLOTS BE COMPARED WITH THE 13 DUPLICATES. IN ADDITION, MAY THE THREE (3) DUPLICATES THEY WERE LOOKING FOR BE CONTAINED IN THE "SPOILED" ENVELOPE. SINCE THE POLL BOOK REFLECTED THE TOTAL OF 546 BALLOTS, HE WAS CERTAIN THE BALLOTS WERE CAST AND COUNTED INCLUDING THE THREE (3) IN QUESTION. MR. DAHM WAS CONVINCED THE THREE (3) HAD BEEN CALCULATED BY THE POLL WORKERS AND NOT MISSING DUPLICATES BASED ON THE EXPLANATION OF THE CLERKS WHO RECALLED THE MACHINE NOT ACCEPTING THE BALLOT THE FIRST TIME, BUT ACCEPTING IT THE SECOND TIME.

LEONARD PORTNOY FELT THE BOARD SHOULD PROCEED WITH THE RECOUNT AND NOT SPEND THIS MUCH TIME IN DETERMINING WHAT MAY HAVE HAPPENED WITH THE THREE (3) ORIGINALS/DUPLICATES IN QUESTION. HE REALIZED FURTHER INQUIRY OF THE ELECTION WORKERS MAY BE MADE IF THE FINAL OUTCOME OF THE RECOUNT WAS THREE VOTES. MR. PORTNOY, MR. DAHM AND THE CANVASSERS AGREED TO OPEN THE "SPOILED" BALLOT ENVELOPE TO BE ASSURED THE DUPLICATES HAD NOT BEEN CONTAINED IN ERROR. IT WAS MR. PORTNOY'S OPINION THE THREE (3) ORIGINALS SHOULD BE REJECTED AS THE POLL BOOK PROVIDED NO EXPLANATION AND THE CLERK WAS NOT POSITIVE IN HER RECOLLECTION OF WHAT HAD OCCURRED.

WILSON BERGER WONDERED IF THIS WAS JUST A MISTAKE IN POLL BOOK RECORDING BY THE PRECINCT WORKER. HE SUGGESTED THAT EACH ORIGINAL BE COMPARED TO ITS CORRESPONDING DUPLICATE FOR THE TABULATION OF THOSE 13 VOTES. THE THREE (3) BALLOTS MARKED THE "ORIGINAL" BALLOTS WERE ALSO TO BE INCLUDED IN THE COUNT AS IT WAS NECESSARY TO OBTAIN THE POLL BOOK FIGURE OF 546. IF THE OPTECH SCANNER HAD NOT TABULATED THE THREE (3) IN QUESTION, THE

POLL BOOK SHOULD HAVE REFLECTED THE TOTAL OF 543 BALLOTS.

WALT WOZNIAK FELT THE THREE (3) ORIGINAL BALLOTS WHICH HAD BEEN DISCUSSED WERE INCLUDED IN THE OPTECH MACHINE TOTALS. SINCE IT HAD BECOME AN ISSUE DURING THE RECOUNT, MR. WOZNIAK RECOMMENDED THESE BALLOTS BE PLACED INTO A SEPARATE ENVELOPE AND NOT BE INCLUDED IN THE RECOUNT TOTALS. IT COULD BE LATER RESEARCHED OR PRESENTED TO THE BAY COUNTY CIRCUIT COURT FOR DETERMINATION SHOULD IT EFFECT THE FINAL OUTCOME AS IN THE CASE OF THE HAMPTON TOWNSHIP BALLOT.

MR. DAHM URGED THE CANVASSERS TO TALLY THE VOTES FOR THE BALLOTS LABELED "ORIGINALS". HE EXPLAINED THAT MR. PORTNOY MAY CHALLENGE THE DECISION LATER IF HE WAS NOT SATISFIED BY THE COMMENTS OF THE ELECTION WORKERS.

CHAIRMAN CHEVALIER WAS ADVISED OF THE SITUATION AND ASKED HIS OPINION. SINCE THE THREE (3) ORIGINAL BALLOTS HAD BEEN INCLUDED IN THE POLL BOOK TOTAL, HE WAS SURE THEY WERE COUNTED ALREADY. HE PROCEEDED TO COMPARE THE MARKINGS OF THE THREE (3) ORIGINALS IN QUESTIONS TO THE MARKINGS OF THE ONES DUPLICATED BY WORKER TUJI ARNOLD. SINCE SHE WAS THE PERSON IN CHARGE OF DUPLICATIONS IT WAS OBVIOUS TO MR. CHEVALIER THAT THE ORIGINAL BALLOTS HAD BEEN COMPLETED BY DIFFERENT PERSONS. ONE OF THE ORIGINALS WAS IN A PARTICULAR TYPE OF INK, ONE WAS NOT VERY NEAT AND THE THIRD APPEARED TO HAVE LIGHTER MARKINGS THAN ANY OF THOSE PREPARED BY MS. ARNOLD. FROM THESE FINDINGS, THE BOARD MEMBERS UNANIMOUSLY VOTED TO ACCEPT THE VOTES ON THE THREE (3) ORIGINAL BALLOTS TO MATCH THE POLL BOOK FIGURE OF 546 BALLOTS COUNTED.

PROSECUTOR SHEERAN REMINDED MEMBERS AND GUESTS THAT FURTHER EXPLANATION MAY BE OBTAINED FROM THE REST OF THE MONITOR TOWNSHIP ELECTION WORKERS IF NECESSARY. THE BOARD WAS SATISFIED WITH THEIR DECISION BUT MONITOR REPRESENTATIVES DID APPEAR THE NEXT DAY (SEPTEMBER 5, 1996) TO OFFER COMMENT.

TEAM 1/CHALLENGE 1: THIS CHALLENGE WAS POSED BY LEONARD PORTNOY FOR JOHN MILLER. CANVASSERS TALLIED A VOTE FOR CANDIDATE WOODS AND AN OBJECTION WAS RAISED BY MR. PORTNOY BECAUSE THE VOTE WAS CALLED FROM AN ORIGINAL BALLOT WHICH HAD NO CORRESPONDING DUPLICATE.

TEAM 1/CHALLENGE 2: THIS CHALLENGE WAS POSED BY LEONARD PORTNOY ON BEHALF OF JOHN MILLER AS IN THE PREVIOUS CHALLENGE. IT WAS THE DECISION OF THE BOARD TO ACCEPT A VOTE FOR MR. WOODS AND THE MILLER REPRESENTATIVE CHALLENGED THE RULING BASED ON THE FACT THAT A DUPLICATE BALLOT COULD NOT BE LOCATED TO CORRELATE WITH THE ORIGINAL.

TEAM 1/CHALLENGE 3: MR. DAHM REQUESTED THIS THIRD "ORIGINAL" BALLOT BE MARKED AS CHALLENGED. BOARD MEMBERS HAD NOT COUNTED A VOTE FOR ANY SHERIFF CANDIDATE HERE BUT HE ASKED THE THREE (3) BE KEPT TOGETHER FOR CONSIDERATION AT ANY SUBSEQUENT TIME .

MONITOR TOWNSHIP A.V. FINAL TOTALS:	MILLER	166 VOTES
	WOODS	121 VOTES

THE MONITOR MATERIALS WERE PLACED BACK INTO THE BALLOT CAN AND SEALED WITH METAL TAG 897883. TEAM ONE HAD CONCLUDED THE RECOUNT AT 4:00 P.M. ON THIS DATE.

FRANKENLUST TOWNSHIP

TEAM #2 PROCEEDED WITH THE OPENING OF FRANKENLUST TOWNSHIP CAN BY REMOVAL OF SEAL 898090 ON THIS AFTERNOON. THIS SEAL NUMBER AGREED WITH THE POLL BOOK TOTAL. THE BALLOTS WERE SECURED IN A BALLOT BAG BUT WERE NOT REMOVED FOR COUNTING AT THIS TIME. AS IT HAD REACHED 4:00 P.M. AND TEAM #1 HAD CONCLUDED A RECOUNT OF MONITOR TOWNSHIP VOTES, TEAM #2 RESEALED THE FRANKENLUST BALLOTS BACK INTO THE CAN FOR CONTINUATION ON SEPTEMBER 5, 1996. ONCE MATERIALS WERE IN THE CAN IT WAS SECURED WITH TAG 897880.

Don Chevalier

Donald C. Chevalier

Walt Wozniak

Wilson Berger

Dolores Niedzinski

BAY COUNTY BOARD OF CANVASSERS
RECOUNT FOR BAY COUNTY SHERIFF
SEPTEMBER 5, 1996
(DAY 3 OF 5)

THE BAY COUNTY BOARD OF CANVASSERS MET ON THURSDAY, SEPTEMBER 5, 1996 IN THE LARGE CONFERENCE ROOM OF THE BAY COUNTY COMMUNITY CENTER. THE SESSION WAS CALLED TO ORDER BY CHMN. CHEVALIER AT 9:15 A.M. FOR THE PURPOSE OF RECOUNTING VOTES CAST IN THE AUGUST 6, 1996 PRIMARY ELECTION FOR THE OFFICE OF BAY COUNTY SHERIFF. THIS INCLUDED CANDIDATES JIM WOODS AND JOHN MILLER. CANVASS TEAM NUMBER 1 COMPLETED TOWNSHIPS OF FRANKENLUST, MERRITT, MT. FOREST, THE CITY OF ESSEXVILLE AND ALSO RECEIVED CLARIFICATION OF THE MONITOR TOWNSHIP ISSUE CONSIDERED IN LENGTH ON SEPTEMBER 4, 1996. CANVASS TEAM NUMBER 2 RECOUNTED THE TOWNSHIPS AND CITIES WHICH INCLUDED THE 2ND COMMISSION DISTRICT TO BE COUNTED AT THE SAME TIME (SEE (SEPARATE MINUTES). THIS DATE INCLUDED BEAVER TOWNSHIP/CITIES OF MIDLAND AND AUBURN. THE FOLLOWING WERE PRESENT ON THIS DAY.

ROLL CALL: DONALD CHEVALIER, CHAIRMAN
WALT WOZNIAK, MEMBER
WILSON BERGER, MEMBER
DOLORES NIEDZINSKI, CANVASS ASST.
MARY IDA DOAN, TALLY CLERK
BETTY CAVANAUGH, TALLY CLERK
BETTY HACKER, TALLY CLERK
BEV SNABLE, TALLY CLERK

ALSO PRESENT: BARBARA ALBERTSON, COUNTY CLERK
CYNTHIA A. LUCZAK, SECRETARY TO CLK.
JOE SHEERAN, BAY CO. PROSECUTOR
SUE KERNSTOCK, FRANKENLUST CLERK
DONNA REICHARD, FRANKENLUST REP.
DIANE FILCEK, BEAVER TOWNSHIP
JEFF PORTER, MIDLAND CITY CLERK
HELEN STEIH, MONITOR TWP. CLERK
TUJI ARNOLD, MONITOR TOWNSHIP
LILA BEISER, MONITOR TOWNSHIP
RICH CHARBENEAU, BEAVER TWP.
JIM WOODS, SHERIFF CANDIDATE
PETER DAHM, WOODS ATTORNEY
DICK BRZEZINSKI, MILLER REP.
PAUL DANNESBERGER, MILLER REP.
LLOYD PAJOT, CANDIDATE 2ND DST.

ALSO PRESENT: BOB REDMOND, FOR WM. REDER
JANET NEWSHAM, WOODS TALLY CLK.
BARB MEYER, WOODS TALLY CLERK
KATHLEEN BRAGIEL, FOR L. PAJOT

BOARD OF CANVASSERS TEAM #1 CONSISTING OF MEMBERS WOZNIAK, BERGER, CAVANAUGH AND HACKER PROCEEDED WITH THE RECOUNT OF FRANKENLUST TOWNSHIP A.V. BALLOTS AT 10:00 A.M.

FRANKENLUST TWP.

THE TOWNSHIP OF FRANKENLUST A.V. CAN HAD BEEN OPENED ON THE PREVIOUS DAY AND CLOSED WITH METAL TAG SEAL NUMBER 897880 AS TIME DID NOT ALLOW FOR THE PROCEDURE ON SEPTEMBER 4, 1996. THE SEAL WAS REMOVED FOLLOWING VERIFICATION WITH THE PRIOR DAYS NOTES. THE BALLOTS WERE TOGETHER IN A BALLOT BAG BUT THIS HAD NO SEAL OF RECORD. THE TOTAL NUMBER OF 659 BALLOTS CONFIRMED.

AS THERE WERE NO DUPLICATED BALLOTS IN THIS TOWNSHIP TO REVIEW, THE PROCESS WENT VERY QUICKLY. THE BALLOTS WERE PLACED INTO THE BALLOT CAN AND SECURED WITH TAG 897879 BY 11:00 AM. SEE VOTE.

FRANKENLUST TOWNSHIP FINAL:	WOODS	62 VOTES
	MILLER	87 VOTES

CITY OF MIDLAND

MIDLAND CITY CLERK, JEFF PORTER, PRODUCED THE PUNCH CARDS FROM THE CITY OF MIDLAND WHICH WERE USED TO TABULATE THE VOTES FOR 2ND DISTRICT COUNTY COMMISSIONER. AS THIS DID NOT INCLUDE THE BAY COUNTY SHERIFF RACE, SEE THE MINUTES OF SEPTEMBER 5, 1996 IN WHICH NOTES FOR THE 2ND COMMISSION DISTRICT WERE SUBMITTED.

BEAVER TOWNSHIP

CANVASS TEAM #2 INCLUDING CHEVALIER, NIEDZINSKI, DOAN AND SNABLE RECOUNTED VOTES FOR TOWNSHIPS AND CITIES WHICH INCLUDED THE 2ND COMMISSION DISTRICT. IN THIS TOWNSHIP METAL SEAL 898094 WAS REMOVED FROM THE CAN. THIS WAS VERIFIED WITH THE POLL BOOK RECORD AND 583 BALLOTS HAD BEEN CONFIRMED FROM THIS PRECINCT. THE RECOUNT CONTINUED TO THE LUNCH HOUR

BEAVER TWP. CONTINUED

WHEN THE CANVASSERS TOOK A BREAK AND SECURED THE MATERIALS INTO THE CAN WITH SEAL NUMBER 897867. AFTER LUNCH, TEAM #2 MEMBERS CONTINUED THE RECOUNT WITH CITY OF AUBURN IN THE AFTERNOON.

CHAIRMAN CHEVALIER WITHHELD ONE BALLOT FROM BEAVER TOWNSHIP FOR THE PROSECUTOR AND FELLOW CANVASSERS TO REVIEW. THE VOTER PLACED HIS MARKINGS WITHIN THE TARGET AREAS WHICH WERE OBVIOUS AND CLEAR IN ALL RACES EXCEPT FOR THE 2ND DISTRICT COMMISSIONER. THE BOARD COMPARED ALL MARKING AND DETERMINED VALID VOTES BE CAST FOR CANDIDATES WOODS AND PAJOT.

BEAVER TOWNSHIP WAS A VERY LARGE PRECINCT AND TOOK TEAM #2 THE ENTIRE MORNING TO COMPLETE. THERE WERE NO DUPLICATED/CHALLENGED MATERIALS WERE PLACED IN THE CAN AND SEALED WITH TAG 897875.

BEAVER TWP. FINAL TOTALS:	WOODS	224 VOTES
	MILLER	240 VOTES

MONITOR TWP. CLARIFICATION

MONITOR TOWNSHIP OFFICIALS APPEARED ON THIS DAY TO FURTHER EXPLAIN THE EVENTS ON ELECTION DAY WHICH LEAD TO THE PRODUCTION OF THREE (3) BALLOTS MARKED "ORIGINALS" WHICH HAD NO CORRESPONDING DUPLICATES MADE. THE BOARD HAD MADE ITS DETERMINATION OF THE BALLOTS ON THE PREVIOUS DAY BUT WILL STILL AUTHORIZED TO ACCEPT ANY INFORMATION WHICH MAY ALTER THEIR DECISION, UP TO THE CONCLUSION OF THE RECOUNT. MR. PORTNOY EXPRESSED AN OBJECTION TO THE ACCEPTANCE OF ADDITIONAL INFORMATION ON THE MATTER.

CLERK HELEN STEIH PRODUCED A LETTER THAT SHOWED THE RECONCILIATION OF BALLOTS ISSUED PER PRECINCT OF THE A.V. BOARD. IT INDICATED 13 BALLOTS HAD BEEN VOIDED/DUPLICATED IN TOTAL WITH A BREAK DOWN OF EACH PRECINCT. SHE REMEMBERED THE OPTECH VOTING MACHINE HAD ACCEPTED THE VOTES CAST ON THE ORIGINAL BALLOTS, AFTER THE SECOND ATTEMPT.

PROSECUTOR SHEERAN TOOK A FEW MOMENTS TO CLARIFY INFORMATION WITH A.V. CHAIRMAN, TUJI ARNOLD. HIS MAIN CONCERN WAS WHETHER OR NOT DUPLICATE BALLOTS HAD BEEN MADE FROM THESE ORIGINALS AND IF SO, WHAT HAD BECOME OF THE DUPLICATES.

MS. ARNOLD REITERATED THE FACT THAT THE OPTECH VOTING MACHINE TALLIED THE ORIGINAL BALLOTS THE SECOND TIME AND THAT SHE WAS UNSURE IF SHE HAD DUPLICATED THESE. SHE THOUGHT THE THREE (3) IN QUESTION WERE ADDRESSED ON THE HANDOUT OF DUPLICATED BALLOTS BUT IT ONLY CONTAINED INFORMATION OF THE 13 DUPLICATES WHICH HAD BEEN ACCEPTED BY THE BOARD ON THE PREVIOUS DAY. MS. ARNOLD THEN CONCLUDED ONLY 13 DUPLICATES WERE MADE. SHE AND THE OTHER MONITOR REPRESENTATIVES PRODUCED ALL OF THE NOTES, RECORDS, MACHINE TAPES (FROM BEFORE AND AFTER THE RESTART OF THE MACHINE) AND ALL DOCUMENTS TO SHOW THE DAYS EVENTS. THE BOARD OF CANVASSERS ORDERED THESE ITEMS SEALED INTO A BALLOT CAN WITH TAG 897841 IN THE EVENT FUTURE REFERENCE WAS NECESSARY.

MERRITT TOWNSHIP

AS TEAM #2 CONTINUED TO RECOUNT THE BEAVER TOWNSHIP BALLOTS THROUGHOUT THE DAY, TEAM #1 PRESSED ON WITH THE RECOUNT OF MERRITT TOWNSHIP BY REMOVAL OF CAN SEAL 898081. THE BALLOTS WERE IN A BAG AND SEALED WITH METAL TAG 898079. THE BAG SEAL WAS AN ADDED MEASURE AND NOT NECESSARY WITH OPTECH VOTING. THE TOTAL OF 281 BALLOTS CHECKED WITH THE POLL BOOK. THERE WERE NO DUPLICATED BALLOTS IN THIS TOWNSHIP. THIS TOWNSHIP WAS CONCLUDED AT 11:30 A.M. WITH NO CHANGE IN THE VOTES CAST. BALLOTS WERE SECURED INTO THE CAN WITH SEAL 897886.

MERRITT TOWNSHIP FINAL TOTALS:	MILLER	71 VOTES
	WOODS	78 VOTES

CANVASSERS NOTED THIS WAS A WELL ORGANIZED TOWNSHIP AND VERY ACCURATE RECORD KEEPING HAD BEEN OBSERVED.

ESSEXVILLE CITY, PRECINCT 1

TEAM #1 CONTINUED WITH THE RECOUNT OF ESSEXVILLE CITY, PRECINCT #1 VOTES BY REMOVAL OF CAN SEAL 898061 AND ALSO BALLOT BAG SEAL 898059 WHICH WERE DOCUMENTED IN THE POLL BOOK. THE TOTAL NUMBER OF BALLOTS IN THIS PRECINCT WAS 452-CONFIRMED.

ONE(1) ORIGINAL BALLOT WAS PLACED IN THE SEALED ENVELOPE FOR COMPARISON OF THE BOARD. MEMBERS WERE UNABLE TO COMPARE AS THE CORRESPONDING "DUPLICATE" HAD NOT BEEN MARKED AND

ACCURATE WITH THE PHYSICAL COUNT, THE REPRESENTATIVES AGREED TO COUNT THE BALLOTS WITH THE DUPLICATED MIXED WITHIN THE PILES. THIS WOULD ELIMINATE THE COMPARISON OF THE ORIGINAL BALLOT WITH ITS DUPLICATE BUT ALLOWED BY THE CHALLENGERS. THE REPRESENTATIVES POSED NO CHALLENGES FOR THE CITY OF AUBURN. THEREFORE, THE BALLOTS WERE RETURNED TO THE BALLOT BAG AND SEALED WITH TAG NUMBER 897859. ONCE INTO THE CAN, WERE SECURED WITH METAL TAB SEAL 897852. THIS PRECINCT WAS CONCLUDED AT 4:00 P.M. WHICH WAS THE CLOSING OF DAY THREE OF THE RECOUNT FOR TEAM #2.

AUBURN CITY FINAL TOTAL:	MILLER	161 VOTES
	WOODS	129 VOTES

MT. FOREST TOWNSHIP

CANVASSERS REMOVED CAN SEAL NUMBER 896446 TO OBTAIN THE 203 BALLOTS VOTED IN MT. FOREST TOWNSHIP. ONCE RECOUNTED AND RETURNED TO THE BALLOT CAN, WERE SEALED WITH TAG NUMBER 897860.

MT. FOREST FINAL TOTAL:	MILLER	91 VOTES
	WOODS	62 VOTES

THE RECOUNTS FOR SEPTEMBER 5, 1996 WERE CONCLUDED BY 4:00 P.M. AND WERE TO RESUME ON FRIDAY, SEPTEMBER 6, 1996 AT THE BAY CO. COMMUNITY CENTER AT 9:00 A.M.

Don Chevalier, Chairman
Donald C Chevalier
Walt Wozniak, Member

Wilson Berger, Member

Dolores Niedzinski, Member

BAY COUNTY BOARD OF CANVASSERS
RECOUNT OF VOTES CAST FOR BAY COUNTY SHERIFF
SEPTEMBER 6, 1996
(DAY 4 OF 5)

THE BAY COUNTY BOARD OF CANVASSERS MET ON FRIDAY, SEPTEMBER 6, 1996 IN THE LARGE CONFERENCE ROOM OF THE BAY CO. COMMUNITY CENTER FOR THE PURPOSE OF RECOUNTING VOTES CAST AT THE AUGUST 6, 1996 PRIMARY ELECTION FOR THE OFFICES OF BAY COUNTY SHERIFF AND 2ND DISTRICT COUNTY COMMISSIONER. ON THIS DATE, CANVASS TEAM #1 (WOZNIAK, BERGER, CAVANAUGH AND HACKER) RECOUNTED THE VOTES CAST IN THE TOWNSHIPS OF GIBSON, PINCONNING, FRASER, PORTSMOUTH AND CITY OF PINCONNING WHILE TEAM #2 (CHEVALIER, NIEDZINSKI, DOAN AND SNABLE) WORKED ON KAWKAWLIN PRECINCTS 1 AND 2 THROUGHOUT THE DAY. THE KAWKAWLIN PRECINCTS WERE QUITE LARGE AND ALSO INCLUDED A RECOUNT OF THE 2ND DISTRICT COUNTY COMMISSION RACE. MINUTES OF THE 2ND DISTRICT COMMISSION HAD BEEN PREPARED SEPERATELY. THE FOLLOWING MEMBERS AND GUESTS WERE PRESENT ON THIS DATE.

ROLL CALL: DONALD CHEVALIER, CHAIRMAN
WALT WOZNIAK, MEMBER
WILSON BERGER, MEMBER
DOLORES NIEDZINSKI, CANVASS ASST.
MARY IDA DOAN, TALLY CLERK
BETTY CAVANAUGH, TALLY CLERK
BETTY HACKER, TALLY CLERK
BEV SNABLE, TALLY CLERK

ALSO PRESENT: BARBARA ALBERTSON, COUNTY CLERK
CYNTHIA A. LUCZAK, SECRETARY TO CLK.
MIKE ARNOLD, KAWKAWLIN TWP. CLERK
DON MOORE, PINCONNING TWP. CLERK
JUDY BUKOWSKI, PORTSMOUTH TWP.
JIM WOODS, SHERIFF CANDIDATE
LLOYD PAJOT, 2ND DIST. CANDIDATE
PETER DAHM, ATTORNEY FOR WOODS
KIM HIGGS, FOR WM. REDER
DICK BRZEZINSKI, FOR J. MILLER
JOHN J. MILLER, FOR J. MILLER
JODY MILLER, FOR J. MILLER
BOYD BOETTGER, FOR J. MILLER
BARB MEYER, TALLY CLERK/WOODS
JANET NEWSHAM, TALLY/WOODS

ALSO PRESENT: KATHLEEN BRAGIEL, FOR L. PAJOT

GIBSON TWP.

TEAM #1 BEGAN THE RECOUNT OF GIBSON TWP. BALLOTS BY REMOVAL OF CAN SEAL #022078 WHICH CHECKED WITH THE POLL BOOK RECORD. A TOTAL OF 115 VOTES WERE TO BE RECOUNTED AND WITH NO DUPLICATES OR CHALLENGES, TOOK VERY LITTLE TIME AT ALL. THE RECOUNT OF THE TOWNSHIP BEGAN AT 9:10 A.M. AND HAD CONCLUDED BY 9:30 A.M. BALLOTS WERE PUT BACK INTO THE BALLOT CAN AND SECURED WITH STATE OF MICHIGAN CAN SEAL NUMBER 897861.

GIBSON TOWNSHIP FINAL COUNT:

WOODS	29 VOTES
MILLER	39 VOTES

PINCONNING TWP.

THE RECOUNT OF PINCONNING TOWNSHIP VOTES BEGAN WITH CUTTING SEAL NUMBER 898072 OFF THE BALLOT BAG. AS PINCONNING TOWNSHIP HAD HELD A NUMBER OF ELECTIONS, THERE WAS NOT A BALLOT CAN AVAILABLE FOR THIS ELECTION. THE SEAL NUMBER HAD BEEN CONFIRMED WITH THE POLL BOOK AND THE COUNT OF 406 VOTES PROCEEDED.

TEAM 1/CHALLENGE 1: ATTORNEY DAHM POSED THIS CHALLENGE ON BEHALF OF MR. WOODS. IN THIS CASE, BOARD OF CANVASS MEMBERS AGREED NOT TO COUNT A VOTE FOR MR. WOODS SINCE THE VOTER PUT A LINE IN THE TARGET AREA BUT IT WAS NOT CONNECTED TO THE PROPER SIDES OF THE ARROW TO COMPLETE A VALID VOTE. THESE MARKINGS ALSO APPEARED TO BE ON A SLANT AND THEREFORE DID NOT EXPRESS THE VOTERS CLEAR INTENT. THE CANVASSERS DISCUSSED THE ISSUE IN LENGTH BEFORE MAKING THEIR DETERMINATION. WILSON BERGER FELT THE VOTER MAY HAVE INTENDED TO VOTE FOR WOODS BUT SINCE MICHIGAN WAS NOT A VOTER INTENT STATE, MUST BE DISREGARDED. DON CHEVALIER OBSERVED THE MARKINGS WITH A MAGNIFYING GLASS AND CONFIRMED THAT NO PART OF THE MARK CONNECTED THE

PINCONNING TWP. CONT.

TEAM 1/CHALLENGE 1: SIDES OF THE TARGET AREA AND WAS THERE-FOR UNCOUNTABLE. WALT WOZNIAK AGREED NOT TO COUNT THE VOTES IF THE MARKS DID NOT CONNECT IN THE TARGET AREA AS INSTRUC-TED. MR. DAHM ASKED THIS BALLOT BE SET ASIDE AND A CHALLENGE BE RECORDED "TO PRESERVE THE ISSUE" SINCE NO VOTES WERE CAST FOR SHERIFF.

TEAM 1/CHALLENGE 2: THE VOTES CONTAINED ON THIS BALLOT WERE NOT ACCEPTED BY THE BOARD OF CANVASSERS SO MR. DAHM CHALLENGED "TO PRESERVE THE ISSUE". THE VOTER HAD VOTED A DEMOCRATIC BALLOT WITH EXCEPTION OF THE COUNTY TEAS-URER/REGISTER OF DEEDS RACES & MARKINGS WERE PLACED/VOTES CAST FOR TWO(2) REPUB-LICAN CANDIDATES OF WHICH DIAGONAL LINES WERE ALSO EVIDENCED OVER THE TOP OF THE HORIZONTAL MARKINGS. THE QUESTION WAS WHETHER OR NOT TO CONSIDER THIS A CROSS VOTED BALLOT. MR. DAHM RECALLED A SIMI-LAR SITUATION IN HAMPTON TOWNSHIP WHICH THE VOTES WERE NOT COUNTED AND THERE-FOR SHOULD NOT BE COUNTED IN THIS CASE, IN HIS OPINION. LEONARD PORTNOY STATED THE MARKS OBSERVED HERE WERE DIFFERENT FROM THE OTHERS RULED UPON IN HAMPTON TOWN-SHIP AND WERE TO BE CONSIDERED SEPARATE. CHAIRMAN CHEVALIER FELT THE VOTER MADE A GENUINE ATTEMPT TO CORRECT THEIR MIS-TAKES PER THE ALLOWED MARKINGS AND A VOTE SHOULD BE CAST FOR MR. MILLER. BOTH WALT WOZNIAK AND WILSON BERGER CONCUR-RED WITH THE FINDINGS OF MR. CHEVALIER. A CORRECTED MARK WAS ALLOWED SO A VALID VOTE WAS TALLIED FOR JOHN MILLER.

BALLOTS WERE PLACED BACK INTO THE BALLOT BAG ONLY AND SEALED WITH STATE OF MICHIGAN TAG 897870 UPON CONCLUSION.

PINCONNING TWP. FINAL TOTAL:	MILLER	133 VOTES
	WOODS	135 VOTES

KAWKAWLIN TWP. PRECINCT 1

TEAM #2 BEGAN THE RECOUNT OF KAWKAWLIN TOWNSHIP PRECINCT 1 BY REMOVAL OF CAN SEAL NUMBER 69124 AS NOTED IN THE POLL BOOK. A TOTAL OF 672 VOTES WERE ENCLOSED. BALLOTS HAD BEEN PLACED IN A BALLOT BAG BUT IT WAS NOT NECESSARY TO SEAL THEM W/OPTECH. CLERK ALBERTSON TOOK A FEW MOMENTS TO EXPLAIN THAT BALLOTS WERE NOT REQUIRED TO BE KEPT SEALED IN THE BALLOT BAGS BUT WERE TO REMAIN SECURED FOR A PERIOD OF 22 MONTHS UNTIL ALL RE-RECOUNTS WERE CERTIFIED. THERE WERE NO DUPLICATED BALLOTS.

CHAIRMAN CHEVALIER WITHHELD A BALLOT FOR CONSIDERATION OF THE FULL BOARD OF CANVASSERS. IN THE CASE OF THIS BALLOT, A VALID MARKING HAD BEEN EVIDENCED BY THE VOTER FOR SHERIFF CANDIDATE MILLER. IN THE WRITE-IN AREA A MARKING HAD BEEN PLACED TO CONNECT THE LINES OF THE ARROW, WITH TWO ADDITIONAL MARKINGS PLACED DIAGONALLY ACROSS THE LINE TO FORM WHAT HAD APPEARED TO BE A # SIGN. CHAIRMAN CHEVALIER STATED THE OPTECH VOTING MACHINE MAY HAVE CONCLUDED THIS BALLOT WAS OVERVOTED AND MAY NOT HAVE REGISTERED A VOTE FOR MILLER. UPON REVIEW BY THE MEMBERS, THE BALLOT WAS CONSIDERED AN ACCEPTABLE VOTE FOR MILLER AS THE PROPER MARK WAS IN THE TARGET AREA. ONCE RECOUNTED THE BALLOTS WERE PUT INTO THE BALLOT BAG (WITH NO METAL SEAL) AND THEN INTO THE BALLOT CAN WITH SEAL 897851.

KAWKAWLIN TOWNSHIP FINAL COUNT:

WOODS 310 VOTES
MILLER 251 VOTES

KAWKAWLIN TWP. PRECINCT 2

TEAM #2 RESUMED THE CANVASS WITH KAWKAWLIN PRECINCT #2 FOLLOWING THE LUNCH BREAK AT 1:45 P.M. THE BOARD REMOVED CAN SEAL 897896 ONCE VERIFIED WITH THE POLL BOOK. A TOTAL OF 559 BALLOTS WERE COUNTED EVEN THOUGH THE POLL BOOK REFLECTED 563. CHAIRMAN CHEVALIER STATED THIS DISCREPANCY HAD BEEN OBSERVED BY THE BOARD DURING THEIR INITIAL CANVASS.

TEAM 2/CHALLENGE 1: JODY MILLER RECORDED A CHALLENGE ON A PARTICULAR BALLOT WHICH VOTES HAD BEEN CAST FOR CANDIDATES WOODS AND PAJOT. IT APPEARED AS IF THE VOTER STARTED TO PLACE

FRASER TWP. PRECINCT 1 CONT.

(SEAL NUMBER 898065) BUT THIS INFORMATION WAS IRRELEVANT TO THE SEAL NUMBERS PREVIOUSLY CONFIRMED IN THE POLL BOOK. THERE WERE NO ORIGINALS, DUPLICATES, SPOILED OR CHALLENGED BALLOTS SO AFTER THE RECOUNT OF THE 284 IN THIS PRECINCT, WERE SEALED BACK INTO THE BALLOT BAG AND SECURED WITH METAL SEAL 897865. ONCE IN THE BALLOT CAN, WERE SAFE WITH THE PLACEMENT OF SEAL NUMBER 897866.

FRASER TWP. PRECINCT 1 FINAL TOTAL:	MILLER	98 VOTES
	WOODS	119 VOTES

FRASER TWP. PRECINCT 2

TEAM #1 CONTINUED THE RECOUNT OF FRASER TOWNSHIP BY REMOVAL OF THE BALLOT CAN SEAL NUMBER 898057 FROM THE PRECINCT #2 CAN. THE CAN SEAL WAS CONFIRMED WITH THE POLL BOOK. A BALLOT BAG HAD BEEN USED AND SECURED WITH SEAL 898073, NOT RECORDED IN THE POLL BOOK. THE TOTAL OF 230 BALLOTS WAS VERIFIED WITH THE POLL BOOK AS THE RECOUNT CONTINUED. NO DUPLICATES IN THIS PRECINCT.

FOLLOWING THE PROCESSING OF BALLOTS, THEY WERE PLACED IN THE BALLOT BAG AND SEAL WITH METAL TAG 897871. THE BALLOT CAN WAS THEN REFILLED AND SECURED WITH METAL TAG SEAL 897869.

FRASER TWP. PRECINCT 2 FINAL TOTAL:	WOODS	80 VOTES
	MILLER	95 VOTES

THE RECOUNT OF THIS TOWNSHIP CONCLUDED AT 12:00 NOON WHICH PROVIDED TIME FOR ONE MORE SMALL CITY/TOWNSHIP BEFORE LUNCH.

CITY OF PINCONNING

THE BALLOT CAN WAS INSPECTED BEFORE THE SECURITY SEAL NUMBER 898098 WAS CUT OFF. BALLOTS SEALED WITHIN A BAG WITH METAL TAG NUMBER 4648. THE SEAL NUMBER AND TOTAL NUMBER OF 152 VOTES HAD BEEN CHECKED WITH THE POLL BOOK BEFORE THE RECOUNT BEGAN.

ONCE RECOUNTED, THE BALLOTS WERE PLACED INTO THE BAG AND THEN SEALED WITH STATE OF MICHIGAN TAG 897872. THE BAG WENT INTO THE

CITY OF PINCONNING

BALLOT CAN AND SEALED WITH METAL TAG NUMBER 897853. THIS WAS A SMALL AMOUNT OF VOTES AND SINCE THERE WERE NO ORIGINALS, DUPLICATES, SPOILED OR CHALLENGED BALLOTS, WAS FINISHED BY 1:00 P.M.

CITY OF PINCONNING FINAL TOTALS:	MILLER	53 VOTES
	WOODS	46 VOTES

PORTSMOUTH TWP. PRECINCT 1

FOLLOWING THE LUNCH BREAK, BOARD MEMBERS CONTINUED THE RE-COUNT WITH REMOVAL OF METAL SEAL NUMBER 896395 FROM PRECINCT #1 OF PORTSMOUTH TOWNSHIP. THE BALLOTS WERE SECURED IN A BAG AND SEAL NUMBER 896394 WAS REMOVED TO RETRIEVE THEM. BOARD MEMBERS PHYSICALLY COUNTED THE BALLOTS SIX (6) TIMES IN ATTEMPT TO CONFIRM THE TOTAL NUMBER OF 323 INSIDE. THE ACTUAL COUNT PRODUCED ONLY 322 BALLOTS EVERY TIME. WALT WOZNIAK MADE THE DETERMINATION THAT A PRECINCT SHORT A BALLOT WAS RECOUNTABLE BUT A BALLOT WHICH WAS OVER THE NUMBER OF BALLOTS REFLECTED IN THE POLL BOOK, WOULD HAVE TO BE MINUS A BALLOT BY BLIND DRAW.

MR. DAHM EXPRESSED AN OBJECTION TO THE TALLY CLERKS RECORDING THE VOTES OF ALL THREE (3) PORTSMOUTH PRECINCTS ONTO ONE TALLY SHEET. FURTHER DISCUSSED WAS THE PROCEDURES OF THE TALLY CLERK AND THE ASSURANCE OF MS. CAVANAUGH AND MS. HACKER THAT THE VOTES WOULD BE KEPT SEPARATE FOR CALCULATING PURPOSES.

TEAM 1/CHALLENGE 1: ATTORNEY DAHM CHALLENGED THE CALL OF THE BOARD ON THIS BALLOT SINCE A VOTE WAS CAST FOR CANDIDATE MILLER. THE FRONT SIDE OF THE BALLOT HAD BEEN VOTED DEMOCRATIC. WHEN THE VOTER TURNED THE BALLOT TO THE REVERSE SIDE, MARKINGS WERE MADE FOR THE TOP TWO CANDIDATES ON THE LEFT HAND SIDE IN THE REPUBLICAN COLUMN. SCRIBBLE TYPE MARKINGS HAD BEEN PLACED OVER THE REPUBLICAN LINES. MR. DAHM ACCEPTED THE DECISION OF THE BOARD TO COUNT THE VOTE FOR MILLER BUT ASKED THE BALLOT BE MARKED BY THE SECRETARY "TO PRESERVE THE ISSUE".

PORTSMOUTH PRECINCT 1

BALLOTS WERE PLACED INTO THE BALLOT BAG WITH SEAL 897874 AND THEN SEALED INTO THE CAN WITH SEAL 897873. THIS PRECINCT WAS FINISHED AT 2:30 P.M.

PORTSMOUTH TWP. PRECINCT 1 FINAL TOTAL:	WOODS	119 VOTES
	MILLER	90 VOTES

(THIS WAS THE ONLY PRECINCT DURING THE RECOUNT, IN WHICH THE TOTAL NUMBER OF VOTES WAS REDUCED).

PORTSMOUTH PRECINCT 2

PORTSMOUTH PRECINCT 2 WAS RECOUNTED FOLLOWING REMOVAL OF METAL CAN SEAL NUMBER 986391 WHICH CHECKED WITH THE POLL BOOK. BALLOTS IN THE BAG WERE REMOVED ONCE SEAL NUMBER 896399 WAS CUT OFF. THE TOTAL NUMBER COUNTED IN THIS PRECINCT WAS 246 AND IT WAS THE SAME NUMBER DOCUMENTED IN THE POLL BOOK. DURING THE SEPERATION OF BALLOTS, WORKERS OBSERVED TWO(2) BALLOTS MARKED AS "DUPLICATE" WHEN THE POLL BOOK ONLY REFLECTED A DUPLICATION OF ONE (1) BALLOT. IT APPEARED AS THOUGH ONLY ONE (1) BALLOT WAS CONTAINED WITHIN THE ORIGINAL ENVELOPE THAT WAS SEALED. ONE BALLOT WAS MARKED "DUPLICATE" WITH A PENCIL AND THE OTHER WAS MARKED "DUPLICATE" WITH A RED PEN. THE COUNT OF ACTUAL BALLOTS CONTINUED WHILE CLERK BUKOWSKI WAS SUMMONED TO ANSWER QUESTIONS AT 4:15 P.M.

TOWNSHIP CLERK, JUDY BUKOWSKI, RECALLED WHAT HAD OCCURRED ON ELECTION DAY. MS. BUKOWSKI STATED SHE WAS UNSURE OF WHAT TO DO WITH THE BALLOT AND HAD MARKED IT "DUPLICATE" IN ERROR. THE VOTER WAS PRESENT AND SHE REALIZED SHE SHOULD HAVE DECLARED THE BALLOT SPOILED AND GIVEN THE VOTER A NEW BALLOT WHILE HE/SHE WAS PRESENT, ACCORDING TO INSTRUCTIONS SHE RECEIVED BY COUNTY CLERK BARB ALBERTSON, FOLLOWING MARKING IT. THE "DUPLICATE" IN THE RED PEN WAS THE ONE THAT SHOULD HAVE BEEN TREATED AS A SPOILED BALLOT. THE "DUPLICATE" IN THE PENCIL MARKINGS MATCHED THE ORIGINAL IN THE ENVELOPE PER JUDY. THE CANVASSERS COMPARED THE TWO BALLOTS AS DIRECTED AND FOUND MS. BUKOWSKI TO BE CORRECT IN HER EXPLANATION.

AFTER THE RECOUNT, BALLOTS WERE PLACED INTO THE BALLOT BAG

BAY COUNTY BOARD OF CANVASSERS
RECOUNT FOR BAY COUNTY SHERIFF
SEPTEMBER 9, 1996
(DAY 5 OF 5)

THE BAY COUNTY BOARD OF CANVASSERS MET FOR THE FINAL DAY OF THE RECOUNT OF VOTES CAST DURING THE AUGUST 6, 1996 PRIMARY ELECTION FOR THE BAY COUNTY SHERIFF AND 2ND DISTRICT COUNTY COMMISSION RACES. THE CANVASSERS MET ON THIS MONDAY, SEPTEMBER 9, 1996 IN THE CONFERENCE ROOM OF THE BAY COUNTY COMMUNITY CENTER AT 9:00 A.M. WILLIAMS TOWNSHIP WAS TO BE RECOUNTED TODAY. THE FOLLOWING MEMBERS AND GUESTS WERE PRESENT.

ROLL CALL: DON CHEVALIER, CHAIRMAN
WALT WOZNIAK, MEMBER
WILSON BERGER, MEMBER
DOLORES NIEDZINSKI, CANVASS ASST.
MARY IDA DOAN, TALLY CLERK
BETTY CAVANAUGH, TALLY CLERK
BETTY HACKER, TALLY CLERK
BEV SNABLE, TALLY CLERK

ALSO PRESENT: BARBARA ALBERTSON, COUNTY CLERK
CYNTHIA A. LUCZAK, SECRETARY TO CLK.
AMY CHARNEY, WILLIAMS TWP. CLERK
JIM WOODS, SHERIFF CANDIDATE
LLOYD PAJOT, 2ND DIST. CANDIDATE
DICK BRZEZINSKI, FOR J. MILLER
LEONARD PORTNOY, FOR J. MILLER
KIM HIGGS, FOR WM. REDER
BOYD BOETTGER, FOR J. MILLER
PAUL DANNESBERGER, FOR J. MILLER
BARB MEYER, TALLY FOR J. WOODS
JANET NEWSHAM, TALLY FOR J. WOODS
KATHLEEN BRAGIEL, L. PAJOT REP.

THE RECOUNT FOR THIS DATE INCLUDED WILLIAMS TOWNSHIP PRECINCTS 1-2-3. THE 2ND DISTRICT COUNTY COMMISSION RACE HAD VOTES TO COUNT IN THE 1ST AND 2ND PRECINCTS BUT DID NOT EFFECT PRECINCT #3.

WILLIAMS TWP. PRECINCT 1

TEAM #2 CONTINUED TO RECOUNT THE WILLIAMS TOWNSHIP PRECINCTS

