

***Approved Minutes***

**ELKINS COMMON COUNCIL  
SPECIAL COUNCIL MEETING: CANVASS OF THE 2017  
MUNICIPAL ELECTION  
MINUTES**

***401 Davis Avenue  
Council Chamber, 2nd Floor  
March 13, 2017  
12:00 p.m.***

In accordance with West Virginia Code §3-6-9, Elkins Common Council met in special session as the Canvassing Board of the City of Elkins in the council chamber of city hall. Present were Mayor Van T. Broughton, Councilpersons M. D. Cuonzo, R.P. Dusenbury, C. Friddle, III, C. L. Metheny, E.R. Ochsendorf, D.C. Parker, L.H. Vest and R. A. Woolwine, City Attorney G. S. Roberts, City Clerk J.R. Sutton (acting as recording secretary); and Inter-Mountain Reporter T. MacVean.

Cw. N. E. Bross-Fregonara, Cm. C.C. Lowther, Police Chief J.C. Raffety, City Treasurer T. Judy, Fire Chief T. W. Meader, and Operations Manager R.P. Pingley were absent.

**BOND SET**

Cm. Woolwine, seconded by Cm. Ochsendorf, **MOVED APPROVAL THAT THE CANVASSING BOARD SET AT \$300 THE BOND THAT MUST BE FILED BY ANYONE REQUESTING A RECOUNT WITHIN THE FORTY-EIGHT HOURS FOLLOWING THE DECLARATION OF RESULTS ISSUED AT THE ADJOURNMENT OF THIS MEETING.** The motion carried.

**VERIFICATION OF BALLOTS**

Proceeding one ballot box at a time, the board opened the seals placed on election night by poll workers and then used the procedures provided in the West Virginia Secretary of State publication *Best Practices Guide to Canvass and Recount* to compare the numbers of ballots (voted, unused, spoiled, provisional, early and absentee) on hand with records kept and provided by polling place officials. No material discrepancies were found. The tabulation for each ward is as follows:

<b>Precinct Ballots Tabulated on Statements of Ballots Used</b>					
	<b><i>Ward 1</i></b>	<b><i>Ward 2</i></b>	<b><i>Ward 3</i></b>	<b><i>Ward 4</i></b>	<b><i>Ward 5</i></b>
<b>Election Day Stubs</b>	185	82	24	51	69

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<b>Early Voting Ballots Cast</b>	93		16	23	57
<b>Absentee ballots cast</b>	2	0	2	0	3
<b>Total ballots tabulated</b>	280	82	42	74	129
<i>(Highest vote count)</i>	275	79	39	70	119

<b>Election Day Ballot Verification by Canvassing Board</b>					
	<b>Ward 1</b>	<b>Ward 2</b>	<b>Ward 3</b>	<b>Ward 4</b>	<b>Ward 5</b>
<b>Ballots cast (unchallenged)</b>	183	82	24	49	64
<b>Spoiled ballots</b>	1	0	1	0	1
<b>Unused ballots</b>	652	556	453	794	526
<b>Election day prov. ballots</b>	2	0	1	2	5
<b>Total ballots</b>	838	638	479	845	596
<i>(Label totals)</i>	838	638	479	845	596

**CONSIDERATION OF PROVISIONAL BALLOTS**

Eleven (11) provisional ballot envelopes were provided from polling place officials to the City Clerk and in turn presented to the Board for review. The Clerk assigned a number to each provisional ballot and the board considered the disposition of each separately based on the available information.

Cm. Metheny, seconded by Cm. Parker, **MOVED THAT THE CANVASSING BOARD SUSTAIN THE CHALLENGE AGAINST PROVISIONAL BALLOT 01-01.** The motion carried.

Cm. Metheny, seconded by Cm. Dusenbury, **MOVED THAT THE CANVASSING BOARD REMOVE THE CHALLENGE AGAINST PROVISIONAL BALLOT 01-02.** The motion carried. (The result was one additional vote for Broughton and one additional vote for Dusenbury.)

Cm. Metheny, seconded by Cm. Friddle III, **MOVED THAT THE CANVASSING BOARD REMOVE THE CHALLENGE AGAINST PROVISIONAL BALLOT 01-03.** The motion carried. (The result was one additional vote for Broughton and one additional vote for Yorkey.)

Cm. Metheny, seconded by Cw. Vest, **MOVED THAT THE CANVASSING BOARD SUSTAIN THE CHALLENGE AGAINST PROVISIONAL BALLOT 03-01.** The motion carried.

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Cm. Metheny, seconded by Cm. Dusenbury, **MOVED THAT THE CANVASSING BOARD SUSTAIN THE CHALLENGE AGAINST PROVISIONAL BALLOT 03-02.** The motion carried.

Cm. Metheny, seconded by Cw. Vest, **MOVED THAT THE CANVASSING BOARD SUSTAIN THE CHALLENGE AGAINST PROVISIONAL BALLOT 04-01.** The motion carried.

Cm. Metheny, seconded by Cm. Parker, **MOVED THAT THE CANVASSING BOARD REMOVE THE CHALLENGE AGAINST PROVISIONAL BALLOT 04-02.** The motion carried. (The result was one additional vote for Broughton and one additional vote for Hazen.)

The provisional ballot envelope marked **05-01** by the Clerk had no identifying information, except for a notation made by poll workers that the ballot was “overvoted”. Believing that the ballot was placed in the incorrect envelope by poll workers and not in fact provisional, the Clerk, with the permission of the Board, opened the envelope and confirmed that the ballot was “overvoted” and therefore uncounted.

Cm. Dusenbury, seconded by Cm. Parker, **MOVED THAT THE CANVASSING BOARD REMOVE THE CHALLENGE AGAINST PROVISIONAL BALLOT 05-02.** The motion carried. (The ballot was overvoted and no additional votes were assigned.)

Cw. Cuonzo, seconded by Cm. Dusenbury, **MOVED THAT THE CANVASSING BOARD REMOVE THE CHALLENGE AGAINST PROVISIONAL BALLOT 05-03.** The motion carried. (The result was one additional vote for Broughton and one additional vote for Parker.)

Cm. Dusenbury, seconded by Cm. Metheny, **MOVED THAT THE CANVASSING BOARD REMOVE THE CHALLENGE AGAINST PROVISIONAL BALLOT 05-04.** The motion carried. (The result was one additional vote for Broughton and one additional vote for Parker.)

Cm. Metheny, seconded by Cm. Dusenbury, **MOVED THAT THE CANVASSING BOARD SUSTAIN THE CHALLENGE AGAINST PROVISIONAL BALLOT 05-05.** The motion carried.

Cm. Metheny, seconded by Cm. Ochsendorf, **MOVED THAT THE CANVASSING BOARD DECLARE THE RESULTS OF THE 2017 ELKINS MUNICIPAL ELECTION AS SHOWN IN THE TABLE BELOW.** The motion carried. The time was 3:10 p.m.

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**VOTES CAST BY WARDS**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<i>Total:</i>
<b>MAYOR</b>						
Van T. Broughton	232	77	36	69	103	517
Sam Barbagallo Jr.	9	2	3	2	9	25
<b>COUNCIL - 1ST WARD</b>						
Robert C. Chenoweth	142					
Rhett Dusenbury	34					
Merllene K. Yorkey	84					
Joyce A. Johns	17					
<i>Total</i>	277					
<b>COUNCIL - 2ND WARD</b>						
Charles H. Friddle, III		76				
<i>Total</i>		76				
<b>COUNCIL - 3RD WARD</b>						
Carman Metheny			31			
<i>Total</i>			31			
<b>COUNCIL - 4TH WARD</b>						
Marly Hazen				66		
<i>Total</i>				66		
<b>COUNCIL - 5TH WARD</b>						
David C. Parker					48	
Jeanie Weese					18	
Howard Knapp Jr.					3	
Cody H. Thompson					44	
Robert L. Chewning Jr.					4	
Clayton D. Moore					4	
<i>Total</i>					121	
<i>Total votes cast for council members:</i>						571
<i>Total votes cast for mayor:</i>						542

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The meeting will stand adjourned until 7 p.m. on Wednesday, March 15, 2017, to allow the passage of the required 48 hours before the declared results may be certified.

*Approved by council at the meeting  
of April 6, 2017*

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Van T. Broughton, Mayor

*Attest:*

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Jessica R. Sutton, City Clerk