

Approved Minutes

**ELKINS COMMON COUNCIL
SPECIAL COUNCIL MEETING:
CANVASS OF THE 2013 MUNICIPAL ELECTION
MINUTES**

*401 Davis Avenue
Council Chamber, 2nd Floor
March 11, 2013
7:00 p.m.*

In accordance with West Virginia Code § 3-6-9, Elkins Common Council convened in special session as the Canvassing Board of the City of Elkins in the council chamber of city hall. Present were Mayor Duke Talbott; Councilpersons: J. S. Bibey, V. T. Broughton, M. D. Cuonzo, T. Z. Hensil, M. D. Scott, and R. A. Woolwine; Police Chief Captain H. R. White, Jr.; City Clerk S.R. Stokes (acting as recorder); and City Attorney G. S. Roberts.

Councilpersons N. E. Bross-Fregonara, C. G. Kinnison, C. L. Metheny, and J. J. Sabatino; Operations Manager R.P. Pingley; Treasurer L. D. Daniels-Smith; and Fire Chief T. W. Meader were absent.

BOND SET

Cm. Bibey, seconded by Cw. Cuonzo, **MOVED TO SET AT \$300 THE BOND THAT MUST BE FILED BY ANYONE REQUESTING A RECOUNT AFTER TONIGHT'S DECLARATION OF RESULTS.** 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 and worksheets 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 by polling place workers. No material discrepancies were discovered. The tabulation for each ward is as follows:

Precinct Ballots Tabulated on Statements of Ballots Used					
	<i>Ward 1</i>	<i>Ward 2</i>	<i>Ward 3</i>	<i>Ward 4</i>	<i>Ward 5</i>
Election Day Stubs	245	165	78	144	109
Early Voting Ballots Cast	77	41	36	89	42
Absentee ballots cast	5	8	2	14	4
<i>Total ballots tabulated</i>	327	214	116	247	155

The verification for each ward is as follows:

Election Day Ballot Verification					
	<i>Ward 1</i>	<i>Ward 2</i>	<i>Ward 3</i>	<i>Ward 4</i>	<i>Ward 5</i>
Ballots cast	245	165	78	144	109
Spoiled ballots	0	0	1	0	0
Election day prov. ballots	(6)*	0	0	3	1
Unused ballots	668	500	477	705	517
<i>Total ballots</i>	913	665	556	852	627
* These six "provisional" First Ward ballots were cast during early voting, not on election day, and so are not counted as part of the "total number of ballots" issued to polling places that day.					

CONSIDERATION OF PROVISIONAL BALLOTS

The board considered the disposition of seven early voting ballots that were missing one of the required signatures. On election night, while tallying votes cast, poll workers in First and Fourth Wards had discovered a total of seven ballots (six in First Ward and one in Fourth Ward) that were missing one of the required signatures. They did not tally the votes on these ballots and

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instead stored them in provisional envelopes with no identifying information. In all seven cases, City Clerk Stokes was able to determine from the existing signature that these were early voting ballots. All early voting and absentee ballots were accounted for.

Cm. Hensil, seconded by Cm. Scott, **MOVED TO ADD TO THE TALLY OF VOTES CAST SIX BALLOTS FROM FIRST WARD THAT WERE ALL MISSING ONE SIGNATURE.** The motion carried.

Cm. Scott, seconded by Cm. Hensil, **MOVED TO ADD TO THE TALLY OF VOTES CAST ONE BALLOT FROM FOURTH WARD THAT WAS MISSING ONE SIGNATURE.** The motion carried.

The board considered the disposition of two misdirected early voting ballots. On election night, poll workers in First and Fifth Wards had each discovered one early voting ballot that had been sent to their wards in error. They did not tally the votes on these ballots and instead stored them in provisional envelopes with no identifying information. City Clerk Stokes was able to determine from the signatures that these were early voting ballots. Both ballots contained the required signatures.

Cw. Cuonzo, seconded by Cm. Scott, **MOVED THAT THE FOURTH WARD BALLOT THAT HAD BEEN MISDIRECTED TO FIRST WARD BE ADDED TO THE TALLY OF VOTES CAST.** The motion carried.

Cw. Cuonzo, seconded by Cm. Scott, **MOVED THAT THE FIRST WARD BALLOT THAT HAD BEEN MISDIRECTED TO FIFTH WARD BE ADDED TO THE TALLY OF VOTES CAST.** The motion carried.

Cm. Hensil, seconded by Cm. Broughton, **MOVED THAT THE CHALLENGE AGAINST VOTER LESLIE GORDON NOT BE LIFTED.** The motion carried.

Cm. Hensil, seconded by Cm. Scott, **MOVED THAT THE PROVISIONAL BALLOTS CAST BY VOTERS KATHERINE AND MATTHEW OSBORNE BE ADDED TO THE TALLY OF VOTES CAST.** The motion carried.

Cm. Bibey, seconded by Cw. Cuonzo, **MOVED THAT THE BOARD DECLARE THE RESULTS OF THE 2013 ELKINS MUNICIPAL ELECTION AS SHOWN IN THE TABLE BELOW.** The motion carried. The time was 9:40 p.m.

Election of March 5, 2013						
Results Declared by the Canvassing Board, March 11, 2013						
(Including provisional votes accepted and counted by the board after review at the canvass)						
VOTES CAST BY WARDS						
MAYOR	1	2	3	4	5	Total
Broughton	161	132	44	66	97	500
Talbott	84	46	25	147	48	350
Scott	83	35	46	35	11	210
<i>Total</i>	328	213	115	248	156	1,060
COUNCIL - 1ST WARD						
Charles Kinnison	143					
Lonnie Randall	169					
<i>Total</i>	312					
COUNCIL - 2ND WARD						
Mitch Marstiller	161					
<i>Total</i>	161					
COUNCIL - 3RD WARD						
Carman Metheny	80					

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COUNCIL - 4TH WARD	
Nanci Bross-Fregonara	178
Hollis Vance	68
<i>Total</i>	246
COUNCIL - 5TH WARD	
<i>Regular Term</i>	
James S. Bibey	123
<i>Unexpired Term</i>	
Joe Sabatino	103
<i>Total*</i>	226
*Voters were able to vote for both 5th Ward candidates, so this total might double count multiple cast ballots.	

The chair announced that the meeting will stand adjourned until 2:45 p.m. on Thursday, March 12, 2013, to allow passage of the required 48 hours before the declared results may be certified.

The meeting adjourned at 9:45 p.m.

Approved by council at the meeting of March 21, 2013

Duke Talbott

Duke Talbott, Mayor

22 Mar 13

Date

Attest:

Sutton R. Stokes

Sutton R. Stokes, City Clerk

March 22, 2013

Date

0608