

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
SPECIAL MEETING TO CANVASS THE BALLOTS
May 28, 2010**

**PRESENT: GERALD "JERRY" WINKLE)
FRANK W. ELD) COMMISSIONERS
GORDON L. CRUICKSHANK) Vice Chair
KATIE DURFEE, ACTING CLERK**

Meeting called to order by Chairman Winkle at 9:00 a.m.

Katie Durfee, Acting Clerk, recording minutes.

Commissioner Cruickshank moved to approve the agenda, second by Commissioner Eld. The proposed agenda for Friday, May 28, 2010 was adopted.

JoAnn Fly presented the May 25, 2010 Abstract of Primary Election Results by Precinct.

Commissioner Cruickshank asked what the turnout was for the primary and JoAnn commented it was a 35.9% voter turnout.

Chairman Winkle asked if there were any further questions for JoAnn.

Commissioner Cruickshank stated the obvious reason for the attendance at the meeting, was due to the closeness in the race between Archie Banbury and Terry Gestrin.

Matt Williams stated that due to the requirements of the State, the results were within the percentage to accept the results. However, a recount has to wait until after the canvass. There will then be a 20 day time period in which the losing candidate can ask for a recount and the Attorney General must be notified if that is the intent. There is a required deposit of \$100/precinct which needs to accompany the application to the Attorney General. The person requesting the recount is responsible for payment. The law states if a recount is requested, the voted ballots need to be seized and secured. At the direction of Matt Williams, this was already done as a precautionary measure immediately following the end of the election night. The door to the room in the Prosecutor's office where the ballots were secured was locked and Deputy Gerzine further secured the room with evidence tape. The County Clerk, Archie Banbury, recused himself. The following morning, Captain John Coombs took custody of the ballots and secured them

Commissioner Cruickshank asked for clarification on the canvassing process, accepting what was presented.

Matt restated the recount can not be asked for until after the canvass has been accepted.

Commissioner Cruickshank moved to accept the abstract as presented, second by Commissioner Eld and carried. Commissioner Eld yes, Commissioner Cruickshank yes, Chairman Winkle yes.

Commissioner Cruickshank then questioned who was in the counting room on Election night.

JoAnn said Donna Petersen, Lucille Logan, Shirley Stillwell, Carlene Gailey, Kitty Minter and Jacque Wonenberg. Runners brought the ballot boxes to the counting room, dropped them off without speaking and JoAnn only went to the room when called by Donna, again without speaking unless questioned directly. Locks were snipped on ballot boxes, and then the ballots were put into the tabulator M650 (counter).

Commissioner Cruickshank asked if any ballots got kicked out how they were handled.

JoAnn said if the tabulator recognized a blank ballot, it would stop and a member of the counting crew would duplicate that ballot on a fresh ballot in pencil and run it back through the machine.

Chairman Winkle asked if there was an Overs and Unders report.

JoAnn responded that there was one available.

Matt clarified that the report for the Overs and Unders Vote, recognized when a person chooses two candidates for the same race, then it cancelled that race. When they don't vote for anyone it is an under vote.

Commissioner Cruickshank questioned JoAnn if the lead was not dark enough what happened, she said it stopped the machine and counted it as a blank.

Matt said there had to be enough lead to show intention. He then stated Idaho Code 34-2101, any candidate for the office could request the recount.

Commissioner Cruickshank asked if anyone else could ask for the recount. Matt said the official government should stay out of it all together and the candidate has to specifically request to the Attorney General's office a recount. If it had been one vote difference, it would have been an automatic recount and paid by the County.

Adjourned at 9:45 a.m.

Gerald "Jerry" Winkle, Chairman

Katie Durfee, Acting Clerk

KD/te 6-3-10