

Carroll County Board of Canvassers
300 S. Center Street, Robert Moton Meeting Room
Westminster, MD 21157

11/16/2016 – Provisional Canvass Minutes

ATTENDEES:

Board of Canvassers: Griffith Manahan, Chair (R), Harvey Tegeler, Secretary (R), Samuel Foster (D), Laura O'Callaghan (D), Larry Shipley (R)

LBE Staff: Terry Berger, Esq., Katherine Berry, Director, Paula Troxell, Deputy Director, Michael V. Power, Staff, Brenda Hill, Staff, Jennifer Bartholow, Staff, Sean Seibel, Staff, Lydia Trester, Staff, Kimberly Jones, Staff, Duane Powell, SBE

Public: Frank Rammes

Absent: None

DECLARATION OF QUORUM PRESENT

The meeting of the Board of Canvassers began at 10:00 a.m. on Wednesday, 11/16/2016 at 300 S. Center Street, Robert Motion Meeting Room, Westminster, MD 21157. There was a quorum of the Board of Canvassers, and at least one member of the Board of Canvassers who is a registered voter of the principal minority party was present.

CONFIRMATION OF OATH

Donald Sealing II, the Clerk of the Court for Carroll County, administered and recorded the oath of each member of the Board of Canvassers on 10/19/2016.

ANNOUNCEMENT OF OFFICERS

At its meeting on 11/8/2016, the Board of Canvassers elected Griffith Manahan as Chairman of the Board of Canvassers and Harvey Tegeler as Secretary.

PUBLIC NOTICE OF CANVASS

Katherine Berry, Director, noted that the public notice of the provisional canvass was provided and that the notice was provided by posting on the Carroll County Board of Election's website and in writing to the Republican and Democratic Central Committees.

VERIFICATION OF OPTICAL SCAN VOTING UNIT(S)

Katherine Berry, Director, presented documents to the Board of Canvassers showing that the ballot scanners being used in the canvass successfully passed Logic and Accuracy Testing on 10/7/2016. Katherine Berry, Director, reported that the memory devices created for this

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canvass were placed in the ballot scanners and sealed. Katherine Berry, Director, provided the Board of Canvassers with the results from the Logic and Accuracy Testing. Katherine Berry, Director, noted the following information from Logic and Accuracy Testing documentation for each ballot scanner being used in the canvass:

Ballot Scanner Serial Numbers	Seal Numbers
DS 0315330445	1061571
DS 0315331088	1061544
DS 0314410264	1061582

Sean Seibel verified that the seals on the ballot scanners were intact, and recorded the ballot scanners serial numbers and seal numbers:

Ballot Scanner Serial Numbers	Seal Numbers
DS 0315330445	1061571
DS 0315331088	1061544
DS 0314410264	1061582

Sean Seibel noted that the ballot scanners serial numbers and seal numbers from Logic and Accuracy Testing matched the ballot scanners serial numbers and seal numbers before the canvass began.

The Board of Canvassers confirmed that the counts on the ballot scanners were zero. The Board of Canvassers posted one copy of the Zero Report from the ballot scanner on the door to the meeting room where the canvass was taking place. Sean Seibel printed a second copy of the Zero Report, which remained attached to the ballot scanners. The Board of Canvassers signed the Zero Report attached to the ballot scanner.

CANVASSING

Overview of Canvass Process

Katherine Berry, Director, explained the rules concerning public observation of the canvass, provided an overview of the canvassing process, and noted that the rules were posted in the canvass room.

Paula Troxell, Deputy Director, explained that each provisional ballot application was reviewed prior to canvassing to determine the voter's eligibility to vote in this election and the voter's correct ballot style. At this canvass, the provisional ballot applications will be

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presented to the Board of Canvassers with a recommendation. The recommendations will be to:

1. Accept provisional ballot application in full – recommend counting all votes cast on the provisional ballot.
2. Accept provisional ballot application in part – recommend counting some but not all votes cast on the provisional ballot. This is because the voter voted in the wrong precinct.
3. Reject provisional ballot application – recommend not counting the provisional ballot.

The Board of Canvassers will vote to accept in full, accept in part, or reject the provisional ballots. The provisional ballots for which the Board voted to accept in full or accept in part are distributed to the bi-partisan ballot processing teams to open and review the ballots. The “accepted in full” ballots are scanned into the ballot scanner, and the “accepted in part” ballots are referred to a duplicating team. The duplicating team will copy onto the voter’s correct ballot style the votes for the contests for which the provisional voter is eligible to vote.

Paula Troxell, Deputy Director, explained that absentee ballots are distributed to the ballot processing teams in batches. Each team reviews the envelope first to determine whether it was timely received. For timely received ballots, each team opens the flap on the envelope and determines whether the voter signed the oath. After verifying that the oath is signed, each team opens the envelopes. With the envelope face down, each team removes the ballot, taking care that the envelope stays face down. After removing all of the ballots in the batch, the ballot envelopes are set aside. Each team reviews the ballots for compliance and tabulating acceptability.

Those timely ballots that are in compliance and can be read by the ballot scanner are referred to the Board of Canvassers for acceptance. All other ballots are placed in a plain envelope, with the team number, ballot style, or other information identifying the group or unit to which the ballot belongs, and the reasons for the referral to the Board of Canvassers written on the envelope. The envelope with the ballots inside is referred to the Board of Canvassers.

The Board of Canvassers rules on whether to accept or unanimously reject the referred ballots.

Paula Troxell, Deputy Director, explained the process to provide information to the Board of Canvassers or challenge a decision of the Board.

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Canvass Participants

The members of the ballot processing, duplicating, and ballot scanner operating teams are listed below.

Team	Names of Bi-Partisan Ballot Processing Team Members
Team #1	Lydia Trester & Brenda Hill
Team #2	Jennifer Bartholow & Kimberly Jones
Team #3	
Team #4	
Team #5	
Team #6	

Team	Names of Bi-Partisan Duplicating Team Members
Team #1	Lydia Trester & Brenda Hill
Team #2	Jennifer Bartholow & Kimberly Jones

Team	Names of Ballot Scanner Operating Team Members
Team #1	Sean Seibel & Michael V. Powers
Team #2	Katherine Berry & Duane Powell, SBE

Canvassing of Provisional Ballots

Paula Troxell, Deputy Director, reported that 1,114 provisional ballots were cast, but 821 were being presented at today’s canvass. The remaining provisional ballots will be presented at the second absentee canvass on Friday, November 18, 2016. To preserve the secrecy of the ballot for this canvass, Paula Troxell, Deputy Director, explained that five absentee ballots of each ballot style were held back for this provisional canvass and will be counted with the provisional ballots. 821 provisional ballots and 11 absentee ballots were presented for canvassing at this canvass.

Griffith Manahan, Chair, made a motion to begin presenting provisional ballot applications. Laura O’ Callahan seconded the motion, and the motion passed unanimously.

1. Paula Troxell, Deputy Director, presented 591 provisional ballots with the recommendation to accept them in full. The recommendation was based on the fact that staff had confirmed that each provisional application was submitted by a registered voter and was cast in the correct precinct where that voter currently resides. The Board unanimously voted to accept the recommendation and accept and count the provisional ballots in full.

Paula Troxell, Deputy Director, presented two provisional ballot applications for the same voter. Per the election judge notes, one application was partially completed with no signature and contained a blank ballot. The other application was fully completed with a signature and contained a voted ballot. There were no notes provided by the

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judges why the voter was given two provisional applications to complete. Ms. O'Callaghan made a motion, seconded by Mr. Foster to open the provisional ballot with the completed and signed application with the voted ballot and count the ballot. The motion carried unanimously.

Paula Troxell, Deputy Director, presented a voter's absentee ballot that was returned without the oath being signed and the voter's voted provisional ballot. Mr. Berger contacted Nikki Charlson, Deputy Administrator at SBE, to discuss if an absentee ballot is returned without the oath being signed is that considered a vote. Mr. Berger explained the discussion that he and Ms. Charlson had regarding what is considered a vote. After the discussion, Samuel Foster made a motion, seconded by Larry Shipley to accept the provisional ballot and reject the absentee ballot because of no signature on the oath. The motion carried unanimously.

2. Paula Troxell, Deputy Director, presented 84 provisional ballots with the recommendation to accept them in part. The recommendation was based on the fact that staff had confirmed that each provisional application was submitted by a registered voter and the provisional ballot was cast in the wrong precinct. The Board unanimously voted to accept the recommendation, and the ballots were referred to the duplicating team.
3. Paula Troxell, Deputy Director, presented 121 provisional ballots with the recommendation to reject because staff could not confirm that the applicant was a registered voter. Griffith Manahan, Chair, made the motion, seconded by Laura O'Callaghan to reject. The Board unanimously voted to accept the recommendation and reject the ballots.
4. Paula Troxell, Deputy Director, presented 4 provisional ballots with the recommendation to reject because the applicant returned a voted absentee ballot or already voted. Laura O'Callaghan made the motion, seconded by Samuel Foster to reject. The Board unanimously voted to accept the recommendation and reject the ballots.
5. Paula Troxell, Deputy Director, presented 3 provisional ballots with the recommendation to reject because the voters failed to sign the provisional ballot application. Harvey Tegeler, Secretary, made a motion, seconded by Samuel Foster to accept the recommendation. The Board voted to accept the recommendation and reject the ballots.
6. Paula Troxell, Deputy Director, presented 15 Provisional ballots with the recommendation to reject because the applicant did not provide proof of residency in time. Griffith Manahan, Chair, made a motion, seconded by Larry Shipley, to accept the recommendation to reject. The Board unanimously voted to accept the recommendation and reject the ballots.
7. Paula Troxell, Deputy Director, presented 1 provisional ballot with the recommendation to reject because the applicant provided proof of residency that was timely received, but did not satisfy the residency requirements. Griffith Manahan,

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Chair, made a motion, seconded by Harvey Tegeler, Secretary, to accept the recommendation and reject the ballot.

8. Paula Troxell, Deputy Director, presented 2 provisional ballots with the recommendation to reject because the applicant will not be or is not 18 years old or older by the general election. Larry Shipley made a motion, seconded by Samuel Foster to accept the recommendation to reject. The Board unanimously voted to accept the recommendation and reject the ballots.
9. Terry Berger, Esq. presented one ballot for a Board decision on the intent of the voter (#9000) on Question One. Griffith Manahan, Chair, made a motion, seconded by Laura O'Callaghan, to accept the voter's intent as "For" Question One. The motion carried unanimously by the Board and was referred to the duplicating team.
10. Terry Berger, Esq. presented one ballot for a Board decision on the intent of the voter (#9001) on Question "A." Laura O'Callaghan made a motion, seconded by Samuel Foster, to accept the voter intent on Question "A" as "For." The motion carried unanimously and was referred to the duplicating team for duplication.
11. Terry Berger, Esq. presented one ballot to the Board (#9002) for a Board decision on voter intent on the Question of the continuance of Judge Friedman. Griffith Manahan, Chair, made a motion, seconded by Samuel Foster, to accept the intent as "Yes" for the Judge. The motion carried unanimously by the Board and was referred to the duplicating team.
12. Terry Berger, Esq. presented one ballot (#9003) to the Board for a decision on voter intent on the selection of U. S. Senator due to a crossing out on the ballot. A motion to accept the intent for the vote for Chris Van Hollen was made by Griffith Manahan, Chair, and seconded by Laura O'Callaghan. The motion carried unanimously and was referred to the duplicating team for duplication.
13. Terry Berger, Esq. presented one ballot (#2129) to the Board for decision on voter intent for U. S. Senator. Larry Shipley made a motion, seconded by Samuel Foster, to accept the intent as for Chris Van Hollen. The motion carried unanimously and was referred to the duplicating team for duplication.

Canvassing of Absentee Ballots

Paula Troxell, Deputy Director, then distributed the absentee ballots to canvassing teams to review for timeliness and signatures. Paula Troxell, Deputy Director, then presented 10 absentee ballots with the recommendation to accept the absentee ballots. Motion to accept the recommendation was made by Harvey Tegeler, Secretary, seconded by Larry Shipley. The motion carried unanimously by the Board.

As stated above, Paula Troxell, Deputy Director, presented 1 absentee ballot to be rejected because the oath was unsigned. Samuel Foster made a motion, seconded by Larry Shipley, to accept the recommendation to reject. This carried by unanimous vote of the Board.

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Motion was made to close the scanning units by Griffith Manahan, Chair and seconded by Laura O'Callaghan. The vote was unanimous to close scanners for the Provisional Canvass.

Printing Canvass Results

After scanning all accepted in full and accepted in part provisional ballots and all accepted absentee ballots, Sean Seibel locked the voting unit and printed a Voting Results Report. The Board of Canvassers confirmed that the number of accepted in full and accepted in part provisional ballots and accepted absentee ballots equaled the number of ballots counted by the ballot scanners. The Board of Canvassers signed the Voting Results Report and posted a second copy of the report on the door to the canvass room.

RELEASE OF UNOFFICIAL RESULTS

Griffith Manahan, Chair, announced the results from the provisional canvass. Griffith Manahan, Chair, also announced the following statistics from the provisional canvass:

Provisional Canvass Statistics	Number of Ballots
Total Ballots Presented at Provisional Canvass	832
Total Provisional Ballots Presented	821
Total Absentee Ballots Presented	11
Total Accepted Ballots	685
Accepted in Full Provisional Ballots	591
Accepted in Part Provisional Ballots	84
Accepted Absentee Ballots	10
Total Rejected Ballots	147
Rejected Provisional Ballots	146
Rejected Absentee Ballots	1

Katherine Berry, Director, announced that provisional voters can find out if their provisional ballots were counted; and if not, the reason why it was not counted by visiting the State Board of Elections' website or by calling the State Board at 1-800-222-8683.

NEXT BOARD OF CANVASSERS' MEETING

The Board of Canvassers will meet on Friday, November 18, 2016 at 10:00 a.m. to canvass all remaining ballots.

ADJOURNMENT

The meeting was adjourned at 1:05 p.m.