

Recount of the Votes cast for the 55th Circuit Judgeship December 5, 2006

All workers were in place and ready to start at 8:30 a.m.

Laura Flach, County Clerk welcomed everyone and introduced Mr. Tom Luitje, from the Sec. of State's Office, Bureau of Elections.

Mr. Luitje then introduced his assistants and proceeded to review instructions and regulations for conducting a recount.

The Oath of Office was then administered to all workers by Laura Flach, County Clerk..

Ms. Hovey voiced opposition to Canvassers being used as counters. The County Clerk immediately removed canvassers from counting positions prior to the start of the recount.

The recount then continued under the direction of SOS staffing.

At 12:10 p.m. the Gladwin County Board of Canvassers was called to order to address recount matters.

Members present were Mary Offenbecker, Betty Gavin, Bill Crandall and Clerk Laura Flach. Member Judy Ford was absent.

Mr. Luitje related that only 5 of the 21 precincts had been recounted because others were not sealed properly or ballots were stored in canvass ballot bags which, while approved for paper ballot storage, have not been approved for storage of optical scan ballots.

Ballots were recounted for Grim, Clement, Gladwin Township 1 & 2 and Hay Township.

Mr. Luitje then presented Exhibits and Challenges made by Ms. Hovey.

Exhibit #1 -

Challenge: *ballot marking*

Review by Board of Canvassers revealed that while Ms. Hovey's name was identified there was no mark within the "target" area and the vote would not count. Mr. Luitje, SOS, concurred with the Board findings.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #2 – City of Gladwin #1

Challenge: “ballots were in sealed ballot bags but the Sec. of State Representative refused to allow recount.”

Mr. Luitje, SOS, explained that ballot bags while approved for paper ballots were not State approved for optical scan ballot storage. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #3 – City of Gladwin #2

Challenge: “ballots were in sealed ballot bags but the Sec. of State Representative refused to allow recount.”

Mr. Luitje, SOS, explained that ballot bags while approved for paper ballots were not State approved for optical scan ballot storage. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #4 – Billings Township

Challenge: “ballots were in sealed ballot bags but the Sec. of State Representative refused to allow recount.”

Mr. Luitje, SOS, explained that ballot bags while approved for paper ballots were not State approved for optical scan ballot storage. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #5 – Sage Township

Challenge: “ballots were in sealed ballot bags but the Sec. of State Representative refused to allow recount”.

Mr. Luitje, SOS, explained that ballot bags while approved for paper ballots were not State approved for optical scan ballot storage. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #6 – Tobacco Township

Challenge: “ballots were in sealed ballot bags but the Sec. of State Representative refused to allow recount”

Mr. Luitje, SOS, explained that ballot bags while approved for paper ballots were not State approved for optical scan ballot storage. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #7 – Buckeye

Challenge: “metal containers had seal on outside that prevented lid from being totally open. Ballots were inside the container in ballot bags that may have been sealed but we were not allowed to determine.”

Mr. Luitje, SOS, explained the proper procedure for “sealing” and that the containers seal did not meet the requirement and therefore could not be recounted. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #8 – City of Beaverton

Challenge: “Metal containers had seal but hole on top was not closed. Ballots were inside in ballot bags that may have been sealed but were unable to determine.”

Mr. Luitje, SOS, explained that ballot containers must be secured in such a manner that ballots can not be inserted or taken out – with the slot open this container did not meet State requirements. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #9 – Bentley Township

Challenge: “metal containers had seal on outside that prevented lid from being totally open. Ballots were inside the container in ballot bags that may have been sealed but we were not allowed to determine.”

Mr. Luitje, SOS, explained the proper procedure for “sealing” and that the containers seal did not meet the requirement and therefore could not be recounted. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #10 – Secord Township

Challenge: “Sec. of State representative determined that due to hole in top of metal container not being closed that box was not secure despite the ballots being in ballot bags inside the container”

Mr. Luitje, SOS, explained that ballot containers must be secured in such a manner that ballots can not be inserted or taken out – with the slot open this container did not meet State requirements. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #11 – Sherman Township

Challenge: “Sec. of State representative determined that due to hole in top of metal container not being closed that box was not secure despite the ballots being in ballot bags inside the container”

Mr. Luitje, SOS, explained that ballot containers must be secured in such a manner that ballots can not be inserted or taken out – with the slot open this container did not meet State requirements. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #12 – All precincts

Challenge: “election was unverifiable due to 16/21 precincts not being properly sealed leaving election results in question.”

Mr. Luitje explained that this was a process challenge, which had been explained in earlier exhibits. County Board of Canvassers agreeing with SOS decisions.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #13 – All precincts

Challenge: “Lack of competent training of township clerks caused 16/21 precincts to being uncountable leaving entire process/election to be unverifiable.”

Mr. Luitje and County Board of Canvassers both agreed that the nature of this challenge was outside the scope of their authority, and there is nothing to be considered by them.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #14 – All precincts

Challenge: “Failure of County Board of Canvassers failed to properly certify the election was properly conducted and therefore election unverified “

Mr. Luitje and County Board of Canvassers both agreed that the nature of the challenge did not require a decision by them.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #15 – All precincts

Challenge: “County Clerk did not require township clerks to bring in ballot boxes to confirm they were properly sealed on election night causing entire election to be unverifiable.”

Mr. Luitje and County Board of Canvassers both agreed that the nature of the challenge did not require a decision by them.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #16 – All precincts

Challenge: “County Clerk publicly, in print, endorsed Roy Mienk. Through her incompetence or her loyalty to the opposition caused this election was unverifiable and questionable.”

Mr. Luitje and County Board of Canvassers both agreed that the nature of the challenge did not require a decision by them.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #17 – Grout/Beaverton

Challenge: “On election night County Clerk allowed non election officials to handle & view ballots leaving two precincts to be totally unsecured and unverifiable.”

Mr. Luitje and County Board of Canvassers both agreed that the nature of the challenge did not require a decision by them.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #18 - Butman

Challenge: “ballots were in sealed ballot bags but the Sec. of State Representative refused to allow recount”.

Mr. Luitje, SOS, explained that ballot bags while approved for paper ballots were not State approved for optical scan ballot storage. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #19 - Grout

Challenge: “ballots were in sealed ballot bags but the Sec. of State Representative refused to allow recount”.

Mr. Luitje, SOS, explained that ballot bags while approved for paper ballots were not State approved for optical scan ballot storage. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #20 – Bourette (Bourret) Township

Challenge: “ballots were in sealed ballot bags but the Sec. of State Representative refused to allow recount”.

Mr. Luitje, SOS, explained that ballot bags while approved for paper ballots were not State approved for optical scan ballot storage. The County Canvass Board concurred with SOS decision.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Exhibit #21 – All precincts

Challenge: “The County Clerks failure to follow election law by attempting to utilize County Board of Canvassers as counters is further indicative of the errors made in this election causing the entire election to be unverifiable and questionable”

Mr. Luitje explained that nothing in election law prohibits canvassers functioning as counters, and in fact the recount process is a duty of the County Board of Canvassers. It was further noted that upon Ms. Hovey objection – canvassers had been removed and not used as counters.

Ms. Hovey will appeal the matter to the State Board of Canvassers.

Once the formal exhibits and challenges had been addressed, Mr. Luitje asked Ms. Hovey if she had anything further to add. She indicated that she had nothing further.

Mr. Luitje then addressed Mr. Mienk, asking if he had anything to bring before the Board.

Mr. Mienk thanked everyone for the effort and time spent in the whole election/recount process.

Canvasser Bill Crandall then moved to accept the recounted totals and certify the new results as prepared by SOC staff. Motion supported by Canvasser Betty Gavin. All agree, new total were certified and Statement of Returns signed as required.

There being no further business to come before the Board, the meeting was adjourned at 1:40 p.m.



Laura E. Flach
County Clerk /
Clerk to the Board of Canvassers