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Marion County Election Board Meeting

May 12, 2022 | 2:00 PM

Election Service Center | 3737 E. Washington St.

Board Members and Officials Present: Bart Brown, Proxy for the Chair of the Election Board; Jeff Cummins, Proxy for the Vice-Chair; Myla Eldridge, Secretary; Brienne Delaney, Director of Elections; Tenley Drescher-Rhoades, Election Board Counsel; Matt Jeziorski, Office of Corporation Counsel (OCC)

Others Present: Patrick Becker, Marion County Election Board (MCEB) Deputy Director, Brent Stinson, MCEB Deputy Director

I. Call to Order

Mr. Brown, Proxy for the Chair, called the meeting to order at 2:00 p.m.

II. Adoption of Minutes

Secretary Myla Eldridge made a motion to adopt the March 23 and April 1, 2022 MCEB meeting minutes. Jeff Cummins, Proxy to Vice-Chair Jennifer Ping, seconded the motion. The Board unanimously approved the motion.

III. Provisional Ballot Review

Director of Elections Brienne Delaney said the Board will discuss the ballots using numbers instead of the voters' names to protect their identities. She said MCEB staff members have done research on the Statewide Voter Registrations System (SVRS) to determine if they think the ballot should be counted. Director Delaney said Voters Registration (VR) staff members reviewed them too, as well as a bi-partisan team, and offered their opinions as to whether they should be counted. She said they are grouped in "True=Count/False=Don't Count" categories.

Director Delaney and Deputy Director Patrick Becker explained to the Board how absentee ballots (ABS) that have missing or mismatched signatures on the application or security envelopes must go through the provisional ballot process of review, per state law. Provisional Ballot #1 is missing a signature, but the signature on the enclosed power-of-attorney documentation matched the one on the envelope. Secretary Eldridge made a motion to count

Provisional Ballot #1. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Director Delaney said Ballots #2 and #3 are a case of mixed up envelopes. MCEB staff found the son's ABS application signature matched the one on the father's ballot and vice versa. MCEB staff sent an ABS-18: Notice to Absentee Voter to Supply Additional Documentation to both individuals to sort it out. Secretary Eldridge made a motion to count Provisional Ballot #2 and #3. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Deputy Director Becker said Provisional Ballots #4 - #6 are ABS ballots that were found after Election Day, when staff went through materials and equipment returned from the vote centers. Secretary Eldridge made a motion to count Provisional Ballots #4 - #6. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Director Delaney said Provisional Ballots #7- #27 are ABS ballots missing signatures, in which the voter returned the ABS-18. She said Provisional Ballots #28 - #59 are ABS ballots with mismatched signatures, in which the voter returned the ABS-18. Deputy Director Becker said after the 2020 general election, the Board reviewed the signatures, so members should repeat that process now.

Bart Brown, Proxy for the Chair, said Provisional Ballot #16 looks like the voter signed their nickname instead of their legal name. Secretary Eldridge made a motion to count Provisional Ballots #7- #27. Proxy Cummins seconded the motion. The Board unanimously approved the motion. Counsel Drescher-Rhoades said now that those ballots have been approved by the Board, staff will open the secrecy envelopes and run ballots through the machines to be counted. Secretary Eldridge made a motion to count Provisional Ballots #28 - #59, with the exclusion of Provisional Ballot #50. Proxy Cummins seconded the motion. The Board unanimously approved the motion. Proxy Brown said Provisional Ballot #50 did not look like the signatures matched. Secretary Eldridge and Proxy Cummins agreed. Secretary Eldridge asked the staff to do more research in SVRS. The Board tabled the vote on Provisional Ballot #50.

Director Delaney said Provisional Ballots #60 - #113 with the exclusion of Provisional Ballot #67 were ABS ballots with missing or mismatched signatures and the voter did not return the ABS-18 form. Secretary Eldridge made a motion not to count Provisional Ballots #60 - #113 with the exclusion of Ballot #67. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Deputy Director Becker said Provisional Ballot #67 was mismarked in the database and missing documentation and should have been marked "False." Secretary Eldridge made a motion not to count Provisional Ballot #67. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Director Delaney said Provisional Ballots #114 & #115 did not contain a ballot in the envelope. She said the voter attached to Provisional Ballot #114 checked into the Vote Center, according to ePulse, the software that manages voter registration. MCEB staff members note the PRO-2 envelope said the ballot printer made an error on the blank ballot and the voter never cast a ballot. Director Delaney said it sounds like the voter left without completing the voting process. Counsel Drescher-Rhoades said since there is no ballot, the Board doesn't need to take any action. Director Delaney said for Provisional Ballot #115, there is no ballot, no voter check-in, so there is little information to be gleaned and therefore no action to be taken.

Moving to actual provisional ballots collected on Election Day, Director Delaney said Provisional Ballots #116 - #123 fall into the Category #1 reason for voting provisionally, "Voter name not in pollbook and not entitled to a fail-safe," but MCEB staff did research and determined these ballots should, in fact, be counted. She said poll workers should have issued the voter a VRG 4/12 Affidavit of Request for Transfer of Voter Registration at the Time of Requesting a Ballot or Certificate of Error (COE). Secretary Eldridge made a motion to count Provisional Ballots #116 - #123, based on MCEB and VR staff recommendations. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Director Delaney said the next group were also in Category #1, in which the voter was not in the pollbook or entitled to a fail-safe. She said MCEB and VR staff advised not to count Provisional Ballots #124 - #148, for reasons such as the voter being registered in another county or not at all. Secretary Eldridge said while it is unfortunate, she made a motion not to count Provisional Ballots #124 - #148. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Director Delaney said the next group of ballots fall into Category #2, in which the voter is in the pollbook, but does not reside in the precinct. MCEB and VR staff members noted poll workers should have offered these voters a VRG 4/12 form instead of a provisional ballot, so they think Provisional Ballots #149 - #151 should be counted. Secretary Eldridge made a motion to count Provisional Ballots #149 - #151. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Director Delaney said in the cases of Provisional Ballots #152 & #153, voters did not have a valid ID at the vote center, so they voted provisionally on Election Day, but returned to an MCEB office within the legal 10-day window to show their ID. Secretary Eldridge made a motion to count Provisional Ballots #152 - #153. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Director Delaney said for Provisional Ballots #154 - #157, VR said there is no issue with their registration, but the voter should have filled out a PRO-10: Affidavit of Challenged Voter Concerning Proof of Identification Requirement. She said staff is asking the Board to conditionally approve their ballots, since these voters have until noon on May 13, 2022 present

their valid ID. Secretary Eldridge made a motion to count Provisional Ballots #154 - #157, as long as the voter brings in proof of ID and completes the PRO-10 form. Proxy Cummins seconded the motion. At this point, someone in the audience interrupted the meeting and identified himself as the person associated with Provisional Ballot #157 and asked to make a comment. The man said MCEB requiring him to show a valid ID is equivalent to a poll tax and wants clarification if MCEB is enforcing state law or its own prerogative. Counsel Drescher-Rhoades said state law requires a valid ID to vote, so she did not understand his comment. The man said paying money for his ID is a poll tax. To answer his question, she said yes, the Board is enforcing state law. Proxy Cummins again said he seconded the motion to count Provisional Ballots #154 - #157. Proxy Brown asked if MCEB staff contacted these voters to remind them to come in and show their IDs. Deputy Director Becker said the voters received the PRO-9 instructions on Election Day to inform them of the required next steps and MCEB staff also called them, if a phone number was provided on their provisional ballot envelope. Proxy Brown asked the voter associated with Provisional Ballot #157 if he got a phone call. The man said he got a call from the City of Indianapolis, which rang twice, and then stopped. He was unable to answer it. He said he called MCEB yesterday and the staff was helpful in telling him about today's meeting and his right to attend. The Board unanimously approved the motion to count Provisional Ballots #154 - #157.

Director Delaney said VR and MCEB staff are recommending the Board count Provisional Ballots #158 - #164. Counsel Drescher-Rhoades said they are a various grab-bag of registration issues that staff was able to resolve, as poll workers should have offered these voters a VRG 4/12 or COE on Election Day. Secretary Eldridge made a motion to count Provisional Ballots #158 - #164. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Director Delaney said VR noted there was nothing wrong with the registrations for Provisional Ballots #165 - #167, the issue is with the poll workers handling of these ballots, but MCEB staff disagrees with that assessment. For Provisional Ballot #165, the provisional ballot envelope is marked "Printer failed to create a ballot." Counsel Drescher-Rhoades said the Board should determine if they would count the ballot given the explanation on the envelope before they open it to see if there is even a ballot in there. Secretary Eldridge made a motion to count Provisional Ballot #165 if it does contain a ballot. Proxy Cummins seconded the motion. Proxy Brown asked why MCEB staff advised not to count it. Deputy Director Becker said he thinks it's because the staff was unable to make a determination and were erring on the side of caution since poll workers may have given the voter a second ballot to cast at the Vote Center. Secretary Eldridge asked Deputy Director Becker to check in SVRS and ePulse if there is a second ballot. Proxy Brown asked how poll workers reconcile the number of ballots issued and cast now that Marion County has Vote Centers. Director Delaney said poll workers are trained to count the number of check-ins on the poll pads and compare that to the number of ballots inside the DS200 vote tabulating machine. Proxy Brown asked if there was a discrepancy at the Vote Center in the case of Provisional Ballot #165. Director Delaney asked for the Ballot Accounting Certificate

from the Voter Center. Proxy Brown asked to table this issue. Proxy Cummins said Provisional Ballots #166 & #167 have the same issue as Provisional Ballot #165; i.e., it is unclear if the voter cast a ballot on Election Day as well as a second, provisional one. Proxy Brown asked if there are spoiled-ballot envelopes and if they're part of the count. Counsel Drescher-Rhoades said yes there are spoiled-ballot envelopes, but their contents are not included in the final count. Secretary Eldridge said she has faith in the poll workers and thinks they did not issue the voter a second ballot, that the voter's one and only ballot is in the provisional ballot envelope. Secretary Eldridge made a motion to count Provisional Ballots #166 & #167, provided there are, in fact, live ballots inside of the envelopes when they are opened. Proxy Cummins seconded the motion. The Board unanimously approved the motion. Returning to Provisional Ballot #165, Deputy Director Becker said he confirmed the voter did check in the poll book. Secretary Eldridge said based on that information, she thinks there is another ballot for that voter. She made a motion not to count Provisional Ballot #165, if there is a ballot inside the envelope. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Counsel Drescher-Rhoades said Provisional Ballots #168 - #180 and #209 - #227 have a variety of registration issues and both MCEB and VR staff agreed they should not be counted. Mostly, the voter wasn't registered. Secretary Eldridge made a motion not to count Provisional Ballots #168 - #180 and #209 - #227. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Counsel Drescher-Rhoades said voters associated with Provisional Ballots #181 - #208 arrived at the Vote Centers on Election Day and had various problems checking in, but since then, MCEB and VR staff were able to resolve those issues with a VRG 4/12 or COE and advises these ballots should be counted. Secretary Eldridge made a motion to count Provisional Ballots #181 - #208. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

Revisiting the issue surrounding Provisional Ballot #50, Secretary Eldridge made a motion not to count it, due to the mismatched signature. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

IV. 2022 Campaign Finance Pre-Primary Report Fine Assessment

Director Delaney said there are three campaign finance filing periods: pre-primary, pre-general, and the annual campaign finance filing. She said four committees failed to meet the April 18 pre-primary filing deadline. Two of them accrued \$1,000 in fines and two of them accrued \$50. Director Delaney said the Board is statutorily required to assess the fines and then MCEB sends the parties a settlement letter, which gives them the opportunity to pay 25% of their fine if it is their first offense, 50% for a second, and 75% for a third. The letter also invites them to appear before the Board to plead their case. Secretary Eldridge made a motion to assess the fines. Proxy Cummins seconded the motion. The Board unanimously approved the motion.

V. Other Business and Updates

Director Delaney said the election certification meeting is Monday, May 16, 2022. She said, as a reminder, that day is also the deadline for provisional voters to show their ID to MCEB staff to have their ballot count.

VI. Adjournment

Proxy Brown thanked everyone and adjourned the meeting.



Proxy for the Chairman, Bart Brown



Vice-Chair, Jennifer Ping



Secretary, Myla Eldridge