

A meeting of the Board of Election Commissioners of St. Louis County was held at its office located at 12 Sunnen Drive, Maplewood, Missouri, Tuesday, January 16, 2007, at 3:00 p.m. on notice and call of the Chairman, John Diehl, Jr.

Present at the meeting were:

John J. Diehl, Jr.	Chairman
Chaim Zimbalist	Secretary
Anita Yeckel	Commissioner
Bill Miller	Commissioner
Joseph A. Goeke, III	Director
Judy Taylor	Director
Steve Garrett	Counsel

Mr. Diehl called the meeting to order and a roll call was taken. All board members being present, the meeting was called to order.

Mr. Diehl opened the Public Forum. Mr. Doug Rudman was present on representing Ann Purzner, Mayor of the City of Overland. He stated that he was present to discuss the Board of Election Commissioners intent to place a recall of the Mayor on the April 3, 2007 ballot. Mr. Rudman stated that he had the following documents to present to the board for their consideration:

- A letter to the board and counsel
- Minutes of the meeting of the City Council of Overland with regard to the recall petition
- An affidavit from the City Clerk of Overland, Linda Downs

Mr. Rudman stated that in the above mentioned City Council meeting, an ordinance was considered regarding the recall petition certified by the BOEC and presented to the council by the City Clerk. He stated that twice it failed by a 4 - 3 vote. He stated that the council is an eight (8) member board and therefore it would take five (5) votes to pass an ordinance. He stated that the City Clerk unilaterally determined that the issue was passed by resolution and thus certified the recall proposition to the BOEC. Mr. Rudman stated that any expenditure of sums by the City of Overland requires an ordinance, per state law. He stated that the statute pertaining to the situation was RSMo 77.655. He asked the Board to please consider not placing the proposition on the ballot until an ordinance has been passed.

Chairman Diehl asked Mr. Rudman if Overland was a third class city, to which he replied yes. Chairman Diehl then asked if Mr. Rudman's belief was that an ordinance was required to place the issue on the ballot. The reply was yes.

Mr. Garrett stated that he has discussed the issue with Mr. Rudman prior to this meeting several times. He stated that it was his intent to discuss this issue in closed session and to give his legal analysis then. Mr. Garrett told the Board to please ask questions, if necessary, but that this is a legal issue that will be discussed in closed session.

Chairman Diehl ask Mr. Rudman what statute gives the BOEC authority over the City Clerk's certification.

Mr. Redmond responded RSMo 77.655. He stated that with any expenditure of funds any ordinance must be passed and that holding an election is an expenditure of funds.

Judy Taylor asked Mr. Redmond if there were any offices or other issues on the ballot in Overland for the April 3, 2007 election.

Mr. Redmond responded that there would be alderman up for election.

Chairman Diehl stated that there will be an election in the City of Overland on April 3, 2007 regardless of whether or not the recall proposition is on the ballot and therefore no extra monies will be spent to add the proposition.

The letter drafted to the Board and counsel, the unapproved minutes of the meeting of the City Council of Overland and the affidavit from the City Clerk of Overland were received and filed.

Mr. Rudman concluded his statements.

Mr. Herschel Asner was present in the public forum and made the following statements regarding handicap accessibility at the polling places:

- At the last two (2) elections, Mr. Asner passed out literature and received complaints from voters regarding accessibility.
- The wheelchair accessible entrance at his polling location is too far from the room in which voting takes place.
- Mr. Asner has called the office before and been told that there is no where else in the area to use as a polling place.
- Mr. Asner believes it is the responsibility of the BOEC to provide easier accesses to handicapped voters

Mr. Asner was asked to what specific polling location he was referring and he responded church on Old Olive Street Road in the Creve Coeur Township (Hamilton Christian Church).

Chairman Diehl stated that the BOEC does run into the accessibility problem and that unfortunately, locations cannot be forced to allow us to use them as polling places. He stated that the BOEC is constantly trying to alleviate the problem by searching for new locations in which to hold elections.

Judge Goeke stated that out of the 444 polling locations we use, only 14 are not handicap accessible and that while we would like them all to be accessible, the percentage of those that are not is very low.

Chairman Diehl asked Mr. Asner if he had any suggestions of locations in the area that we might contact regarding the use of their facility as a polling place. Mr. Asner made a couple of suggestions of locations and all were currently in use as polling places.

Mr. Asner concluded his statements. As there were no more speakers, Mr. Diehl closed the public forum.

Mr. Zimbalist made a motion to approve the minutes of the Board Meeting of December 19, 2006 and Ms. Yeckel seconded. Ms. Yeckel asked whether or not Ms. Harris' questions from the previous board meeting had been answered and if they were written down. Chairman Diehl stated that he spoke with Ms. Harris on the telephone two days after the meeting and that she was satisfied with the response. A vote was taken and the minutes were approved.

Mr. Diehl called for the Directors' Report.

Ms. Taylor reported the following regarding MCVR:

MCVR training was to begin today and has been cancelled. Three issues are critical:

1. UNITY does not interface with MCVR. It can be done, and Bill Eisele can help show the SOS if necessary
2. Cannot print binders or postcards
3. Has no web access to enable voters to look up ballot issues and polling places.

Chairman Diehl asked if these critical issues have been given to the SOS in writing and if they have acknowledged the problems. Mr. Garrett replied that emails have been going back and forth and that the SOS has somewhat acknowledge the problems. He stated that they are working on fixing the issues and that there has been neither finger pointing nor discussion of additional costs. Chairman Diehl asked if a timetable has been established and Mr. Garrett said that no benchmarks had been set. Chairman Diehl stated that some benchmarks need to be set.

Judge Goeke reported the following:

- Met with the County regarding the phones and they seem to be at a loss how to handle it. They may bring in someone to analyze the situation. Also looking into an automated system to answer basic voter questions. A summary has been put together by the County as to how many dropped calls there were on election day, how long calls were on hold, number of calls, etc.

Chairman Diehl stated that he would like a copy of that summary.

Judge Goeke continued his report:

- Considering distribution of a handout at the polling place regarding multiple ballots. Handout to remind voter that the ballot style in the binder when signing name should match the ballot style on the voter ticket and the touchscreen.
- Judge Goeke and Richard Bauer went to the St. Louis City Election Board to inquire as to some of their procedures. While there, they observed the audio ballot function on the city's Diebold equipment. ES&S's audio ballot is very complicated and not user friendly, especially in comparison. The City placed a non-partisan tech at each polling location and did not teach the poll workers anything about the machines. Judge Goeke was told by Paul DeGregorio, Chairman of the EAC, that it is his view that each poll needs at least one person whose sole responsibility is the machines. Assistant supervisors' training will now concentrate on the machines, at the roving tech level.
- The poll worker department has been reworked. Richard Bauer is the Assistant Director over the department, with Rosemarie Moss as his assistant. Patrick Miller and Pat McCafferty are the full time instructors.
- Concerned with the time it is taking for the staff to learn the system and with our dependence on ES&S. There are still 38 days of ES&S time left per the original contract. There is about \$20,000 of HAVA funds left. We will need Dawn (ES&S project manager) through April, 93 days total. Will need about 50 more days at \$62,000. Will need Dawn almost fulltime in 2008. May be able to use future services fund from ES&S and election services fund may be available.

Chairman Diehl asked if her time from certification to close of April could be billed back to the election, thus conserving funds.

Mr. Garrett stated that he would look into the statutes regarding this.

Judge Goeke continued his report:

- Will be speaking to the Missouri Clerks Association on Thursday. Will be covering several points, including how elections are different with the new equipment and stressing the need for reduction in number of words on propositions.
- Received a Sunshine Law request from a UCLA graduate student. The request stated that a study is being conducted on how people vote and asked for several reports specifically by name. It also stated that the study group had performed work for ES&S regarding the huge number of under votes in the state of Florida. There is some concern over allowing the specific files and tapes requested to be viewed.

Chairman Diehl asked if a similar request had been made for copies of punch cards, would it have been granted.

Mr. Garrett responded that no one looks at voted ballots without a court order and that this has always been the policy. He believes that we should not willingly give up files if there is a concern.

There is no Old Business.

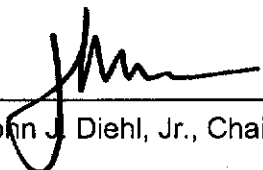
There is no New Business.

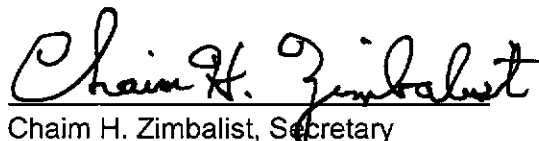
Mr. Miller made a motion to approve the minutes of the closed session Board Meeting of December 19, 2006 and Ms. Yeckel seconded. A vote was taken and the minutes were approved.

Under Financial, Ms. Yeckel made a motion to receive and file the Itemization of Bills dated December 14- January 9, the Variance Report dated December 31, and the Personnel Action Report dated December 2006/January 2007. Mr. Miller seconded. A vote was taken and the reports were received and filed.

Mr. Diehl made a motion to enter into closed session to discuss Personnel, Legal and Contract Negotiations pursuant to Chapter 610, RSMo, 610.021. and Mr. Miller seconded. A roll call was taken and the votes were as follows: Mr. Miller, aye; Ms. Yeckel, aye; Mr. Zimbalist, aye; Mr. Diehl, aye. Mr. Diehl stated that they would not reopen the session. The Board then entered into closed session to discuss legal, personnel and contract negotiations.

The next regularly scheduled Board meeting is set for 3:00 p.m., Tuesday, February 20, 2007.


2/20/07
John J. Diehl, Jr., Chairman


Chaim H. Zimbalist
Chaim H. Zimbalist, Secretary