

Traverse County Commission
Emergency Board Meeting
October 24, 2018

The meeting was called to order at 9:00 a.m. by Commission Chairman Kevin Leininger. Other Commissioners present included Dave Salberg, Tom Monson, Mark Gail, and Todd Johnson. The Pledge of Allegiance was recited.

The issue for the emergency meeting was to discuss the 2018 general election courthouse ballot question. County Attorney Matt Franzese appeared before the Board. He reminded the Board that they had passed two ballot questions. The first question had a property tax increase percentage of 2.3%, which was found to be misleading. So at an earlier emergency Board meeting, the question was amended to only include the amount of the bond without the percentage increase. Our ballot vendor, SeaChange, had already printed the first ballots, so we ordered a second set of ballots with the revised wording. It was then brought to our attention on Monday by the vendor that they had accidentally mailed the wrong ballots directly to the mail ballot precincts. We did receive the correct ballots for the polling place and absentee ballots. Franzese said that under State Statute Section 204B.44, anytime there is an error on a ballot we are not allowed to administer the change ourselves, but need to get judicial approval. In this situation, we need to petition the judge to ask him one of two things: (1) To void the courthouse ballot question altogether, meaning we wouldn't count the votes cast on either ballot and we would have a special election on the courthouse question next year; or (2) we can ask the judge for permission to send out the corrected ballot to those that received the improper ballot with a cover letter explaining the situation and asking them to mail in the corrected ballot. The judge is going to be at Traverse County tomorrow, so if Franzese files the papers today he could possibly have the hearing tomorrow.

Leininger said that we only have 2 weeks before the election, that the people who have gone south might not get their corrected ballot in time, or the ones that do might not understand why they are getting it again, so he doesn't see how that would work. K. Johnson said administratively it would be time consuming to go through the ballots that we have already received and throw out the duplicate if we receive a new one, so he also doesn't see how this is going to work. Salberg said he would like to see a special election where everyone would get a mail ballot. K. Johnson said that he has contacted the Secretary of State to ask if we can do a special mail ballot election. K. Johnson doesn't want to mess up the State and Federal elections, or the other local elections, by spoiling the ballots we already received and sending out a new ballot where he doesn't believe we will get them all back. Or if we send out a different ballot for just the courthouse question then that is something else that administratively we would have to tally on election night. He thinks it is too late to fix it, and mentioned that the vendor has offered to pay for a special election. Leininger said that if they are going to do that then we should just wait and do a special mail ballot election sometime next year. K. Johnson said that the dates that special elections can be held are the 2nd Tuesday in February, April, May, August, or the 1st Tuesday after the first Monday in November.

Gail would like to do it right away in February; Leininger would like to do it in April. K. Johnson said that we have to have certain things done prior to an election, and at this point he isn't sure we could get it all done before the February date.

Upon a motion by Salberg and second by Monson, the Board unanimously approved to have Franzese file a petition as a private individual to have the courthouse ballot question voided from the election and reimburse Franzese for the filing fee.

Upon a motion by Monson and second by T. Johnson, the Board unanimously approved to hold a special election for the courthouse question with a date to be set later.

Leininger adjourned the meeting at 9:22 a.m.

Lisa Siegel, County Coordinator

Kevin Leininger, Board Chairman