

VALENCIA COUNTY BOARD OF COMMISSIONERS

2<sup>nd</sup> Special Meeting of

September 26, 2003

PRESENT	ABSENT
Gary Daves, Chairman	
Paul Edward Trujillo, Vice-Chairman	
Aurelio H. Padilla, Member	
	Alicia Aguilar, Member
Mary J. Andersen, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the meeting to order at 6:30 PM. Chairman Daves said we have reconvened to be given additional information with regard to the canvass of the Special Election that was held on September 23, 2003 and that we acted on earlier today. It is of critical importance with the fact of Constitutional Amendment 2 statewide being a very close race, we are engaged in a critical situation that this Commission act consistent with that in mind.

Chairman Daves said we need to reconvene as the Canvass Board and with no objection we are now the Canvass Board and Commissioner Aguilar is not present tonight.

Ms. Gallegos thanked the Commission for coming back this evening and for reconvening, administratively the County Attorney recommended that you convene as the County Commission and then the Canvass Board and the purpose for that reconvene is to correct some clerical errors on the canvass that was presented to you today at 2:00 PM. Ms. Gallegos apologized for those errors that were given to you earlier, it was a clerical error in the calculation of totals in the for and against on Constitutional Amendment 1 and Constitutional Amendment 2 and the GO Bond. Ms. Gallegos explained the good and bad on this is the good this election is very close and that Amendment 2 is such a tight race that we have special interest groups looking closely at these numbers. Because of this scrutiny we found this error and for them we are thankful because we would have sent the canvass to Santa Fe with errors. Those numbers would have been verified by the Secretary of State and then again verified through a State Auditor. So any changes that would have been made would have still been caught and would not have gone unnoticed and would not have been incorrectly done at the State level. Ms. Gallegos said she did not intend for this Board to sign the incorrect numbers but once she presents these numbers again will show how easily it could have happened and how unfortunate that it did. Ms. Gallegos presented a review for the Commission to look at. The unofficial results that were given on election night are as follows:

Constitutional Amendment 1 – For 3269

Constitutional Amendment 1 – Against 2344

Constitutional Amendment 2 – For 3258

Constitutional Amendment 2 –Against 2359

GO Bond – For 3464

GO Bond – Against 2071 Against

Ms. Gallegos said these numbers did not include the provisional ballots and did not include the in lieu of absentee ballots that were hand tallied in at a later date. The numbers you were given this afternoon did not change the outcome of any of these questions. The error that was found today was a complicated scenario. When the County Clerk’s office canvasses the election; we do it in two different programs. We have a spread sheet that we do in a program called Excel, that we go in and calculate what the cartridge of the voting machine was, what the provisional ballots were and calculate those to get a certain total. That sheet we found had an error in the calculations in the against question, it wasn’t correctly adding that column in so the numbers were wrong. We transferred those numbers on to the canvass sheet that the Secretary of State’s Office through the supplier Ink Impressions provides to each of the County’s. This was the number that was given to you in the book and it is the number we confirmed this afternoon and we found the error in their program. Which brings us to the following:

Constitutional Amendment 1 For 3347

Constitutional Amendment 1 – Against 2372

Constitutional Amendment 2 –For 3335

Constitutional Amendments 2 – Against 2388

GO Bond – For – 3539

GO Bond – Against – 2100

These are the numbers we have diligently checked through the County Clerk’s program. When these are entered through the supplier, Ink Impression’s software the numbers that are given are as follows:

Constitutional Amendment 1- For 3347

Constitutional Amendment 1 –Against 2376

Constitutional Amendment 2 For 3334

Constitutional Amendment 2 Against 2388

The GO Bond is right in both programs. Ms. Gallegos said she can't explain what the glitch is at this time. Ms. Gallegos recommendation is that we find out through the vendor, Ink Impressions and through the Secretary of State's Office to see where we can find where the glitch is.

Chairman Dave's concern was the total voter change from this afternoon of 5,704 to 5,722 or close to this latter number.

Commissioner Andersen asked the total number of provisional ballots was 114, which 105 qualified and 7 were rejected, we had 4 in lieu of and three of those qualified.

Commissioner Trujillo wanted the audience to introduce themselves.

Kooch Jacobus representing New Mexico Cares thanked the Commission for coming back into session. This is a bipartisan campaign on Amendments 1 and 2 and was directed by Governor Bill Richardson and former Governor Gary Carruthers chaired this campaign.

Moises Griego, County Democratic Chairman.

Phillip Jacobus said he also represents New Mexico Cares and in attendance on procedure whether it is for or against.

Jim Noel representing New Mexico Cares said he is the Attorney on behalf of this organization and he is with the Branch Law Firm.

Abran Gabaldon said he is a concerned citizen of Valencia County.

County Clerk's Staff, Lawrence Kaneshiro, County Clerk, Tina Gallegos and Chief Deputy Sally Perea.

Sandy Battin, News Bulletin

James Fernandez, Barbara Garcia and Marilyn Silva, County Manager's Office.

Ms. Gallegos said Lawrence Kaneshiro would proceed on how this process worked with the changes from this afternoon. Mr. Kaneshiro said with every election we create a worksheet in itself which makes it easy for staff to add hand tallied ballots, in lieu of ballots and the case of this election provisional ballots. The intent is if we do it in excel spreadsheet it does the math for you. What happened was it did not add for both of the amendments and the GO Bond under the memory cartridge (MC) column that is generated electronically from each of the voting machines. No one touches that number because it comes off of the voting machines. The column next to it that says provisional ballot (PB) column and the intent is to add the MC column and the PB column so that we have one number for each of the precincts for each of the questions that gets entered into the electronic canvass. So the problem was in the against column where it did not add those two columns correctly.

Commissioner Trujillo discussed the scenario on how the excel program generated these errors. Mr. Kaneshiro did a presentation review on the easel for the Commission to follow. Ms. Gallegos said after review she feels these are good correct numbers but again she is at the Commission's discretion on how to proceed because she still needs to discuss this situation of the excel program with the vendor. Chairman Daves said that the Clerk is suggesting that she is confident these numbers are correct. So with that Chairman Daves said his recommendation is that with the overview of the canvass he feels as to what has been presented before him are the correct numbers. This is such importance and we need to leave this where we are and reconvene next Tuesday and act on this at that time.

Commissioner Andersen made a motion that we reconvene this Board to next Tuesday, September 30, 2003 at 2:00 PM. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo reminded the Commission that the error is not specific to one issue here and appears the error was in the same direction on all three issues. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Chairman Daves said with no objection we are now the Board of Commissioners. All agreed.

## Adjournment

Chairman Daves said with no objection this Commission is adjourned. All agreed. Time 7:20 PM.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**ss/  
GARY DAVES, CHAIRMAN**

**ss/  
PAUL EDWARD TRUJILLO, VICE-CHAIRMAN**

**ss/  
AURELIO H. PADILLA, MEMBER**

**ALICIA AGUILAR, MEMBER**

**ss/  
MARY J. ANDERSEN, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: October 21, 2003**