

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**Special Meeting**

**Official Canvass of General Election 2004**

**November 12, 2004**

The Meeting was called to order by Chairman Gary Daves at 2:00 P.M.

PRESENT	ABSENT
Gary Daves, Chairman	
	Paul Edward Trujillo, Vice-Chairman
	Aurelio H. Padilla, Member
Alicia Aguilar, Member	
Mary J. Andersen, Member	
	Michael R. Trujillo, County Manager
	Wimberly Law Firm, County Attorney
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the special meeting of November 12, 2004 to order. The Valencia County Board of Commissioners would convene as the Canvass Board to close out and confirm the election.

**Pledge of Allegiance led by Michael Steininger**

**Approval of Agenda**

Commissioner Andersen made a motion to convene as the Canvass Board. Commissioner Aguilar seconded. Motion carried. 2-0.

County Clerk, Tina Gallegos thanked the commissioners for taking the time to canvass the election. She introduced her Bureau of Election Staff, Lawrence Kaneshiro, Director of Elections, Chris Castillo, Voting Machine Technician, and Heidi DeLeon, temporary employee.

Ms. Gallegos said that this election was one of the largest the state has had. She had spent \$10,700.00 on overtime for the staff. This included all Bureau of Elections staff and Filing and Recording. There were 810 hours of overtime, with an average of 45 hours per employee. This had been anticipated, however it was still larger than was thought. Four temporary employees were hired out of her temporary employee line item, at a cost of \$8,800.00, which was \$7.00 an hour, with an average of 30 hours of overtime per pay period. To help generate the absentee ballots, some county employees were used in the evenings, at a cost of about \$600.00. She is within her budget, although the printing and publishing bill is not in. Postage cost for absentee ballots was \$3,722.00 and approximately \$1,000.00 for registration cards.

The office was bombarded with new registrations, as the deadline was October 5<sup>th</sup>. Three voter registrations were called to her attention, as possible fraud, and had been forwarded to the Attorney General's Office. All the information was on the form, but that person and the address did not exist. We will see if there is any prosecution at the end.

There were 6,645 early voters. The cost to do this, per poll worker, averaged to \$9,818.00. This was ten workers and about 110 hours per worker. They were paid \$7.00 an hour, with many of them working ten to twelve hours with no lunch. The new state wide voter file did make the early voting process slow. The voter is called up on a state wide voter file, identified as eligible, they are flagged, an application is printed and he goes to the voting machine.

Ms. Gallegos said they definitely need more space. The City of Belen was very helpful and gracious in accommodating the early voting, not only for this election, but for the election schools. She suggested that the county send a letter of appreciation. The need for more computers is there, for future HAVA compliance and we will need more voting machines. We had one machines go out. The lines were long, although most people did not complain.

For Absentee voting, the cost was \$3,600.00 for three days, an average of \$300.00 per poll worker. The Los Lunas School Teacher Resource Center was used for this, but it was complicated because it was not near the courthouse and when there was a problem or an issue came up, we were having to go back and forth.

The need of space is greatly needed and Ms. Gallegos asked that they keep this in mind for the election process. The need is not going away, it will just get bigger and we will be experiencing more work load, based on those two aspects of voting. The laws will need to change, in order for us to be allowed to count some of these ballots early. Valencia County was very lucky that we did not experience the absentee process to be too late. Most everything was in the system by 11:00 PM Tuesday night. With the absentee board coming in early, it made it easier and faster, but based on

statute now, we are not able to open the envelopes and separate them. This is a very tedious process and there may be ways to expedite it, but the majority of changes needed are within statute, Ms. Gallegos said. Former County Clerk and now Representative Kandy Cordova, who was in the audience, was very helpful in the last legislation, and hopefully will help with some changes again.

There were 120 federal and overseas military personnel ballots that were issued, 46 of them came back and of those, two were for the President only. The majority were already registered or were able to register, so they got full ballots. The federal government pays for these, so there were no postage charge for these.

Election Day total poll worker cost was \$22,940.00. This was an average of six workers per precinct. Presiding Judges were paid \$120.00 and all other worker were paid \$100.00. Valencia County did not experience much voter problems because of the training that Lawrence gives these poll workers. They were also very comfortable with the voting machine, so this made them more helpful to voters that were intimidated or were apprehensive about it.

Ms. Gallegos wanted to bring to their attention an article in the News Bulletin commending the county for the steps that they had taken in buying the new machines and in the long run, the correct steps were made.

Ms. Gallegos also wanted to bring to their attention that there several attorneys in the county that day. The Department of Justice, two people from the Attorney General's office, state party attorney's, local party attorney's were there, looking for error's within the system. They went away finding none, because everything was running smoothly and correctly within the county.

Ms. Gallegos had mentioned before the need for new machines and said that all 115 machines were used without any backup and nothing to fall back on. Precincts had two to five machines each and every machine was used. This was a good test run, for the poll workers, and the voters, and both passed, doing a great job.

Several poll workers are asking for a raise saying they are not paid enough for what they do. Statute has a limitation on what they get paid. The maximum is \$150.00 for Presiding Judges and possibly for the next election we could look at getting them one. Ms. Gallegos agrees that this was a very busy election and if they rate what they get paid, for a twelve to fourteen and sometimes, a sixteen hour day, this is barely over minimum wage. This makes it an extremely long day.

Provisional ballots are a big issue for canvass, Ms. Gallegos said, and Lawrence Kaneshiro had provided a flow chart on how they are handled, not just at the polling location, but by our office after the acceptance process began. There were 409 ballots issued at the precinct level and absentee level. We counted and accepted 215 of those ballots, which are reflected in the totals. 194 of them were rejected because they were not registered voters, or they failed to provide an ID.

This is a very complicated process and again we were lucky not to have the media attention that other counties had. We didn't have any watchers or challengers, media or attorney's, however they had been aware of it and had been invited to come. These provisional ballots are becoming an issue that do reflect the outcome of an election. They didn't make a difference on the outcome of what we had on election night, as far as winners and losers.

We had a total 37,931 of registered votes. The percentage that voted was 68.97%. Voters at the precincts was 14,817, with 215 were provisional. Voting absentee was 4,485. Early voting was 6,645. The total number of voters for this General Election was 26,162.

Ms. Gallegos asked if there were any questions from the commission. There were no questions, but Commissioner Andersen said she had been with the Absentee Board for three days and it was an experience she did not want to repeat. She was more than impressed by the way it was done and by the reliance that you can rest on the numbers that came out of the process. She did not get into the questionable provisional ballots, but the basic ones that were counted and reported by eleven o'clock that night, was absolutely no reason to ever question that process. It was a good one, Commissioner said. Tina thanked Commissioner Andersen and said it is a very lengthily process to get to an ending point, but it is necessary and has a good check and balance system built into it, because without it they would be speeding up the process and opening the door for errors.

Chairman Daves wanted to know which voting machine had not worked in Bosque Farms. Ms. Gallegos said it was precinct four and they had been without one for about three hours. 48 emergency ballots had been issued within that time. A technician from Sequoia had been sent there and when there was no way that it could be fixed, the votes were retrieved from it and it was closed down. A machine was borrowed from Ink Impressions, which Lawrence certified, zeroed out and programmed and then taken to that precinct in time for the evening rush. Chair Daves asked if they knew what had happened. Lawrence said it would be sent to the factory to be tested and checked out.

Ms. Lillie McNabb added that there was no way in the world that they, as precinct workers, could have produced what they had done on election day, because of the schooling alone. She wanted to recommend that these candidates or interested parties, be made mandatory, that they be a part of the process. She had not panicked with their broken machine because they had faith in Lawrence and the crew and knew that they would be okay. She recognized her boards in Bosque Farms and said that they work so well together and have a lot of faith in the machines. They were more

concerned with the secrecy, the privacy and the rights of the voter. She said if they didn't have someone like Tina and Lawrence, they couldn't do what they do for the voters.

Ms. Gallegos went on to read the outcome of the election. **See Exhibit A.**

Commissioner Andersen made a motion to accept the report of the County Clerk and to certify the General Election Results as presented. Commissioner Aguilar seconded. Motion carried.

Commissioner Andersen made a motion to re-convene as the Board of Commissioners. Commissioner Aguilar seconded. Motion carried. 2-0.

With no objection, the meeting was adjourned.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the 2004 Special 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: December 1, 2004**