

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 15, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, November 15, 2005 at 12:15 p.m. in Room 326, City Council Office, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen
Nancy Saxton

Eric Jergensen
Dale Lambert (via speaker phone)

The following were absent:

Van Turner
Dave Buhler

Mayor Ross C. "Rocky" Anderson

Cindy Gust-Jenson, Executive Council Director; Larry Spendlove, Senior City Attorney; Sonya Kintaro, Recorder's Records Manager/Election Coordinator; and Chris Meeker, Chief Deputy City Recorder, were present.

Councilmember Saxton presided at and conducted the meeting.

UNFINISHED BUSINESS

#1. RE: The Board of Municipal Canvassers for Salt Lake City met at the usual place of meeting of the municipal legislative body **to canvass the election returns** pursuant to Utah Code Ann. § 20A-4-303. The Salt Lake City Recorder will be directed to forward the ballots to the Salt Lake County Clerk to be counted electronically. The City Recorder will be directed to prepare a canvass. This meeting will be recessed and reconvened at the same location at 7:00 p.m., Tuesday, November 15, 2005.

Sonya Kintaro, Records Manager/Election Coordinator, said State Code required that absentee ballots be reviewed by the Board of Canvassers. She said she had contacted County Elections at 12:00 p.m. and they had not received any more absentee ballots.

Ms. Kintaro said signatures and postmarks needed to be verified to confirm the eligibility of the ballots. She said the ballots would be taken to the County to be counted with the provisional ballots. She said she had reviewed 84 provisional ballots that were received for the election. She said 57 were deemed valid and 27 were not deemed valid.

A discussion was held on provisional ballots.

Councilmember Saxton said the invalid ballots would be considered first. Councilmember Lambert said he had a question on one ballot. He said the ballot was postmarked November 7th but someone had printed their name instead of signing the ballot. Ms. Gust-Jenson said the ballots had been taken to Councilmember Lambert's Office by an Election Official who had reviewed the ballots with him. She said

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Councilmember Lambert had retained copies so he could discuss the items with the Council.

Councilmember Christensen said some ballots were not postmarked. Ms. Kintaro said the County said at times they did receive absentee ballots without the U.S. Postal Service's postmark.. She said when the County stamped the ballots they assumed it would only take one day for delivery. She said Councilmember Lambert questioned two ballots received in the Elections Office on November 9th. She said no one knew when the two ballots were postmarked.

Councilmember Lambert said several ballots not postmarked but received on November 8th were accepted. He said the Council had rejected several ballots postmarked and received on November 9th. Ms. Kintaro said that was correct. She said two ballots considered valid were received in the Election Office on November 8th. She said Roseanne Mitchell from the County said it was a good assumption that those ballots were sent by November 7th.

Councilmember Jergensen said during the October election the Council did not accept a ballot because the postmark was unclear. He said the Council needed to be consistent. Councilmember Saxton said one ballot was dated by the individual on November 4th but there was no postmark. She said it was received by the clerk on November 9th. Ms. Kintaro said the County had considered them invalid and the Council had the final decision.

Larry Spendlove, Senior City Attorney, said State statute required that a ballot be clearly postmarked before Election Day and received in the Election Office before noon on the day of the official canvass.

Councilmember Christensen moved and Councilmember Jergensen seconded **to not accept the 11 ballots that were reviewed**, which motion carried, all members present voted aye.

Ms. Kintaro said six ballots were considered acceptable. Councilmember Lambert said two ballots considered acceptable were received on November 8th but were not postmarked. Ms. Kintaro said that was correct. She said the County assumed these ballots had been mailed by November 7th. Councilmember Lambert said he would reject the two ballots and accept the others.

Councilmember Lambert moved and Councilmember Christensen seconded **to reject the two ballots without a postmark and accept the remaining ones**.

Councilmember Jergensen asked about one ballot not postmarked but someone had written "at polls sb" on the ballot. Ms. Kintaro said that ballot was similar to the two the Council rejected. She said it was received at the polls on November 8th. Mr. Spendlove said a ballot was not invalid as long as it was received at an appropriate Election Office before the polls closed on Election Day. Councilmember Christensen said items received in the Election

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Office the day of the election even though there was no postmark would still qualify. He said that meant all six ballots were acceptable.

Councilmember Christensen moved and Councilmember Jergensen seconded to **accept all six of the ballots being considered**, which motion carried, all members present voted aye.

Councilmember Saxton asked about contracting with the County for elections. Ms. Kintaro said absentee ballots would be difficult to count if there was a large election. She said the current process allowed the Council to review the absentee ballots. She said the County could then count the absentee ballots with the provisional ballots. She said the cost for the last election was approximately \$149,000.

Ms. Gust-Jenson said having the City conduct elections in the past was hard. She said the County had the equipment and the ability to find polling places and judges for the City. Ms. Kintaro said her recommendation was to go with the County because starting next year things would be done by computer and the County would have the equipment.

Councilmember Saxton asked how the cost for the City's election was determined. **Chris Meeker**, Chief Deputy City Recorder, said it was determined by population, judges and polling places. Ms. Gust-Jenson said the reason they held the Board of Canvassers at noon was so the

County could count the ballots during the day work hours. She said they could negotiate with the County in the next contract so the Council could vote at 5:00 p.m. She said then the ballots could be taken to the County and by 7:00 or 8:00 p.m. they would have the tabulation to vote on during the Regular City Council meeting.

The meeting adjourned at 12:56 p.m.

Council Chair

Chief Deputy City Recorder

bj