

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 15th DAY OF MAY 2006
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Kathy Y. Walker Chairman
Daron P. Smith..... Commissioner
John C. Cooper. Commissioner

LeRay Jackson County Attorney
Norma Brunson County Clerk
Janice Robins..... Deputy County Clerk

ALSO PRESENT: Sheryl Dekker, Dean Draper, Mike Staheli, Jim Talbot, Keith Burris, Jennifer Tolbert, Car Hoezle, Paul McCollaum, Brent Blake, Donna Quarnberg, Clinton Quarnberg, Brent Bennett and Bonnie Gehre

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, the local news and located on the front and back doors of the County Courthouse as required by law the following proceedings were had.

COORDINATION SESSION

The Commissioners scheduled events for the month of May 2006.

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Walker to the public and Commission members.

OPENING STATEMENTS

Commissioner Walker asked if anyone had an opening statement to give? Commissioner Smith read a quote and then said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

FOLLOW UP ACTION ITEMS FROM MINUTES OF MAY 8, 2006

There were none.

APPROVAL OF THE AMENDED MINUTES OF MAY 8, 2006

Commissioner Cooper made a motion to approve the amended minutes of May 8, 2006. Commissioner Smith SECONDED. The voting was unanimous. The motion carried.

AUDITORS REPORT

Chief Deputy Auditor Bonnie Gehre gave the Commissioners various invoices to review and approve for payment through the Auditor's Office.

Chief Deputy Auditor Gehre gave the Commissioners the Check Edit Report of May 12, 2006 to review and sign.

Chief Deputy Auditor Gehre said Brandon George had notified the county that the sale of his property will not be closed for another week or two. The property had previously been taken off the May 26th Tax Sale. Any further information the county may need can be obtained at First American Title Company.

GEORGIA HARE, UNIVERSITY OF UTAH SUMMER SCHOLARSHIPS

Mrs. Hare was not present.

POSSIBLE REVIEW AND EXECUTION OF LICENSE AGREEMENT BETWEEN MILLARD COUNTY AND UNIVERSITY OF UTAH TELESCOPIC ARRAY PROJECT

Commissioner Smith made a motion to sign and execute the license agreement between Millard County and the University of Utah for authorization to install and maintain scintillation detectors on property owned by Millard County.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

POSSIBLE APPROVAL OF APPOINTMENT OF JIM WITHERS AND GORDON CHATLAND TO SERVE ON THE MILLARD COUNTY PLANNING AND ZONING BOARD

Commissioner Cooper made a proposal to a re- appointment Jim Withers and Gordon Chatland to each serve a four year term on the Millard County Planning and Zoning Board.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

SET DATE OR A PUBLIC HEARING TO APPROVE THE MILLARD COUNTY ORDINANCES RE-CODIFICATION

Commissioner Smith made a motion to set the date for a public hearing on June 5, 2006, at 11:00 a.m. to hear public input.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried. Chief Deputy Attorney Brent Berkley will send the advertisement to the newspaper.

PUBLIC HEARING FOR AN ORDINANCE CHANGE OF MILLARD COUNTY, UTAH TO

AMEND THE ZONING MAP OF MILLARD COUNTY, BY RECLASSIFYING A PORTION OF THE UNINCORPORATED AREA HERETOFORE CLASSIFIED AS RANGE AND FOREST TO HIGHWAY COMMERCIAL.

Commissioner Smith made a motion to go into a public hearing to hear public comment about an ordinance change to amend the zoning map of Millard County, by reclassifying a portion of the unincorporated area heretofore classified as Range and Forest to Highway Commercial as requested by Clinton and Donna Quarnberg. Millard County Planning and Zoning approved the change.

Commissioner Cooper SECONDED the motion. The voting was unanimous. The motion carried.

The Public Hearing began at 11:05 with the following people present: Sheryl Dekker, Dean Draper, Mike Staheli, Jim Talbot, Keith Burris, Jennifer A. Tolbert, Car Hoelzle, Paul McCollaum, Brent Blake, Donna Quarnberg, Clinton Quarnberg, Brent Bennett and Bonnie Ghere. No one present protested the zone change. Mr. and Mrs. Quarnberg explained where the location of the property was and they had plans to put storage units on the property.

Commissioner Cooper made a motion to approve the ordinance change of Millard County, Utah to amend the zoning map of Millard County, by reclassifying a portion of the unincorporated area heretofore classified as Range & Forest to Highway Commercial, Description: The northerly 200 feet of the following: Beginning at the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 18, Township 18 South, Range 2 West, Salt Lake Base and Meridian. Thence North 20.93 Chains; Thence East 7.80 Chains, Thence North 9.07 Chains; Thence East 20.15 Chains; Then South 10.75 Chains; Then East 1080 Chains; Thence South 8.75 Chains; Thence South 73*45' West 37.67 Chains; Thence West 3.75 Chains to the Point of Beginning. Lying Easterly of the I-15 Right-of-Way. Persons Making the Request: Clinton and Donna Quarnberg.

Commissioner Smith SECONDED the motion. Clerk Norma Brunson called for a roll call vote. Commissioner Smith YES. Commissioner Cooper. YES. Commissioner Walker. YES. The voting was unanimous. The motion carried.

Commissioner Cooper made a motion to go out of the public hearing.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried. The hearing ended at 11:10 a.m..

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, AND ELECTED OFFICIALS, AND SECRETARY

Commissioner Cooper and Commissioner Walker attended the Millard Tourism Meeting.

Commissioner Cooper talked with Randy Johnson, who will meet with the Commissioners today and discuss the Millard County Comprehensive Land Use Plan. The full committee will meet in June.

Commissioner Cooper reported he had talked to citizens this week. He had spoken to Pat Thomas about holding the horse show during the county fair this year. There will be no horse show this year due to lack of involvement.

All the Commissioners attended the Delta Area Chamber of Commerce meeting to discuss some of the items going on in the county. All three Commissioners spoke at this meeting.

Commissioner Smith reported that the road department is spending 3 or 4 days this week in the Garrison area working on roads. He had talked with supervisor Thayne Henrie about hauling some debris from the golf course and moving it to the county fairgrounds to improve the 4 wheel driving area. Money for this project and for working on projects like improving trail heads is money by the road department and will be taken out of the general budget. Because Class B Road money cannot be spent on these types of projects.

Commissioner Cooper said he had talked with Lee Monroe who reported a road west of Scipio Lake is in terrible shape. He requested that a grader be returned to the area to finish the job. All the graders had been pulled off the project to go to Garrison. Commissioner Smith will get the message to Thayne Henrie.

The Commissioners will attend the Fillmore Chamber of Commerce on June 14, 2006.

Commissioner Walker attended a completion of an eagle project that was done by Peter Nye. He had rearranged all the antique machinery at the fairgrounds, numbered each one and put together a list and a map of the location of each piece to make it a more interesting place to visit. There is a brochure map available at tourism booths.

OTHER BUSINESS

Adam Britt reported the cost to do one foot resolution aerial photos of Millard County. The original estimated quote was between \$125 & \$150 per square mile. The bid came in at higher rate, however, the more square miles flown, the lower the cost per square mile. A map of the estimated area to be done in Millard County had been turned into the state. The county and the cities will take another look at the project and determine which area will be flown. This topic will be discussed at the upcoming Council of Governments meeting on May 17, 2006 at 7:00 p.m.. Mr. Britt will print maps for each of the communities to help in choosing what area they want flown. Sheryl Dekker was asked to call each mayor to remind them of the meeting.

Millard County Attorney LeRay Jackson said Bill Wright from the USDA Forest Service had brought in a Special Use Application & Permit for Recreational Events to be signed by Millard County in behalf of the ATV Jamboree event.

Commissioner Cooper made a motion to approve the signing of the Special Use Application & Permit for the ATV Jamboree June 19-24, 2006.

Commissioner Smith SECONDED the motion. The voting was unanimous. The motion carried.

Commissioner Cooper reported that Bill Wright from the Forest Service will be leading an ATV trail ride in mid August for Millard County and interested citizens. The route will begin at Corn Creek and end at Chalk Creek.

Commissioner Walker read a letter from Virginia Josse at the Pahvant Senior Center thanking the Commissioners for recent renovations of the restrooms at the center. She gave special thanks to Gary Hone and his staff for the outstanding job they had done.

Commissioner Walker read a letter of support that the Commissioners had written in regards to the proposal of Herman, Young and Sons, Inc. negotiating with the Division of Wildlife Resources on the exchange of water rights in the Gandy area.

PUBLIC INPUT

Keith Burris from Kanosh Town Council reported that since last week's meeting he was able to speak with the owner of the debris on the 150 acre parcel owned by Roger Brockbank located in two of Kanosh's water protection zones. Mr. Burris has written a letter to Roland Smith, the owner of the equipment and he wanted the Commissioners and Attorney Jackson to approve the use of their names within the body of the letter. The letter was read and the Commissioner and Attorney gave their approval for the letter to be sent. A copy of the letter will be on file in the Clerk's Office.

Oak City Mayor Mike Staheli said he had been out of town and just found out about the change in the election process for his community and asked that it be explained.

Millard County Clerk Norma Brunson briefly explained what the proposed election process would be changing eleven precincts to an absentee by mail voting precinct. She said that the electronic voting was mandated by the federal government and the State of Utah had chosen the type of voting machine that will be used in the larger precincts. It would be a big challenge to get everything up and going in time for the June 27, 2006 election. State law allows that all precincts with 500 or fewer voters can be declared an absentee by-mail voting precinct. This doesn't mean that this situation would be forever and ever. She went on to say the Republican Party has declared this a closed primary election which means that applications, absentee ballots and a new voter registration, when necessary, will be sent out to registered republicans and those who are unaffiliated with a party. This is an overwhelming project this year. Other counties who are doing absentee precincts have found that voting actually increases.

Meadow Town Mayor Jim Talbot said that one of rules is that a voter's signature needs to be collected in person, how will the Clerk's Office handle that?

Clerk Brunson said that signatures are on file on the voter's application and will be on the returned application and the outside envelope of the returned ballot. They will be compared before counting the votes.

Mayor Talbot asked if there will there be any cost savings by going to a mailed in ballot?

Clerk Brunson said it will take approximately \$9,600 to put the other 11 precincts back in to use the automated voting machines. Forty-four more people will need to be paid for the required training, plus their mileage to training, the setting up the day before the election and election day raising the figure to more than \$10,000. Logistically it is a huge job to run an election. None of you have had the opportunity to find elections judges and it is a big challenge. Letters are sent out to precinct party chairmen and I don't get a lot of names recommended. The law says the judges should be two republicans to one democrat and in some areas that is not even possible. It is done the best I can.

Mayor Talbot asked if when a voted mail in ballot is returned and signatures need to be checked, will that cause a delay of the results?

Clerk Brunson said that the ballots have to be post marked by the day before the election. The ballot will be mailed out on time, they can be voted and then mailed right back. Signatures will be checked, they will be turned upside down and put in the pile of voted ballots to be counted. It will be just as private as any other way of voting.

Mayor Talbot said it seems there could be a delay. *(Signatures can be checked as they come in each day before the election. They will not all be done the night of the election.)*

Clerk Brunson said that the ballots will be counted in precincts at the same time election night. Any stragglers will be counted at the time of the election canvass but the majority will be counted that night.

Mayor Talbot asked if someone misses an election will this take them off the voter register list?

Clerk Brunson said if they have voted once during a four year period, they will still be considered a registered voter.

Jennifer Tolbert from Abraham said that some of their citizens are worried that this mail in voting will affect their ability to have a polling place in the future. If it is done once, what guarantees will there be it will not happen again.

Clerk Brunson said there are no guarantees but that is not in the plans. It is an overwhelming job to get this new automated voting system up and running. You vote in a home in Abraham don't you?

Jennifer Tolbert said that they have found two homes that are ADA approved with access for all disabled people in our town. One lady uses a cane and is partially paralyzed and hasn't had a problem in a home before. Another lady that is unable to use anything other than a walker and assistance can be accommodated. At this time the homes of Fred Tolbert or Judy Tolbert are available and will comply. Over the past few years there have been judges chosen and used and they will be willing be trained to the new system. The money you talked about will be spent anyway, if not for this election then for the next election.

Clerk Brunson said the point is to reduce the number of people to be trained for this election. There is one machine available for each location. An additional machine will be sent for a backup. The state has purchased these machines for us. No county money has been spent on them so far. We have a bare boned number of machines right now.

Jennifer Tolbert said that at first she was excited about mail-in ballots, but some people in the community are pretty dead set in their ways and they may not recognize the ballot. Older citizens do not like change and may need help. Because of this Abraham is willing to provide judges to be trained so we can have a machine in our location.

Clerk Brunson asked if you as a community would support me this time in order to facilitate this election?

Jennifer Tolbert answered “No, we can not we will not.” We feel it is an injustice to those who are running and they are used as a guinea pig to try out a new process. If this is the case and if the voter percentage is up, what if it goes down then the public will not get to speak.

Clerk Brunson said that the machines are new too, it is not just the vote by mail method.

Jennifer Tolbert said the way she understands it, the machines are self prompting, and correct her if she is wrong. The majority of people know how to use computers, whether it is at Walmart to print their own pictures of whatever.

Cleck Brunson said that is correct (the machines are self prompting.) She asked what are the names of the people whose homes are available?

Jennifer Tolbert said that Wynona and Fred Tolbert’s home is available and Judy Tolbert has a ramp.

Clerk Brunson read some voter percentages throughout Millard County in Primary races

1998	37.77%
2000	33.00 % Governors Race Primary
2001	15.27 % Western States Primary
2002	11.43%
2004	21.30%

So you can’t say that if the percentage goes down it will be my fault.

Jennifer Tolbert said that she didn’t mean it was her fault it would be the change of method of voting.

Clerk Brunson asked if any people from Abraham have voted absentee because they were away on a cruise of some other reason? (*Mrs. Talbot was not aware of any*). Clerk Brunson said that people who have voted this way in the past and liked it will not be here to speak, only the ones who are against change. She is trying to look at both ways and this is why she is asking for county support

this time in order to facilitate a good election process. It is good to get this out in the public. Some people may like it better to have the ballot right there on the kitchen table rather than driving to the polls.

Commissioner Walker asked Jennifer Tolbert if she represents the Abraham Precinct and how did she come to this consensus?

Jennifer Tolbert said she had gone door to door and also had spoken to the chairman Fred Tolbert. The consensus was based on fear that if we allowed it once we would be eliminated, but we are an agricultural area but we need a voice.

Clerk Brunson said there are eleven precincts that are under the 500 voter limit that are being looked at to do mail in ballots.

Mayor Talbot asked if this would be a punch card?

Clerk Brunson said punch cards are gone and a thing of the past. It will be an optical scan ballot that is voted by filling in the ovals.

Someone from the audience asked who the 11 precincts were-- Clerk Brunson answered that it was Abraham, Deseret-Oasis, Oak City, Leamington, Lynndyl, Garrison, Scipio, Holden, Flowell, Meadow, and Kanosh. When asked why not Fillmore and Delta she said they were over the 500 voters limit.

Mayor Talbot said he had not talked to his citizens and said that it would be easier to vote a marking type of a ballot. He can see a bigger turnout for a primary this way. Even he had forgotten to vote in a primary once and this way the ballot would be in his home as a reminder. It looks like no ones rights are being taken away, they still have a chance to vote. He thinks it may be more difficult for some people to vote the new machines.

Commissioner Cooper said he disagrees, it is not difficult to vote the machines. Commissioner Walker agreed.

Clerk Norma Brunson said she has talked with some people from the incorporated towns and they wanted to know what she is going to do next year and if she was taking away their right to vote this year.

She told them that it had nothing to do with the Clerk's Office next year, as it would be municipal election. When asked what will happen in two years, she said this decision is for this particular voting situation. This is new to us too, it is an overwhelming job for us. I have great people in the office, two people are at training for four days this week and two more will go to the same training next week. This is why I am asking for the county's support this year.

Mayor Talbot said I guess you know more about an election than anyone.

Clerk Brunson thanked him for his comments. It is a lot easier for someone on the outside looking in to ask why? Follow us around for six months and find out what it is like to get this election to this point and be ready for a June election. It is a real challenge.

Mayor Talbot said that sometimes you have to do some things that are not very popular, but they have to be done. I have been there.

Clerk Brunson said you are right, I am in that situation right now. Your voting rights are still there it is just being administered in a different way.

Paul McCollaum from Abraham area said that he has some concerns about a mail out ballots because of people moving in and out of his area. You have addressed my concerns a little bit by saying you compare signatures. How many ballots do you expect to get in?

Clerk Brunson said there is no way to know that now as the ballots haven't been sent out and returned.

Paul McCollaum said you have a lot of registered voters. Isn't that going to be a lot of voter signatures to check? It looks like there could be voter fraud going on. My other concern is why we are going to these machines?

Clerk Brunson said that the state had chosen these machines as they will facilitate the voting. This is a federal mandate by the Help America Vote Act, HAVA, the county had no choice but to go with them.

Paul McCollaum said he has a computer at home and sometimes it goes brain dead. Will there be a hard copy of the election? How are these machines better than a hard copy?

Clerk Brunson said that there is a canister on the machine that prints out your ballot and after it is cast and the printout will be rolled into the sealed canister for a backup. There are three methods to record a vote. One on the memory card, one on the hard drive and a paper copy that enters the canister. After the voting is finished another card that is entered and the totals will be down loaded and printed.

Paul McCollaum asked if there is a paper jam can it be seen? Does the machine notify you it is jammed or low on paper.

Clerk Brunson said if a paper jam occurs, another machine will be used. The poll manager should be trained to handle this if it occurs and the voter will be aware of a jam, The voter can hear when his ballot is taken up into the canister to record his vote. The voter card will be released signaling your vote has been cast.

Paul McCollaum said he has concerns about a computer taking his vote. Millard County has not had problems so why do we have to go to another method?

Clerk Brunson said it is the Help America Vote Act and we have to follow it. I understand your concerns but we are past that we are just following the law.

Paul McCollaum said he has concerns about people getting a ballot in the mail because people are moving in and out of Abraham all the time and a ballot goes to that home, someone else could vote that ballot. When a person votes in a polling place there are judges there that can identify a voter before you cast your ballots.

Clerk Brunson said if you have received a ballot you will have to provide some identification like the last four digits of the your social security number on the envelope. We have some comparison signatures on file, in past election book, application forms, or in the computer that will be used to compare your signature on the returned ballot envelope.

Paul McCollaum said that this seems more labor intensive than having three judges to check signature when a person votes.

Clerk Brunson said the new system will take an additional person known as a poll manager. Again you are on the outside looking in.

Paul McCollaum said he realizes that, but you still need labor for people checking signatures.

Clerk Brunson said that she could work until midnight and she still doesn't get paid any more.

Paul McCollaum said what about your other salaried people? It seems like a wash with four judges and overtime paid to people counting signatures.

Oak City Mayor Michael Staheli asked if the signature cards will be sent out in the same mailing or a separate mailing with the ballot?

Clerk Brunson said it can be done either in a two separate mailings or one mailing. Either way the request will be sent back in one envelope and the ballot sent back in another envelope. Instructions will be included with the application and the ballot.

Mayor Michael Staheli said it is still troubling to him that the signature card will be checked against the signature envelope of the ballot. How will you know if it is the right person's signature or not.

Janice Robins said that voter's signatures are on the voters registration application. All the ballots will not be returned at the same time and they will be checked as they come in.

Mayor Staheli said that a multiple check can be done then.

Clerk Brunson said that Oak City has 487 voters which is still under the legal limit of 500 voters

for an absentee by- mail precinct.

Mayor Staheli responded then it is a blanket situation for everybody under 500 voters.

Clerk Brunson said that this method was chosen after careful consideration with my staff. This is the best method to facilitate this election.

Mayor Staheli said Oak City is very close to 500 voters and I wish you would take that into consideration. He stated he had experience with past elections and in the past have only had around ten absentee ballots. The mail in ballots will create a situation that Oak City people will have to figure things out on their own. Even though instructions are included some people may be confused. If anything goes wrong then there will be something wrong with the ballot. The cost shouldn't be any different now or later. The training would be the same. Because Oak City is close to the amount of voters I think it should be receive some consideration. We have citizens that are willing to serve as election judges in Oak City.

Brent Blake from Deseret Oasis area asked if this is cut and dried or can it be changed?

Clerk Brunson said I had asked the Commissioners some weeks ago in an open Commission meeting and they gave their permission for me to handle the election this way. As far as I am concerned this is the way it should be. I am asking that the people support me in this.

Brent Blake said that we need to listen to the citizens comments. I have talked with people and no one is in favor of this. We know we are looking in from the outside, but we are the citizens of Millard County. If this is good for the people in the rural areas, why isn't it good for the people that live in the cities. Why do they get to go in and vote on the machines. Why not just have the whole county vote absentee?

Clerk Brunson said because the cities are over 500 voters and by law I cannot put them into an absentee by-mail votings precinct.

Brent Blake commented so they are a little bit better privileged people than people in the rural district? Why should they have the privilege to do something we can't do just because of where they live.

Clerk Brunson said, again, by law I cannot put them into a by-mail voting precinct.

Brent Blake said he has an elderly mother who has voted absentee twice and both times for some reason her ballot was rejected. She was livid, and since has voted at the polls for a judge to help her. *(After some dialog, the fact was brought out that this happened in another state.)* My wife has been an election judge for fifteen years and she is willing to help people vote. She has observed in the past some people have had trouble voting, they knew who they wanted to vote for but needed some help. I think our privileges has been taken away from us and I don't like it. It doesn't seem proper because we have chosen to live where we have. If we don't get to vote the machines now in a

primary election and don't train the people now how will it get done for a general election?

Clerk Brunson said because I will have more time to implement everybody I need trained to get the others trained. We will work through the primary election to get the bugs worked out and will be in a position to get more machines at county expense if needed. It buys me more time before the general election.

Brent Blake said you said that you will be sending to all Republicans and Unaffiliated voters a ballot. This sounds like a recruitment drive for the Republicans. Why not send them out to the Democrats, the Constitutionals and the Green Party and give them an opportunity to become a Republican.

Clerk Brunson said that by the time the applications and ballots are sent out, the time will be past for those parties to re-register. All other parties can change if they desire to by a certain date, and according to the Republican Party the Unaffiliated voters can change at the polls. I am not recruiting. The law will be spelled out and explained with the registration forms.

Brent Blake said I am still against this, I have learned some things today and we are here to voice our opinions.

Clerk Brunson asked Mr. Blake how many people have you spoken too. (*About thirty*). The notice has been in the paper for two weeks, I put it in the paper as soon as I was authorized to handle the voting this way before the sixty days time limit was up.

Brent Blake said I would like to encourage the county to reconsider this issue. I know you are running short of time but we may or may not get this privilege again.

Clerk Brunson said you are not getting the message that we are closing your polling location are you?

Brent Blake said I recall that you told Jennifer Tolbert that you couldn't guarantee it.

Clerk Brunson said I told Mrs. Tolbert that because I was not aware of home that could be used as a polling place. I worried about Abraham because the location has to be ADA approved. I am just asking for support to run this election this way.

Commissioner Cooper said I would like to say that I appreciate the public input here today. I have been getting public input for about two weeks from citizens all over the county about our decision to support the Clerk's decision to handle the election this way. Initially I thought it was a good way to do and it probably is a good way to do it. During the last couple of weeks I have got a pretty solid opinion that this is not what the citizens in those areas want. A number of people called me, and when I was elected to this position-I might say I appreciate our county clerks effort in this area, because I know she is a great public servant and I am not being critical of her decision, I am just saying that as the legislative body of the county we have final authority on the election process we have to approve it. I have gotten a legal opinion from the county attorney, it is under the county

clerks auspices that elections are administered in this county, however, it is under our authority, three people here, our authority that the elections are administered, and we have to certify after the election, there is only three people who certify that election and they are the county commissioners, three of us. Taking that into consideration I have the feeling that and it's an over whelming feeling that has happened to me from numerous conversations from people the last two weeks in those eleven precincts that are mandated to vote absentee with this change that they don't want it. They want the same opportunity as the other precincts that would be voting with the electronic voting machines. Initially, we fought these electronic machines, and we want you to know it, we weren't in favor of adopting them, but we had no choice, it was mandated by the federal government. But, we have enough machines now in this county for every precinct. The only excuse we have is that we want to go ahead and gradually accommodate the change. I have thought this over many times, over the last little while and due to the fact that I have visited with many people in a number of communities that would be excluded in the last weeks. I have a very strong opinion that it is my responsibility to represent you people that would be excluded. I am of a mind to reverse the county commission's decision in support of this way to conduct this election. I know it may cause some heartache to the offices, especially the office administering this and I don't know what the legal implications are. County Attorney LeRay Jackson and others will have to consult with us on that. I feel like everybody should be treated the same and initially approving this, that didn't come to my mind. I strongly would like to ask the county clerk to reconsider the decision, I think we should re-institute an opportunity for all our polling places to use these machines. If we can educate a number of individuals to operate these election in a number of precincts we can do it in all of them.

Janice Robins lives in Scipio and works in the Clerk's Office said our little town has the same situation. A lot of calls come into our office stating these same concerns many of you have. Some of them have been friends, so I have taken some heat on the absentee by-mail voting situation. But working in the office and knowing what we now know, we would have chosen different ones for our area. We were not given this opportunity. The state gave us forty one machines, they were set up and inspected by the four ladies in our office besides all our other duties. The machines weigh over thirty pounds each. Out of forty machines, eight were sent back because they were broken or the serial numbers didn't match and now five more are waiting to go back with a new problem they have discovered. So they haven't even left our office to go back to Diebold to be repaired or replaced. Thirteen out of forty one machines. We have a crisis going on here, we have trouble finding out when we can go get trained, let alone having to turn around and train others. I don't have confirmation for my training on the 22nd and that is scary to me. There are other aspects on an election, the inputting of new voter registrations for a closed primary, people from other parties are changing to be able to vote in a close Republican Primary and that is important. The work load is increasing. We hope with the help of Diebold to have the election put on a memory card, this has not been done in the State of Utah before. At this moment they are writing the program to count the votes. The time frame is a little scary. If I were to choose a method of voting for Millard County it would be the optical scan method because it would work better for our area. It is a much easier method of implement. The electronic voting machines have to be inspected numerous time, both privately and publically, an election has to be created, each machine has to be programmed before the 27th. The average age of our judges is 72 years and some of them will not want to learn the procedure. The general public will be able to use the machines, some will have problems but that

will be the job of the poll manager to help. After the voting, the machines have to be collected, and the voting downloaded and counted. I think we could do it for the November election, but for June it is almost impossible.

Commissioner Walker asked if the optical scan ballots can be used in the polling places?

Clerk Brunson said one machine will have to be in each polling place. It is going to be a challenge to change at this late date, the printer has been contacted and supplies are already coming in. There will be some optical scan ballots there.

Mayor Stahlei said that some things have been pointed out by Mrs. Robins, if the reason this is happening because physically it can not be done that goes a long way. Not just because you are small or whatever. If you cannot accommodate an elections you cannot accommodate an election.

Commissioner Cooper said every county in the state has been mandated to do the same thing. We are not alone in these problems. Most counties I have contacted are going to use the electronic machines. Emery County said they were not going to use absentee by-mail voting precincts in their election. There are some counties that are. No matter when we use these machines there will be problems and things that need to be over come. The question is do we do it now or do we do we make a gradual lead into it. It is going to be a problem whenever we do it. The cost is the same, it is not costing us any more. If the other Commissioners are like me and we do change we might have to rally some more resources to ward providing these machines as well as workforce wise or otherwise we might have to do that.

Commissioner Smith said when this first came about that one electronic voting machine was to be put in each district was set for ADA requirements. It seemed to him that this is the way it evolved. Do you have to use it or can it sit in the precinct? There are still the problems of setting up the machines and hauling it around. Would you have a choice in the method you use?

Clerk Brunson said we would have no idea how many supplies would be needed.

Janice Robins said that Millard County has 17 precincts where some counties may only have 5 precincts can you see the difference between the logistics in the two counties? We have 17 precincts with some as far away as Garrison. This is a whole big ball game. The logistics of have machines at each location and then having someone there trained to set up and help people vote, and troubleshoot is a real responsibility. Once it has been done once or twice the job won't seem so big.

Jennifer Tolbert asked if Abraham had a polling day, could we all get together and vote or is that illegal?

Clerk Brunson said that an election judge could not go to that spot and help people.

Mayor Talbot said that he may be lucky to have his absentee vote counted. He knows how new programs go. It is scary to know if the right figures are put out.

Commissioner Cooper said I know there are problems but the State of Utah expects those problems to be worked out and accommodated. It is not that difficult to vote on those machines.

Mayor Talbot said as an elected official, both the mayor and assessor sometimes we have to do things the only way things can be done in a certain time. I think no one knows the situation better than Norma Brunson and I think we owe it to her, we voted her in and she has the knowledge of what needs to be done. I think we owe it to her to do it this time. Sometimes we have to make decisions that are not very popular but are actually the best.

Dean Draper Chronicle Progress Reporter said he has a question about the absentee ballot and read Code 20A-3-302 No.2 . If the county legislative body of the county in which the voting precinct is located decides to administer an election entirely by absentee ballot, the clerk shall mail to **each** registered voter within that voting precinct:

- (a) an absentee ballot;
 - (b) a statement that there will be no polling place for the election;
 - (c) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for his vote to be counted; and
 - (d) a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, he will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election.
- No. 3 Any voter who votes by absentee ballot under this subsection is not required to apply for an absentee ballot as required by this part. - Yet an application will be sent to each voter to obtain the signature the law says it but has to be done **in person** not via the mail. How do they plan to handle that?

Something that I have observed at this meeting is that the machines are deemed unworthy and untrustworthy at the moment. To become the answer to the problem that is created by that, let's take care of the primary election by an absentee ballot. That has no way been stated distinctly. Let's go and do this one this way while we are working the bugs out and then go on to the general election . That would have saved a lot less grief and heartburn in a lot of the the communities. If Norma had asked for help for the primary election until we get the cursed machines in line, that would have been a lot easier to swallow than the idea rather than the eleven precincts would not be allowed to have another polling places ever again, this was not stated, but this was the implication that was derived. Holding this election by absentee ballot by the letter of the law, an absentee ballot could cause a delay in the results. These are things to consider. There has not been an solicitation of the public help until today in working through a primary election while getting bugs out so a general election can be done with the machines. Our phones have rang off the hook too. One comment was that it may be legal but it isn't right. Part of this problem is a lack of dissemination of the proper information of what is going on. If you look at the section of the code and look what is required. The **in person** part and **every voter** in the precinct part is a problem.

Mayor Talbot said the in person is taken care of by the closed republican election.
(They may get a ballot but they couldn't vote it.) More discussion on who can or can't vote in this election and who could receive a ballot.

Mayor Staheli said **shall** and **may** are two different words. If you make the choice to do this you will have to go with the rules.

Commissioner Smith said people just don't know about the changes and part of the reason is the time frame we are under.

Questions were asked if they is an alternate way of voting if the machines go down. Concerns about transporting the machines over bumpy roads. Centralized voting locations could be an option. The Clerk felt it would be better to send the ballots to the home rather than have people travel. Abraham would be willing to go to Sutherland. This option was talked about and rejected. Obtaining a in person signature could be done by anyone that is hired by the Clerk. Aren't the polling judges hired and they have obtained the signatures that are in past election books.

Janice Robins invited the Commissioners to come out to the Clerk's Office to see exactly what needs to be done before they make a final decision. All the details of the election have not been worked out by the State or Diebold. The Clerk's Office hasn't been given the answers so we know the Commissioners haven't been given them either. Many things have already been done going forward in the direction of the eleven precincts because you had given the approval to do so.

Commissioner Cooper said you are gearing up for six precincts to be trained so it shouldn't be too big of a problem to train more people. We have made some mistakes as a commission and a county that we didn't go ahead with public relations to let the people know. The public feels like they can't go to the polls. I don't like that they can't. For the most part the people want to. In order to alleviate the problem the only thing I can figure is to allow everyone to use those machines. I have confidence that we have people to can accommodate this thing. I know it will be difficult. The whole idea is to move to the machines. The state will make sure we have the machines one way or the other. The responsibility is on their shoulders. *(Janice inserted that after the machines come they still have to be inspected and programed)*

Commissioner Cooper said I understand this is a very difficult process. I understand that it is a lot of work. I also understand that the people of the unincorporated areas have called me for two weeks. Not just one community but a bunch of communities. There is a ground swell of support to not be considered an absentee voter. We can say that we can't accommodate these things. But the bottom line is they want to vote at the polls. We need to say as Commissioners are we going to allow them to vote with these machines or are we not? My opinion is we have to accommodate them this time because we did not make it clear to them about this change. This is something that was put upon them with not enough notice to get acquainted and get educated toward it. We have an obligation to the voters to give them the same opportunity county wide in the precincts to be able to vote these machines. No matter what, with the exception of the unincorporated areas of the county in the west desert.

I would like to make a motion that we go ahead and do our best and if the county clerk does not have the resources to conduct it and needs some help, she can contact the Commission we can make some allowances maybe in workforce to assist you to be able to do what is necessary to conduct this. One thing we don't want to do is to be labeled that we know more than the voter.

Because I know very well that no matter what the situation is, we don't know more than the voters that voted us into these positions. We have to be able to represent their will. If we don't we are in a problem here and I am confident that the will of the voter's here want the same opportunity to go to the polls as they have in the past and don't want to be gradually assimilated into the process. That is the way I feel and I have had hundreds of conversations lately over it. It is no criticism to Norma Brunson at all, she has done a wonderful job and she has researched this. But my feeling goes back to the voter, we do what you want us to do, when you elect us we serve at your will. That is my opinion and that is my statement and motion that we let the precincts have those machines and we go forward and make what accommodations we can to get this thing full blown right for the primary. Norma, if problems come about come to us, let us work them out and if we have to re-assign workforce to help you we can do it.

Commissioner Walker asked for a clarification on the motion and a second.

(The Commissioners were invited a second time to come to the Clerk's Office to really see what was involved in changing to the machine at this late date)

Commissioner Smith SECONDED the motion with discussion. I agree with the motion for the *general* election. We are in business of providing services for the citizens, they are our customers and we should try and serve the way they want to be served the best we can. I feel like the people I have talked to opinion is that is the way they want to vote is to go to their precincts where they have voted. Whether they use an electronic machine or an optical scan ballot the county has to work this out, there needs to be a back up. All the incorporated areas should go to their polling place. There is some logistics concerns as Clerk Norma Brunson has said and maybe some of the unincorporated areas could travel to another location. The four areas would have to drive to another location for the primary, but for the general they ought to have their machines.

Commissioner Cooper said that the precincts are already set up, it might cause some extra problems if we consolidate areas. Clerk Brunson said they would not be consolidated but could be separated on site, but it would create more problems and confusion.

Commissioner Walker said we have a motion and a second to put voting machines in every polling place. Commissioner Cooper amended his motion to include Garrison. Commissioner Smith SECONDED the amended motion. The voting was unanimous. The motion carried.

Brent Blake offered to help on his own nickel. He loves this county and is willing to help.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

There were none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Smith made a motion to close the meeting.

Commissioner Cooper **SECONDED** the motion. The voting was unanimous. The motion carried. The meeting adjourned at 1:05 p.m..

Attest: _____

Approved: _____