

Minutes of the Richland County Board of Voter Registration and Elections
Wednesday, April 13, 2016
4:00pm, County Council Chambers

(Special Verbatim Version)

Board Members in Attendance

Ms. Marjorie Johnson, Chair

Ms. Adell Adams, Vice-Chair

Ms. Sylvia Holley

Ms. Jane Emerson

Mr. E. Peter Kennedy

Staff in Attendance

Mr. Samuel Selph, Director

Ms. Lillian McBride, Deputy Director

Staff Members – Elections & Voter Registration Department

Others in Attendance

Mr. James Brown, Legislative Delegation

Mr. Greg Pearce, Richland County Council

Ms. Beth Bernstein, Legislative Delegation

Members of the Public

Media Representatives

Call to Order

- The meeting was called to order at 4:05 p.m.

Adoption of Agenda

- A motion was made to adopt the meeting's agenda. Seconded. Approved.

Approval of Board Meeting Minutes

- The Board Members reviewed the minutes from March 16, 2015.

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- A motion was made to approve the meeting minutes. Seconded by Ms. Adams. Approved.

Board Comments - Discussion

- Retention of Outside Counsel
 - Ms. Johnson stated that she and the Director met with outside counsel to discuss matter involving the Board. The Board has been newly named and Richland County Council has been withdrawn and the names of the new Board have been added to the charges.
 - Met and Counsel prepared a response to the court Ms. Regina Lewis, Esq. will be representing the Board
- FY2017 Fiscal Year Budget Draft
 - All Board Members received a draft of FY2017's budget.
- Comments – Ms. Emerson:
 - Ms. Emerson made the following statement:
 - “Express my regret that the Board of Voter Registration & Elections...has invited extraordinary criticism of RC Council and the general public. Some Board Members and staff, without the full support of the Board, brought budget requests that were not well conceived and not supportable. Now, this office is being characterized as corrupt and inept, and has invited well deserved public scrutiny of how this office is being run. We have staff members who are committed and hardworking and only want to do a wonderful job for our citizens; and I deeply regret your having to work under these circumstances. You don't deserve it. I trust that our Board and staff will be open to and supportive of the outside audits that are coming our way. Any and all efforts to improve our accountability and transparency must be welcomed. It is our opportunity to regain public trust and feel proud of our work.”

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- Ms. Johnson stated that Ms. Emerson's comments were noted.
- Comments – Ms. Adams
 - None
- Comments – Mr. Kennedy
 - Mr. Kennedy stated that the department should remove the poll worker line item from the budget.
- Comments – Ms. Johnson
 - Ms. Johnson made the following statement:
 - “Commissioner Emerson, it’s very hard not to respond to your remarks. It’s also hard to respond to them in that it is disruptive to the group that should be working as a team to have a member of the team be so much against what the team is trying to accomplish. If you will remember back at budget submittal time, just as it is now, and I hope before you vote on the FY17 budget that you will stop to remember...the budget you are voting on is the budget you have agreed to live by. The budget you voted to approve was 3. Something million dollars. You voted in favor of forwarding that budget last year. That did not work...we submitted a budget, we submitted our arguments and supplied our justifications and our documentations repeatedly during the year. Both to the finance director and to the county administrator. That didn’t work so we ended up with about 1.28 or something. To say that you were not in favor of that money is disingenuine because you did vote for it. The fact that we didn’t get it doesn’t mean that the request wasn’t hanging out there somewhere. To apply for a budget amendment through the county administrative laws...procedures...not laws, requires that we submit an amendment called an ROA, which we did. The ROA was not approved but to say that you were never in favor of it is a verbal misstatement. I am sorry that the item became such a back and forth issue. I am sorry that we could not convince the persons responsible for approval. I’m sorry that we couldn’t convince them that we

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were in fact in need of that money. I'm sorry that we couldn't convince anybody that other jurisdictions that we were being compared with have different ways of budgeting than this county. So we were never, ever comparing apples and oranges, but actually a fruit salad. I am sorry that you feel alienated from what we are about and I'm sorry if you feel that the public is now looking at us as a scrupulous group or something worse. To the converse, the public is in admiration of what we have been able to do in the time that we have had compared to where we started. They are in admiration to the point of making phone calls and sending emails of congratulations for being able to pull off elections that are certifiable in a reasonable amount of time instead of like either Missouri or Mississippi who after all this time are just certifying an election after about 3 weeks. So, suffice it to say, as a group, we will continue to try to work for uniformity, work to have us all on the same sheet of music, work to have us all look better, be perceived better, and to act better.

Director's Comments & Updates

- Annual Fiscal Year Budget
 - Mr. Kennedy stated that he would like to remove poll worker salaries. That line item isn't necessary and some of the other counties don't do that.
 - Mr. Selph questioned if that was in the Board's purview to do that because the department doesn't approve the budget. The department's budget is forwarded to the County's Finance Department who makes the approval and places certain amounts in certain line items based on what the department requests. During the discourse, it was suggested to be a consideration and remains on the table as a discussion but to say the Board can do that, I don't know.

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- Ms. Johnson stated that the department submits the budget for approval and at their own discretion, they can make a change; but the budget that the department submits, are the wishes for the administration for the office of EVR.
- Ms. Emerson requested a copy of the budget and Ms. Johnson stated that it was up for discussion at the last meeting and that she should have downloaded the item.
- Mr. Kennedy made a motion to remove poll worker salaries etc. from the budget for FY2017. Adams seconded the motion.
- Ms. Johnson: We did not get approval for the full reimbursement, although the money comes back in, it still goes to the General Fund. And since we didn't get a rollover authority, there's nowhere to put poll worker salaries except on the face of the budget. If there was a rollover, we could request that it be assigned to the rollover line item of money and be paid out of that as it is repaid to the county.
- A discussion followed regarding the monies to the General Fund.
- Mr. Selph advised to follow-through with the motion and submits to Council and they will decide on the next steps.
- Question called. Seconded. Approved.
- Motion is "does the Board want to vote to remove poll worker salaries from the face of the budget to have it similar to other Counties the department has spoken with."
- Seconded. Approved.
- An extended discussion continued concerning the FY17 Budget
- Ms. Holley: I thought it had already been decided that Jane would not vote for the budget. So what are we doing now? Are you going to have another chance to vote for the budget? But you have already voted against the budget. Correct? I got information from the newspaper...but before you all go any further, may I just say something? "I've been working on this Board for some months now, almost a year.
- Ms. Johnson: You've been here a year and a half

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- Ms. Holley: Okay, a year and a half. And for the life of me, and I'm saying this for public record, I have never witnessed anything as I have witnessed with Commissioner Emerson, and her working on this board. I thought she was a part of this board. But as it turns out, she's not; it doesn't seem she's being a part of this board. And that bothers me because I have looked for unity and I think I talk about this all the time. It bothers me because there seems to be and I looked at words last night to help me describe what I thought about you Jane, and it's nothing personal, thought about adjectives to describe you and your being on this board. This is a board that you were elected to serve on and I have found dishonesty, untruthfulness, these are words...deceitfulness, questionable party membership, misrepresentation of party affiliation, you're having turned your back on us as a committee, and as you know, it again bothers me because you are a part of this committee. And if there was a problem before the public and before all these people became involved, it seems to me that you could have come to us in a regular meeting or whenever, and discussed your feelings about things instead of being the lone ranger out there by yourself and everyone else on one accord, and you out there by yourself. Did it ever occur to you as to how we must feel? You're serving on a committee, with us and we have no idea what your feelings are until we read about it in the paper or until someone else expresses themselves in a public forum. We are all here for the same...we took the same oath. We are here for the same purpose, to help better the community. And as I've said once before, it feels, I feel as if, the community and the county perhaps are looking at us as perhaps misappropriating funds. We don't have access to the funds. It comes from upstairs. So, how could we misappropriate and now we've got an audit that's coming up. They say they don't have any money for it, not even money to pay for the elections. But yet there's money to have an audit done...where's that money coming from? I don't understand...I really don't' and I'm not here to create problems. I'm here to have a better understanding of what's going on. And to wonder why we are not all on one accord."

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- Ms. Johnson: Thank you Commissioner Holley. We need to move on. We are now at the item...did we vote the budget. We have a motion on the floor...we're voting the draft budget for FY17...
- Ms. Adams...I move to approve the draft budget
- Seconded. Approved 4 – 0. Ms. Emerson abstained from voting on the motion.

Special Election Preparation Status

- Mr. Selph informed the Board that the Town of Eastover election was held on April 12, 2016. The election was a success and the Town has their own Election Commission who will certify the Town's election.
- Mr. Selph stated that the department's staff members are preparing for the following elections:
 - May 31, 2016 Richland County Council District 10 Primary
 - June 14, 2016 Primary Election
 - June 14, 2016 Richland County Council District 10 Runoff
 - June 21, 2016 Richland County Upper Rockyford Lake Special Tax
District Referendum Election
 - June 28, 2016 Primary Run-Off
 - July 19, 2016 Richland County Council District 10 Special Election
- Mr. Selph informed the Board that the department is attempting to run 3 elections simultaneously. Based on historical analysis, the sheriff's race as well as the County Council District 10 race will generate a lot of activity. Certain precincts are being targeted to ensure adequate resources are placed there. Board Members have been provided with a spreadsheet that details information regarding the voting machines, laptops, etc. 6-7 precincts may possibly be combined but at this time, do not foresee any problems.

Upper Rocky Lake Special District Election

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- The Chair recognized Mr. Lawrence Flynn, Pope Flynn Law Firm, regarding the Upper Rocky Ford Lake Special District Election.
 - Mr. Flynn stated that he is the attorney representing the homeowner's association. The funds generated would finance the improvements to the dam that was destroyed during the flood in October 2015. For independent districts with specific purposes, the only way to create those independent districts would be through a petition.
 - The petition has already been submitted and approved, County Council has supported, and the Board is requested to authorize the fee agreement via an election (referendum).
 - 61 homes are in the proposed tax district and include 129 qualified voters.
- Mr. Greg Pearce, County Council, informed the Board of the following information:
 - Nine dams were completely destroyed. The damage will impact revenue and will eventually result in less taxation. Members of County Council wanted to do something to assist the homeowners; and all expenses will be paid by the homeowners. The sooner the referendum can be approved, the sooner it can be placed on the upcoming November tax bills. County Council voted 9 -1. The proposed election will be held at the Cooper precinct.
- Ms. Beth Bernstein, Legislative Delegation, informed the Board of the following information:
 - The majority of the affected dams are located in Representative Bernstein and Senator Lourie's districts. One of the problems is that public roads are located over the dams and this would be a way for the homeowners to be able to pay for the necessary repairs.
 - Ms. Bernstein assured the Board that all costs will be reimbursed and only one precinct will be used; and the community is supporting the resolution.
- Mr. Selph stated that Cooper Precinct will be used, and will be staffed with 5 workers, 3 voting machines, and 1 Polling Location Technician.

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- Ms. Johnson posed the question of why there was not any coordination on the part of the other affected Home Owner Associations (HOA's) to hold all of the elections at one time.
- Mr. Flynn responded that each HOA is a unique, independent local government unit. And although each date is unique to each district, it may be possible to have similar districts on the same day.
- Mr. Flynn also stated that the deadline is October 1, 2016 to appear on the tax bill for November 2016.
- A motion was made to approve the inclusion of a referendum for the Upper Rocky Lake Special District with a proposed election date of June 21, 2016. Seconded.

FOR

Kennedy

Emerson

AGAINST

Johnson

Holley

ABSTAIN

Adams

- Mr. Flynn was recognized for additional remarks to the Board. Discussions have previously taken place with Mr. Selph for the last month and all necessary information had been provided but the Director has failed to take action. If action is not taken, a lawsuit will be brought against the Board in order to hold the election.
- Ms. Bernstein strongly requested the Board to reconsider in favor so as to get a referendum to help county residents recover from the flood disaster.
- Ms. Holley questioned why it was not important for the department's budget to be approved.
- Ms. Bernstein responded that those are completely separate issues.
- Mr. Pearce requested the Board to divorce what County Council decided regarding the department's budget. Additionally, there are hundreds of individuals living in the area and this referendum would be a way to assist with the necessary expenses. If the vote is delayed, there will not be enough time because County Council has to complete 3 readings.

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- Ms. Johnson replied that the budget for the department is in the past and the focus is on elections. Additionally, it is important that someone in authority give elections serious considerations. Elections are not done for free and it takes money to run elections.
- The urgency regarding the referendum is understood and a motion was made for the Board to reconsider. Seconded. Approved.
- A motion was made to approve the inclusion of a referendum for the Upper Rocky Lake Special District with a proposed election date of June 21, 2016. Seconded. Approved.

FOR

Kennedy

Emerson

Holley

Johnson

Adams

Chairman Comments

- Ms. Johnson informed the Board that she will be taking a medical leave of absence for a minimum of 90 days; but, it is her intent to be available via phone and email. In the interim, the Vice Chair will conduct business if/when necessary.

Public Questions & Comments

- Ms. Roe Willard, Chair of the Richland County Republican Party, posed the question of County Council rejecting the department's budget request, and if the department will still be able to run the upcoming elections.
- Ms. Johnson responded, "Yes, the department is able to conduct the upcoming elections but the budget will be in the red."

Executive Session re: Pending Litigation

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- A motion was made to proceed into Executive Session to discuss changing the Board's Bylaws. Seconded. Approved 5-0.
- The Board entered into Executive Session at 5:30pm.
- A motion was made to come out of Executive Session at 5:59pm. Seconded. Approved 5-0
- Mr. Kennedy stated that the Board came to a consensus to change the by-laws regarding Article 2, Section 1, meeting dates.
- A motion was made to change the bylaws to read that the Board will meet every other month. Seconded. Approved 4 – 0.
- It was noted for the record that Ms. Emerson was not present for the vote.

Adjournment

- There being no further business, the meeting was adjourned at 6:02pm.

Submitted by: Yonita Simmons & Marjorie Johnson