

Minutes of Worcester Board of Election Commissioners meeting December 6, 2012

Call to order by Chair Mohieldin at 6:05 p.m.

Pledge of Allegiance

Roll Call

Commissioners present:

Chairperson Diane Mohieldin  
Commissioner Mary Anne Dube  
Commissioner John Goggins  
Commissioner David LaPierre  
Commissioner Robert Winant

Commissioners absent:

The first order of business was the acceptance of the minutes from October 29, 2012 meeting. Commissioner Dube moved to accept and Commissioner LaPierre seconded. The minutes were accepted.

The second order of business was the acceptance of the minutes from the November 2, 2012 meetings. Commissioner Goggins moved to accept and Commissioner LaPierre seconded. The minutes were accepted.

Old Business:

The first order of old business concerned an update on the status of the request for funding of 2 permanent positions in the Elections Office. Mr. Rushford provided a status update on the possible funding. He noted that the budgeting process for fiscal 2014 has not yet started but expected discussions to begin later in December. The budget items the Board had requested funding for through the November Election had been provided, with the exception of adding 2 additional staff persons to the Elections Office. He believed the City Council will seriously entertain the needed funding for the additional personnel for the new fiscal year. He also noted the 4 orders that had been passed by the City Council on December 4, 2012 appear to reflect a willingness to entertain requests for more funding from the Board to accomplish these orders

Commissioner LaPierre queried whether the remaining funds that had been approved for the November 6, 2012 election activities but had not been used would still be available for use prior to the beginning of the fiscal year in July,

2013 to add the additional staff the Elections Office. Mr. Rushford will be looking into that and report back to the Board.

Chair Mohieldin queried if it would be possible to hire new personnel before the beginning of the fiscal year, provided the funding is available, to aid in the Street Listing activity for 2013 to help accommodate the order of the City Council regarding such. Mr. Rushford noted if the Commission moved to request clarification on the availability of the additional funding to add additional staff, he would pursue it further. Commissioner Winant made the motion and Commissioner Dube seconded it. The motion was adopted.

Chair Mohieldin queried what activities the additional staff would be asked to do if it were possible to add them. Mr. Rushford responded that they would be seeking to hire mid-level, salaried staff to interact with various organizations and work with the media to help make residents aware of the importance of responding to the mailings.

#### New Business:

The first item of new business was to send a note of thanks to all the poll workers in the November 6 Election, and a special note of thanks to the Assistant Commissioners and the backup Wardens who were noted to have done an outstanding job on that day. Specific note was made of Tony Ingrisano, Jack Stewart, Joe Scully, Shreena Bindra, Susan Oulette, Ana Rodriguez, and Mary Mullaney. Mr. Rushford will be providing a note to these individuals expressing the Board's appreciation for their help.

The second item of new business was a discussion regarding issues that were raised in the November 6, 2012 election. The specific issues noted were:

1. The replacement of voting machines
2. Adding more bi-lingual poll workers for future elections
3. Retraining all poll workers on procedures for handling inactive voters
4. Adding poll workers at multi-precinct sites to assist voters to the correct polling location.
5. Request follow-up on "punch list" of items identified by elections officials in the field and City Hall on election day.

#### Regarding item 1:

Commissioner Goggins noted some of the issues he observed during the day and that these issues made it necessary to manually process many ballots, thus causing several precincts to work well into the night, even into the early morning to get everything processed. Chair Mohieldin queried Mr. Rushford regarding 2 types of machines whose marketing material were presented to the Board, that she believed had been approved by the Secretary of the Commonwealth for use

in Massachusetts. Mr. Rushford noted that the funding for new machines has been approved by the City Council in previous years, but the State had not authorized newer technology other than slight improvements to existing machines. He provided printed information on some newer technology that was available from both the vendor that provided the existing AutoMark machines and the vendor that provided the current AccuVote machines. Neither of the machines presented are authorized for use in the Commonwealth, but he was making known to the Board some possibilities to consider if and when new machines are approved. He summarized the features of both machines to the Board and provided an estimate of \$350,000 from the vendor of the AccuVote machines to replace all existing machines and their peripherals. Commissioner LaPierre requested further research regarding vendors offering other technology. Chair Mohieldin requested confirmation that the funds for new machines is currently available so the purchase could be pursued quickly once the State approved new machines and Mr. Rushford confirmed it. Chair Mohieldin also requested Mr. Rushford look into the possibility of the current vendors to provide refurbishment to the existing machines if it is determined the state may be approving more advanced technology within a few election cycles so the best technology available could be purchased.

Regarding item 2:

Commissioner LaPierre motioned that the City Chairs of both parties and their Ward chairs come before the Board to discuss this need and how they can help provide such individuals. Commissioner Goggins seconded and the motion was accepted.

Following the adoption of the motion, a query was made regarding residency requirements of individuals to serve as poll workers and whether it could be waived so students attending colleges in the city could be recruited to serve in such a capacity.

Mr. Rushford noted he would be meeting with the chairs of both parties soon to discuss recruitment of poll workers for 2013 and also addressed the query regarding recruiting students to act as bi-lingual poll workers. He noted that relationships with the colleges had been in place previously, but they would need to be reestablished and this would be a possibility if additional staff were made available to the Elections Office. He also noted that city residency is not a requirement for poll workers, but is preferred. Solicitor Moore noted that the State Legislature had removed the requirement that poll workers be residents of the municipality they work in and restated the terms that they must be residents of the Commonwealth.

Ms. Bonnie Johnson of Boylston queried whether registered voters from other communities could be considered as poll workers and, if so, if the proper method to submit their names. After a brief discussion, it was determined they should be

submitted to the Board through the Chair, but that preference would be given to city residents presented through the City Chairs.

Regarding item 4:

It was noted that there were several locations in the city that had issues regarding people getting in the incorrect line at several multi-precinct locations and that, in previous elections, greeters had been made available at certain locations to help direct people to the correct line. Mr. Rushford noted that the voter turnout for the November 6 election was overwhelming and that situations could come up that cause long delays that might need more than just adding additional personnel. He suggested further study be made to try to determine a multi-pronged approach to deal with such situations.

Commissioner Goggins motioned to have items 3 and 5 tabled until the next meeting as there were several other items to pursue. Commissioner LaPierre seconded and the motion was approved.

The next item of New Business concerned the complaint filed by Deborah Butler of Framingham, MA at the Secretary of the Commonwealth's Office against the Board of Election Commissioners and a poll worker regarding incidents reported at Murray Avenue Apartments during the September 6, 2012 Primary. Chair Mohieldin noted that the complaint was substantially hearsay and contained a number of inaccuracies that did not meet the standards of a legitimate complaint but had decided to provide Ms. Butler the opportunity to clarify the statements. Ms. Butler presented her case before the Board, noting the following:

1. The time of the September 10, 2012 meeting to address the committee was too early to allow a number of people who might have attended to be present because of work commitments.
2. The Board did not have any formal investigation into the complaint made regarding the incidents at the Murray Avenue Apartments.

She also noted she had filed the complaint with the Federal Elections Commission and hoped the complaint would trigger a formal investigation into the incidents that occurred at the Murray Avenue Apartments.

Commissioners Winant and Goggins noted that the Board had taken significant steps to address the issues and the steps taken had evidently had a positive effect because no incidents had been reported during the November 6, 2012 Presidential Election.

Commissioner Dube noted that the statements regarding the poll worker seemed to be out of place, as the complaint concerned actions at the Murray Avenue Apartments and the poll worker was located at Belmont Towers, a completely

different location. Ms. Butler stated she stood by her statements concerning the poll worker.

The next item of New Business concerned a petition signed by several voters from Ward 4 Precinct 3 requesting the removal of a poll worker. None of the signers of the petition were present at the meeting and there was no complaint attached, so the item was dismissed.

The last item of New Business concerned a complaint against the City Clerk's Office regarding the communication or lack thereof between the Secretary of the Commonwealth's Office and the Board of Election Commissioners.

Chair Mohieldin noted she felt it was a communications issue from both sides and briefly reiterated what occurred at the November 2, 2012 meeting.

Commissioner Winant noted that, while he was absent from the meetings where these issues were raised, he had reviewed the videos and had some questions for Mr. Rushford. Mr. Rushford requested that any specific questions be presented to him in writing and he would address them in the form of a report to the Commission. Commissioner Winant agreed to do so.

Commissioner Goggins noted he found Mr. Rushford's statements regarding the miscommunications to be honest and straightforward and likened the miscommunication to those in a long term relationship experiencing the same event and having differing opinions over what happened. He moved to have a letter sent to the Secretary of the Commonwealth's Office expressing the Board's appreciation for the clarifications received from them and that the Board will make use of those clarifications to make sure every citizen in the City of Worcester will be able to participate in the electoral process. Commissioner Dube seconded the motion and it was accepted. Chair Mohieldin amended the motion to provide all materials that were utilized in the training sessions.

Commissioner Winant queried what steps could be taken to help prevent such miscommunications in the future. Chair Mohieldin proposed that the Secretary of the Commonwealth's Office be provided with the Commissioners' contact information along with that of the City Solicitor so that Office can communicate directly with the Commission or the City Solicitor if they felt it was necessary. Commissioner Goggins also suggested that if Mr. Rushford had conversations of a significant nature with the Secretary of the Commonwealth's Office, that such information be conveyed to the Commissioners via email.

Mr. Rushford noted he had no intention of withholding any information from the Board and hoped to move forward in the upcoming year and beyond to improve the operations of the Elections Office and to communicate effectively with the Commission.

The next meeting date was set for January 8, 2013 at 6:00 p.m.

The meeting adjourned at 7:05 p.m.