

**MARSHALL COUNTY COMMISSION  
BOARD OF CANVASSERS  
MAY 14, 2012**

This Board convened at 10:00 AM, this day, in Special Session pursuant to Chapter 3, Article 6, Section 9 of the West Virginia Code.

Present: Jason E. Padlow, President; Donald K. Mason and Brian L. Schambach, Commissioners; Jan Pest, County Clerk; Betsy Frohnapfel, County Administrator; Winnie Reilly, Chief Deputy; and Connie Howard of the County Clerk's Office.

**2011 DELINQUENT TAX LIST** – Sheriff John Gruzinskas and Chief Tax Deputy Amy Carmichael appeared before the Commission with the 2011 Delinquent Tax List.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission authorized the County Clerk to sign the Delinquent Tax List for 2011. Motion carried.

The Board convened this day to canvass returns of the Primary Election held May 8, 2012.

Two Precincts were chosen at random to be hand counted: Precinct 7, which votes at Calvary Methodist Church, and Precinct 33 which votes at the Mt. Olivet Methodist Church.

The Board of Canvassers proceeded to review provisional ballots. Precinct 1 had 4 provisional ballots: on motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will count three provisional ballots for poll officials, and will not count the provisional ballot for a voter voting out of his precinct. Motion carried.

Precinct 4 contained no provisional ballots.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Board will count the provisional ballot of a poll official working in Precinct 6. Motion carried.

Precinct 7 contained three provisional ballots: on motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will count two provisional ballots of poll officials; and will not count the provisional ballot of a voter voting out of their precinct. Motion carried.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Board will count three provisional ballots in Precinct 9: one for a poll official; one for a change of address and voter voting in their new precinct; and one office error in placing the voter in the wrong precinct. Motion carried.

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On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count the provisional ballot of a poll official working in Precinct 9A. Motion carried.

Precinct 10 contained two provisional ballots: one for a poll official and one for a change of address into the precinct. On motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will count both provisional ballots. Motion carried.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Board will count a provisional ballot in Precinct 11 for a voter changing her name, but will not count a provisional ballot for a voter not registered to vote. Motion carried.

Precinct 12 contained three provisional ballots: one voter voted a regular ballot; two voters changed their addresses and voted in their new precinct. On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count two provisional ballots for changes of addresses. Motion carried.

On motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will not count the provisional ballot of a voter voting in Precinct 13, which is the wrong precinct. Motion carried.

Precinct 14 had 7 provisional ballots: on motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count 2 provisional ballots for poll officials working in Precinct 14; and two provisional ballots for voters with changes of address voting in their new precincts; the Board will not count provisional ballots for 2 voters voting in the wrong precinct and one voter not registered to vote. Motion carried.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count three provisional ballots for poll officials working in Precinct 15A and one voter cancelled in error. Motion carried.

Precinct 16 had 2 provisional ballots: on motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will count the provisional ballot of a poll official, but will not count the ballot of a voter voting in the wrong precinct. Motion carried.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Board will count the provisional ballot of a voter changing their address and voting in the new precinct, Precinct 17, and the provisional ballot of a voter changing her name. Motion carried.

Precinct 17A contained two provisional ballots: one for a poll official and one for a voter changing their address and voting in the new precinct. On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count both ballots. Motion carried.

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On motion of Commissioner Padlow, seconded by Commissioner Schambach, the Board will count three provisional ballots in Precinct 18: two voters directed to vote in Precinct 18 during a power outage at the County Clerk's Office and one provisional ballot for a poll official. Motion carried.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Board will not count the provisional ballot of a voter in Precinct 19 that was not registered to vote. Motion carried.

Precincts 21, 20 and 23 contained no provisional ballots.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count the provisional ballot of a voter in Precinct 24 voting in their new precinct due to an address change. Motion carried.

Precinct 24 contained no provisional ballots.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Board will count two provisional ballots for poll officials in Precinct 26; but will not count two provisional ballots for voters that were not registered to vote. Motion carried.

Precincts 27, 29, 34 and 33 contained no provisional ballots.

Precinct 28 contained 3 provisional ballots: one for a voter not registered to vote; one for a voter voting in the wrong precinct; and one for a poll official working in the precinct. On motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will count the provisional ballot of the poll official, but will not count the other two. Motion carried.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will not count the provisional ballot for a voter voting the wrong party ballot in Precinct 35. Motion carried.

On motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will count the provisional ballot in Precinct 36 of a voter mistakenly placed in the wrong precinct for voting. Motion carried.

Precincts 38 and 40 contained no provisional ballots.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count the provisional ballot of a poll official working in Precinct 39. Motion carried.

Precinct 41 contained a provisional ballot for a voter mistakenly marked for voting in Early Voting, the voter's son voted. On motion of Commissioner Mason, seconded by Commissioner Schambach, the Board will count the provisional ballot. Motion carried.

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Precinct 43 contained 4 provisional ballots: on motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count the provisional ballot for a poll official and the provisional ballot for a voter moving into the precinct; but will not count two provisional ballots for voters voting the wrong party ballot. Motion carried.

Precinct 44 contained 7 provisional ballots: five for voters moving into the precinct and two poll officials. On motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will count all seven provisional ballots. Motion carried.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Board will not count the provisional ballot in Precinct 45 for a voter voting in the wrong precinct. Motion carried.

Precinct 46 contained a provisional ballot for a poll official that voted a regular ballot; and one for a voter moving into the precinct. On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count the coded ballot in Precinct 46. Motion carried.

Precinct 48 contained 6 provisional ballots: 4 for voters voting in the wrong precinct due to a redistricting change; one for a poll official working in the precinct; and one for a voter moving into the precinct.

On motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will count the provisional ballot of the poll official and the voter changing their address. Motion carried.

Precincts 52 and 58 contained no provisional ballots.

Precinct 56 contained one voided provisional ballot form and one provisional ballot for a voter voting in the wrong precinct. On motion of Commissioner Schambach, seconded by Commissioner Mason, the provisional ballot for the voter voting in the wrong precinct will not be counted. Motion carried.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Board will count the provisional ballot of a poll official working in Precinct 60; but will not count the provisional ballot of a voter not registered to vote. Motion carried.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board will count the provisional ballot of a poll official working in Precinct 61. Motion carried.

On motion of Commissioner Padlow, seconded by Commissioner Mason, the Board will not count the provisional ballot of a voter voting Absentee by Mail, due to not being registered to vote. Motion carried.

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Precinct 39 contained two provisional ballots for voters eligible to vote in the City of Wheeling election. Early in the morning on Election Day, the Municipal ballot was mistakenly not available. The voters returned to vote only the Municipal Ballot in paper form. On motion of Commissioner Mason, seconded by Commissioner Schambach, the ballots will be counted. Motion carried.

After manually counting the two precincts, the Commission having sampled in excess of 5% of the vote, found the manual count to be within the 1% requirement of the State Code.

After completion of the canvass and decisions on provisional ballots; on motion of Commissioner Schambach, seconded by Commissioner Mason, the Board declared the official results. Motion carried.

Anyone wishing to object to these findings has until Thursday, May 17, 2012, at 12:00 noon to do so.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Board of Canvassers adjourned. Motion carried.

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