

Minutes of the Kanawha County Commission sitting as the Board of Canvassers for the Canvass conducted on May 17, 2010, Voter's Registration Office, 415 Quarrier Street, Charleston, West Virginia, for the May 11, 2010, Primary Election.

A meeting of the Board of Canvassers for the May 11, 2010, Primary Election convened on the 17th day of May, 2010, at 7:00 a.m., in the Voter's Registration Office, 415 Quarrier Street, Charleston, West Virginia.

In attendance at 7:00 a.m.: Henry C. Shores, Commissioner, Dave Hardy, Commissioner, Marc J. Slotnick, County Attorney, Vera McCormick, County Clerk, David Dodd, Deputy County Clerk, Gerrald Drucker, County Clerk's Office, Pat Fisher, Registrar, Brent Pauley, County Manager, Jennifer Sayre, Deputy County Manager, Jerie Whitehead, Rachelle Morrison, Leslie Downey, Kim Fleck, and Carrie Clendening, Commission Staff. Also in attendance: Damron Bradshaw, Democratic Observer.

The Orders as set forth in the following were adopted:

- | | | |
|---------|----------|---|
| 5-17-10 | 2010-280 | Rules for the Board of Canvassers to be Observed for the May 11, 2010, Primary Election |
| 5-17-10 | 2010-288 | Declaration of Results of the Primary Election Held on May 11, 2010 |

At 7:03 a.m., upon motion of Commissioner Hardy, seconded by Commissioner Shores, motion carried, the Precincts were randomly selected as follows:

Drawn by Commissioner Shores	District 1	Precincts 114 and 131
Drawn by Commissioner Hardy	District 2	Precincts 202 and 290
Drawn by Damron Bradshaw	District 3	Precincts 368 and 371
Drawn by Commissioner Shores	District 4	Precincts 401 and 402

The Kanawha County Commission unlocked the tabulation and equipment room for the Canvass at 7:05 a.m., upon motion of Commissioner Hardy, seconded by Commissioner Shores, motion carried. Commissioner Hardy moved to ratify the Rules of the Board of Canvassers to be observed for the May 11, 2010, Primary Election. Commissioner Shores seconded. Motion Carried. The Hand Count commenced at 7:30 a.m.

Commissioner Shores moved to recess for a Regular Scheduled Commission meeting at 8:00 a.m. Commissioner Hardy seconded. Motion carried.

Canvassing commenced at 9:15 a.m., starting with District 1 for Provisional and Absentee Ballots. The County Clerk stated that Precinct 165 had an Absentee Ballot that was postmarked May 12, 2010. She stated that the individual was at the Cleveland Clinic for a transplant. Voter Registration over-nighted a ballot to him after being told that a nurse at the clinic would deliver the marked ballot to the Post Office on May 11, 2010. The Clerk was not

sure of the delay in postmark. Commission Shores moved to count the ballot. Commissioner Hardy seconded. Motion carried. A Military Ballot from Precinct 178 was verified that the individual did not vote online, the printed ballot was mailed back to voter registration. Commission Shores moved to count the ballot. Commissioner Hardy seconded. Motion carried. The Clerk announced that four ballots were found in a supply bin on election night, that were not counted. Commissioner Shores moved to count the ballots. Commissioner Hardy seconded. Motion carried. In Precinct 419 there was a stray ballot not marked, it was stated that the ballot should be a provisional ballot. Commissioner Hardy moved to not count the ballot. Commissioner Shores seconded. Motion carried. The Clerk stated that on election night the PC card and the Ballots for Precinct 421 were both tabulated. Commissioner Shores moved to rerun the ballots and replace the totals for election night. Commissioner Hardy seconded. Motion carried. For Precinct 428, Marc Slotnick stated that presumably the envelope for the provisional vote was placed in the wrong envelope. Commissioner Hardy moved to allow Mr. Slotnick to open the envelope to verify that the provisional ballot was inside. Commissioner Shores seconded. Motion carried. The poll worker had in fact placed the provisional ballot in the incorrect envelope. In Precinct 439, the provisional envelope read that the voter had requested a nonpartisan ballot and voted, then returned and asked for a republican ballot after already casting votes on the nonpartisan ballot. Commissioner Hardy moved to not count the ballot. Commissioner Shores seconded. Motion carried.

Upon conclusion of the Canvassing of Districts 1, 2, 3, and 4, at 11:50 a.m., the hand count continued. The Final Cumulative Report was completed at 11:57 a.m., a copy of which is attached hereto. The Clerk noted for the record that no outcomes changed as a result of the Canvass. The hand count was completed at 1:35. Commissioner Hardy moved to accept and declare the Cumulative Totals submitted at 1:39 p.m. Commissioner Shores seconded. Motion Carried.

The County Clerk's Office secured all documents upon the conclusion of the Canvass. The Kanawha County Commission, sitting as a Board of Canvassers, recessed at 1:40 p.m., May 17, 2010.

The foregoing Minutes were approved this 15th day of June, 2010.

W. Kent Carper, President

Henry C. Shores, Commissioner

Dave Hardy, Commissioner

Marc J. Slotnick, County Attorney