

**BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA**

WEDNESDAY

8:00 A.M.

NOVEMBER 15, 2006

**SPECIAL MEETING**

PRESENT:

**Bob Larkin, Chairman**

**Bonnie Weber, Vice Chairman (by phone)\***

**Jim Galloway, Commissioner (by phone)**

**David Humke, Commissioner (by phone)**

**Pete Sferrazza, Commissioner (by phone)**

**Nancy Parent, Chief Deputy Clerk**

**Katy Singlaub, County Manager**

**Leslie Admirand, Legal Counsel**

The Board met in special session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**06-1281      AGENDA**

In response to the call for public comment, Patricia Axelrod requested that the Board not go forward with the canvass and certification of the 2006 general election results based on alleged defects in the voting machines and alleged violations of NRS 293B.080, which required ballots to provide voters the ability to vote a "straight" ticket.

Sam Dehne objected to feedback on the telephones, election documents not being available in the back of the room, the two-minute limitation for public comment, and Commissioners meeting by phone rather than being physically present.

**\*8:07 a.m.**      Commissioner Weber arrived by phone.

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the agenda for the special meeting of November 15, 2006 be approved.

**PUBLIC COMMENT**

Katy Singlaub, County Manager, stated the Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens

and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

Patricia Axelrod expressed her disappointment that the Commissioners were not there in person to see a transparency illustrating her concern that Sequoia electronic voting systems contributed to election errors in Cook County, Illinois in 2004.

Guy Felton discussed free speech and voiced dissatisfaction that he was limited to two minutes of public comment. He commended Ms. Axelrod for her work regarding voting irregularities during the 2004 presidential election.

Sam Dehne commented that election documents had now been placed in the back of the room. Mr. Dehne discussed election results and vote counting corruption.

Chairman Larkin asked the Clerk to verify that a quorum of Board members was still present. All Commissioners responded that they were present.

**06-1282      VOTE CANVASS – NOVEMBER 7, 2006 GENERAL ELECTION – REGISTRAR OF VOTERS**

Pursuant to NRS 293.387, Dan Burk, Registrar of Voters, presented the abstract of the votes cast for all candidates and questions in all of the precincts in Washoe County in the General Election conducted on Tuesday, November 7, 2006 and certified the same to be true and correct as certified by the Accuracy Certification Board pursuant to NRS 293B.390 for canvass. Duly executed Submission of Abstract and Certificate of Accuracy Certification Board were placed on file with the Clerk.

Mr. Burk reviewed the statistics and results of the 2006 General Election. Voter turnout was 62.6 percent, the third highest turnout in County history, and a record was set for the number of people who voted early. Mr. Burk stated that this was probably the smoothest election day Washoe County ever had. All 92 polling locations opened on time and were operational at 7:00 a.m. All result cartridges were returned under seal from the polling locations by 9:44 p.m. All ballots, except those that needed to be duplicated, were counted by 11:05 p.m.

At Chairman Larkin's request, Mr. Burk explained that absentee or mailing precinct ballots which were torn or stained when received were duplicated to a fresh ballot by the Duplication Board, assuring that only one ballot is counted and that it could be read into the system. The last of the duplicate ballots were counted by 12:35 p.m. the following day, resulting in no change to the election results.

As required under NAC 293.255, Mr. Burk and the Certification Board conducted an audit of two percent of the printed copies from the Voter Verified Audit Trail Printers to compare their accuracy with the electronic results cartridges. This process involved scanning a bar code at the bottom of the printed ballots from 30 randomly selected Edge voting machines, for a total of 1,432 recorded ballots. It was found that two ballots on one machine had jammed and did not print properly. Mr. Burk explained that, at the request of Commissioner Galloway, three percent (a total of 42) of the audited ballots were visually verified. He thanked his staff and the members of the Election Certification Board.

Commissioner Galloway asked Mr. Burk if any discrepancies whatsoever were found, other than the two ballots that had not printed properly. Mr. Burk responded that there were no other discrepancies.

Chairman Larkin asked for public comment.

Patricia Axelrod challenged certification of the vote and the credentials of the Certification Board. She felt that Wyle Laboratories had done an unrealistic test of the voting machines when certifying them. Ms. Axelrod continued speaking after her two minutes were up and received a warning from Chairman Larkin.

Guy Felton discussed the “shackling” of free speech and questioned the intellectual and moral qualifications of those canvassing the election results. Mr. Felton’s comments included profanity and derogatory names, at which time he was warned by Chairman Larkin.

Sam Dehne questioned the vested interests of those who participated in canvassing the election results.

There being no one else wishing to speak, Chairman Larkin closed public comment.

Chairman Larkin asked the Clerk to verify that a quorum of Board members was still present. All Commissioners except Commissioner Galloway responded that they were present.

Commissioner Sferrazza asked for a response to Ms. Axelrod’s complaint about the voter’s ability to vote a straight ticket. Leslie Admirand, Deputy District Attorney, explained that NRS 293B.080 only requires that the mechanical voting system permit the voter to vote for all candidates of one party, or in part for the candidates of one party and in part for the candidates of one or more other parties. She stated that Washoe County’s mechanical voting system complied with that requirement.

Chairman Larkin cautioned Ms. Axelrod that she would be escorted off the premises if she again attempted to speak out from the audience.

Commissioner Sferrazza stated that he did not see the ability to vote a straight ticket when he voted and was curious about compliance. Chairman Larkin asked whether the requirement was for an electronic as well as a mechanical system. Ms. Admirand clarified that a voter must be allowed to vote for all candidates in one party, which voters can do with the software provided.

Commissioner Sferrazza asked about a complaint received whereby voters were urged to vote for a Sparks City Council candidate at the polling place, which was also the candidate's place of business. Katy Singlaub, County Manager, reported about a sign in the Scolari's store where candidate Ron Smith was identified as the manager of the store. When asked by Chairman Larkin if the complaint had been received, investigated, and found to be without substance, Ms. Singlaub responded that was her understanding.

Commissioner Sferrazza referred to a complaint of someone looking over a voter's shoulder and announcing the results in the store, stating that the announcement was heard back at the dairy counter and people asked, 'why aren't you voting for Ron Smith.'

Mr. Burk was unaware of the complaints but was aware of the sign identifying the manager. It was not a political sign and its distance from the polling place during early voting was greater than that required by law.

Chairman Larkin verified that neither the Registrar nor the County Manager had received the complaint referred to by Commissioner Sferrazza. Commissioner Sferrazza asked whether there was some sort of a curtain or other means to ensure the voters' privacy. Mr. Burk related that the voting machines at the Scolari's on Vista had been rearranged to provide additional privacy, as well as securing additional space at the store on South Virginia to space the machines further apart. Commissioner Sferrazza asked if there was a rule prohibiting an individual from standing too close to a voter. Mr. Burk stated that there is a minimum standard of two feet between voting machines used on voting day which could not be achieved in early voting due to lack of space.

Chairman Larkin gave a last and final warning to Guy Felton, cautioning him not to approach the Deputy District Attorney or the County Manager, noting he was permitted to approach the Clerk.

Commissioner Galloway, having rejoined the meeting by phone, asked whether the Board could put this on a future agenda to make possible improvements, stating that it would be unfair to the public to invalidate an entire election because of the irresponsible action of one citizen. Commissioner Sferrazza stated that he had no problem with that, but would like some investigation to determine if it is a crime to look over someone's shoulder while voting and perhaps ask the Legislature to make this a crime. Chairman Larkin pointed out that both the County Manager and the Registrar of Voters were making notes and would report on a future agenda.

Chairman Larkin commended Mr. Burk and his crew for doing a stellar job. Commissioner Weber thanked members of the public for their comments and reiterated the importance of further discussion regarding the complaints received.

After conducting the canvass, the Board declared the abstract, as presented, to be a true vote cast; and, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the members present execute the Certification of the Official Canvass for the 2006 General Election, as presented. It was further ordered that the Clerk be directed to enter upon the record of the Board an abstract of the results, which shall contain the number of votes cast for each candidate and question, and that the Registrar of Voters submit a certified copy of the abstract to the Secretary of State.

**[abstract set forth in full in the permanent minutes]**

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There being no further business to come before the Board, the meeting adjourned at 9:04 a.m.

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**ROBERT M. LARKIN**, Chairman  
Washoe County Commission

**ATTEST:**

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**AMY HARVEY**, County Clerk  
and Clerk of the Board of  
County Commissioners

*Minutes Prepared by  
Jan Frazzetta and Lisa McNeill  
Deputy County Clerks*