

**MINUTES OF THE MEETING OF THE
BOARD OF ELECTIONS**

May 6, 2020

2:30 P.M.

Mr. Rick Stewart called the Board of Elections Meeting to order at 2:30 p.m. with the following present: Mr. Howard Greene, Ms. Susan Lepter and City Solicitor Dan Griffith. City Manager, Charles Anderson, Tracy Torbert, City Clerk and Director of Economic Development and Community Relations, Trisha Newcomer were also present.

Mr. Stewart presented New Business Item #1: Discussion by the Board of Election regarding the possible postponement of the 2020 City of Seaford Municipal Elections and/or conducting an all absentee ballot election due to the State of Emergency. Mr. Stewart then turned the discussion over to Mr. Dan Griffith, City Solicitor. Mr. Griffith thanked each board member for appearing in person for the meeting. He added that it is important for this meeting to be held in person for public access purposes.

Mr. Griffith stated that the reason of the meeting is to discuss any developments that have come up since the last meeting. During the last meeting, it was decided to proceed with the election on May 16th allowing people to vote in person utilizing PPE, social distancing and all of the guidelines recommended by the Governor and CDC. The citizens were encouraged to vote by mail using the absentee ballot process. Mr. Griffith said that there has been at least one member of the public recommend that the process be all absentee ballot. Mr. Griffith explained that there is a Delaware Code Title 15; 7550 states the following: "Municipalities shall conduct all elections for local office using voting machines that the Department of Elections shall provide. Therefore, the option of an all absentee ballot is off of the table. There have been discussions with the Governor's office and the Department of Elections Commissioners office about if an all absentee ballot option is available. Mr. Griffith stated that they will not provide a definite answer, however, they do refer back to the provision stated above. Therefore, due to the legal challenges that could be faced, it is Mr. Griffith's opinion to not do an all absentee ballot election.

Mr. Griffith stated that it needs to be discussed today by the Board of Election to keep the date of the election the same or postponing the election again. At this time, there has not been a modification to the Governor's current stay at home order which is in effect through May 15. He added that there has been some guidance relating to if the City could or could not proceed with having their election on May 16, 2020. It has been communicated that there is going to be a modification to the current stay at home order from Governor Carney. That stay at home order is going to allow municipalities who have elections scheduled after May 15 but before the new deadline to proceed with their elections. The order will allow municipalities to conduct their elections at their discretion. The municipalities that are conducting these elections will be required to implement social distancing requirements and enforce a crowd limit of 10 persons at a time at polling locations. They are also encouraged to mail out absentee ballots to all eligible voters and to reduce the number of polling places. Therefore, Mr. Griffith stated that he feels and believes that the election can proceed as scheduled.

Mr. Stewart stated that he has received some comments from the public. Those comments have been why are we proceeding at all; it should be postponed until a later date. Mr. Stewart stated that from his previous professional experience as a respiratory therapist, he believes that people are in

less danger by coming to City Hall to vote than going to the grocery store. He added that with all of the proper precautions in place such as social distancing, PPE and sanitizing of the machine he feels the public will be safe to come vote.

Mr. Greene asked how many voting machines will be used? City Manager Anderson stated that two machines will be delivered in the event that one machine malfunctions. However, the plan will be to use one voting machine. He added that there will be one way in and one way out so that there will be no passing traffic. There will be taped markers on the floor for people to follow for social distancing. Mr. Anderson added that the number of election workers has been reduced and the room layout will be different than previous elections to keep the number of people under 10 in the Council Chambers.

Mr. Greene asked who takes care of the mail-in ballots? City Manager Anderson stated the City is currently taking care of the mail-in ballots. All of the front facing staff at City Hall is able to assist with absentee ballots, however, City Clerk, Tracy Torbert is the contact person. Once the ballots are collected, they are stored in the vault which is locked with only 3 people having a key. On election day, they will be counted by the Election Judge; the count will be live streamed.

City Manager Anderson added that as of today, the City has a total of 264 absentee ballots out or have been returned. City Manager Anderson stated that the City population is approximately 7,200 and there are about 1,200 registered voters. Mr. Greene asked if a voter registration drive was ever considered? City Manager Anderson stated that the City has discussed this in the past. This year, City Hall did extend its hours two different days, the information was translated to Spanish and French Creole (Haitian). We will go out into the community to people if they desire to register; if they are not able to leave their home. We added a check box on the service agreement when people come in to establish electric service for them to be registered to vote. Mrs. Newcomer provided statistics regarding previous elections. In 2019, there were 295 ballots cast, in 2018, there were 466 ballots cast and in 2017 there were 206 ballots cast and in 2016, there were 315 ballots cast. City Manager Anderson added that he believes that residents are listening to the Board of Elections and voting by absentee ballot. Mr. Griffith pointed out that under the Delaware Code, the absentee ballots cannot be mailed out more than 60 days before election nor four days prior to the election. He added that it would be problematic having that many votes casted if the election was postponed.

Mr. Griffith stated that if there is no action to be taken, then the meeting can be adjourned.

Mr. Stewart called for a motion to adjourn. Mr. Greene made a motion to adjourn; Ms. Lepter seconded. Mr. Stewart then called for a roll call vote:

Mr. Stewart voted yes;

Mr. Greene voted yes;

Ms. Lepter voted yes.

The motion so passed. The Board of Elections meeting was adjourned at 2:50 p.m.

Charles D. Anderson, City Manager

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