

Scott County Board of Supervisors
November 30, 2020 9:00 a.m.

The Board of Supervisors met pursuant to adjournment with Maxwell, Beck, Knobbe, Croken and Kinzer present. Due to social distancing concerns relating to COVID19, Supervisors and staff were spaced apart during the meeting with some staff participating electronically.

This special meeting was called for the purpose of canvassing the votes from the recount of the 2020 election for United States Representative District Two.

Roxanna Moritz, County Auditor, said, in regards to the report of the Recount Board for the U.S. Representative 2nd District Election, the Recount Board recounted the votes in each precinct in Scott County, including the absentee precinct. The method used by the Board was a combination of hand counting the ballots and machine counting the ballots. Because the Board used this method, it provided my office with a report which did not include a summary report distributing the votes from the absentee ballots back to the home precinct of the voter. The Board did include a summary report for each precinct individually canvassed. The report of the Board is attached. The Abstract of Votes reflects the total votes the Recount Board counted for each candidate. The Election Canvass Summary does not reflect that total due to the inability to distribute the absentee precinct votes back to the home precincts.

She said, in her memo, she referenced Iowa Administrative Code 721-26.105, Auditor and Staff Restrictions. She said the Code section clearly designates the responsibility of the Board and the Auditor's Office.

Moved by Croken, seconded by Maxwell a motion to certify the results from the recount of the 2020 election for United States Representative District Two.

Supervisor Beck said he was confused by what Moritz just said because the Supervisors were only given one sheet that did show the absentee ballots.

Moritz said the report is by precinct, and for the purpose of Election Day, every tabulator at a location is a precinct. She said by law, all of the absentees are one precinct and they are dropped into their specific precinct.

Richard Bauer, Elections Supervisor, said the report reflects the changes that were made on the election day precincts, not the absentee.

Moritz explained two changes.

Roland Caldwell, Auditor's Office Operations Manager, reviewed the several changes by the Recount Board from individual precincts for over-votes and an Expressvote ballot that hadn't went through the tabulating machine because it was left in the Expressvote machine by the voter.

Moritz said numbers at the precincts are accurate but the absentee precinct, when the Recount Board turned in their Report, showed 131 more ballots than what the Auditor's Office showed. She said she reconvened the Recount Board and asked them to recount, they chose not to and so unfortunately under Iowa Law, if a candidate is disappointed with the recount, their options are to file a contest. She also said she has no ability to do an administrative recount and she called the Secretary of State to verify.

Supervisor Maxwell said, in regards to being off by 131 ballots, he is struggling with this and not knowing where the issue is and what happened and not being able to back and see where it go wrong.

Moritz said that was the reason for her reconvening the Board and asking for a machine recount and get a baseline number to look at.

Supervisor Croken asked if it was his understanding that there is nothing more the Board of Supervisors can do but to certify or not certify the recount report.

County Attorney Mike Walton said this comes down to duties of the various entities. He said the Recount Board has quite a bit of autonomy on how they conduct the recounts and the duties of the Board of Supervisors actually quite clear. Walton said, in Iowa Code Section 50.24, Canvass by the Board of Supervisors, it states that the Board shall open a canvass and tally list and shall prepare the Abstract of Votes which has been presented, and the Board shall certify an Election Canvass Summary Report. He said he doesn't see any alternative at this point and said the Board needs to follow the law to the best of their ability and he thinks the Board of Supervisors has clear direction of what they need to do based on the documents prepared by the Auditor.

Chairman Knobbe thanked Walton and said it was made very clear what the Supervisor's duties are here this morning.

Supervisor Kinzer asked about the members of the Recount Board.

Moritz said the three member Board consists of a representative of each candidate and a third person agreed to by those two individuals. She said this Recount Board consisted of a retired judge and two attorneys.

Roll Call on the motion to certify the results: All Ayes.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
All Ayes.

Knobbe said Mike Duffy, who has served for many years, has resigned and he has asked John Stavnes to serve.

BE IT RESOLVED: 1) That the appointment of John Stavnes, Bettendorf, Iowa to the Compensation Board for an unexpired four (4) year term expiring on June 30, 2021 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Kinzer, seconded by Maxwell at 9:23 a.m. a motion to adjourn the special meeting. All Ayes.

Tony Knobbe, Chair of the Board
Scott County Board of Supervisors

ATTEST: Roxanna Moritz
Scott County Auditor