



CITY OF CAMBRIDGE

BOARD OF ELECTION COMMISSIONERS

51 Inman Street, Cambridge, Massachusetts 02139-1732 • Telephone: 617-349-4361 • TTY: 617-492-0235
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COMMISSIONERS

Artis B. Spears

Darleen G. Bonislowski

Ethridge A. King, Jr.

Polyxane S. Cobb

EXECUTIVE DIRECTOR

Marsha Weinerman

Minutes of the Vacancy Recount Tuesday, February 24, 2009

A Vacancy Recount for the office of City Councillor vacated by Brian Murphy was held on Tuesday, February 24, 2009 in the offices of the Board of Election Commissioners. The meeting was called to order at 2:30 p.m. Commissioners King; Spears; Bonislowski; and Cobb; the Director of the Count; Karen Francis, Commission staff; Donald Drisdell, City Solicitor; Nancy Glowa, Deputy City Solicitor; George Goverman, Auditor; Allan Isbitz, Assistant to the Auditor; Robert Coe, IT Project Manager; and Lee Valentine, Computer Consultant, City Council candidates, designated witnesses, and members of the public were present.

I: Introductions

The Director of the Count introduced herself and the members of the Board of Election Commissioners. She then introduced the City Solicitor, the Auditor, the Computer Consultant, the IT Project Manager, and their staff.

The Director of the Count explained the process and produced the CD disk containing the data of the final results of the Municipal Election of 2007 which entered into her custody on or about 11/16/07. The disk was turned over to the Computer Consultant who inserted it into the computer drive and opened it. He verified that the software feature providing for the exclusion of all those who receive 50 votes or fewer has been de-activated for the purposes of the Vacancy Recount [MGL 54a §13].

The City Solicitor provided information on the candidates, noting that one (Anthony Galluccio) had withdrawn his name from consideration, and one (Jonathan Janik) had been declared ineligible because he has registered to vote in Arlington. There remained 5 candidates qualified as eligible: M. Kevin Moore; Gregg J. Moree; Kathy Podgers; Edward J. Sullivan; and Larry W. Ward.

II: Vacancy Recount

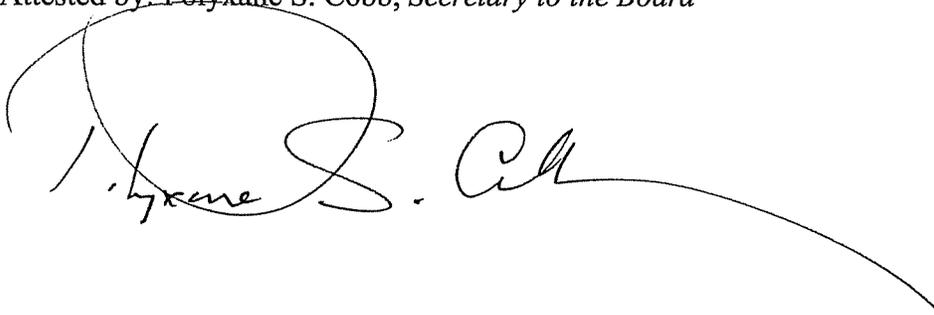
The Director of the Count directed the Computer Consultant to run the program. The results were provided to the Auditor for review. The Auditor provided the results to the Director of the Count and through her to the Board of Election Commissioners.

At 3:15 p.m. Commissioner Bonislowski moved to accept the results received from the Auditor and the Director of the Count. Commissioner Cobb seconded the motion and it passed 4-0.

The Director of the Count announced that Larry W. Ward was declared elected. Councillor-Elect Ward was asked to say a few words. He expressed his appreciation to the voters, and pledging to work constructively with the Council as it deals with the great challenges facing Cambridge.

By consensus the Vacancy Recount adjourned at 3:30 p.m.

Attested by: Polyxane S. Cobb, *Secretary to the Board*

A handwritten signature in cursive script, appearing to read "Polyxane S. Cobb", with a long horizontal flourish extending to the right.



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Minutes of the Board of Election Commissioners Meeting Tuesday, February 24, 2009

A regular meeting of the Cambridge Election Commission was held at the Election Commission Office on Tuesday, February 24, 2009. The meeting was called to order at 1:30 p.m. Commissioners King; Spears; Bonislawski; and Cobb; the Executive Director; Karen Francis, Commission staff; Donald Drisdell, City Solicitor; Nancy Glowa, Deputy City Solicitor; George Goverman, Auditor; Allan Isbitz, Assistant to the Auditor; Robert Coe, IT Project Manager; and Lee Valentine, Computer Consultant were present

I: Minutes

- 1: The Minutes of February 4, 2009 with corrections, were accepted by consensus.
- 2: The Minutes of February 11, 2009, with edits, were accepted by consensus.

II: Reports

- 1: Executive Director's Report [see attached]
 - A: Commissioner Cobb moved and Commissioner Bonislawski seconded a motion that, pursuant to MGL 54a § 6, Executive Director Marsha Weinerman be appointed Director of the Count for the purposes of the Vacancy Recount to take place at 2:30 p.m. on February 24, 2009. The motion passed 4-0.
 - B: The Executive Director presented the Board with a CD containing the data of the final results of the Municipal Election of 2007 which entered into her custody on or about 11/16/07.
 - C: The Executive Director presented the Board with the following information regarding the Vacancy Recount [attached]:
 - Vice Mayor Brian Murphy's letter of resignation from the City Council, effective February 9, 2009.
 - List of City Council candidates whose names appeared on the 2007 City Council Ballot and who were not elected.
 - Public Notice of the date and time of the Vacancy Recount.
 - List of eligible candidates from the list of all candidates whose names appeared on the 2007 City Council ballot and who were not elected.
 - State Senator Anthony Galluccio's letter to the Board of Election Commissioners withdrawing his name from the list of eligible candidates.

- D: Commissioner Cobb moved and Commissioner Bonislowski seconded a motion to declare Jonathan Janik an ineligible candidate because he is registered to vote in Arlington. The motion passed 4-0.
- E: The Executive Director reported that she met with City Solicitor Drisdell to discuss the rules of Vacancy Recounts as regards the rule of exclusion. In a regular election the rule of exclusion provides that all candidates with fewer than 50 votes at the end of the first count be declared defeated. In a Vacancy Recount that rule is suspended as per MGL 54a §13. All other rules under this chapter, however, do apply for a regular election and a Vacancy Recount.

Following the meeting with the City Solicitor, the Executive Director met with the Computer Consultant. She has been assured that the software feature providing for the exclusion of all those who receive 50 votes or fewer has been de-activated for the purposes of the Vacancy Recount. Under the special rule for Vacancy Recounts, a candidate found to have more than 50% of the total number of ballots available is declared the winner. If no one has more than 50% of the ballots, candidates are declared defeated one by one, with the candidate with the lowest number of votes declared defeated first. That candidate's ballots are re-distributed to the remaining candidates. The one with the lowest number of ballots in that round is declared defeated and the ballots re-distributed, and so on until one candidate emerges with more than 50% of the ballots. That candidate is declared the winner.

In the last Vacancy Recount one candidate (David Maher) had more than 50% of the votes initially so no further rounds were necessary.

2: Commissioners' Reports

- A: Commissioner King reported that the Board of Election Commissioners met with the City Manager on Tuesday, February 24, 2009 to discuss the Commission's budget for FY 2010.
- B: Commissioner Cobb reported that 105 Rice Street (and 103 to 111 Rice Street) is a valid address.

Commissioner King moved and Commissioner Spears seconded a motion that the meeting adjourn at 2:25 p.m.. The motion passed 4-0.

Attested by: Polyxane S. Cobb, *Secretary to the Board*

A handwritten signature in black ink, appearing to read "Polyxane S. Cobb", is written over a circular stamp. The signature is fluid and cursive, extending to the right with a long horizontal stroke.