

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
June 5, 2009**

The Honorable City Council met in a special Council meeting on the above date in the Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

Present:

Mayor Ken Tedford, Jr.
City Councilman, Willis Swan
City Councilman, Robert Erickson
City Councilman, John Tewell
City Engineer, James Souba
City Clerk, Gary Cordes
Deputy City Clerk, Fern Lee
City Attorney, Mike Mackedon

The meeting was called to order by Mayor Tedford at 9:00 a.m.

Mayor Tedford inquired if the agenda had been posted in compliance with NRS requirements.

City Clerk Cordes advised the agenda was posted in compliance with NRS 241.

Canvass of returns for the City of Fallon Election held June 2, 2009

City Clerk Cordes presented the June 2, 2009 General Election results, adding that the Secretary of State had reviewed said results and found them to be satisfactory and in compliance. He noted that the reconciliation lists early, absentee and general election votes. No clerical errors were discovered. Abstracts of Ward I and Ward III are also included in the report. He acknowledged Deputy City Clerk Lee's assistance with this election.

Mayor Tedford, on behalf of himself and the Council, thanked City Clerk Cordes and Deputy City Clerk Lee for their time and efforts. He also thanked the Election Board for their service.

Mayor Tedford inquired if the Council had any questions or comments.

Councilman Swan noted the disappointing participation numbers.

Mayor Tedford noted that the purging of voter registration lists needs to be allowed to obtain a more accurate list.

Councilman Erickson inquired as to the under vote in Ward III.

City Clerk Cordes explained that they received an absentee ballot that was not marked. It was recorded as an under vote.

Councilman Erickson requested City Clerk Cordes to confirm that he personally supervised the count of votes.

City Clerk Cordes confirmed that he and Deputy City Clerk Lee supervised the count of votes.

Councilman Erickson inquired if the ballot box had been secured according to the statute.

City Clerk Cordes confirmed that it was.

Mayor Tedford inquired if there were any public comments or questions.

No public comments were noted.

Councilman Erickson declared that, after having heard the report of the City Clerk and having canvassed the vote of the City election of June 2, 2009 for City Councilman's seats for Ward I and Ward III, he moved, pursuant to NRS 293C.387 that the City Council and Mayor declare that the results of the election are:

<u>Ward I</u>	
Rachel Dahl	142
Susan Savala	65

<u>Ward III</u>	
Tony Giove	64
James Richardson	125

That motion was seconded by Councilman Tewell and approved with a 3-0 vote by the Council.

Councilman Erickson moved, whereupon the City Clerk shall enter into the minutes of this meeting as well as file for record within the City Clerk's Office the abstract of the election results as declared by the Mayor and Council and enter an Order in the minutes of this meeting directing the City Clerk to certify the abstract, make a copy of the certified abstract and copy and transmit a report of the abstract to the Secretary of State in conformity with the applicable regulations of the Secretary of State; seconded by Councilman Swan and approved with a 3-0 vote by the Council.

Mayor Tedford certified the 3-0 vote by the Council.


Public Comments

Mayor Tedford inquired if there were any public comments.


No comments were noted.

Adjournment

There being no further business to come before Council, Mayor Tedford adjourned the meeting at 9:09 a.m.



Mayor Ken Tedford, Jr.

Attest: 

Gary C. Cordes
City Clerk Treasurer

City of Fallon
 Abstraction of Election Results
 June 2, 2009 Election
 Prepared by : Gary Cordes City Clerk Treasurer

Votes Cast Reconciliation

	<u>Ward I</u>	<u>Ward III</u>	<u>Total</u>	<u>% thereof</u>
5/16/2009	7	6	13	
18-May	9	9	18	
19-May	4	4	8	
20-May	8	7	15	
21-May	11	9	20	
22-May	6	6	12	
23-May	2	3	5	
26-May	3	5	8	
27-May	3	4	7	
28-May	5	11	16	
29-May	0	17	17	
Total early voting	58	81	139	5%
Absentee Vote	29	38	67	2%
General Election	120	71	191	7%
Grand total all votes	207	190	397	14%
Voter Turn out	13.76%	14.91%	14.29%	
Total Registered	1,504	1,274	2,778	

**Abstract of Council person
Ward I**

	<u>Early</u>	<u>Absent</u>	<u>General Election</u>	<u>Total</u>	<u>%</u>
Dahl, Rachel	30	25	87	142	68.60%
Savala, Susan R.	28	4	33	65	31.40%
Total	58	29	120	207	100.00%

**Abstract of Council person
Ward III**

	<u>Early</u>	<u>Absent</u>	<u>General Election</u>	<u>Total</u>	<u>%</u>
Giove, Tony	24	13	27	64	33.68%
Richardson, James	57	24	44	125	65.79%
Under vote	0	1	0	1	0.53%
Total	81	38	71	190	100.00%

shall withdraw the ballots from each ballot box or container that holds absent ballots received before that day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' record.

2. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

(Added to NRS by 1997, 3438; A 2001, 2040; 2007, 2619)

NRS 293C.385 Withdrawal of absent ballots from ballot boxes after initial withdrawal; verification of proper number and counting of absent ballots; reporting results of count; disseminating information about count before polls close prohibited; penalty.

1. Each day after the initial withdrawal of the ballots pursuant to NRS 293C.382 and before the day of the election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' ballot record.

2. If any absent ballots are received by the city clerk on election day pursuant to NRS 293C.317, the city clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. Not earlier than 4 working days before the election, the appropriate board shall, in public, count the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the regular votes of the precinct. The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The city clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of absent ballots before the polls close is guilty of a misdemeanor.

(Added to NRS by 1997, 3438; A 2001, 2040; 2007, 1182, 2619)

NRS 293C.387 Returns filed with city clerk; canvass of returns; preparation and entering of abstract of votes; limitation on inspection of returns; certificates of election.

1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the sixth working day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 7 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which he is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

(Added to NRS by 1997, 3439; A 2003, 2256; 2007, 622)

NRS 293C.389 Inclusion of inactive voters in reports of votes prohibited.

The governing body of a city, a city clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to subsection 7 of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.

(Added to NRS by 1999, 1395)

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Elections ⇌ 140.
WESTLAW Topic No. 144.
C.J.S. Elections § 106.

NRS 293C.390 Disposition and inspection of ballots, lists, stubs and records of voted ballots after canvass by governing body of city.

1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes