Austin City Council
MINUTES For

SPECIAL CALLED MEETING - APRIL 4, 1983
CANVASSING OF GENERAL MUNICIPAL ELECTION - 4:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Larry Deuser
Roger Duncan
Richard Goodman
Ron Mullen
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor Pro Tem Trevino called to order the Special Called Meeting of the Council scheduled for 4:00 p.m., noting the presence of all Councilmembers. He said the purpose of the meeting is to canvass the results of the General Municipal Election. Mayor Pro Tem Trevino said after the results have been verified, then Council will need to pass a resolution to adopt the results and an ordinance to set a run-off election for April 30, 1983.

Councilmember Deuser asked how many total discrepancies there are between the number of names on the ballot list and the number of ballots actually counted.

Paul Gamel, Presiding Judge of the election, referred to a letter submitted to James E. Aldridge, Acting City Clerk. He said it is the cover letter of his report concerning the election. Mr. Gamel referred Council to page 3, Item 2 and showed that there were discrepancies. "The first computer run balanced perfectly. We had a total of 82 that balanced perfectly. There were 30 boxes that required some further evidence of balancing the count. As we completed the boxes for the evening there was actually only a total of 31 ballots. The sum of all the differences is 31 ballots and is unexplained. If you look at the first category where we say we have 1st, 2nd and 3rd computer runs, that simply means that we have gone through and attempted to resolve the problem. The re-run boxes, you can see we re-ran the 30 boxes and as we re-ran those 30 boxes, 14 of them cleared up. Sixteen of them did not. Out of the 16 boxes that had an unexplained difference in them there was a total of 31 ballots that had a discrepancy that we really could not overcome. .....If we have a box that comes through there is a three step process we go through before we actually go through and do the vote counting. A box comes in   and along with it is an accompanying poll list. Our first step is to take the poll list and balance the number of names on the poll list with the number of ballots. We run the computer cards through the computer the first time and we determine if those two numbers balance. It's what the precinct judge tells us he has together with the number of cards that are actually there.

If they do not balance then we have to go through some resolution to determine why....
We will go into the ballot box to evaluate and see if we can determine what the problem
is. In some cases it would have something to do with the remake ballot. In some cases
it is just simply an unexplained difference. In other words, the number of different
ballots. Out of the 16 ballot boxes that had unexplained differences if you look at
the last category on the bottom of that page you can see that there are really four
sub categories. There were 12 boxes out of balance by only one ballot. There were
two ballot boxes that were out of balance by only two votes. There was one ballot box
that was out of balance by six votes and the absentee ballot box was out of balance by
nine ballots. If you evaluate the 16 boxes that we had an unexplained difference that
we cannot resolve, there were really only a total of 31 ballots that were really out
of balance." Councilmember Deuser asked him to talk about the ballots.

Mr. Gamel explained again. He said, "There was some concern about some
staple holes in the ballots. That was a concern of ours and one of the things we had
to resolve initially, did the staple holes in the ballots really make any difference
or not. We first ran them through the computer to determine a count. It did not
balance with the count we had been given on the polling list, so we developed a special
program to load into the computer and actually ascertain whether the computer could read
those staple holes or not and we conclusively proved that the small holes in the first
three columns of the ballot card made absolutely no difference because the computer
did not recognize those as a punched hole." Mr. Gamel continued by saying the entire
evening went smooth and if there was a question.the box was run a second time.

Councilmember Goodman said precincts 255, 256 and 258 are all right. Precinct
257 has no total by the election judges but it is all right.

Councilmember Duncan said precincts 444, 144, 232, 233, 235 and 244 are all
right.

Councilmember Urdy found one vote difference in precincts 234 and 236, but
243 and 259 are all right. Mr. Gamel said there was one line blank in 234's list
and 236 has an unexplained difference.

Councilmember Mullen found 245, 247 and 248 to be all right.

Mayor Pro Tem Trevino said 254, 253, 246 and 251 are all right, but 249
had a one vote discrepancy. Mr. Gamel said they ran precinct 249 three times but
the one vote difference cannot be explained.

Councilmember Duncan said 325 is all right.

Councilmember Deuser asked, "Mr. Attorney, will you check into how many votes
discrepancy there has to be before a box is declared invalid?" Albert DeLaRosa,
City Attorney, said, "In my reading of the election laws there are not many specific
details of election code. Any individual could have contested and asked the canvassing
board, which is the City Council in this point in time, not to go forth with the
canvassing for a particular position on the ballot. Another alternative still remains
in effect and that is after 30 days from the election returns, anyone does have the
right to file an election contest and essentially what should be there is somehow some
improper technique involved so that the true results of the election cannot be
ascertained. It is up to a judge to determine what would amount for an entire box. There

is nothing specifically in the statute but it is up to the judge to declare when an entire box will not be counted."

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, adopted a resolution verifying the results of the General Municipal Election held on April 2, 1983: (5-1 Vote, Councilmember Deuser voted No.)

Mayor

Lowell Lebermann	30,691
Michael Max Nofziger	8,697
Ron Mullen	35,755

Council Place No. 1

Scott Bieser	2,195
Larry Deuser	34,326
Mark Rose	37,060

Council Place No. 2

Roger Duncan	38,366
Willie Kocurek	36,463

Council Place No. 3

Richard Shield	3,849
Sally Shipman	43,745
Hector DeLeon	26,984

Council Place No. 4

H.K. Bost	3,776
George Humphrey	22,345
Randy Mueller	2,329
Mark Spaeth	17,314
Bette Mayfield	15,893
Jack Heffington	742
Carlos Ortegon Velasquez	2,991
Leda Roselle	6,964

Council Place No. 5

John Trevino, Jr.	59,905
Margaret U. Loera	12,956

Council Place No. 6

Charles Urdy	36,975
Terry Davis	36,388

and the following named persons are hereby declared duly elected and authorized to qualify for the positions as indicated for a two-year term commencing May 15, 1983:

Council Place No. 1	Mark Rose
Council Place No. 2	Roger Duncan
Council Place No. 3	Sally Shipman
Council Place No. 5	John Trevino, Jr.
Council Place No. 6	Charles Urdy

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance declaring a Special Municipal Run-Off Election on April 30, 1983 for the following: (6-0 Vote)

Mayor	Ron Mullen
	Lowell Lebermann
Council Place No. 4	Mark Spaeth
	George Humphrey

ADJOURNMENT

Council adjourned its meeting at 4:40 p.m.