



Kootenai County Clerk Clifford T. Hayes

Auditor · Clerk of the District Court · County Assistance · Elections · Recorder

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December 9, 2011

Mayor Sandi Bloem & City Council Members
City of Coeur d'Alene
710 E. Mullan Avenue
Coeur d'Alene, ID 83814

Dear Mayor & Council Members,

I observed your televised City Council meeting on Tuesday December 6 regarding the November 8 election results, and there are several items I'd like to clarify.

First, may I share my interpretation of your responsibilities under Idaho Code IC 50-412 (included)? It clearly states that it is the County Commissioners who canvass the results, the County Commissioners who accept the tabulation of votes prepared by the election judges & clerks, and the only responsibility of the City Council *is to enter the results into the minutes of your proceedings and proclaim them as final*. Therefore, I believe your motion to "accept and certify the election results" was unnecessary.

Second, regarding various conversations about me or the Clerk's office during your meeting:

- Councilman Hassell referred to having reviewed the poll books in the past to "look up specific names and see whether they voted or not".
 - Mr. Hassell can make a public records request for that information & we will send him the record copies he seeks. Or he can come to the Elections office to view the poll books under Elections staff supervision.
 - As Councilman Edinger acknowledged, all of you have the option to come to the Elections office to view the poll books. The poll books must remain in our physical custody for security reasons, however.
- Councilman Kennedy repeatedly questioned why I or a representative from my office was not present, and referred to a supposed "dereliction of duty" to be at your meeting to answer your questions. He also said I should have had "the presence of mind" to attend.
 - There is no duty in Idaho Code for me to have been at your meeting.
- Councilwoman Goodlander mentioned that perhaps had I been invited I may have been there.
 - She is correct; however, I was not invited. I am sorry she is not comfortable with how things are done now versus the past, but the elections laws have changed.
- Mayor Bloem said the City's job is to accept the results, but that is not exactly how the IC 50-412 section cited earlier is phrased.
 - It is disappointing that city staff, particularly the City Administrator and the City Attorney, were not aware of the city's legal responsibilities in this matter.
- Councilman Kennedy stated that all he'd "received were two pages of results", and that it was "less information" than the City received two years ago.
 - The City Clerk and Deputy City Clerk were emailed many pages of documents on November 18, immediately following November 17's canvass, and your packet shows that more information was given to you that evening. I am enclosing copies of what your staff had, and will detail more facts later in this letter.
- Councilman McEvers rightly questions the need for the Council to canvass the votes when the elections responsibilities have changed.
- Councilman Hassell is correct that the County Commissioners have already canvassed the election results and you are not being asked to certify that the Commissioners did it right.
- Councilman Kennedy is right to question why you should be duplicating the County Commissioners' responsibilities without the information.



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Third, several remarks were made about the former County Clerk having been present in prior years to discuss election results. It's important to expand upon how the situation was different then. Before, the City was responsible for running your own elections, and you chose to contract with the County for that responsibility, and specified tasks you sought in that contract. As City Attorney Gridley pointed out, that is not the case now. *The Legislature has assigned all elections responsibilities to the County.* Not only has the County Elections staff followed every code provision required of us handling this responsibility, we have also given training to your City Clerk about the City's new responsibilities. Post-canvass, your responsibilities are only to *enter the election results in the minutes of your proceedings, and issue certificates to the November 8 winners.*

Fourth, regarding more detailed information about the election canvass, County Elections staff emailed all City Clerks about the Board of County Commissioners' canvass meeting on November 17. Some City Clerks were present, including Susan Weathers. She was given nine pages of documents acknowledging

- all the verification steps taken and their outcomes
- the specific Idaho Code provisions or Secretary of State's directives guiding those steps
- the number & type of poll worker errors by precinct
- voting statistics (registered voters, total ballots cast, voter turnout) by precinct
- voided absentee ballots & the reasons, by city

City Clerk Weathers forwarded only two of these nine pages to you and the Council in your packet, along with the two pages of results referred to on camera by Mr. Kennedy, and the two pages of certificates from the Clerk and County Commissioners.

I have included copies of the seven additional pages Clerk Weathers received but did not relay earlier: these are reports on voided absentee ballots by city, and voting statistics by precinct.

Mayor Bloem, I truly appreciate your attentiveness to the elections outcome, as I am sure you and the Council are reacting in part to the 2009 elections lawsuit. This letter might seem acerbic, and I hope you realize that most of my concern is with Councilman Kennedy. He has been a friend for years, yet I found his conduct in your meeting offensive, and below the decorum standard expected of an elected official. I believe his apology is in order, but I'm not expecting it because I know Mike.

If you would consider reading this letter into the record at your next Council meeting, I'd appreciate it. You and the Council conveyed so much confusion about this canvass situation; it would be nice to set the record straight for the public. I will understand if you choose not to do this, however.

Sincerely yours,

Clifford T. Hayes, Clerk

Enclosures as referenced