

**ELECTION BOARD MEETING MINUTES
November 20, 2017 10:00 a.m.
TUMALO IRRIGATION DISTRICT OFFICE
64697 Cook Avenue
Bend, Oregon 97703**

BOARD: Shirley DeMaris, Steve Putnam, Wally Zimmerman (via phone)
STAFF: Ken Rieck, Chris Schull, April Harris-Spath

Vice Chair DeMaris called the election certification board meeting to order at 10:10 a.m. and appointed April Harris-Spath scribe.

CERTIFICATION OF ELECTION

On Tuesday, November 14th, 2017, there was an election for the position of Director from Division #2 of the Tumalo Irrigation District. Vice Chair DeMaris read and signed the Certification of Board of Directors Election for Division #2. It certified that there were a total of 44 votes. Both candidates, Shirley DeMaris and John A. Farley IV, received 22 votes each, resulting in a tie vote. The certification was seconded by Director Putnam, attested to by Vice Chair DeMaris and carried unanimously.

Due to the rarity of such occasion, Manager Rieck requested legal advice on the matter from Attorney Eileen Eakins. Eakins stated that according to ORS 254.575(1), when two or more candidates for office have the same number of votes, the elections officer must require the two candidates to meet publicly and decide "by lot" who is elected. The state elections manual says that both candidates must be physically present, or must provide an authorized representative to be present. If they don't attend or don't appoint someone to appear on their behalf, they lose by default.

At the next Regular board meeting on December 14, 2017 the Board will decide on a "fair and impartial" procedure for deciding who wins. According to the elections manual, this may be a roll of the dice, but presumably any other fair and impartial method will work, such as pulling names out of a hat or something similar as long as it's completely impartial. This will take place at 10:00 a.m. at the beginning of the board meeting, prior to the Board entering into executive session. Following Executive session, the Regular meeting will re-convene at 11:30.

ADJOURN

Director Putnam made a motion to adjourn the election board meeting at 10:23 p.m. Director Zimmerman seconded the motion and it passed unanimously.