



SPECIAL APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Tuesday, September 19, 2023 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

Council Members | Barratt Nielson | Kevin Sair | Robin Whitmore | Jarry Zaharias |

CALL TO ORDER- Council Member Kevin Sair called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE- Council Member Jarry Zaharias led pledge of allegiance.

PRAYER- Prayer offered by Council Member Whitmore.

ROLL CALL

PRESENT

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Jarry Zaharias

ABSENT

Mayor Frank Lindhardt

Council Member Barratt Nielson

DECLARATION OF CONFLICTS OF INTEREST

None declared.

Council Member Sair called for a motion for Mayor pro tem of this meeting.

MOTION: Council Member Whitmore motioned that we appoint Kevin Sair as our mayor pro tem.

SECOND: The motion was seconded by Council Member Zaharias.

VOTE: Council Member Sair called for a vote:

Council Member Sair - Aye

Council Member Whitmore - Aye

Council Member Zaharias - Aye

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION

1. September 5, 2023 Primary Election Canvass.

Council Member Sair commented he is going to turn the time over to the council members on where we stand in the community and where we hope to be in the future.

Council Member Zaharias commented that he was under the impression that the county did not want to give us a certification. He continued; it has to do with the system. We decided to push back for election



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integrity. It was our duty to certify. Verifying with the county made a difference so that they could perform their duty and certify the results.

Council Member Whitmore commented on background information. She continued, when we stated we wanted to do our Elections earlier in the year, we met with Lt Gov and her assistant Shelly Jackson. Our issue has always been that we did not feel comfortable certifying something we could not verify. We talked to her about that and she told us that we could not look at the ballots and I said well I cannot certify if I cannot look at them. It always bothered us on what she told us but because she is head of elections of the state, we trusted that. She presented Jenna (Town Clerk/Recorder), who is our election officer, with a book and stated the State code has not really caught up with us. That bothered us. We have just gone under the assumption that we were going to have to figure out something without being able to look at the ballots. On Saturday after researching through state code, the council is the board of canvassers and it states in state code that we have the right to inspect the ballot and counts. On Monday Frank (Mayor Lindhardt) had Jenna (Town Clerk/Recorder) contact them and they called their lawyer, and their lawyer called our lawyer. Our lawyer called us and said ok yes you can look at the ballots but they may require a resolution from the town council to grant the request. Frank (Mayor Lindhardt) went down to the county yesterday and spoke with them and reviewed the state code regarding inspecting the ballots. We are getting pushed back on this request even though it is state law. They also said it is according to our contract and not the state code. Frank (Mayor Lindhardt) pointed out to them this was a special election and they changed the dates and rules. The state changed so that every county had to run in the election and our town did not have a choice so that would nullify our contract. The lawyer from the county said something to the effect "That ok we will make an exception for you and you can come tomorrow at 8:30 in the morning. Frank (Mayor Lindhardt), and the three of us (Council Member Whitmore, Sair and Zaharias) went down this morning to the county office. They would not let us touch the ballots because of chain of custody but that is not really inspecting the ballots. We were able to watch them go through and count. We stood right behind them and we watched the entire process. They looked legit yet still we could not verify that every one of those ballots was a registered voter and a valid vote. The system needs reforming. The person who granted the opportunity to watch said they are afraid that more cites are going to be doing what we are doing. We should be doing our own elections and verifying that everyone is registered that is voting. This is the biggest issue of our time because people are losing faith in our election system and we want to restore that faith.

Council Member Sair commented on voter integrity and the problems they are having. The mail-in ballots are a big problem. The county cannot prove that they are legit and registered voters. This council is dedicated to making elections transparent. This is at ground level in Apple Valley and will blossom as it grows. The validation of the mail in ballots is the concern.

Council Member Whitmore reviewed the Canvass Report for the Municipal Primary Election on September 5, 2023. (Attachment A, 2 pages)

The council thanked each candidate for running.

Town Attorney Shawn Guzman commented because David Lane has formally withdrawn on September 18th, in the motion you would name the fifth seat for Town Council as the fourth. It was confirmed that



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if David Lane had withdrawn after the certification than there would only be three names running for the two Apple Valley Town Council Seats.

MOTION: Council Member Whitmore motioned that we certify as the mayoral candidates, Michael Lee Farrar, and Walter Eal Josey as Mayor, and for the town council seats, Janet Prentice, Barratt Eric Nielson, Margaret Ososki, and Raymond Lester Jessop for the general election.

SECOND: The motion was seconded by Council Member Zaharias.

VOTE: Council Member Sair called for a Roll Call vote:

Council Member Zaharias - Aye
Council Member Whitmore - Aye
Council Member Sair - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Council Member Whitmore motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Council Member Sair called for a vote:

Council Member Zaharias - Aye
Council Member Whitmore - Aye
Council Member Sair - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:27 p.m.



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Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

DRAFT

Apple Valley, Utah
Municipal Primary Election
September 5, 2023

OFFICIAL RESULTS

Statistics	TOTAL
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Registered Voters - Total	576
Ballots Cast - Total	252
Ballots Cast - Blank	0
Voter Turnout - Total	43.75%

Apple Valley Town Mayor Special 2yr Seat

Vote For 1

	TOTAL
WITHDRAWN	0
MICHAEL LEE FARRAR	169
WALTER EARL JOSEY	71
Overvotes	0
Undervotes	12
Contest Totals	252

Apple Valley Town Council

Vote For 2

	TOTAL
JANET PRENTICE	150
BARRATT ERIC NIELSON	125
MARGARET OSOSKI	72
DAVID LANE	69
WITHDRAWN	0
RAYMOND LESTER JESSOP	50
Overvotes	0
Undervotes	38
Contest Totals	504

**Apple Valley, Utah
Municipal Primary Election
September 5, 2023**

Summary Ballots Cast – 576 Active Registered Voters

	Votes	Turnout
Official Election Results	252	43.75%

By Mail Ballot Summary

Ballots Returned and Counted	252
Ballots not Counted (see below)	36
Provisionals not Counted (see below)	0
TOTAL Ballots	288

Reasons for not counting	Qty
Returned Past Deadline	10
Undeliverable	21
Returned unsigned	2
Signatures did not match voter record	3
Needs ID	0
Provisional Ballots not counted	0
<u>Totals</u>	<u>36</u>

Each voter whose ballot was not counted was notified of the reason their ballot was not counted and given instructions on how to correct the deficiency.

Provisional Ballot Summary Qty

Provisional Ballots Cast	0
Provisional Ballots Counted	0
Ballots Not Counted	0
Invalid	0
Incomplete Application	0
Already Voted	0
No Proof of Residency	0
No ID	0

In-Person Voting: 2