

**TOWN OF ELSMERE  
BOARD OF ELECTION  
MINUTES  
FEBRUARY 15, 2017  
COUNCIL CHAMBERS – 6:30 p.m.**

**CALL TO ORDER:** Chairwoman Deborah Norkavage called the meeting to order at 6:30p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

Chairwoman Deborah Norkavage – Present  
Ruthie Drummond-Parson – Present  
Claire Shelton - Present

**PUBLIC COMMENT:** None

**APPROVAL OF MINUTES:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

Review of the applications of all candidates who filed for office and determine if each applicant has met the requirements to run for the office to which they have filed.

Town Manager John Giles stated that Administrative Assistant Diana Reed will read the names of all candidates for each office and advise whether the candidates have filed all necessary paperwork with the Town and the State of Delaware. He stated that he will have her read the candidates for all offices with exception to the office of 1<sup>st</sup> District Council, due to the complaint received regarding one candidates eligibility.

Administrative Assistant Diana Reed read the following information into the record.

District 2

1. Mr. Ted C. Pfirrmann
2. Mr. Robert J. Stewart

Both applicants have filed all necessary paperwork with the Town and the State of Delaware.

District 3

1. Mr. Robert L. Kacperski

Mr. Kacperski was the only applicant to file, and he has filed all necessary paperwork with the Town and the State of Delaware.

District 4

1. Mr. Andrew B. Favreau
2. Mr. Edward F. Zielinski, Jr.

Both applicants have filed all necessary paperwork with the Town and the State of Delaware.

District 5

1. Mrs. Joann I. Personti

Mrs. Personti was the only applicant to file, and she has filed all necessary paperwork with the Town and the State of Delaware.

District 6

1. Mr. Brian E. Hurst

Mr. Hurst was the only applicant to file, and she has filed all necessary paperwork with the Town and the State of Delaware.

Mayor

1. Eric Scott Thompson

Mr. Thompson was the only applicant to file, and he has filed all necessary paperwork with the Town and the State of Delaware.

Town Manager John Giles stated that it would be proper to declare Mr. Eric Scott Thompson, Mr. Robert L. Kacperski, Mrs. Joann I Personti and Mr. Brian E. Hurst as being elected to their offices. Each of these is an office where only one candidate filed for that office, and each candidate has met the necessary requirements.

At this time there were no objections among the Board members.

Town Manager John Giles presented the two candidates for the office of 1<sup>st</sup> District Council.

District 1

1. Mrs. Laura M. Bourdon-Shade
2. Mrs. Marianne C. Skipski

Town Manager John Giles explained that he has received a complaint letter from Mr. John Jaremchuk dated February 9, 2017 in which he stated that it has come to his attention that Mrs. Bourdon-Shade does not live at the address which she

indicated on her filing for. He explained that he has looked into the complaint and has provided his findings to the members of the Board. Mrs. Bourdon-Shade and Mr. Jaremchuk are both present to answer any questions that the Board may have.

Chairwoman Norkavage invited Mr. Jaremchuk to the podium to present his case.

Mr. John Jaremchuk stated that the memo speaks for itself. He did request that the Town Manager investigate the situation. He would ask that the Town Manager advise the board of his findings.

Town Solicitor Edward McNally stated that Town Manager John Giles has prepared a timeline which he feels may address several of Mr. Jaremchuk's questions. He presented copies of the timeline to the members of the Board, Mr. Jaremchuk and Mrs. Bourdon-Shade.

Town Manager John Giles stated that the timeline should be listed in the record as Exhibit A.

Mr. Jaremchuk asked if Mrs. Bourdon-Shade's address on her registration with the Department of Elections is still listed as 335 Osbourne Road.

Administrative Assistant Diana Reed advised that her registration does still indicate her mailing address as 335 Osbourne Road.

Town Manager John Giles asked that the letter titled Memorandum, which is the complaint letter issued by Mr. Jaremchuk be entered into the record as Exhibit B. The 2017 Municipal Election Filing Form dated February 6, 2017 is listed as Exhibit C. The 2017 Municipal Election Filing Form dated February 9, 2017 is listed as Exhibit D.

Chairwoman Norkavage invited Mrs. Bourdon-Shade to address the Board.

Mrs. Bourdon-Shade presented a new Voter Registration Card with her address as 206 Taylor Road.

Town Manager John Giles labeled the voter registration card as Exhibit E. He further stated that a copy of Mrs. Bourdon-Shade's driver's license be labeled as Exhibit F.

Mrs. Bourdon-Shade stated that before she filed for the position, she had been living at State Park Housing which provides a PO Box for mail. Therefore, she had continued to have her mail delivered to her mother's house at 335 Osbourne Road. Her mother is elderly, and when she eventually passes, she will be moving

back into the house. About 19 months ago, she was able to purchase a house at 206 Taylor Road, and while she has been living there, she continued to have her mail and her driver's license registered to 335 Osbourne Road. She stated that because she intended to eventually move back into 335 Osbourne Road, she thought that it would be practical to put that address as her address since that was the address on her license. She stated that she does realize that this was a mistake and improper, however, she does still qualify for the position and feels that she should be permitted to run for office.

Chairwoman Norkavage stated that part of the process is to provide information to the constituents about how to reach her and while changing your address is cumbersome, this has nothing to do with that. It has to do with her ability to serve the constituents of District 1 and part of that is where she resides and how to contact her.

Mrs. Bourdon-Shade stated that she does understand that, which is why she has since changed the address on her license, her voter registration and her filing forms.

Town Solicitor Edward McNally stated that the Charter sets out the qualifications of a member of Council. You must be 21 years of age, you must reside in the Town and district, you must be a registered voter and you must not have been convicted of a Felony. Mrs. Bourdon-Shade has met these requirements. In addition, she only swore to the requirements in the Eligibility Statement, which are all true. The legal history for cases such as this, tend to favor the applicant. The law feels that her qualifications should be up to the voters within her district. The rule typically states that the candidate has 48 hours to correct any mistakes/deficiency, unless there is a specific code that prohibits the correction. The Town does not have such a prohibition; therefore, she has corrected the mistake and should be permitted to run. Each member of the Board will have to express their votes and why they came to the decision they did and a written decision will have to be filed.

Mr. Jaremchuk stated that Mr. McNally classified this as a mistake, however, he feels that it was more than that. Mrs. Bourdon-Shade filed the form, knowing that she did not reside at the address to which she was listing. He believes that by knowingly listing an incorrect address is a form of fraud.

Town Solicitor Edward McNally explained that Mrs. Bourdon-Shade did not gain any advantage through filing with the incorrect address, she still qualifies within the same district to which she was already filing. Therefore, without some sort of gain, it cannot be classified as fraud.

Chairwoman Norkavage voted to allow Mrs. Bourdon-Shade to remain a candidate for the office of 1<sup>st</sup> District Council. She stated that she feels that this is just a mistake and was not in the area that was sworn and affirmed. The conditions that require her to be a resident of the Town for at least 1 year prior have still been met, and her proper address is still within the same district to which she applied. She stated that she feels the voters should have the opportunity to decide who should represent them. The mistake was corrected within the timeline specified by the law and that she does not believe that this was fraud because there was no gain.

Board Member Claire Shelton stated she agrees with Chairwoman Norkavage. She believes it was a mistake, that Mrs. Bourdon-Shade should be able to remain on the ballot and that the voters should be able to decide.

Board Member Ruthie Drummond-Parson stated that Mrs. Bourdon-Shade should be able to remain a candidate. She believes that this was an honest mistake, people have multiple mailing addresses all of the time and that the improper address did not change her qualifications for the position.

Review of the proposed election timeline and whether any changes would be needed.

Town Manager John Giles stated that the timeline is driven by the Code, and that it has been proposed to the Mayor and Council as Ordinance 622.

Chairwoman Norkavage stated that she feels that the ordinance is in line with the needs of the citizens.

Review of Ordinance 622.

Chairwoman Norkavage stated that this ordinance was covered under the proposed timeline.

Discussion concerning the appointment of Absentee Election Judges and the process to be used to appoint those judges.

Town Manager John Giles stated that while the law states that the Board may serve as the Absentee Election Judges, the State Department of Elections does frown upon it. Therefore, at some point prior to election day, three members must be appointed.

Discussion concerning the search for potential poll workers.

Town Manager John Giles stated that there are required to be 2 machines per district. Ultimately, the appointment of poll workers falls with the Mayor and Council, however, if anyone knows someone who is willing to work. Please let Administrative Assistant Diana Reed know.

Discussion concerning future meeting dates.

Town Manager John Giles stated that the Board will need to meet one more time prior to the election and then will meet on Monday, May 1, 2017 to certify the results of the election. He stated that he would email the Board when we have some names so that the Board can select a date.

**ITEMS SUBMITTED BY BOARD OF ELECTIONS MEMBERS:** None

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

**ACTION:** A motion was made by Claire Shelton to adjourn the meeting. The motion was seconded by Ruthie Drummond-Parson.

**VOTE:** 3-0 All-in-favor Motion carried

At this time the meeting was adjourned.

**These minutes summarize agenda and other issues discussed at this Board of Elections Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.**

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**DEBORAH A. NORKAVAGE  
CHAIRWOMAN**