

MINUTES

City of Charlottesville Electoral Board Meeting of November 3-9, 2020

The meeting was called to order by the Chair at 7:05 p.m. on Tuesday, November 3, in the office of the Charlottesville General Registrar. Those present for all or a portion of this meeting were Electoral Board members Anne Hemenway (Chair), Jon Bright (Vice Chair), and Jim Nix (Secretary), Director of Elections and General Registrar Melissa Morton, Deputy Registrar Taylor Yowell, Assistant Registrar Laurel Isatchenko, Voter Equipment Technician Bob Houdous, Voter Registration Manager Jamie Virostko and Charlottesville Clerk of Court, Llezelle Dugger. This meeting was convened for the purpose of compiling the results of the November 3 General Election and completing necessary follow-up actions including the canvass of the election to establish the official results, the review of provisional ballots, and the count of provisional ballots approved by the Electoral Board. There was no formal agenda for this meeting.

The Vice Chair and the Secretary were not present at the beginning of the meeting because they were transporting absentee ballot drop boxes from the polling places to the Registrar's Office. They joined the meeting in progress at approximately 7:45 p.m.

Public Comment

No members of the public were present for the November 3 portion of this meeting. During the November 4 portion of the meeting the following members of the public were present:

Mr. Seth Ragosta, local counsel for the Virginia Democratic Party
Ms. Bekah Saxon, Co-chair of the Charlottesville Democratic Party
Mr. James Moore, representative of the Charlottesville Republican Party
Mr. Buddy Weber, representative of the Charlottesville Republican Party

Mr. Moore was present for the first part of the November 4 meeting and was replaced by Mr. Weber after he departed. None of the above made any comment but each asked a number of questions during the conduct of the canvass of the election.

Reporting of Election Results

Beginning shortly after the polls closed at 7:00 p.m., several members of the staff tabulated election results received by telephone from election officers at the nine city precincts and the Central Absentee Precinct. The election results were recorded in the office on worksheets provided by the registrar. Two copies of each worksheet were then made with one posted in the office vestibule for public viewing and the other

provided to Clerk of Court Llezelle Dugger. As the General Registrar was entering the turnout figures and tally of each precinct's results into the State's election reporting system Ms. Dugger was reporting them to the Associated Press for wider dissemination.

Beginning at approximately 8:30 p.m., the Chief Election Officers from each precinct arrived to turn in election documentation along with the digital memory devices on which the election results and voter turnout data had been recorded.

The meeting was suspended at 11:30 pm and was resumed at 9:10 a.m. on Wednesday, November 4, 2020 in the City Space meeting room at 100 5th Street NE for the purpose of conducting a canvass of the election.

Canvass of the Election

During the canvass of each precinct, the Statement of Results (SOR) forms were examined to verify that the number of voters reported as checked in and the number of ballots scanned matched the totals on the tapes from the poll books and ballot scanners. The SORs were also examined to verify that the number of ballots scanned was consistent with the number of voters checked in. And lastly, the numbers recorded in VERIS on election night were reviewed for accuracy by comparing them with the numbers on the scanner tapes.

The Board was planning to interrupt the canvass at 11:00 a.m. in order to provide an opportunity for provisional voters to address the Board concerning the status of their ballots but, with no provisional voters present, the canvass was resumed after a brief pause.

The canvass of the nine voting precincts was concluded at 12:15 p.m. with no significant discrepancies noted and just three minor changes required to the unofficial election night vote tallies reported in VERIS. (Because of the new law allowing some absentee ballots received after election day to be counted, the canvass of the Central Absentee Precinct could not occur until Friday afternoon.) In two precincts the number of ballots scanned exceeded by one the number of voters checked in. In both cases the Board members agreed this likely was the result of a failure to fully check in either a curbside voter or a user of the Touch Writer ballot marking device. The corrections in VERIS to election night reporting were for small errors in the number of write-in votes.

The meeting was suspended at 12:15 p.m.

Provisional Ballot Meeting

The Board reconvened at 11:30 a.m. on Friday, November 6, 2020 in the office of the Charlottesville General Registrar to determine the validity of provisional ballots and to

conduct a canvass of the Central Absentee Precinct. To start Ms. Morton conducted a swearing in of the three Electoral Board members and the Deputy Registrar as Election Officials for the Provisional Ballot Precinct.

On a motion by the Secretary, seconded by the Vice Chair, the Electoral Board voted (Ayes: Anne Hemenway, Jon Bright and Jim Nix; Noes: None; Absent: None) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically:

Virginia Code Section 24.2-653 for the determination of the validity of provisional ballots

On motion by the Secretary, seconded by the Vice Chair, the Electoral Board certified by the following vote (Ayes: Anne Hemenway, Jon Bright and Jim Nix; Noes: None; Absent: None) that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

General Registrar Melissa Morton was permitted to remain present for this closed meeting as was Mr. James Moore, representative of the Charlottesville Republican Party. Furthermore, Mr. Buddy Weber was authorized to replace Mr. Moore as Republican Party representative upon the departure of Mr. Moore during the closed session. As each ballot was considered, Ms. Morton or Ms. Yowell presented the results of research conducted into the status of each provisional ballot along with recommendations for action by the board. Upon completion of the review and a return to open session the Board conducted a series of votes to implement the decisions made in the closed session.

Actions Taken on Provisional Ballots

Of the eight total provisional ballots cast by voters in the **Key Recreation Precinct** seven were cast by voters who had requested absentee ballots by mail but did not bring them to the polls. Since no absentee ballots had been received from these voters the staff recommended approval. The other provisional ballot was cast by a voter not appearing in the pollbook. No evidence of a Virginia registration was found, and the staff recommended disapproval. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair seven provisional ballots in this precinct were approved to be counted and one rejected.

Of the 21 total provisional ballots cast by voters in the **Clark Precinct** 13 were cast by voters who had requested absentee ballots by mail but did not bring them to the polls. Since no absentee ballots had been received from these voters the staff recommended approval. One provisional voter was not found in the pollbook but was verified as a

Clark voter in VERIS and was recommended for approval. Another who moved to Albemarle County but was still within the time window for voting in the City was also recommended for approval. Six others with address discrepancies or canceled or missing registrations were recommended for rejection. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair 15 provisional ballots in this precinct were approved to be counted and six rejected.

Of the 24 total provisional ballots cast by voters in the **Walker Precinct** 20 were cast by voters who had requested absentee ballots by mail but did not bring them to the polls. Since no absentee ballots had been received from 18 of these voters the staff recommended their approval. The other two were found to have already voted in person and were recommended for rejection. The fact that these two voters had attempted to vote twice in person, once during the early voting period and again on election day, set them apart from the voters who cast provisional ballots fearing that the ballots they mailed might not be received in time. The Board members advised the Registrar to bring this to the attention of the Commonwealth's Attorney and she agreed to do so. Four other ballots from voters with address discrepancies or canceled or missing registrations were recommended for rejection. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair 18 provisional ballots in this precinct were approved to be counted and six rejected.

All 18 provisional ballots cast by voters in **Carver Precinct** were cast by voters who had requested absentee ballots by mail but did not bring them to the polls. Since no absentee ballots had been received from 17 of these voters the staff recommended their approval. An absentee ballot was received before the deadline from the other provisional voter. That ballot was counted, and the provisional ballot was thus recommended for rejection. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair 17 provisional ballots in this precinct were approved to be counted and one rejected.

Of the 32 total provisional ballots cast by voters in the **Tonsler Precinct** 29 were cast by voters who had requested absentee ballots by mail but did not bring them to the polls. Since no absentee ballots had been received from these voters the staff recommended their approval. Two other ballots from voters with canceled or missing registrations were recommended for rejection. And one other from a voter found erroneously to have been denied registration in spite of having voting rights restored was recommended for approval. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair 30 provisional ballots in this precinct were approved to be counted and two rejected.

Of the 14 total provisional ballots cast by voters in the **Johnson Precinct** 13 were cast by voters who had requested absentee ballots by mail but did not bring them to the polls. Since no absentee ballots had been received from these voters the staff

recommended their approval. Another ballot from a voter found not to be registered was recommended for rejection. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair 13 provisional ballots in this precinct were approved to be counted and one rejected.

Of the 19 total provisional ballots cast by voters in the **Buford Precinct** 15 were cast by voters who had requested absentee ballots by mail but did not bring them to the polls. Since no absentee ballots had been received from these voters the staff recommended their approval. Four ballots from voters confirmed not to be registered in Charlottesville were recommended for rejection. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair 15 provisional ballots in this precinct were approved to be counted and four rejected.

All 11 provisional ballots cast by voters in **Venable Precinct** were cast by voters who had requested absentee ballots by mail but did not bring them to the polls. Since no absentee ballots had been received from any of these voters the staff recommended their approval. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair 11 provisional ballots in this precinct were approved to be counted.

All 8 provisional ballots cast by voters in **Alumni Precinct** were cast by voters who had requested absentee ballots by mail but did not bring them to the polls. Since no absentee ballots had been received from any of these voters the staff recommended their approval. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair 8 provisional ballots in this precinct were approved to be counted.

One provisional ballot had been cast in the **Central Absentee Precinct** by a voter with a name change. The staff was able to confirm the name and registration status of this voter in VERIS and recommended approval. By a unanimous vote on a motion by the Chair, seconded by the Vice Chair the sole provisional ballot in this precinct was approved to be counted.

In summary, of the 156 provisional ballots submitted, 135 were accepted and 21 rejected. The approved ballots were then opened and scanned by the Board members, a paper Provisional Precinct pollbook was prepared along with an SOR and the tally of provisional ballots was entered into VERIS by the General Registrar.

Canvass of Central Absentee Precinct (CAP)

Because the deadline for receipt of absentee ballots is now noon on the Friday following the election, the CAP SOR could not be completed on election night and a canvass of the precinct could not be completed until all ballots had been reviewed, counted and the results entered into VERIS. A total of 57 ballots were received by mail between the close of polls on election night and the noon Friday deadline. Of these 53 had been

postmarked by election day and were thus eligible to be counted. These ballots were processed and counted by CAP election officials who then completed the SOR.

The Board members confirmed that the tally of votes entered into VERIS for CAP exactly matched the combined total from the two scanners employed for in-person early voting, the print out from the scanner used for mailed ballots received by election day, the print out from the scanner used for late arriving mailed ballots and the hand count report for ballots that could not be read by scanner. The Board members could not, however, reconcile the total number of CAP ballots cast with the number of ballots received found on the Cumulative Control Totals report from VERIS. A close examination of that report by the Vice Chair revealed that the sum of the number of ballots issued by mail, in person, by email and by designated representative less the number of ballots not received yielded a total that agreed with the number of ballots counted in CAP. The difference of eight ballots between that derived total and the total of ballots received found elsewhere on the same table could not be explained. The Board amended the SOR to use the derived figure described above thereby resolving the apparent discrepancy between the number of voters checked in and the number of ballots scanned. This concluded the canvass of the election.

As the Board members were working on completion of the CAP canvass they were informed by the Registrar that two USB drives had been inadvertently left in the electronic pollbooks used at the Tonsler Precinct, which were locked up in the precinct security cage at the warehouse. These devices are necessary for reporting voter credit into the State's database but state law blocks access to all voting machines for thirty days following each election. An exception is allowed but only with the approval and participation of the Clerk of Court and the three Board members. Ms. Dugger was contacted and agreed to immediately accompany the Registrar and the Board members to the warehouse where the two USB drives were retrieved. This enabled Ms. Morton to record voter credit for the Tonsler voters in a timely manner.

The only remaining action for the Board was to sign and seal the Abstract of Votes documents. However, a queue in VERIS seemed likely to lead to a lengthy delay in producing these documents and the Board members decided to suspend the meeting at 7:45 p.m. and reconvene at 9:00 a.m. on Monday, November 9.

Conclusion of Canvass

The Board reconvened at 9:00 a.m. on Monday, November 9, 2020 in the office of the Charlottesville General Registrar. Abstracts of the results of the election were printed, signed, and sealed by the Board members.

The next meeting of the Board will take place in the office of the Charlottesville General Registrar at 6:00 p.m. on Wednesday, December 2, 2020.

The meeting was adjourned at 10:15 a.m.

Respectfully submitted:

James Nix, Secretary

Anne Hemenway, Chair

Jon Bright, Vice Chair