

MINUTES

City of Charlottesville Electoral Board Meeting of November 2-5, 2021

The meeting was called to order by the Chair at 8:35 p.m. on Tuesday, November 2, in the office of the Charlottesville General Registrar. Those present for all, or a portion, of this meeting were Electoral Board members Jon Bright (Chair), Anne Hemenway (Vice Chair), and Jim Nix (Secretary), Acting Director of Elections and General Registrar Taylor Yowell, Assistant Registrar Laurel Isatchenko, Voter Equipment Technician Bob Hodous, 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 2 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.

Public Comment

No members of the public were present for the November 2 session of this meeting. Mr. Tom McCrystal, representing the Charlottesville Republican Committee and Mr. Isaac Hadam representing the Youngkin campaign were present during the sessions on November 3 and 5. Ms. Bekah Saxon representing the Charlottesville Democratic Committee was present for the November 3 session. They did not make any comment at the start of the session but asked occasional questions during the meeting.

Reporting of Election Results

Beginning shortly after the polls closed at 7:00 p.m. on November 2, several members of the staff recorded election results received by telephone from officers of election at the nine city precincts. The election results were recorded in the office on worksheets provided by the registrar. A copy of each worksheet was then made and posted in the office vestibule for public inspection. The registrar entered the turnout figures and tally of each precinct's results into the State's election reporting system from the call-in sheets.

Beginning at approximately 8:45 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 10:30 pm and was resumed at 9:10 a.m. on Wednesday, November 3, 2021, in the office of the Charlottesville General Registrar 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 canvass was briefly interrupted at 11:00 a.m. to provide an opportunity for provisional voters to address the Board concerning the status of their ballots but, when no provisional voters were found to be present, the canvass was resumed.

The canvass of the nine voting precincts found just one discrepancy, a four-vote undercount for one school board candidate, requiring a change to the unofficial election night vote tallies reported in VERIS. In two precincts the number of ballots scanned exceeded the number of voters checked in. The discrepancy was by a single voter in one precinct and two in another. In both cases the Board members agreed that the likely cause was a failure to fully check in voters, possibly curbside voters or users of the Touch Writer ballot marking device. To prevent this recurring problem, precinct chiefs had been instructed to keep a log of curbside voters, however, this measure was not employed in the two precincts in which the errors occurred.

The canvass of the central absentee precinct was initiated but could not be completed until after the noon Friday deadline for late arriving ballots by mail.

The meeting was suspended at 3:00 p.m.

Provisional Ballot Meeting

The Board reconvened at 11:25 a.m. on Friday, November 5, 2021, 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. Yowell conducted a swearing in of the three Electoral Board members as Election Officials for the Provisional Ballot Precinct.

On a motion by the Secretary, seconded by the Vice Chair, the Electoral Board voted (Ayes: Jon Bright, Anne Hemenway 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

Acting General Registrar Taylor Yowell and Mr. Tom McCrystal, representing the Charlottesville Republican Committee, were permitted to remain present for this closed meeting. As each ballot was considered, Ms. Yowell presented the results of research conducted into the status of each provisional ballot along with recommendations for action by the board.

On motion by the Secretary, seconded by the Vice Chair, the Electoral Board certified by the following vote (Ayes: Jon Bright, Anne Hemenway 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.

Actions Taken on Provisional Ballots

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. Provisional voters constitute a separate precinct and the results from provisional ballots are reported separately from those of the nine regular precincts and the central absentee precinct. Nevertheless, although they are tallied together it has proven advantageous to review and evaluate the provisional ballots in batches based on the voting precincts from which they originated.

Two provisional ballots were cast by voters in the **Central Absentee Precinct**. Both voters were found not to be registered to vote in Charlottesville and these ballots were recommended by Ms. Yowell for rejection. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair, these ballots were rejected.

Of the six provisional ballots cast by voters in the **Key Recreation Precinct** five 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 Ms. Yowell recommended their approval. The sixth provisional ballot was also cast by a voter who had requested an absentee ballot by mail. However, since that ballot had been received and counted before the deadline, Ms. Yowell recommended that this provisional ballot be denied. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair, five provisional ballots in this precinct were approved to be counted and one rejected.

Of the ten provisional ballots cast by voters in the **Clark Precinct** six 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 Ms. Yowell recommended approval. Four provisional ballots were cast by voters who were found not to be registered to vote in Charlottesville and these ballots were recommended by Ms. Yowell for rejection. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair six provisional ballots in this precinct were approved to be counted and four rejected.

Of the seven provisional ballots cast by voters in the **Carver Precinct** five 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 Ms. Yowell recommended approval. One provisional ballot had been cast by a voter who claimed to have registered at the Division of Motor Vehicles (DMV). Since no evidence of such a registration could be found, Ms. Yowell recommended rejection. One provisional ballot was cast by a voter who was recorded in the pollbook as having already voted and Ms. Yowell recommended rejection. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair five provisional ballots in this precinct were approved to be counted and two rejected.

Of the fourteen provisional ballots cast by voters in the **Walker Precinct** eleven 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 Ms. Yowell recommended their ballots be approved. Two provisional ballots were cast by voters who had changed their registration to another jurisdiction at the DMV and were recommended for rejection by Ms. Yowell. And one provisional ballot was cast by a voter registered in Charlottesville but at another precinct and was recommended by Ms. Yowell for rejection. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair, eleven provisional ballots in this precinct were approved to be counted and three rejected.

Of the ten provisional ballots cast by voters in the **Tonsler Precinct** five 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, Ms. Yowell recommended that these ballots be approved. One provisional ballot was cast by a voter due to an error by an election official and Ms. Yowell recommended approval. Two provisional ballots had been cast by voters found not to be registered to vote in Charlottesville and these ballots were recommended by Ms. Yowell for rejection. Two other provisional ballots had been cast by voters who had attempted to register in Charlottesville after the close of registration for this election and were recommended for rejection by Ms. Yowell. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair six provisional ballots in this precinct were approved to be counted and four rejected.

Of the thirteen provisional ballots cast by voters in the **Johnson Precinct** eleven 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 Ms. Yowell recommended that they be approved. Another provisional ballot was also cast by a voter who had requested an absentee ballot by mail. However, since that ballot had been received and counted before the deadline, Ms. Yowell recommended that this provisional ballot be denied. One provisional ballot had been cast by a voter who had attempted to register in Charlottesville after the close of registration for this election and was recommended for rejection by Ms. Yowell. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair eleven ballots in this precinct were approved to be counted and two rejected.

Of the thirteen provisional ballots cast by voters in the **Buford Precinct** five 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 Ms. Yowell recommended that they be approved. One provisional ballot had been cast by a voter whose registration had been transferred in error to another jurisdiction by the Department of Elections and was recommended for approval by Ms. Yowell. Six provisional ballots had been cast by voters found to be registered in other jurisdictions. Several of these were likely due to voter confusion at the DMV website but all were recommended for rejection by Ms. Yowell. And one provisional ballot had been cast by a voter who had attempted to register in Charlottesville after the close of registration for this election and was recommended for rejection by Ms. Yowell. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair six provisional ballots in this precinct were approved to be counted and seven were rejected.

Of the eighteen provisional ballots cast by voters in the **Venable Precinct** one was cast by a voter who had requested an absentee ballot by mail but did not bring it to the polls. Since no absentee ballot had been received from this voter Ms. Yowell recommended that it be approved. Two provisional ballots had been cast by voters whose registration had been changed to another jurisdiction because of errors by the DMV. Ms. Yowell recommended approval of these ballots. One provisional ballot had been cast by a voter whose registration was found to have been transferred to another jurisdiction by the Department of Elections in error and it was recommended for approval by Ms. Yowell. Ten provisional ballots were cast by voters found not to be registered to vote in Charlottesville and these ballots were recommended by Ms. Yowell for rejection. And four provisional ballots had been cast by voters who had attempted to register in Charlottesville after the close of registration for this election and were recommended for rejection by Ms. Yowell. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair four provisional ballots in this precinct were approved to be counted and fourteen were rejected.

Of the eight provisional ballots cast by voters in **Alumni Precinct** five 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 Ms Yowell recommended their approval. Two provisional ballots were cast by voters found not to be registered to vote in Charlottesville and these ballots were recommended by Ms. Yowell for rejection. And one provisional ballot had been cast by a voter who had attempted to register in Charlottesville after the close of registration for this election and was recommended for rejection by Ms. Yowell. By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair five provisional ballots in this precinct were approved to be counted and three were rejected.

In summary, of the 101 provisional ballots submitted, 59 were accepted and 42 rejected. The approved ballots were then opened and counted by means of a ballot scanner. A paper Provisional Precinct pollbook was prepared, along with an SOR, and the tally of provisional ballots was entered into VERIS by the Acting General Registrar.

Canvass of Central Absentee Precinct (CAP)

The Board members and the Acting General Registrar completed the canvass of the central absentee precinct initiated on Wednesday and confirmed that the tally of votes entered into VERIS for CAP exactly matched the combined totals from the scanner employed for in-person early voting, the printout from the scanner used for mailed ballots received by election day, the printout from the scanner used for late arriving mailed ballots and the hand count report for ballots that could not be read by scanner. This concluded the canvass of the election.

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 Tuesday, November 9.

The meeting was adjourned at 6:30 p.m.

Respectfully submitted:

James Nix, Secretary

Jon Bright, Chair

Anne Hemenway, Vice Chair