

MINUTES

City of Charlottesville Electoral Board Meeting of November 8-14, 2022

The meeting was called to order by the Chair at 9:25 p.m. on Tuesday, November 8, 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), Director of Elections and General Registrar Taylor Yowell, Chief Deputy Registrar Josh Jenkins, Deputy Registrars Laurel Isatchenko and Grant Armstrong and Charlottesville Clerk of Court, Llezelle Dugger. This meeting was convened for the purpose of compiling the results of the November 8 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 8 session of this meeting. Mr. Steve Koske representing the Virginia Department of Elections was present for the November 9 canvass session as an observer. Mr. Tom McCrystal, representing the Charlottesville Republican Committee, was also present during the session on November 9 as well as for much of the session on November 14. Ms. Erin Monaghan, representing the Charlottesville Democratic Committee, was present for a portion of the sessions on November 9 and 14. Ms. Nancy Damon was also a Democratic representative for a portion of the November 14 session. Mr. Dashad Cooper, another Democratic committee representative was present for a portion of the meeting on November 13. The party representatives made no formal comments but asked occasional questions during the meeting.

Reporting of Election Results

The meeting was convened shortly after the Chair and Secretary returned with the precinct drop boxes and the Chief Election Officers from each precinct began arriving to turn in election documentation. District Court Clerk, Llezelle Dugger was present to receive the number 2A and 7 envelopes, to verify that all digital storage media were accounted for and to record voter turnout. Shortly after polls closed Ms. Yowell entered the unofficial election results into VERIS called in from the precincts as well as the early in-person results from the central absentee precinct (CAP). However, entry of results from mailed ballots was delayed until nearly 11:00 p.m. by a computer issue eventually solved with technical assistance from the vendor (Hart Intercivic).

The meeting was suspended at 11:00 p.m. and was resumed at 9:10 a.m. on Wednesday, November 9, 2022, 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 and that the number of ballots reported scanned was consistent with the number of voters checked in. In addition, the election results reported in VERIS on election night were reviewed for accuracy by comparing them with the results on the scanner tapes.

The canvass was interrupted at 11:00 a.m. to provide an opportunity for provisional voters to address the Board concerning the status of their ballots.

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

Ms. Yowell was permitted to be present at the closed meeting at which a single provisional voter was present to discuss his provisional ballot with 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.

The canvass was resumed at approximately 11:15 a.m. An unexplained discrepancy was found in one precinct where the number of voters checked in was one greater than the number of ballots scanned in that precinct. The chief election official for that precinct was summoned arriving a short time later to discuss the problem and inscribe a possible explanation on both copies of the SOR. Two other precincts were found to have missing data on their SORs but no discrepancies. The omissions were corrected by the chiefs who arrived shortly after being summoned.

The canvass was suspended approximately at noon.

Provisional Ballot Meeting

The Board reconvened at 9:57 a.m. on Sunday, November 13, 2022, in the office of the Charlottesville General Registrar to determine the validity of provisional ballots. The Chair and Secretary were present at the start of the meeting with the Vice Chair joining the meeting at 12:10 p.m. The 950 provisional ballots cast greatly exceeded the number typical of previous elections because of the introduction of same day registration (SDR).

After arrival of the Vice Chair, 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

General Registrar Taylor Yowell was permitted to remain present for the entirety of this closed meeting. No party representatives were present for the November 13 session of the meeting, but one representative of each party was permitted to observe the portions of the November 14 session for which they were present.

As each ballot was considered, Ms. Yowell presented the results of research conducted by the staff into the status of the provisional ballot along with a recommendation for action by the board. Before the opening of the meeting on November 13, the Department of Elections had furnished a list of SDR registrations with potential exceptions to the SDR eligibility criteria, thirteen of which were in Charlottesville. Investigation by the Chief Deputy Registrar identified the administrative triggers for these exceptions but none that would render the voters ineligible to same day register in Charlottesville.

The closed meeting was suspended at 6:00 p.m. on November 13 and reconvened at 8:24 a.m. on Monday, November 14, 2022. Once review of the SDR provisional ballots was completed the Board moved to consideration of the small number of provisional ballots cast for other reasons, primarily absentee ballot issues.

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

By a unanimous vote on a motion by the Secretary, seconded by the Vice Chair 902 provisional ballots were approved to be counted and 48 were rejected. Of those rejected, 28 were SDR provisional ballots cast in the wrong precinct, 14 were cast by voters found to be ineligible to register in Charlottesville and 6 were rejected for other reasons.

With assistance from Ms. Isatchenko and Mr. Armstrong the approved ballots were removed from the sealed envelopes, unfolded, and separated into groups of 25. The Vice Chair then scanned the ballots using the Hart high-speed scanner. The results were tabulated and then reported in VERIS by Ms. Yowell while the Board members completed the SOR for the Provisional Precinct.

Canvass of Central Absentee Precinct (CAP)

The CAP election officials, having received the final eligible absentee ballots from the post office at noon on November 14, completed their work. Ms. Yowell entered the final CAP results into VERIS. The Board members and Ms. Yowell conducted a canvass of the central absentee precinct finding no discrepancies. This concluded the canvass of the election.

Abstracts of votes were printed by Ms. Yowell, then 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 Monday, December 5. A meeting with the chief officers of election and closers to discuss the conduct of the election is scheduled for 6:00 p.m. on Tuesday, November 29 in City Space.

The meeting was adjourned at 6:20 p.m. on November 14, 2022.

Respectfully submitted:

James Nix, Secretary

Jon Bright, Chair

Anne Hemenway, Vice Chair