MINUTES

City of Charlottesville Electoral Board
Meeting of November 6-9, 2018

The meeting was called to order by the Chair at 7:00 p.m. on Tuesday, November 6, 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), General Registrar, Rosanna Bencoach, Deputy Registrar Katie Mauller, Project Assistant (Assistant Registrar) Joyce McKenney, Assistant Registrar Jamie Virostko, Voter Equipment Technicians Raenell Lockley and Bob Hodous and Charlottesville Clerk of Court, Llezelle Dugger. This meeting was convened for the purpose of compiling the results of the November 6, 2018 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 and no routine Board business was conducted.

Public Comment

Several members of the public were present for portions of this extended meeting but there were no public comments.

Reporting of Election Results

Beginning shortly after the polls closed at 7:00 p.m., several members of the staff and one Board member tabulated election results received by telephone from election officers at the nine city precincts. The election results were recorded in the office on worksheets provided by the registrar as the precinct election officials read the numbers over the phone directly from the tabulation tapes printed by the ballot scanners. The completed worksheets displaying the unofficial election results were posted on the office window.

Beginning at approximately 9:00 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. As the precinct chiefs arrived, Voter Equipment Technicians Raenell Lockley and Robert Hodous, with assistance from a representative of Hart Intercivic (the voting machine vendor), downloaded the digital data into the stand-alone computer used to compile election results and printed out complete tallies of election results by precinct. Within an hour, chiefs from all but the Central Absentee Precinct (CAP) had arrived to present their documentation and report election results and voter turnout. Problems with the special scanner used to read and tally results from absentee ballots received by mail delayed

completion of election reporting by the CAP until approximately 1:00 a.m. The meeting was suspended at 1:15 a.m. on Wednesday, November 7.

Canvass of the Election

The meeting was resumed at 9:08 a.m. on Wednesday, November 7, 2017 to begin the canvass of results. During the canvass of each precinct the statement of results forms were examined to verify that the number of voters checked in and the number of ballots scanned, as recorded on the forms, matched the totals on the poll book and scanner tally tapes and also that the number checked in was consistent with the number of ballots scanned. In several precincts the number of ballots scanned exceeded the number of voters checked in by one, possibly due to a failure to check in one outside-the-polls voter at each of these precincts.

Closed Session to Start Provisional Ballot Meeting

At 11:00 a.m. there was a motion by the Chair to close the meeting for the purpose of receiving information from voters casting provisional ballots. This motion was seconded by the Vice Chair and approved unanimously. The motion also specifically allowed that the General Registrar Rosanna Bencoach, and Deputy Registrar Katie Mauller remain present for the closed meeting. In accordance with the relevant statute, Charlottesville Democratic Committee representative Erin Monaghan and Charlottesville Republican Committee Chair Michael Del Rosso were also permitted to be present for the closed session.

One voter was present and provided the Board members with information to support counting his ballot. In addition, one election officer requested an opportunity to express concerns about several voters she encountered who reported that they had turned in registration forms before the October 15 deadline to a third party at the Darden School but were not found in the pollbook on Election Day.

The board reconvened in open session at 11:30 a.m. and the Chair moved to certify, by recorded vote, that only matters exempted from the open meeting requirements were discussed in the closed session. This motion was seconded by the Vice-chair and approved unanimously. Copies of the motion closing the meeting and the certification following the closed session are attached to these minutes.

Resumption of Canvass

The canvass was resumed at 11:30 a.m. Several precincts experienced problems with their electronic pollbooks (EPBs) early in the day necessitating, in one precinct, the use, for a brief period, of a back-up paper poll book provided to each precinct in advance by the General Registrar. In that precinct a discrepancy was noted in the turnout with the

number of ballots scanned exceeding by two the number of voters checked in. This may be a result of two voters receiving ballots without being checked in. The use of distinctive tickets, which had been provided in the supply box for each precinct, in lieu of authorizations to vote when EPB printers are not working, will be emphasized in training for future elections.

The review of the Statement of Results for the Central Absentee Precinct (CAP) revealed several errors that were addressed, with difficulty, in the canvass by the Board.

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

Resumption of the Provisional Ballot Meeting

The meeting was resumed at 12:18 p.m. on Friday, November 9. The Chair then immediately moved that the meeting be closed for the purpose of considering whether each person who submitted a provisional vote at the election was qualified to do so. The motion also specifically allowed that the General Registrar Rosanna Bencoach remain present for the closed meeting. In accordance with the relevant statute, Charlottesville Democratic Committee representative Erin Monaghan and Charlottesville Republican Committee Chair Michael Del Rosso were also permitted to be present for the closed session. The motion was seconded by the Vice-chair and approved unanimously.

At 1:55 p.m. the Board returned to open session and the members certified by recorded vote that in the closed session just concluded the only matters discussed were the qualifications of provisional voters.

Actions Taken on Provisional Ballots

In preparation for the provisional ballot meeting the General Registrar had created a list that grouped ballots that shared common circumstances. The board members found this to be a helpful time-saving measure. The first group consisted of 25 ballots cast by voters who had requested by-mail absentee ballots but did not bring them to the polls. Two other voters brought unmarked absentee ballots to the polls but election officers were unable to remove their absentee “flags” in the pollbook. Since no absentee ballots had been received from these 27 voters their provisional ballots were unanimously approved to be counted on a motion by the Chair, seconded by the Vice Chair.

One provisional ballot was cast due to an electronic pollbook malfunction. This ballot was unanimously approved on a motion by the Chair, seconded by the Vice Chair.

One ballot was from a voter who was the subject of a non-citizen report. This voter had not responded to a notice of this report and this ballot was unanimously rejected on a motion by the Vice Chair, seconded by the Chair.

Three provisional ballots cast by voters without ID at the polls were unanimously approved on a motion by the Chair, seconded by the Vice Chair, because acceptable ID was received from each before the noon November 9 deadline.

One provisional ballot was cast as a result of a VERIS restoration of rights error. The voter should not have been cancelled, and would be restored to the books by the Registrar's office. On a motion by the Chair, seconded by the Vice Chair, it was unanimously approved.

Three provisional ballots had been cast by voters mistakenly pulled into other jurisdictions by registrar errors in those jurisdictions. On a motion by the Chair, seconded by the Vice Chair, these were unanimously approved.

Three provisional ballots were cast because the voters showed up in the pollbook as having already voted. One was as a result of a Jr./Sr. check-in error and the other two signed the provisional ballot envelopes affirming that they had not already voted. On a motion by the Chair, seconded by the Vice Chair, all three were unanimously approved.

Two provisional ballots were cast as a result of errors by election officers who were unable to find the voters in the pollbook (one due to a typographical error). On a motion by the Chair, seconded by the Secretary, both were unanimously approved.

Six provisional ballots were cast by voters who had initiated the registration process using the state's on-line registration site but never completed the process. These ballots were unanimously rejected on a motion by the Vice Chair, seconded by the Chair.

One provisional voter believed that she had completed the registration process at DMV but her application at the DMV was only partially completed, and therefore had not been transmitted to the office. This ballot was unanimously rejected on a motion by the Vice Chair, seconded by the Chair.

One provisional voter who was not on the pollbook had selected "declined to register" to vote, according to DMV records. This ballot was unanimously rejected on a motion by the Vice Chair, seconded by the Chair.

Two other provisional voters submitted incomplete paper applications and their ballots were unanimously rejected on a motion by the Vice Chair, seconded by the Chair.

A total of 44 provisional ballots were cast by voters who were attempting to vote in the wrong locality. Many of these were a result of registration changes made in person at the DMV or through the DMV website, likely unintentionally, and many appear to be students. There being no other option under the law, these were unanimously rejected on a motion by the Vice Chair, seconded by the Secretary. The Chair expressed the need to advise students to be extra careful when registering at the DMV, either on-line or in person.

Four provisional ballots were cast by voters who were attempting to vote in a different precinct than the one in which they are currently registered. There being no other option under the law, these were unanimously rejected on a motion by the Vice Chair, seconded by the Secretary.

A total of 21 provisional ballots were cast by individuals for whom no record of a registration to vote in Virginia was found. On a motion by the Secretary, seconded by the Vice Chair, these ballots were unanimously rejected.

Two voters had been misled by Turbovote as to their registration status. Since they were not registered their provisional ballots were unanimously rejected on a motion by the Vice Chair, seconded by the Chair.

One voter was misled regarding registration status in a phone call to a number found on an unknown website. No registration was found and, on motion by the Vice Chair, seconded by the Chair, this ballot was unanimously rejected.

One ballot was unanimously rejected on a motion by the Vice Chair, seconded by the Chair because the voter moved to Albemarle County before November, 7, 2017.

Three voters who cast ID provisional ballots did not provide ID by the deadline. On a motion by the Vice Chair, seconded by the Chair, these ballots were rejected.

One voter with a complex combination of felony pardon, record expungement and address change issues was unanimously approved on a motion by the Secretary, seconded by the Chair, following a recommendation from ELECT to approve.

In summary, of the 128 provisional ballots submitted, 41 were accepted and 87 rejected. The approved ballots were then opened and hand counted by the Board members and the tally of provisional ballots was entered into the state reporting system (VERIS) by the General Registrar.

Review of Central Absentee Statement of Results

The General Registrar brought to the attention of the Board certain inconsistencies in the central absentee precinct (CAP) statement of results. With the assistance of former Deputy Registrar Dianne Gilliland, the Board carefully reviewed the tally tapes, hand count results and VERIS printouts for CAP and discovered several minor errors. A corrected SOR was then prepared and signed by the Board members. There were no changes made to the CAP results but the report of absentee turnout was corrected.

Conclusion of Canvass

Abstracts of the results of the election and the certification of the election of James Edward Bryant as a member of the Charlottesville School Board were then printed, signed and sealed by the Board members.

The next meeting of the Board will be at a date yet to be determined.

The meeting was adjourned at 4:55 p.m.

Respectfully submitted:

James Nix, Secretary

Anne Hemenway, Chair

Jon Bright, Vice Chair