

**MINUTES**

**City of Charlottesville Electoral Board  
Meeting of November 8-14, 2016**

This meeting was convened for the purpose of conducting the November 8 general election and to complete necessary follow-up actions to include 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. The meeting was called to order by the chair upon the arrival of the three board members at the office of the General Registrar at 4:30 a.m. on November 8, 2016. The meeting was suspended at 1:20 a.m. on November 9 and reconvened at 9:30 a.m. on the same day in order to conduct the canvass of the election. The canvass was completed at 5:30 p.m. at which time the meeting was suspended. Further sessions were required on Sunday, November 13 and Monday November 14 to conduct a canvass of provisional ballots. Those present for all or portions of this extended meeting were Electoral Board members Anne Hemenway (Chair), Jon Bright (Vice Chair) and Jim Nix (Secretary), General Registrar Rosanna Bencoach, Deputy Registrar Katie Mauler, Assistant Registrars Melissa Morton, Nan Janey, Patrick Corey and Fred Schneider, Ms. Ivora Hinton and Ms. Elayne Phillips, Democratic Party Co-chairs, Ms. Barbara Null, Republican Party Chair and Ms. Erin Monaghan as an official representative of the Democratic Party.

There was no formal agenda for this meeting and no business other than that directly related to the election was conducted.

**Election Day, Tuesday, November 8, 2016**

The members of the Electoral Board each delivered ballots to three of the City precincts so that all nine precincts had the ballots on hand by 5:30 a.m. Each precinct was provided with a quantity of ballots at least equal to the total number of active voters in the precinct. In addition, each precinct was provided with a packet of 100 provisional ballots. While the polls were open the board members followed a schedule provided by Elections Director Melissa Morton for rotating visits to the polling locations and two-hour shifts in the office. Following the close of polls at 7:00 p.m. the three board members returned to the office and were joined by Charlottesville Clerk of Court, Lizabeth Dugger to await return of election documentation by the chief election officials from each precinct. Central Absentee was the final precinct to complete its work. Shortly after midnight the Clerk of Court and Electoral Board Secretary transported the absentee precinct ballots to the Charlottesville Circuit Courthouse and placed them in secure storage. The chair assisted the General Registrar in compiling the election results and entering them into VERIS.

The meeting was suspended at 1:20 a.m. on November 9.

**Canvass of Election, Wednesday, November 9, 2016**

The meeting was reconvened at 9:30 a.m. on November 9.

The canvass of the precincts was conducted in numerical sequence beginning with Recreation (101) and ending with the Central Absentee Precinct. No significant problems were noted but in several precincts there were small discrepancies in reconciling the number of voters checked in and the number of ballots scanned. In three precincts the number of ballots scanned exceeded the number of voters checked in. The board members realized that potential inaccuracies in the reporting of the number of spoiled and voided ballots could be the source of these discrepancies, however, the General Registrar pointed out that the code did not permit the board to open envelope 4 to count the spoiled and voided ballots contained therein.

At 12:45 p.m. the chair moved that we contact the Department of Elections to request permission to open Envelope 4 for each precinct in which there were unresolved discrepancies in the ballot inventory. The vice-chair seconded and the motion was unanimously passed. A fax was sent and the Department of Elections promptly responded (copy attached) granting the requested authorization.

Inspecting the contents of the number 4 envelopes allowed most of the discrepancies to be resolved, however there remained evidence that a very small number of curbside voters had likely not been checked in. In addition it appeared that a few voters were issued ballots that were never scanned. The largest discrepancy was caused when nine unused absentee ballots in one precinct were replaced with regular ballots and then counted as void on the precinct ballot record report. Since they had not been among the ballots issued to the precinct, counting them as voided precinct ballots had the effect of reducing the net figure for voters checked in at the precinct. This made it appear that voters had scanned ballots without having been checked in. These returned absentee ballots should instead have been marked as spoiled ballots.

The meeting was suspended at 5:30 p.m. on November 9.

**Provisional Ballot Canvass Sunday, November 13, 2016**

The meeting was reconvened at 1:03 p.m. on November 13.

The General Registrar opened the meeting by explaining the rules and procedures for the conduct of the provisional ballot canvass including the necessity that it be conducted in a closed meeting in order to preserve the privacy of affected voters.

At 1:10 p.m. on a motion by the secretary, seconded by the vice-chair and unanimously approved, the meeting was closed.

At 5:20 p.m. on a motion by the secretary, seconded by the vice-chair and approved unanimously, the Electoral Board members certified that the closed session had been conducted fully in accordance with the terms of the Virginia Freedom of Information Act. The chair then moved that the forty-seven numbered provisional ballots, listed in an attachment to these minutes, be approved for counting. The motion was seconded by the vice-chair and unanimously approved.

The meeting was suspended at 5:30 p.m. on November 13.

### Completion of Provisional Ballot Canvass on Monday, November 14, 2016

The meeting was reconvened at 11:50 a.m. on Monday, November 15.

On November 7, 2016 the General Registrar and the three members of the Electoral Board had received an FOIA request from Rick Sincere for a list of all write-in votes cast in Charlottesville in the November 8 general election for President and member of the House of Representatives. The Code of Virginia (§§ 24.2-671 and 24.2-675) specifies that write-in ballots need only be counted when the total number cast in any race exceeds 5% of the total, provided that a write-in candidate is not the winner. This criterion is to be met on a state-wide or district-wide basis and is not based on vote totals within the jurisdiction. For the November 8, 2016 election write-in ballots were 0.80% of the total state-wide in the Presidential election and 0.19% district-wide in the congressional election. Therefore, there is no obligation under the code to resolve and count write-in votes for this election. Doing so would involve significant time and effort by the Electoral Board and at least one assistant registrar and there is no support on the board for taking on this additional work. The General Registrar will inform Mr. Sincere that the information he is requesting does not exist and would have to be created in order to satisfy his request.

At 12:10 p.m. on a motion by the secretary, seconded by the vice-chair and unanimously approved, the meeting was closed for the purpose of completing the review of unresolved provisional ballots.

At approximately 2:00 p.m. on a motion by the secretary, seconded by the vice-chair and approved unanimously, the Electoral Board members certified that the closed session had been conducted fully in accordance with the terms of the Virginia Freedom of Information Act.

The chair then moved that two numbered provisional ballots, listed in an attachment to these minutes, be approved for counting. The motion was seconded by the vice-chair and unanimously approved.

The board members then created a paper poll book, in duplicate, opened the approved provisional ballots and placed them in a sealed ballot box. These ballots were then removed from the ballot box and scanned. Once the votes were tallied a statement of results was prepared. A final tally for the election was completed, signed and sealed by the board and other necessary paperwork was completed and signed.

The meeting was adjourned at 4:15 p.m. on Monday, November 14, 2016

*Respectfully submitted:*

*James Nix*  
James Nix, Secretary

*A. Hemenway*  
Anne Hemenway, Chair

*Jon Bright*

Jon Bright, Vice Chair