

## **MINUTES**

### **City of Charlottesville Electoral Board Meeting of March 20, 2018**

The meeting was called to order by the Chair at 5:47 p.m. in the office of the Charlottesville General Registrar. Those present were Electoral Board members Anne Hemenway (Chair), Jon Bright (Vice Chair), and Jim Nix (Secretary), General Registrar, Rosanna Bencoach, Election Manager Melissa Morton and Voter Equipment Technician Raenell Lockley.

On a motion by the chair, seconded by the Vice-chair, the agenda was approved unanimously with one change, the addition of a report on the Virginia Electoral Board Association annual meeting.

On a motion by the Chair, seconded by the Vice-chair, the minutes of the February 7, 2018 meeting were approved unanimously without change.

#### **Public Comment**

The only member of the public present was Ms. Suzanne Michels, a new co-chair of the Charlottesville Democratic Committee. She was welcomed by the Chair and briefly introduced herself to the Board and staff members.

#### **Report of Hart Verity training**

Ms. Lockley and Ms. Morton reported on training they received on the Verity 2.0 upgrade at the Hart corporate headquarters in Austin, Texas. This upgrade includes a number of significant software changes but no hardware changes to the ballot scanners or ballot marking devices. With this upgrade, recently implemented on our equipment, the functions formerly assigned to three work stations have been combined into one, significantly simplifying the process of creating, testing, printing and tabulating ballots. The system also now has the capability to process larger batches of ballots and offers the option to view, manage and count provisional ballots. In the only change affecting voters, the scanners may now be programmed to offer voters the option of overriding and submitting initially rejected blank ballots, or those with an over-vote for one or more races, without the need for intervention by an election official. Before this upgrade, all blank ballots, or those with an over vote in any race, could only be submitted after consultation with an election official.

Following a discussion on this option, the Chair moved to establish a Board policy to implement the option for voters to override and submit initially rejected blank or over-

voted ballots without assistance from an election official. The motion was seconded by the Vice-chair and approved unanimously. This motion was passed with the understanding that voters would be advised, by posted signs, that they have the option to receive a replacement ballot rather than cast an over-voted ballot, or to retrieve and mark the blank ballot.

### **Board Reorganization**

The Registrar announced that Anne Hemenway had been re-appointed by the Chief Judge of the 16<sup>th</sup> Circuit for another three-year term on the Board. Ms. Hemenway then nominated Mr. Nix to serve as Secretary of the Board. Mr. Bright seconded and the vote was unanimous. The Secretary then nominated Ms. Hemenway to serve as Chair of the Board and Mr. Bright to serve as Vice-chair. Mr. Bright seconded and the vote was unanimous. The Vice-chair then signed a letter acknowledging that he has declined to serve either as Chair or as Secretary.

### **Executive Session**

At 6:13 p.m. there was a motion by the Chair to close the meeting for the purpose of conducting a discussion of personnel matters. This motion was seconded by the Vice-chair and approved unanimously.

The board reconvened in open session at 6:30 p.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.

### **Report of the General Registrar**

Ms. Bencoach provided the Board with a written report that included the news that Melissa Morton's position has been reclassified by the City from Assistant Registrar to Election Manager, and that four "Temporary" status staff members, who have been working in the office for at least a year at an average of 20 or more hours per week, have now been reclassified as "Long Term Temporary". The new classification entitles them to most staff benefits (prorated) other than retirement.

The report also prompted questions and discussion on several items including the strategic planning process, scanning of voter cards, staff training and the budget. The Chair expressed concern that training expenses to date have already exceed the amount listed in the budget and that additional training is still scheduled, to include Board and staff participation in the Dept. of Elections annual training. Similar concerns were raised about several other budget line items. Ms. Bencoach assured the Board

members that City appropriations to the agency are by fund (Capitol Improvement Fund and General Fund) and category (“salary and benefits” and “other expenses” within the General Fund), not by line items but the Chair pointed out that this conflicted with guidance she had received from the City Manager. These questions could not be resolved at this meeting. However, the Board agreed to allow the additional training by staff listed in the Report of the General Registrar, as well as the training required of Board of Elections members in late June. The Board further agreed that no other training or educational programs, or travel to training or educational programs, will be paid out of the 2017 fiscal year budget, through June 2018.

### **Report of the Election Manager**

Ms. Morton provided an update on polling locations and supplies noting that some purchases will be required in advance of the June 12 primary. With regard to polling places, the Chair related complaints she had received from voters on their assignment to polling locations that are not the closest ones to where they live. In the discussion that followed it was agreed that some realignment of precinct boundaries is needed to address these complaints and to correct the large current imbalance in the number of voters assigned to each precinct. Ms. Bencoach informed the Board members of a statutory moratorium on precinct boundary changes in the period leading up to completion of the decennial census. This moratorium will be in effect February 1, 2019 to May 15, 2021. Ms. Bencoach will research the process for adjusting the precinct map and make recommendations at the next Board meeting.

Election Manager Melissa Morton distributed copies of a new draft policy on use of the office printer. The main element of this policy is a restriction in the use of the printer during periods when it is needed for ballot printing. The policy was discussed, with further discussion postponed to the next meeting. The Chair instructed Melissa to add that the office printer may only be used for office business.

Ms. Morton also reported that the Registrar’s office may be fined up to \$400 by the Charlottesville Finance Office for the failure of four election officials to turn in their 2017 tax forms in a timely manner.

And, lastly, she distributed copies of a proposed voting equipment security plan that the Board members were requested to review by the next meeting.

### **Appointment of Election Officials**

Ms. Morton reported that three additional currently serving election officials have applied for reappointment. The Board reviewed their applications and, on a motion by the Chair, seconded by the Vice-chair, the following were reappointed:

Adam Peters  
Rebecca Peters  
Joyce Burton

### **Report on the Virginia Electoral Board Association Annual Meeting**

The Vice-chair and the Secretary briefly addressed several items of interest from the meeting including the proposal that, beginning next year, the annual Department of Elections training be combined with the VEBA annual meeting. Should this proposal be implemented, travel costs for the Charlottesville Board and staff would increase. Other topics included the clarification of Department of Elections policy on the use of provisional ballots, emphasizing that every effort should be made to ensure that voters are at the proper precinct before they are offered the option to vote provisionally. The scope of permitted activities by official election observers was also clarified in response to a question by the Secretary. Observers cannot be restricted to a single position behind the poll book table but must be allowed the freedom to move around the polling place to observe the voting process and interactions between voters and election officials. However, they may not interfere with voting in any way and may not be allowed to see or hear sensitive voter information such as social security numbers.

### **Next meeting**

The next meeting will take place in the office of the Charlottesville General Registrar at noon on Tuesday, April 24, 2018 in conjunction with Logic and Accuracy testing in preparation for absentee voting.

The meeting was adjourned at 8:02 p.m.

*Respectfully submitted:*

James Nix, Secretary

Anne Hemenway, Chair

Jon Bright, Vice Chair