

City of Richmond



CHERLYN STARLET STEVENS
SECRETARY

JAMES M. NACHMAN
CHAIR

JOYCE KING SMITH
VICE-CHAIR

"SIC ITUR AD ASTRA"

SUCH IS THE WAY OF THE STARS

Meeting Minutes
October 27, 2020

CALL TO ORDER

The meeting of the City of Richmond Electoral Board was called to order by Chairman James Nachman

PUBLIC COMMENT

Representatives from the Republican Party and the Democratic Party were present to discuss items four (4) and five (5) on the agenda. Before the discussion started, Chairman Nachman called for the approval of the minutes.

APPROVAL OF MINUTES

Starlet Stevens, Secretary to the Electoral Board, moved that the minutes of July 28, 2020 and August 27, 2020 be approved as presented. Motion second by Joyce Smith, Vice Chair to the Electoral Board. Motion passed.

NOMINATION OF OFFICERS OF ELECTION BY POLITICAL PARTY(S)

Elizabeth Butler representing the Republican Party, sent a letter regarding nominations of election officers. Registrar Kirk Showalter explained that in previous years the political parties had to file a list of nominees ten days prior to February 1st to be considered for officers. Not receiving a list from the parties before February 1st, there was no choice but to designate all officers as Independent officers. Guidance was received from the State Board of Elections the early part of the year that the parties have to make the designations, not the Electoral Boards. If the parties did not designate then there would be a Republican, a Democrat and an Independent.

After considerable discussion from Mr. Hayden Fisher, lawyer on behalf of the Republican party and Chairman Nachman concerning Sections 24.2-115 and 24.2-709.1 of the Code of Virginia, Registrar Showalter noted the clear conflict in the Codes that was not anticipated because the Democratic Party has not appointed nor nominated persons, so even if the Republican Party nominated people, reading the code in strict construct, processing would still be prohibited.

Secretary Stevens moved that the Board will accept the two officers submitted from the Republican Party who request to serve in the Central Absentee Precinct (CAP) and the Board understands that the Democratic Party would probably present two names and will accept them as well. Motion second by Vice-Chair Smith. Motion passed.

STATE BOARD OF ELECTIONS REGULATION ON POSTMARKS ON ABSENTEE BALLOTS

Mr. Lawrence Framme addressed the compliance and guidelines of the Virginia Electoral Board Association on counting ballots received with no visible postmark. The question was should they be counted? Mr. Framme suggest counting all ballots without a visible postmark. The statute says that no ballot can be counted if not postmarked on or before election day. Chairman Nachman sighted lawsuits in Winchester, Pennsylvania and Wisconsin concerning this matter. The Board was undecided whether to follow the statute or the guidance of the Commonwealth of Virginia. Registrar Showalter suggested to use a separate scanner to count the ballots so that they could remain separate but counted. The Board agreed. Secretary Stevens moved that a decision would not be made on the regulations concerning absentee ballots without postmarks on or before election day but will approve the recommendation of Registrar Showalter with the exception that if we can ascertain through the IMB code that the ballot was mailed on or before election day, we count it and not segregate the ballot; if we can ascertain from the oath that the ballot was signed on or before the day of the election, the ballot will be counted and not segregated. Motion was second by Vice-Chair Smith. Motion passed.

ABSENTEE BALLOT QUALIFICATION WHEN THE ADDRESS ON ENVELOPE B IS DIFFERENT FROM THE VOTER REGISTRATION ADDRESS

Registrar Showalter recommend that if the address on the ballot envelope is different from what is on the voter registration record, contact the voter that the ballot will be cast as provisional; the voter can show proof that the address is correct and complete an Affirmation of Eligibility form and have it at the precinct on the day of election. Vice-Chair Smith, motioned to try and contact the voter before the election to give an opportunity to clear the address difference before casting the ballot as provisional. Secretary Stevens second. Motion passed.

OTHER BUSINESS

Chairman Nachman stated that there is a pending lawsuit naming Register Showalter as not adhering to a FOIA request from the Democratic Party of Virginia to receive the absentee log that will show ballot omissions information. The log was distributed to all interested persons. Chairman Nachman asked that in the future, all inquiries be directed to him, not Registrar Showalter.

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

Ms. Jessica Killeen expressed concerns with the Richmond Registrar's office and respectfully request that the Electoral Board members and the Department of Elections closely monitor and assist the Registrar's office to insure the uniformity of the practices, proceedings, legalities and purity of the election pursuant to the Virginia Law. Ms. Killeen also discussed her concern for the lack of ballot processing and the FOIA request to review the absentee ballot cure log and thanked the staff of the Registrar's office and spoke of them as professional.

Mr. Lawrence Framme reiterated the concerns of Ms. Killeen and his concerns about the lack of early processing. Mr. Framme also request that with respect to the deficiency log, the Board personally monitor to insure the voters are being contacted of the deficiencies.

CLOSED SESSION

Secretary Stevens read the motion to hold a closed meeting pursuant to [Section 2.2-3711\(A\)\(1\)](#) of the Virginia Freedom of Information Act to discuss personnel matters.

The Certification of Closed Meeting was read by Secretary Stevens according to [Section 2.2-3711](#) of the Code of Virginia, all members of the Board signed the certification unanimously.

Chairman Nachman opened the meeting and called for adjournment.

James M. Nachman
Chairman to the Electoral Board

Joyce K. Smith
Vice Chairwoman to the Electoral Board

Cherlyn S. Stevens
Secretary to the Electoral Board

