

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

Electoral Board

Meeting Minutes
August 19, 2021

CALL TO ORDER

The regular meeting of the Electoral Board was opened with Chairman James Nachman presiding. In attendance were Joyce Smith, Vice-Chair; C. Starlet Stevens, Secretary; Keith Balmer, General Registrar; Jerry Richardson, Deputy Registrar and Caitlin Shelton, Executive Assistant to Registrar Keith Balmer and Adriene Davis, Executive Assistant to the Electoral Board. Additional attendees were Elizabeth Butler and Virginia Anderson, both of the Republican Election Integrity Working Group and Jane Newell, League of Women Voters.

PUBLIC COMMENT PERIOD FOR ITEMS ON THE AGENDA

Mrs. Elizabeth Butler and Virginia Anderson spoke on item number four on the agenda which was Election Officer Training.

APPROVAL OF MINUTES

Chairman James Nanchman asked that the minutes of the Electoral Board of July 12, 2021 be tabled until later in this meeting.

REVIEW PROJECTIONS FOR NOVEMBER ELECTION

Registrar Balmer explained the projection sheet shows the number of ballots needed, the number of election officers, the number of voting machines per precinct, and the number of poll books needed for all 69 precincts.

Training Officer Calendar

The SOR training class and the Chiefs and Assistant chief training class are combined. Also, split precinct training will be mandatory. All 21 Split Precincts were sent notice that everyone working in the precinct must take the class. It is mandatory, Secretary Stevens commented that because of issues in the past, the rule "no training no work," should be followed. Chairman Nachman concurred.

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UPDATE ON VOTE BY MAIL SOLUTION

Registrar Keith Balmer contacted Print Elect to process the mailing of our absentee ballots. Because of the short time between the September 17 deadline required by law the idea had to be put on hold. Registrar Balmer didn't feel comfortable with the August date Print Elect could have the ballots in the mail before the deadline.

UPDATE ON NEW PRECINCT LOCATIONS

Registrar Keith Balmer brought to the Electoral Board attention an email received from the City Attorney, Tabrica Rentz, in reference to additional polling locations. A copy of the email is included in these minutes.

Keith,

To clarify, I presume that by "precinct," you mean "polling place." Do I have that right? If I am incorrect, I don't think that it will change my analysis, but it's always good to make sure that we are on the same page.

I agree with your conclusions on this matter. Pursuant to Va. Code § 24.2-129, the Council must allow at least 75 days for any public hearing process and in excess of 60 days for any approval process undertaken by the Attorney General of Virginia for any "covered practice," which would include "[a]ny change that reduces the number of or consolidates or relocates polling places in the [city]." In this case, one could argue that "adding" a new polling place is not a "covered practice," per se, because no reduction, consolidation, or relocation of any polling place is involved. However, as this is a new law and no locality of which I am aware has tested the scope of such law's powers, I would err on the side of caution and treat the establishment of new polling places as a "covered practice" until the General Assembly, the Attorney General, or a Virginia court tells us otherwise. (At the very least, one, making an argument in favor of treating the addition of a polling place as a "covered practice," may convince a court that the establishment of a new polling place that requires voters to vote at a new location is, in effect, a "relocation" of a polling place, thereby bringing such a change squarely within the purview of Va. Code § 24.2-129.) As such, the Council, in order to comply with the state "preclearance" process must factor in the state-mandated "preclearance" process into its timeline for the enactment of any ordinance adding polling places prior to an election.

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In addition, there is inadequate time to allow for the introduction and adoption of any legislation before the time constraints imposed by Va. Code § 24.2-306 take effect, as you have noted. Section 24.2-306 provides, in relevant part, that no change in any polling place may be enacted within 60 days before any general election. Because the next general election is scheduled for November 2, any measure providing for new polling places must be enacted *before* September 3, which date is within 60 days of November 2. Accordingly, the Council must adopt any ordinance providing for polling place changes by no later than September 2 to comply with Va. Code § 24.2-306. However, because the Council does not meet in August and the Council's next regular meeting is not scheduled to occur until September 13, it is not possible for the Council to adopt any legislation establishing new polling places by September 2. Moreover, reading Va. Code §§ 24.2-306 and 24.2-129 together, and assuming that section 24.2-129 applies to measures pending by not enacted localities by the July 1 effective date of that statute, any ordinance establishing new polling places would have to have been introduced to the Council by May 10 and adopted by July 26 to allow, at the very least, for the 75-day hearing process under section 24.2-129 and facilitate compliance with section 24.2-306's 60-day limitation before the Council's August recess. It is evident that there is now no opportunity to go back in time and establish any new polling places in line with these constraints. Thus, it is too late to make an attempt to add new polling places before the November 2 general election.

If you should have any other questions or concerns about the foregoing, please let me know.

Thanks!

UPDATE ON CANDIDATE FOR SHERIFF

Registrar Keith Balmer reported that Michael Dickerson will still be on the ballot for the November, 2021 election while still under investigation. He still qualifies as a candidate. If a judgement is passed, registrar Balmer will make the adjustments to inform all of his voters on Election Day if Mr. Dickerson is found guilty.

SUNDAY VOTING (DAYS AND HOURS)

Sunday Voting will be October 17 and October 24, 2021 from 12:00pm to 5:00pm

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NEW OFFICE NAME

Keith Balmer informed the City of Richmond Electoral Board that he will be going by Keith Balmer Director of Elections. Keith Balmer announced the new office name which is Richmond City Office of Elections and he displayed the new office logo for the board to look at and give their input.

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PUBLIC COMMENT PERIOD

There were no comments made.

Vice Chair Joyce Smith moved that we review all the tapes and abstracts before they are signed. Secretary Starlett Stevens second the motion. Motion passed.

NEXT MEETING DATES

The next meeting will be held September 11, 2021 at 10:00am.

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

