

The County of New Kent Electoral Board met on Monday, December 30, 2019, moved to the large conference room inside the Health and Human Service building because of public comments and a voting equipment presentation. Chairman Moss called the meeting to order at 9:05 a.m. with all members; Registrar, Chief Assistant Registrar, Assistant Registrar; Karin Clark (Candidate representative); and Tyler Links, representative from Print Elect, present.

Agenda Item 1. CONSIDERATION OF MINUTES: The minutes of the Board's December 16, 2019, meeting having been sent to the Board members for their review were not available to approve and sign and, therefore, approval was deferred until the next Board meeting.

Agenda Item 2. Discussion of complaints from the November 5, 2019.

1. Karin Clark read a statement (refer to copy of statement – attached hereto and made a part of these minutes) concerning the Republican sample ballot handed out at the polling places. After reading the statement, she recommended more overview of sample ballots. Mr. Moss had discussed the issue with the Commonwealth Attorney, who stated that the Republican sample ballot was legal. The two referenced election laws: §24.2-613 Form of Ballot paragraph B; and, §24.2-622 Sample Ballots were not violated by the Republican sample ballot. A discussion by the Electoral Board followed where it was determined that the Electoral Board has no control over the content and format of sample ballots.

2. A complaint was received from a voter who claimed he was not allowed to vote at the Eltham Precinct polling place. Interviews were conducted with the Chief Election Officer and other Election Officers at that precinct. Based on those interviews it was determined the voter refused to state his name so it could be verified in the poll book. He was offered the option of writing his name or casting a provisional vote, both of which he refused. Because his name could not be verified in the poll book, he made the choice NOT to vote. (see copy of Precinct Incident report – attached hereto and made a part of these minutes. Mr. Moss had contacted the Commonwealth Attorney concerning this complaint and the Commonwealth Attorney concluded the Election Officers acted in accordance with the election law: §24.2-643 Qualified voter permitted to vote;

procedures at polling place; voter identification paragraph B. A letter stating the result of the complaint review will be prepared by Mr. Reynolds and sent to the voter.

3. A complaint was received from a voter who stated there was no handicapped parking available at the Eltham Precinct polling place and parking was insufficient in general. The complainant also stated that political party greeters were in parking spaces next to the building. A review of parking at the Eltham Precinct polling place, Whitmore Chevrolet dealership, determined that a designated and marked handicapped parking space is available next to the building. The Electoral Board concluded that since Whitmore Chevrolet dealership is open for business on election day, it cannot control where vehicles for sale and customers park. While the parking is not ideal, there are no alternatives for another polling place in the Eltham Precinct. Concerning the complaint about political party greeters, it was determined they were outside the 40-foot prohibited area and, therefore, were allowed to be at that location next to the building. A letter stating the result of the complaint review will be prepared by Mr. Reynolds and sent to the voter.

4. A complaint was received from a voter concerning parking and the location of political party greeters at the Providence Forge Precinct. The configuration of the parking area, including two entrances, at this polling place makes it difficult to control the locations of political party greeters because the 40-foot prohibited area covers most of the parking spaces in front of the building. Discussion ensued about blocking the west entrance to the parking area and also blocking the spaces in front of the building but no conclusion was reached. Given that redistricting might have an impact on this precinct it was decided to defer further action until after redistricting was concluded.

5. Two churches uses as polling places complained about large signs being installed at their property. Property owners of polling places have ultimate control over what signs can be placed and where they can be placed on their property. Both churches stated that

the small yard signs installed with wires are acceptable but that larger signs installed with metal fence T-posts are not acceptable on their property. Candidates will be notified

before future elections that polling place property owners control signs on their property, that large signs on metal fence T-posts are not acceptable, and that they should check with each polling place to determine what signs can be placed and where they can be placed.

6. Election Officers complained about a specific political party greeter confronting and hindering voters at the Providence Forge Precinct polling place. Mr. Moss observed this person confronting voters and doing so inside the 40-foot prohibited area. He was warned more than once that what he was doing was illegal but continued to confront voters. In a related incident a political party greeter prevented a voter from leaving by holding open the driver's door on her vehicle. While no action could be taken at this point, situations such as these will be monitored closely in the future and will be reported to the Sheriff's Office for action.

7. Incident Description – Voter Intimidation: was sent to Director of Election from the Department of Elections voter complaint site (refer to copy of complaint – attached hereto and made a part of these minutes). Copied to Electoral Board members, Chief Assistant and Keith Balmer at ELECT November 7, 2019, via e-mail.

Department of Elections asked for an immediate response from Director of Election, she replied via email: Ms. Best:

DISCUSSIONS: A discussion following concerning “no excuse voting” that is being considered by the General Assembly. While it is unknown what legislation will be considered and passed, it is certain that there will be a significant increase in absentee voting in future elections when some form of no excuse voting legislation is passed. The current location for in-person absentee voting is inadequate even at current volumes of voters. An alternate polling place is needed for in-person absentee voting. Mr. Moss will send a letter to Rodney Hathaway addressing this issue and requesting resolution.

Agenda Item 3. Discussion with Mr. Tyler Links about replacing or upgrading voting equipment.

Mr. Tyler Links is the sales representative for Print Elect, the distributor for the voting equipment manufactured by Election Systems & Software (ESS) Company. Mr. Links provided an update on plans by the State Election Commission to increase security standards for voting equipment, which will then decertify optical ballot scanners and mandate digital ballot scanners probably no later than June 1, 2020. Of the 133 General Registrar Offices in Virginia, New Kent County is the only office that still uses optical scanners. The increased security standards will also affect the ADA AutoMark voting equipment because all voting equipment will be required to use the Windows 7 operating system with the capability to upgrade to Windows 10 operating system (Microsoft is discontinuing support for Windows 7 but MOUs are in place for Microsoft to continue support for voting equipment using Windows 7 for 3–4 years) and the AutoMark uses the Unity operating system. It is possible that when the upgrade from Windows 7 to Windows 10 occurs, there will not be an upgrade cost if the upgrade can occur during normal routine maintenance and no hardware changes are required.

A discussion followed about either replacing or upgrading the M100 scanners and voted ballot receptacles and the AutoMark ADA-compliant voting equipment.

The M100 scanners will need to be replaced with the DS200 scanners. A lighter, plastic voted ballot receptacle is available to replace the metal receptacle but the metal receptacle can still be used.

Mr. Links presented two options:

1. Replace all M100 scanners with the 13 DS200 scanners, ballot receptacles, and AutoMark voting equipment with 10 ExpressVote equipment at a cost estimated to be \$118,000.
2. Replace all M100 scanners with 13 new DS200 scanners and upgrade the AutoMark voting equipment at an estimated cost of \$79,000; which includes using the current metal ballot boxes and removing the diverter inside which could be done at the time of preventive maintenance and possibly at no extra cost. Quotes will be sent by January 8,

2020. A discussion followed by when the life time of the new voting equipment and when it might no longer be supported. Mr. Links stated that the DS200 will continue to be supported for the foreseeable future.

The possibility of spreading the cost over two fiscal years was discussed. If that were an option, the replacement cost will be higher because of additional shipping and training costs. However, given the security mandate and decertification of our voting equipment, staged replacement probably will not be an option.

Agenda Item 4. Discussion on March 3, 2020 Democratic Party Presidential Primary/Ballot Order.

To date, no state recommendation has been received specifying the percentage of registered voters to use when ordering ballots for the March 2020 Democratic Primary. After discussion it a motion was made and seconded to use 60% as the ordering quantity. motion was made by Vice Chairman Winson and seconded by Secretary Reynolds; motion carried:

Larry L. Reynolds    Aye  
Charles E. Moss, Sr.    Aye  
George B. Winson    Aye

CLOSED SESSION: Chairman Moss moved to go into Closed Session to discuss personnel issues. Director of Elections was requested to stay in the closed session. Pursuant to Section 2.2-3711A.1 (personnel) Section 24.2-106(1) of the Code of Virginia. The members were polled:

Larry L. Reynolds    Aye  
Charles E. Moss, Sr.    Aye  
George B. Winson    Aye

The motion carried. The Electoral Board went into closed session.

Mr. Moss moved to return to open session. The members were polled:

- Larry L. Reynolds    Aye
- Charles E. Moss, Sr.    Aye
- George B. Winson    Aye

The motion carried.

Chairman Moss made the following certification:

Whereas, the New Kent County Electoral Board has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law.

ADJOURNMENT: Charles Moss moved we adjourn meeting at 1:22 p.m.; motion was made by Vice Chairman Winson and seconded by Secretary Reynolds; motion carried:

- Larry L. Reynolds    Aye
- Charles E. Moss, Sr.    Aye
- George B. Winson    Aye

FUTURE MEETINGS:

Monday, February 3, 2020, at 3:00 p.m. to appoint Officers of Election and precinct assignments, and Friday, March 6, 2020, for Electoral Board Reorganization meeting at 4:00p.m. Training date will be determined later.

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Secretary

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Chairman

December 31, 2019

Date Prepared

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Vice-Chairman