

Albemarle County Electoral Board

Emergency Virtual and In Person Meeting

October 8, 2021

Location: Albemarle County Office Building, 5th Street

Attendance: Jim Heilman, Michael Rodemeyer, Peter Wurzer, Jake Washburne, Erin Davis, Lauren Eddy, Jeania Oliver, and Anne Schermerhorn

Observers who spoke: Abigail Turner and Cynthia Neff, Albemarle Democratic Party; Clara Belle Wheeler, Albemarle Republican Party

The meeting began at 9:35 am.

Peter made the following statement: This is an emergency meeting to understand a ballot mix-up and consider potential solutions. This meeting is being held pursuant to and in compliance with the Continuity of Government Ordinance adopted by the Albemarle County Board of Supervisors. The following individuals are physically and electronically present: *(Anne, Jeania, Erin, and Cynthia were electronically present; all others were physically present.)*

{Editor's Note: What follows is a detailed summary of the discussion that was held. Where I am quoting or paraphrasing comments of a certain speaker, those comments are preceded by the initials of the speaker. A full recording of the meeting is available at the Registrar's Office.)

Jim provided a brief history of what occurred. There are three precincts in which some mail voters received an incorrect mail ballot. These are Crozet, Brownsville, and Mechums River. Due to an apparent printer error, some ballot packs were apparently mis-labeled as to the ballot style enclosed in the packs. Voters in these precincts were to receive Ballot Style 9 – which includes the 25th House of Delegates race. A week ago last Friday it was discovered that a voter in one of those precincts had received a Ballot Style 7 instead of 9. Last weekend Jim was approached by a voter who had also received a Ballot Style 7, and he informed Jake. Starting Monday morning, Oct. 4, all prefolded ballots were unfolded to ensure that ballots sent to those three precincts all had Ballot Style 9. Yesterday was the first pre-processing of returned mail ballots. Of 161 ballots pre-processed from the three precincts, 49 were the incorrect ballot. The incorrect ballots were sequestered. A total of 744 ballots had been mailed to the affected precincts before Oct. 4.

JW: We will be doing more pre-processing Monday, so we will get an idea then of how many more incorrect ballots are out there.

MR: Are we confident that there are no mixed up ballots in Early In Person voting?

JW and LE: Yes, because we are checking them all.

CBW: Is it possible to know that all ballots mailed out were from the pre-folded packs?

JH: Yes.

PW: We need to jump on this ASAP and make the media aware. We need to get email addresses for every mail-in applicant from the affected precincts – with help from the political parties

AT: Democratic lists have phone numbers and some email addresses. It's better to work from the lists of voters whose ballots have already been mailed.

JH: We need to get everything we can, contact-wise, for these voters.

LE: We can check VERIS for some info.

PW: We almost have to meet personally with these voters with wrong ballots. Perhaps we should try to get the voters to come to the schools that are polling places to exchange their ballots. We can have teams sit there. Voters can vote the correct ballots there and they can be brought back to the office.

MR: But that would be essentially running a drop-off site. The best we could do would take their bad ballots, void them, and provide them with new ballot packets.

JW: What if we do everything we can to contact the 49 voters we know of who voted incorrect ballots and give them options, such as 1) making a house call to get them the correct ballot, 2) have them come to the office and give them new ballots, or 3) have them come to the office and vote Early in Person.

JH: Or, if we are willing to trust the mail, mail them new ballots.

AT: You should see if you can get permission from ELECT to accept newly voted ballots at the voter's house.

Jake: I'm sure it's legal for me to do that. I imagine it is for Electoral Board members also.

CBW: But since we have dual-party observation, it shouldn't be just one of you to go to a voter's house.

There followed discussion of exactly how many ballots (which may include bad ones) were sent out. The answer was 744.

JH: We know that everyone mailed a ballot on Oct 4 or thereafter got the correct ballot.

JW: We have 583 of those 744 that are still out there.

There followed discussion of which voters need to be notified.

PW: Will we check as ballots come in whether they are the correct ballot?

JH: Yes – we will do our next pre-processing on Oct. 11.

CBW: Everyone except those who sent in a correct ballot needs to be notified?

JW: Yes.

There followed a discussion of different sources of contact information.

PW: It would be best if we can deal with people in person rather than trust the mail.

JH: Who can go out and deliver new ballots? This is a question for ELECT.

AT: Maybe County tax people and courts can help with obtaining contact info.

CN: I suggest using the "White Pages Premium" app on-line.

PW: We have to be able to show when we sent corrected ballots.

AT: You should have a script to use when calling people so everyone is saying the same thing. And keep a detailed accounting for each voter.

JW: We need to send to ELECT just what we intend to do.

JH went over our options again.

JW explained how he took the ballot packet to the first person with an incorrect ballot who called.

AT: Can we make an early voting site in the Crozet area?

JH: No, it's too late for that.

There followed a discussion of various mail options. CBW shared with us what Henrico County (with a similar problem) is doing. PW suggested using a Senior Center site in Crozet for ballot exchange. JH suggested sending a form letter to those from which we have received an incorrect ballot.

LE: Some may be available to come in to the office on Saturday.

JH: Let's call who we can now and send a form letter to those we cannot reach.

MR: We also need to send a letter to those to whom ballots were sent but have not returned them yet.

JH suggested verbiage for such a letter. Discussion ensued.

MR: We should include a copy (sample) of a correct ballot.

PW: Communications about this has to be very simple.

JW: We should circle the House of Delegates race on the sample ballots we send out.

JH: Peter and I are in agreement that we don't have to talk about the witness requirement in the letter we send out.

Discussion about the proposed letter ensued.

JH: Let's construct the letter and send it to Commissioner Piper telling him this is what we intend to send.

CBW: You should put in the letter "open your ballot per instructions."

MR: I think that's redundant.

AT: Across the top of the letter, it should say: "ATTENTION – CHECK TO SEE IF YOU GOT THE RIGHT BALLOT"

There followed further discussion of the wording of the letter.

JH: Can we give them a special number to call?

LE: We can give them a work cell number.

There followed much discussion of what number to give out. It was decided to use Lauren's work cell number. Then the discussion of options was revisited yet again, including potential locations where voters could come to exchange their wrong ballots for correct ballots.

CN: You should talk to Henrico County about how they've been handling their problem.

AT: With all due respect, a lot of the language you're proposing for the letter(s) has been at a 12th grade level instead of a 6th grade level.

CBW discussed what Henrico County is doing.

MR: It still would be good to establish some exchange site in the Crozet area.

PW: We need to get Commissioner Piper involved in this whole issue NOW.

JW: Letters can't go out until Tuesday because Monday is a federal holiday.

MR: We have to do something to announce this before then.

JH dictated a proposed social media release.

JH: I want to start this release with "due to an apparent printer error..."

PW: I think we should stick with "We believe some voters got the wrong ballot..."

AT: I agree with Jim that we should say "we believe it's a printer error."

CBW read Henrico's press release.

JH: Our most immediate need is for something short and simple for social media and for our website.

There followed further discussion about whether to say "due to an apparent printer error" or even address why there was an error.

MR: We need to get the County on board immediately to get out our social media piece.

There followed discussion of what type of info to get out – to whom and when.

CBW: People are going to know. The more you can do to assure people that we are working to fix this, the better.

JH then read anew proposed language for an immediate social media release.

CN: I would be careful about sending anything out before talking to the Board of Supervisors.

JW: I will draft this up and get it to Emily – our Communications Director. Then I've got to draft a letter to voters and run it by Commissioner Piper. And we've got to start getting contact info for the 49 voters we know of who got bad ballots.

MR: I can take a stab this afternoon at drafting a press release.

PW: Can we start calling this afternoon? I have some voter contact info from 2016. And if we have a Democratic list, we can start working that too.

JW: I'll work up a list of the 49 we know of.

AT: You need a script for use in calling the 49. A one-page script for every voter.

There followed discussion of whether other localities who use the PrintElect printer may have a similar problem.

The meeting adjourned at 11:39 am.

Respectfully submitted,

A handwritten signature in cursive script that reads "James M. Heilman". The signature is written in black ink and is positioned to the right of the typed name.

James M. Heilman
Secretary, Albemarle County Electoral Board