

County Of Bath, Virginia  
65 Courthouse Hill Road  
Warm Springs, Va. 24484

Bath County Historical Society Board Room

Wednesday, October 11, 2023  
Electoral Board Regular Meeting

Nancy Peery, Chair; Karen Allen, Vice Chair; Liz Knapp, Secretary  
Donna Weaver, General Registrar

**Call to Order and Pledge of Allegiance:** 3:01pm

- Present at meeting: Nancy Peery, Karen Allen, Liz Knapp, Donna Weaver, and Michael Bender, Jr., Bath County Administrator

**Approval of Minutes:**

- The minutes of the September 11, 2023 Regular Board meeting were approved without changes.

**Unfinished Business:**

- L&A was conducted on September 14<sup>th</sup> with no issues reported. It was observed by the Democratic Party Committee Chair, Barbara Nordin.
- Discussion regarding the ADA compliance issue for Warm Springs precinct voting location at the Warm Springs Church. An Emergency Polling Location Change was approved by the State to move the location to the Mountain Crest Retirement Community Center for the November 7<sup>th</sup> election. This is only temporary (and can only be used once) as the Mountain Crest Board will not approve a permanent move at this time. There was an extended discussion about the history and background of the funding of Mountain Crest, as well as the discussions Donna had with Mountain Crest Board members, Ron Shifflet and Virginia Nowlin, as to their reasons for refusing permission. Mr. Bender will look into any documents the County may have related to the creation of the Mountain Crest Retirement Commission and funding. The Electoral Board and General Registrar will ask for a meeting with the Mountain Crest Board to discuss the situation further.
- The Board also discussed other options with Mr. Bender. Mr. John Taylor, Bath County High School Principal, was scheduled to join the meeting today but had to cancel due to a pressing matter at the school. Karen will contact Mr. Taylor and reschedule.

Other options include:

- the High School which would require a separate entrance for voters and a lock down to and from the other parts of the school
- School Administration building – for various reasons this is not an immediate option
- Provision of Modular buildings – could be cost prohibitive
- Tents – only a last resort, temporary option
- Voting in the other Warm Springs precinct location – Mountain Grove about 15 miles away
- Discussion on next steps needed for a location for the March primary election and timing. The last move (Burnsville precinct) took about 6 months for approval. We could choose a Certificate of No Objection which would cut the time by eliminating the public comment requirement, but this still requires immediate attention.

- Liz will call Claire Scott, the State ADA Compliance Coordinator, to confirm that the Board can sign the ADA certification statement with an Emergency Polling Location. A motion to confirm the ADA Compliance Confirmation, if confirmed by Ms. Scott, was made by Liz, and seconded by Karen. Yays: 3 Nays: 0

#### **New Business:**

- The Board discussed the following issues with Mr. Bender:
  - County leases with each voting location – it was agreed that leases should be in place for liability issues as well as assurance of having ADA compliant locations in place for future elections. Liz would reach out to the County’s attorney, Julian Harff, for his thoughts on drafting the leases.
  - Budget items – regarding the replacement of our DS 200 voting machines with the new DS 300. Estimated cost to replace all 10 units would be about \$74,000. With trade in, licenses, other fees the cost would be about \$8,925 per unit. Eight of our current machines were purchased in 2018. There is always a possibility that the State would require the newer models or a completely different unit. After discussion, it was decided that Donna would include a request for funds for two new machines in each year’s budget request to ensure that funds would be available if needed without requiring a large one-time request from the County.
  - The State is looking into requiring a full-time employee in the General Registrar’s office. Currently we have a part-time employee. County funds would be needed for the increase in pay and benefits.

#### **Chairman’s Report:**

- New Officers of Elections training is scheduled for October 16<sup>th</sup> at 6pm in the District Courtroom; October 26<sup>th</sup> at 5pm for Chiefs, and 6pm for all OEs; and October 28<sup>th</sup> for those who cannot attend scheduled training. All online training is to be completed by the OEs before attending.
- The Electoral Board Western District Regional Meeting will be held via Zoom on Saturday, October 14<sup>th</sup> at 9am.

#### **General Registrar’s Report:**

- Donna will set up a voting information display at the debate for local candidates to be held on Saturday, October 14th.
- Notices regarding the Emergency Polling Location Change for Warm Springs and new voter cards have been mailed to all concerned registered voters. Donna provided Board members with additional notices to be posted in various public areas around the County.
- Donna discussed the lack of ADA compliance of her office which is used for early voting and requires curbside voting access. Because her office is not used on election day, and the Annual ADA Compliance Confirmation relates to polling locations on election day, it has not been included in the review by the Board. However, to avoid an issue if the State includes ALL voting locations, and to provide adequate accessibility to her office by all qualified voters, it was decided to make a request to the Judge to allow the back door of the County Building to be unlocked during the early voting period to allow access to the elevators. Liz will prepare a letter from the Board to Mr. Bender asking him to make the request of the Judge.
- The Attorney General has issued an official advisory opinion regarding the parity of party representation for Officers of Elections. His opinion is “that, when appointing officers of election, an electoral board must make its appointments with an effort to ensure party parity among appointments to the extent practicable and that appointees are to be chosen, to the extent practicable, from nominations provided by the respective qualifying political parties

pursuant to law. It is my further opinion that the duty to ensure party parity to the extent practicable applies to every electoral board, regardless of the size of the jurisdiction.”  
Nominations for initial appointments must be filed “at least 10 days before Feb. 1 each year” and those for subsequent additional appointments are due “within five business days” of the general registrar’s notice of additional appointments.

**Public Comment:** No public attendance at this meeting.

The meeting was adjourned at 4:40pm. The next Board meeting will be on Tuesday, November 7, 2023 for the election Canvass at 8:15pm and Wednesday, November 8, 2023 at 10am. The Regular Board meeting will be on Wednesday, November 8, 2023 at 3PM.