



CORPORATION OF HARPERS FERRY

Board of Canvassers

MINUTES

Special Meeting

Wednesday, 29 July 2020

7:00 p.m.

Stephen T. Mather Training Center • 51 Mather Place, Harpers Ferry, West Virginia 25425

Called to order at 7:00 p.m. by Recorder Kevin Carden. Due to the COVID-19 pandemic, the Governor's Executive Order limiting sizes of gatherings, and social distancing recommendations, this meeting was held at the Stephen T. Mather Training Center and live-streamed on social media, in compliance with the State's emergency guidance on the Open Governmental Meetings Act.

Member	Title	Status
Wayne Bishop	Mayor / Board of Canvassers member	Absent
Kevin Carden	Recorder / Board of Canvassers member, <i>presiding</i>	Present
Barbara Humes	Board of Canvassers member	Present
Hardwick S. Johnson, Jr.	Board of Canvassers member	Present
Charlotte Thompson	Board of Canvassers member	Present
Ed Wheelless	Board of Canvassers member	Present
Midge Flinn Yost	Board of Canvassers member	Present

Jefferson County Prosecuting Attorney Matt Harvey, Jefferson County Sheriff Pete Dougherty, Deputies Matt Harper and Ben Williams, and West Virginia Secretary of State's Office Investigator Gary Harmison were also in attendance.

Recorder Kevin Carden read a prepared statement, including a brief summary of the legal timeline of the elections challenge and an overview of the process to be followed at this meeting. Pursuant to an order of the Circuit Court of Jefferson County, four provisional ballots that were rejected by the Board of Canvassers on 17 June 2019 and by a majority opinion of the Harpers Ferry elections tribunal issued 11 September 2019 are to be opened and counted. The results from these four ballots are to be added to the results certified by the Board of Canvassers following a ballot recount on 26 June 2019. Only these four provisional ballots named in court orders are to be opened and counted, as the period to challenge additional ballots expired in 2019. This ballot count and certification process follows orders of the West Virginia Supreme Court of Appeals and the Circuit Court of Jefferson County, and advice provided by the general counsel of the Elections Division of the West Virginia Secretary of State's Office (WVSOS) and the general counsel of the Corporation of Harpers Ferry.

Sheriff Pete Dougherty announced that ballots and election materials that were transferred to the custody of the Jefferson County Sheriff's Office (JCSO) on 12 November 2019 have been stored in an evidence locker since that date and will be returned to the custody of the Recorder at this time. Deputy Ben Williams and Recorder Kevin Carden signed a document acknowledging the return of the materials.

The Recorder opened the evidence bag and removed each item separately, comparing the contents with a signed property receipt from the JCSO dated 12 November 2019. All contents (nine envelopes and a written statement) were properly accounted for. Mr Harmison monitored this process and verified that all contents were correct as documented.

The outer envelope containing all provisional ballots ("Provisional Ballot Envelope #3") was identified and displayed to each member of the Board of Canvassers, as well as Mr Harmison, to verify that the Board members' signatures across the flap of the envelope from the previous Board meeting were intact and that the envelope had not been reopened or tampered with. Then, this outer envelope was opened, and the inner envelopes ("Envelope #2") containing the individual ballots were removed. The four provisional ballots ordered to be counted were separated and placed in a stack. The two remaining provisional ballots were returned to Envelope #3.

At that point, the following process was followed, in accordance with the procedure in the WVSOS "2019 Best Practices Guide for Municipal Canvass":

- The outer envelope of the first provisional ballot ("Envelope #2") was opened. The outer Envelope #2 and the front of the inner Envelope #1 was marked with the number 1. The remaining three ballot envelopes were opened and marked in like fashion.
- The unopened Envelopes #1 were shuffled. Each was then opened one by one, and the ballot was removed. The back of each ballot was marked to match the inner envelope.
- Two members of the Board, Ed Wheelless and Midge Flinn Yost, opened each ballot one by one and read aloud the votes cast for Town Council members. The votes were tallied in writing separately by two other members of the Board, Barbara Humes and Hardy Johnson.
- The new votes were added to the tally from the results previously certified in June 2019 and presented to the Recorder.
- Each ballot was returned to its respective Envelope #1 and resealed. Board members Ed Wheelless and Midge Flinn Yost signed across the flap of each envelope after it was resealed.
- All Envelopes #1 and Envelopes #2 were returned to Envelope #3, which was then resealed. Each present member of the Board of Canvassers signed across the flap of Envelope #3 after it was resealed.

After all ballots had been secured and the envelope sealed, the Recorder announced the official tally of votes as follows:

- Debbie McGee: 84 votes
- Christian Pechuekonis: 88 votes
- Nancy Singleton Case: 85 votes
- Midge Flinn Yost: 81 votes
- Barbara Humes: 92 votes
- Leah Howell: 15 votes
- Jay Premack: 90 votes
- Hardy Johnson: 86 votes
- Charlotte Thompson: 84 votes

The certification sheet for each candidate was completed and signed by each member of the Board of Canvassers.

Motion	Motion to adopt the 11 June 2019 Harpers Ferry municipal election votes for Town Council members as announced.
Motion by	Midge Flinn Yost
Second	Ed Wheelless
YES	Humes, Johnson, Thompson, Wheelless, Yost
NO	<i>none</i>
Result	MOTION APPROVED

The Recorder announced that because this canvass was conducted pursuant to a court order for which all appeals had been exhausted, the total vote tallies adopted by the Board of Canvassers were immediately certified as of the time they were adopted (8:03 p.m.).

Each Town Council member was sworn into office by Recorder Kevin Carden.

Motion to adjourn by Midge Flinn Yost, second by Ed Wheelless. Meeting adjourned at 8:08 p.m.

The above minutes are true and correct, as approved.

Mayor: _____ Date: _____

Recorder: _____ Date: _____