

Meeting of the WV State Election Commission
8:00 AM on Thursday, April 21, 2022
Microsoft Teams Meeting

State Election Commission Members in Attendance:

- Matthew Chapman (Chair) - Present
- Caleb David - Present
- Anthony Delligatti – Present
- Benjamin Sullivan – Present
- Mac Warner, WV Secretary of State - Present

Others in Attendance:

- Nathan Martin, WVSOS Elections Specialist
- Chuck Flannery, WVSOS Chief of Staff
- Donald Kersey, WVSOS General Counsel
- Mark Slotnic – County Counsel
- Andrew Gunnoe – Assistant Manager (Kanawha County)
- Sally Roberts - Rights of WV
- Julie Archer - WV Citizen Action Group

1) **Call to Order – 8:00 AM**

2) **Discussion of Attorney General Opinion issued April 18, 2022, regarding 153 CSR 13 Early Voting In-Person Satellite Precincts Legislative Rule (executive session anticipated; SEC consultation for advising appropriate agency action, including potential litigation, consistent with the findings of the Attorney General Opinion and current election calendar)**

- At 8:40 Mr. David expressed his potential conflict but that is unrelated to this situation. Mr. Kersey said the SEC offers advice concerning this item but the ultimate decision is under the purview of the Secretary of State. It's not inappropriate for him to participate in the discussion.
- Open for public comments at 8:45. Sally Roberts expresses that notices of the Black Diamond voting location has already been sent out.
 - SEC enters into Executive Session at 8:49 AM
 - Mr. Delligatti motions
 - Mr. Warner seconds
 - All in favor. Motion passed.
 - At 8:52 the SEC clarifies they are going into Executive Session to speak about potential litigation matters.
 - Mr. Delligatti motions

- Mr. Warner seconds
- All in favor. Motion passed.
- Left Executive Session at 9:43 AM
 - The SEC advises the Secretary of State writes to the Kanawha County Commission promptly. No vote was made.

3) **Other Business**

4) **Adjournment**

- **Mr. Warner motions to adjourn**
- **Mr. Sullivan seconds.**
- **All in favor. Motion passed. Adjournment at 9:45 AM.**

***Facts and circumstances of the emergency required by W. Va. Code § 3-9A-3(h):**

Pursuant to W. Va. Code § 6-9A-2(2)(C), an emergency meeting is required to avoid imminent substantial harm to a public agency or members of the public served by the Secretary of State as the state's chief election official responsible for standardizing and enforcing the provisions of Chapter 3 of the West Virginia Code pursuant to W. Va. Code § 3-1A-1, et seq., members of the public for whom clear and reliable notice of the available in-person early voting locations, established by a county commission under 153 CSR 13 for the in-person early voting period that begins on April 27, 2022, is absolutely essential to prevent voter confusion, irregularities, and disenfranchisement.