

Minutes of the November 16, 2022 Meeting of the

Danville Election Commission

1. Meeting called to order by Chairperson Barbara Bailey at 4:00 p.m.
2. Attendance: Commission members Barbara Bailey, Thomas J. Mellen II and David Ryan, and Executive Director Sandra Delhaye. Also present: Honorable Thomas O'Shaughnessy, Circuit Judge and John Beasley, attorney for the Danville Election Commission.
3. Approval of Agenda: Motion to approve by Thomas Mellen, seconded by David Ryan; motion carries 3-0.
4. Approval of minutes of October 12, 2022 meeting: Motion to approve by Tom Mellen, second by Barbara Bailey, motion carries 3-0.
5. Public Comments: None
6. Approval of payables: Motion by David Ryan to pay a total of \$18,195.88 in accounts payable, including costs of newspaper inserts, election supplies and support, and publication fees; second by Thomas Mellen; motion carries 3-0.
7. Voter Registration Numbers: Sandra Delhaye reported that for October, 2022 there were 15,453 active voters on the city rolls (a decrease of 140 from the previous month) and inactive voters totaling 2542 (an increase of 137).
8. Discussion Concerning Redistricting: Barbara Bailey asked Judge O'Shaughnessy to comment on the City Council's approval of a new ward map, notification of which was received by the commission on November 3, 2022. Judge O'Shaughnessy indicated that he had received copies of the legal opinions authored at the Commission's by Attorney John Beasley and by the attorney for the association of election commissions. He indicated that it appeared from the research done by the attorneys that the new ward map approved by the Danville City Council was approved after the legal deadline for changing ward boundaries as that deadline applied to the April, 2023 city election. In view of the fact that that neither of said attorneys could find any authority in case law or in the statutes which gave the Commission the authority to waive the statutory deadline, Judge O'Shaughnessy suggested that it appeared the old ward map applied to the April, 2023 municipal election and the new ward map applied in subsequent municipal elections. John Beardsley then spoke, explaining his research and the reasoning behind his conclusion that the last day for the City of Danville to change the ward map before the April 2023 municipal elections was October 22, 2022. Mr. Beasley then stated that because the City Council did not approve a new ward map until after October 22, 2022, because the City did not notify the Election Commission of the changes to the ward map until November 3, 2022 (after candidates had already picked up election packets based on the old ward map), and because the Commission had no legal authority to waive the statutory deadlines for changing ward maps, the current municipal election to be held in April 2023 must be conducted based on the old ward map. Mr. Beardsley indicated that all future municipal elections should be conducted based on the city's newly passed ward map. On motion of David Ryan, seconded by Barbara Bailey with Tom Mellen concurring, John Beardsley was directed to draft a letter to Danville Mayor Williams

and Corporate Council for the City of Danville informing the city that this was the Commission's position, and that the April 2023 municipal election would be conducted based on the City's new ward map. Further, on motion of David Ryan, seconded by Thomas Mellen with Barbara Bailey concurring, Mr. Beardsley and Director Delhaye were directed to draft and issue a press release to that effect in order to clear up any confusion on the part of the candidates and general public.

9. **Director Comments:** Sandra Delhaye lead a discussion of the Election Commission's budget status for the fiscal year ending in November, 2022. On motion of David Ryan, seconded by Barbara Baily with Thomas Mellen concurring, Sandra Delhaye was directed to purchase Express voting machines from the current year's budget as the line item permitted. Director Delhaye then noted that turnout for the November 8, 2022 election was 41.6% in the City, which was higher than normal for a mid-term election.
10. **Commissioner comments:** All commissioners commented on the friendly and professional demeanor exhibited by the Commissions employees to voters during the in-office voting period on election day.
10. **Adjournment:** On motion of Thomas Mellen, second by David Ryan, Barbara Bailey adjourned the meeting at 4:47 p.m.



David J. Ryan, Sec
, Secretary