

**Meeting of the WV State Election Commission
8:00 AM on Friday March 24, 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

1. Call to Order:

- Meeting called to order by Mr. Chapman at 8:02 AM
- Quorum established

2. Approval of Minutes of 1/31 and 3/11

- Approval of Meeting on 1/31
 - Mr. Delligatti moves to approve
 - Mr. Warner seconds
 - All in favor. Motion passed.
- Approval of Meeting on 3/11
 - Mr. Delligatti Motions to approve
 - Mr. David Seconds
 - All in favor. Motion passed.

3. Legal Matter Briefing – 153 CSR 13 Early Voting In-Person Satellite Precincts Legislative Rule (executive session anticipated)

Mr. Kersey said we don't have the Attorney General opinion at this time. However, we are likely to receive an opinion before the Primary Election. The Kanawha County Commission is receiving legal advice and we must stick to our rule and are currently awaiting word from the Attorney General's office. Mr. Kersey spoke of how our concern is uniformity and also keeping an active legislative rule. The plan is once we receive the opinion of the AG we will make communication with the SEC. If the AG says the rule is valid there is the option of litigation or having a Hearing where we ask the county commission to appear. If the AG says the rule is invalid an emergency rule can be filed or issue an administrative order directing counties to 3-1-A6.

Mr. Delligatti says the time frame is short. Mr. Kersey responded that we could schedule an emergency meeting right after word from the AG comes about. Mr. Chapman asked for clarification of who makes the final decision. Mr. Kersey responded that the Secretary of State makes the final decision but receives advice from the SEC. Mr. Kersey says he believes that a notice of a hearing has to be atleast 48 hours if it comes to that.

4. Other Business

Mr. Kersey did a summary of new House and Senate Bills

House Bill

- 3303
- 4097
- 4299
- 4311
- 4312
- 4353
- 4419
- 4438
- 4450

Senate Bill

- 191
- 253
- 334
- 591
- 693

5. Adjournment

- Mr. Delligatti motions
- Mr. Warner seconds
- All in favor. Motion passed and meeting ends at 8:47 AM.

Minutes Taken By: Nathan Martin