

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

THURSDAY

9:00 A.M.

JULY 7, 2022

PRESENT:

Vaughn Hartung, Chair via Zoom
Alexis Hill, Vice Chair via Zoom
Kitty Jung, Commissioner via Zoom
Jeanne Herman, Commissioner

Janis Galassini, County Clerk
Eric Brown, County Manager
Nathan Edwards, Assistant District Attorney

ABSENT:

Bob Lucey, Commissioner

The Washoe County Board of Commissioners convened at 9:00 a.m. in special session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, County Clerk Jan Galassini called roll and the Board conducted the following business:

22-0522 **AGENDA ITEM 3** Announcements/Reports.

There were no announcements or reports.

22-0523 **AGENDA ITEM 4** Pursuant to NAC 293.365 and NRS chapter 293, Declaration of Canvass of Vote (Recount of Republican Gubernatorial Primary) If approved, direct staff to submit results to the Secretary of State's Office and execute Order of the Recount. Registrar of Voters. (All Commission Districts.)

Government Affairs Liaison Jamie Rodriguez stated the County received the statewide gubernatorial race recount request on June 28; it required that 100 percent of the ballots be recounted. The estimated cost for the recount was \$84,751, which was sent to the Secretary of State's Office (SOS) because they would coordinate the recount. She said the County was unable to charge for regular shifts for full-time employees involved in the recount, but it could charge for overtime and costs related to temporary employees, the certification board, and vendor support on-site. She stated the law allowed for five days to complete the recount, so the estimated cost of the recount was based on the full five days as a precaution. She said the recount started on Thursday and the estimated cost did not include the eight-hour shifts for employees on Thursday and Friday. She noted the count would have included Saturday, Sunday, and Monday which was a holiday, and that attributed to the large cost had the recount taken all five days. She said the recount was a

collaboration amongst the 17 counties because it was statewide. The recount was started on Thursday, June 30; Washoe County started the count at 8:00 a.m. and was scheduled to last until 8:00 p.m.

Ms. Rodriguez indicated the ballot recount included three primary steps. First, the duplicated ballots were pulled, and a new duplication board reviewed the original ballots. The bipartisan duplication board was comprised of two teams of two people who reviewed and recounted the ballots. Second, all mail ballots were rescanned through the tabulators because the law required ballots to be recounted in the same manner in which they were originally counted. The third step was the upload of all ICX prime USB sticks for the election.

Ms. Rodriguez commended the temporary employees who returned after the election to help with the recount. She said the recount was finished on Friday, July 1, well ahead of schedule. The completion of the recount showed the change of votes was a total of two additional votes for candidate Joey Gilbert and no change for candidate Joe Lombardo. Therefore, candidate Joe Lombardo retained the win for the Republican gubernatorial race in Washoe County. Ms. Rodriguez confidently believed the two additional votes were based on the adjudication process. She explained adjudication took place when multiple marks were made on a ballot and the machines were not able to read the selection. A bipartisan team reviewed those ballots to determine the intent of the voter, ensuring the voter properly crossed out the name of the person they did not want and clearly marked their selection.

Ms. Rodriguez indicated the final cost for the recount was \$9,080 because it was finished significantly earlier than expected. She said the SOS had been notified of the final cost and the difference would be refunded to the candidate.

On the call for public comment, Ms. Daela Gibson said she was the Director of Public Affairs for Planned Parenthood. She thanked the Registrar of Voters (ROV) Office for its efforts during both the regular election and the election recount. She said she spent time at the Washoe County Public Library observing the polling location during early voting. She thought the poll workers overseeing the location were friendly, they greeted everyone, answered questions, and thanked her for observing the process. She said her observations left her confident the election was in skilled hands and the recount reflected that her trust was well-placed. She commended the ROV.

Mr. Donald Fossum displayed documents, copies of which were placed on file with the Clerk. He observed the recount took six weeks, which he conjectured was the time required to manipulate the recount. He alleged the ROV used all the same numbers from the election for the recount, noting the same recount methods had been used. He asserted the canvass of the vote was a sham. He said election integrity went beyond ballot counting. He believed election integrity was not present when the vote count stopped overnight.

County Clerk Jan Galassini advised the Board she received two emailed public comments from Mr. Robert Abbott and Ms. Christina Sherbrook, which she placed on the record.

Assistant District Attorney Nathan Edwards stated the purpose of the meeting was to conduct a canvass of the recount of the votes cast in the primary gubernatorial election in the 2022 Republican primary. He said the recount was demanded pursuant to Nevada Revised Statutes (NRS) 293.403. The statute indicated the ROV had five days to begin the recount after the demand and payment were made and five days to complete the recount, then pursuant to SOS regulation Nevada Administrative Code 293.365 the Board of County Commissioners (BCC) was required to complete the canvass of the vote within five working days. He said the BCC was required to prepare a report and submit it to the SOS which certified the outcome based on the recount. He noted staff presented the required report to the Board that morning. He said the canvass, like the original canvass performed after the primary election, was a duty of statute and administrative code. The administrative code regulations were the SOS'; the SOS as the Chief Elections Officer of the State, pursuant to statutory law in Nevada, was empowered to enact to carry out chapter 293 and the related chapters on elections in Nevada. He indicated the Board would forward the certified results of the recount canvass to the SOS. He said any candidate who disputed the outcome after the certification would be able to do so as an election contest in court. He stated the Board would not need to be involved in that process.

Chair Hartung asked for clarification about the NRS requirement to conduct the recount in the same manner as it was originally performed. Mr. Edwards confirmed Ms. Rodriguez's statement about NRS chapter 293 which required the recount to be conducted in the same manner as the original election. He said a recount board had to be formed and it had to follow the same methods used to conduct the original count.

Vice Chair Hill moved to approve the recount of the 2022 Republican gubernatorial primary election. Mr. Edwards asked whether the motion included direction to staff to forward the report to the SOS. Vice Chair Hill said it did. Commissioner Jung agreed with the clarification.

On motion by Vice Chair Hill, seconded by Commissioner Jung, which motion duly carried on a 3-1 vote with Commissioner Lucey absent and Commissioner Herman voting no, it was ordered that the recount of the 2022 Republican gubernatorial primary election be approved.

22-0524 **AGENDA ITEM 5** Public Comment.

There was no response to the call for public comment.

22-0525 **AGENDA ITEM 6** Announcements/Reports.

There were no announcements or reports.

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9:19 a.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

JANIS GALASSINI, County Clerk and
Clerk of the Board of County Commissioners

Minutes Prepared by:
Carolina Stickley, Deputy County Clerk