

1 MINUTES

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3 The Virginia State Board of Elections Board Meeting was held on Tuesday,
4 November 4, 2014. The meeting was held in the Washington Building – Room B27,
5 1100 Bank Street, Richmond, Virginia. In attendance, representing the State Board of
6 Elections (SBE) was Charles Judd, Chair; Kimberly Bowers, Vice Chair; and Don
7 Palmer, Secretary. Also in attendance and representing the Department of Elections
8 (ELECT) was Edgardo Cortés, Commissioner and Rose Mansfield, Executive Assistant.
9 Kristina Perry Stoney, Senior Assistant Attorney General and Counsel to SBE and
10 ELECT were also present. Chairman Judd called the meeting to order at 9:00AM.

11 Chairman Judd stated that the purpose of this meeting was to fulfill the State
12 Board of Elections Board members’ responsibility of addressing issues related to the
13 general election occurring on that day. Chairman Judd stated that SBE was informed of a
14 loss in the election community this morning. Dale Bolt, General Registrar of Prince
15 Edward County, Virginia passed away this past evening. Chairman Judd moved *that*
16 *when SBE adjourns on this Election Day, that the adjournment is in the honor and*
17 *memory of Dale Bolt, General Registrar of Prince Edward County.* Vice Chair Bowers
18 seconded the motion. Chairman Judd instructed that all those individuals present and who
19 agree with the motion stand in acknowledgement of the motion. Chairman Judd declared
20 that the motion was carried unanimously.

21 The first order of business was the Commissioner’s Report delivered by
22 Commissioner Cortés. Commissioner Cortés reported that the polls successfully opened
23 at 6:00a.m. There have been some isolated reports of machine issues and electronic poll
24 book issues. The localities are resolving issues once identified. ELECT received a
25 minimal number of calls related to voter photo ID. Commissioner Cortés stated that 212
26 voters’ applied for free voter photo ID’s yesterday, November 4, 2014. To date, there
27 have been 3,199 citizens of the commonwealth apply for the free voter photo
28 identification card. Commissioner Cortés stated that there were 118,000 absentee ballot
29 requests which include those requests by mail and in-person. Commissioner Cortés asked
30 if there were any questions.

31 Secretary Palmer stated that some of the political advertisements that were mailed
32 to voters contained the requirements of the voter photo identification law on their mailers.
33 Secretary Palmer stated that he was pleased with this occurrence as the political parties
34 had significant contact with the voters.

35 The next order of business was the Legal Report presented by Kristina Perry
36 Stoney, Senior Assistant Attorney General. Ms. Stoney stated the SBE meeting would be
37 absent a legal report.

38 Vice Chair Bowers moved *that the Board go into recess*. Secretary Palmer
39 seconded the motion and the Board unanimously approved the motion. The Board went
40 into recess at 9:15a.m.

41 Chairman Judd stated that the Board has officially reconvened at 3:00p.m.
42 Chairman Judd asked Commissioner Cortés to provide an Election Day update.
43 Commissioner Cortés stated that ELECT issued a press release pertaining to the reports
44 of machine issues in a couple localities particularly, Newport News and Virginia Beach.
45 Both localities have equipment that appears to be experiencing calibration issues.
46 Commissioner Cortés stated that voters had difficulty selecting the candidate of their
47 choice.

48 There is a summary screen on these machines that permits the voter to verify their
49 choices. Commissioner Cortés stated that the localities were instructed to pull the
50 machines that were having problems. Virginia Beach has a total of 820 touch screen
51 machines, across 93 precincts, and 32 machines have been taken out-of-service due to
52 this issue. Commissioner Cortés stated that 25 precincts have had at least one piece of
53 equipment that had an issue and has been taken out-of-service. If the issue cannot be
54 resolved by the technicians the equipment will remain out-of-service for the remainder of
55 the day.

56 Chairman Judd inquired about the touch screen equipment that made it difficult
57 for voters to cast their ballot; “were there any votes cast before this problem was
58 identified?” Commissioner Cortés stated that there were votes cast, however the voter did
59 have the ability to view the summary screen before casting their ballot.

60 Secretary Palmer asked: “Is there a possibility that the equipment issues are
61 related to a different problem other than calibration?” Commissioner Cortés indicated

62 that, based on the information provided by Virginia Beach, ELECT believes it is a
63 calibration issue. Virginia Beach certified that they conducted the required pre-election
64 Logic & Accuracy testing. The equipment was tested at an off-site location and
65 transported to the polling location where it remained sealed until Election Day.
66 Chairman Judd stated that it is important to emphasize that the voter views a validation
67 screen that displays their choice for candidates before their ballot is cast. Vice Chair
68 Bowers asked: “Every precinct in Virginia Beach has an adequate number of operational
69 machines?” Commissioner Cortés replied: “correct”.

70 Chairman Judd opened the public comment period for questions from the public.
71 Questions were received from the audience and were directed to the commissioner and
72 Board Members. Chairman Judd moved *that the Board go into recess*. Vice Chair
73 Bowers seconded the motion and the Board unanimously approved the motion.

74 Chairman Judd stated that the Board has officially reconvened at 6:40p.m. The
75 clerk noted the absence of Secretary Palmer. Chairman Judd asked Commissioner Cortés
76 to provide an Election Day update. Commissioner Cortés stated that ELECT has been in
77 contact with the general registrar of Virginia Beach, Congressman Rigell’s campaign,
78 attorney general’s office, and both political parties regarding the reported machine issues.
79 The conversations encompassed the option of switching Virginia Beach’s voters from
80 machines to paper ballots for the time remaining on Election Day. Congressman Rigell’s
81 campaign has requested that SBE review this matter to determine exactly what happened
82 with the machines in Virginia Beach. Chairman Judd asked: “Will the votes that were
83 cast on the machines, that were taken out of service in Virginia Beach, be added to the
84 total tally sheets?” Commissioner Cortés stated that when the polls close the machines
85 will have their vote total report run and those numbers will be added to the statement of
86 results. Chairman Judd stated that the voter must acknowledge and accept their ballot
87 before official casting their vote. Commissioner Cortés responded: “correct”. Vice Chair
88 Bowers asked about the process of calibration on the touch screens used in Virginia
89 Beach. Chairman Judd asked the party representatives to speak to the issue of the
90 machines in Virginia Beach and to clarify if additional machines, over the 32 machines
91 confirmed, have been removed from the polling places due to calibration or other issues.
92 Kate Maxwell, Republican Party Representative stated that additional details were not

93 available. The Democratic Party Representative reported that the last incident of
94 machines malfunctioning he received was at 4:36 p.m.

95 Commissioner Cortés stated that a formal request from the campaign arrived at
96 6:47p.m. (During the Board Meeting via email) requesting that SBE order the Virginia
97 Beach General Registrar to switch to paper ballots over their 93 precincts. Chairman Judd
98 stated that the request of the campaign to issue paper ballots 13 minutes prior to the
99 official closing of the polls was unrealistic considering the ballots would have to be
100 printed and delivered to all the precincts in Virginia Beach. Vice Chair Bowers asked:
101 “What is the threshold for the timing of requesting paper ballots?” Commissioner Cortés
102 stated that similar requests have come before SBE before and it was understood from
103 those previous occasions that SBE does not have the authority to direct a general registrar
104 on the use of paper ballot. This is the responsibility of the local electoral board.

105 Vice Chair Bowers moved *that the Board Adjourn*. Chairman Judd seconded the
106 motion and the Board unanimously approved the motion. The meeting was adjourned at
107 approximately 7:05PM.

108 The Board shall reconvene on November 24, 2014 at 1:00p.m in the General
109 Assembly Building – Room C, Richmond, Virginia.

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Secretary

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Chair

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Vice Chair

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