

1 MINUTES- Final Adopted by SBE- November 21, 2016

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3 The State Board of Elections Board Meeting was held on Tuesday, June 28, 2016.
4 The meeting was held at the Koger Center, Richmond - Midlothian, Virginia James River
5 Room. In attendance, representing the State Board of Elections (SBE) was James Alcorn,
6 Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary. Also in
7 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,
8 Commissioner; Martin Mash, Policy Advisor, and Rose Mansfield, Clerk. Heather Hays
9 Lockerman, Senior Assistant Attorney General and Counsel to SBE and ELECT
10 attended. Chairman Alcorn called the meeting to order at 8:00AM.

11 The first order of business was the approval of the minutes from the State Board
12 of Elections Board Meetings held on May 11, 2016. Chairman Alcorn asked if board
13 members had any additions or corrections to the Board Meeting minutes as presented and
14 there were none. Secretary McAllister moved *that the May 11, 2016 SBE minutes be*
15 *approved as submitted.* Vice Chair Wheeler seconded the motion and the Board
16 unanimously approved the motion.

17 The next order of business was the Commissioner Report presented by Edgardo
18 Cortés, ELECT Commissioner. Commissioner Cortés stated that the annual training event
19 for general registrars and electoral board members will convene after the conclusion of
20 the SBE meeting and will last for several days as required by code. Commissioner Cortés
21 stated that the Department of Elections (ELECT) underwent an internal reorganization. A
22 new division was created as a result of input received from the elections community. This
23 department will focus on community outreach and compliance efforts. ELECT will have
24 a team of registrar liaisons. Registrar liaisons will be assigned to a specific region, within
25 the Commonwealth.

26 Commissioner Cortés stated that ELECT distributed the presidential primary
27 reimbursements to the localities. Commissioner Cortés stated that determining the actual
28 costs of the elections requires expansion; as the current election cycle incurred costs
29 above the expected amount, thus the reimbursements percentages were less than
30 expected. Commissioner Cortés stated ELECT is preparing for voter list registration
31 confirmation mailings and list maintenance activities. The mailings are expected to be

32 postmarked by July 8, 2016. Examples of the letters were sent to the general registrars
33 offices to prepare the registrars for the return mailings.

34 Commissioner Cortés stated that the Division of Motor Vehicles (DMV) has been
35 a longtime partner in the voter registration process. ELECT and the DMV have been
36 working to improve the voter registration process. Commissioner Cortés stated that DMV
37 will implement electronic voter registration at their offices. Citizens who complete their
38 DMV transactions will be prompted to update their voter registration status. The DMV
39 will communicate electronically the information to ELECT. Commissioner Cortés stated
40 that list maintenance will improve as addresses are compared to DMV lists. DMV will
41 pilot this program on July 1, 2016. Commissioner Cortés stated that ELECT will be
42 providing electronic tools to third-party registration drives to allow their process to go
43 paperless. This effort will increase accountability and will assist the general registrars in
44 completing the registration process. ELECT will assign a URL to third-party groups and
45 will use the ELECT Citizen Portal. Commissioner Cortés asked if there were additional
46 questions.

47 Chairman Alcorn thanked the Department for their efforts. Vice Chair Wheeler
48 questioned the security of voter data entered electronically. Commissioner Cortés
49 explained the process and the security measures in place to protect the voter information
50 entered during the voter registration process and how the process mirrors the voter
51 registration process that currently has been place since 2013. Secretary McAllister asked
52 that the best practices for election reimbursement be discussed. Commissioner Cortés
53 stated that when the General Assembly enacts new legislation that the cost be determined
54 prior to passing. The Department has asked for budget amendments to support the
55 mandated changes. Commissioner Cortés stated that this process has been an educational
56 effort to assist the localities enduring new election legislation. Commissioner Cortés
57 asked if there were additional questions and there were none.

58 The next order of business was the Certification of Election, June 14, 2016,
59 presented by Reiko Doğu, Senior Elections Administrator. Ms. Doğu stated that two
60 primary elections were held on June 14, 2016 for the purpose of selecting candidates to
61 be the nominees of Virginia political parties for election to office on November 8, 2016.
62 Ms. Doğu announced ballot count tabulations for each of the offices that held an election

63 on June 14, 2016. SBE members signed the Certificates of Elections for each of the
64 offices. Chairman Alcorn moved *that the Board certify the results of the June 14, 2016*
65 *primaries as presented and declare the winners of each primary to be that party's*
66 *nominee*. Vice Chair Wheeler seconded the motion and the Board unanimously approved
67 the motion.

68 The next order of business was the Regulation – Chapter 60 Final Adoption
69 presented by Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that the Board
70 approved a 21 day comment period for the revised proposal which ended on April 25,
71 2016. Mr. Braun stated that the Board received the public comments in their working
72 papers. Mr. Braun stated that Chapter 60 had three public comment periods since 2013
73 and reviewed the areas of the chapter that are under consideration. Chairman Alcorn
74 moved *that the Board adopt the changes proposed by the Department of Elections as a*
75 *result of periodic review of Chapter 60 of the Board's regulation in the Virginia*
76 *Administrative Code*. Secretary McAllister seconded the motion. Chairman Alcorn asked
77 if there were any comments.

78 Vice Chair Wheeler expressed concern that the *Code of Virginia* prohibits
79 photography in the polling places, except by members of the press, as it relates to Chapter
80 60. Vice Chair Wheeler commented that most cell phones have camera capabilities and
81 stated that this will cause delays on Election Day as voters take selfie's with their ballot.
82 Chairman Alcorn asked for clarification from the Commissioner on the *Code* provision.
83 Commissioner Cortés stated that is not a *Code* provision but rather a regulation that is
84 under the Board's authority regarding the use of cell phones in the polling locations.
85 Chairman Alcorn stated that the use of cell phones and their camera devices is common
86 place; "voting is a public act, and the privacy of the ballot is the voters' choice if they
87 take a picture of themselves casting their ballot." Secretary McAllister stated that the
88 available technology has changed and the public comments received indicate the interest
89 in this regulation and our regulations should reflect those advancements. Chairman
90 Alcorn clarified that the portion of Chapter 60 being reviewed was 1VAC20-60-30 as it
91 relates to cell phones. Chairman Alcorn asked if there were any public comments.

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93 Public comments were received by; Tammy Alexander, Secretary of Petersburg
94 City Electoral Board; Walt Latham, General Registrar of York County; Stephanie Iles,
95 General Registrar of Norfolk City; Greg Riddlemoser, General Registrar of Stafford
96 County; Susan Reed, General Registrar of Manassas City; Charlotte Stevens, Chair of the
97 Richmond City Electoral Board; Robin Williams, Chair of the Prince William Electoral
98 Board; Sarah Williams, Vice Chair of the Bristol City Electoral Board; Russell Boraas,
99 Secretary of the Hanover County Electoral Board; Tracy Howard, General Registrar of
100 Radford City and Robin Lind, Secretary of the Goochland County Electoral Board.

101 Speakers addressed the following:

102 Tammy Alexander- EB – concerned about selfies- because of the timing marks on
103 the ballot.

104 Walt Latham – GR -discussed the handling of overfull ballot containers.

105 Stephanie Iles – GR – We are against selfies in the polling locations.

106 Greg Riddlemoser – GR- discussed the handling of overfull ballot containers.

107 Susan Reed –GR – use of cell phones in general...phone calls received in polling
108 locations is impeding other voters...also mentioned laptops have cameras.

109 Charlotte Stevens – EB – cell phones are totally disruptive in the polling location

110 Robin Williams – EB - selfie...their choice...not against.

111 Sarah Williams – EB - provided an educational summary of how to create rules in
112 the polling locations.

113 Russell Boraas – EB - stated there will never be any evidence of intimidation in
114 the polling locations this does not mean that is not happening.

115 Tracy Howard – GR- stated that a professor offered extra credit if they (students)
116 could prove they voted.

117 Robin Lind- EB-cited code on the use of cellular phones... asked for clarification
118 and uniformity.

119 Chairman Alcorn asked if there were additional comments and there were none.

120 Chairman Alcorn moved *that the motion seconded be amended to adopt the*
121 *changes to IVAC 20-60-30 through IVAC 20-60-50 as recommended by ELECT as a*
122 *result of periodic review of Chapter 60 of the Board's regulation in the Virginia*

123 *Administrative Code*. Secretary McAllister seconded the motion. The motion passed two
124 to one: Chairman Alcorn, Yea; Secretary McAllister, Yea, and Vice Chair Wheeler, Nay.

125 The next order of business was the finalization of regulation resulting from
126 periodic reviews of Chapter 80 (1VAC20-80) presented by Brooks Braun, ELECT Policy
127 Analyst. Mr. Braun stated that the process began in 2013 and was opened for public
128 comment twice. Mr. Braun stated that the changes are primarily the wording in the
129 chapter to reflect the new definitions in the *Code*. Chairman Alcorn moved *that the*
130 *Board adopt the changes proposed by the Department of Elections as a result of periodic*
131 *review of Chapter 80, 1VAC 20-80-10 through 1VAC 20-80-20, of the Board's*
132 *regulations in the Virginia Administrative Code*. Secretary McAllister seconded the
133 motion. Chairman Alcorn asked if there were any comments and there were none. The
134 Board unanimously passed the motion.

135 The next order of business was the Election Data Project presented by SBE
136 Chairman, James Alcorn. Chairman Alcorn stated that this project is designed to be a
137 form of communication. The election community and interested parties could use the
138 information in a beneficial and objective manner to generate discussions about improving
139 the process. Chairman Alcorn stated that: "The goal is to have clean and well run
140 elections in Virginia." Chairman Alcorn provided a demonstration of the ELECT website
141 location and data. Examples of the interpretation of data were provided. Chairman Alcorn
142 stated that reviewing the data would provide an avenue to ask questions of those localities
143 that are having consistent success to share their experiences and processes with the entire
144 election community and to develop "Best Practices". Chairman Alcorn asked if there
145 were any public comments. Public comments were provided by Roseanne Bencoach,
146 General Registrar of the City of Charlottesville, and Robin Lind, Secretary of the
147 Goochland County Electoral Board.

148 Chairman Alcorn asked if there was any other business to come before the Board.
149 Commissioner Cortés stated that there were administrative items requiring the Board
150 Members input regarding the GREB Workgroup that was established by SBE.
151 Commissioner Cortés stated that the workgroup has membership vacancies requiring
152 board action and the support of the workgroup by ELECT personnel has become tasking
153 as ELECT prepares for the presidential election. Commissioner Cortés stated that the

154 general registrars and electoral boards associations previously suggested providing
155 administrative support to the workgroup and ELECT would request that SBE would
156 make that request at this junction. Chairman Alcorn clarified that the workgroup is
157 required to follow all FOIA requirements and was sanctioned by SBE in its'
158 establishment. Chairman Alcorn moved *that Katherine Hanley-GREB Workgroup Co-*
159 *Chair and Al Ablowich- GREB Workgroup Member be officially nominated and placed in*
160 *their respective positions on the workgroup.* Vice Chair Wheeler seconded the motion
161 and the Board unanimously approved the motion. Chairman Alcorn moved *that ELECT*
162 *withdrawn the administrative support of the GREB Workgroup with the understanding*
163 *that ELECT will post the meetings and required documents to meet FOIA requirements.*
164 Vice Chair Wheeler seconded the motion and without further comment the Board
165 unanimously approved the motion.

166 Chairman Alcorn asked if there were additional public comments. Public
167 comment was provided by Greg Riddlemoser, General Registrar of Stafford County;
168 Steve Hunt, Chairman of the Fairfax County Electoral Board; Robin Lind, Secretary of
169 the Goochland County Electoral Board; Rick Miller, General Registrar of Fredrick
170 County; Cameron Sasnett, General Registrar of Fairfax County and Rosanna Bencoach,
171 General Registrar of Charlottesville City . Chairman Alcorn asked if there was additional
172 business to come before the Board and there was none.

173 Chairman Alcorn moved *that the Board adjourn.* Secretary McAllister seconded
174 the motion. The Board unanimously approved the motion.

175 The meeting was adjourned at approximately 11:10AM. The Board shall
176 reconvene on August 29, 2016 at 1:00PM in Richmond, Virginia – General Assembly
177 Building – Room C.

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Secretary

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Chair

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Vice Chair