

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Monday, January 12,
4 2015. The meeting was held in the Virginia General Assembly Building, Room C,
5 Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was
6 Charles Judd, Chair; Kimberly Bowers, Vice Chair; James Alcorn, Secretary. Also in
7 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,
8 Commissioner; Liz Howard, Deputy Commissioner: Matt Abell, Senior Election
9 Administrator and Rose Mansfield, Executive Assistant. Anna Birkenheier, Assistant
10 Attorney General and Counsel to SBE and ELECT attended. Chairman Judd called the
11 meeting to order at 10:15AM.

12 The first order of business was the Commissioner’s Report delivered by
13 Commissioner Cortés. Commissioner Cortés stated that ELECT is preparing for the
14 legislative session and is tracking 77 legislative bills associated to elections.
15 Commissioner Cortés stated that a special election will be held on January 13, 2015,
16 which marks the fourth special election in the commonwealth in the past six weeks. The
17 increase of special elections is tasking on the localities as well as the staffing at ELECT.
18 Commissioner Cortés stated that the governor announced a proposed budget amendment
19 to replace the legacy voting equipment across the commonwealth. The proposed
20 amendment will replace all DRE and the optical scan technology with digital scan
21 technology. The funding of 28 million dollars would also include funding for upgrading
22 hardware for the electronic pollbooks for those localities using the state sponsored
23 electronic pollbook solutions. This would be funded through bond proceeds and as part
24 of the amendment there is money to reimburse localities that have recently purchased
25 newer equipment over a three year period. The proposed amendment would include
26 funding for ELECT to address election night reporting. The amendment states that the
27 legacy equipment would not be used by the localities after August 1, 2015. The voting
28 equipment would be acquired through a statewide procurement and distributed to the
29 localities by ELECT.

30 Chairman Judd asked: “Would all localities be required to use electronic
31 pollbooks?” Commissioner Cortés replied: “There is not a mandate, with the current

32 proposal, to require the use of electronic pollbooks by all localities or to use the state
33 sponsored solution.” Chairman Judd asked: “Is the state planning to use a single vendor
34 for all the localities?” Commissioner Cortés replied: “Yes, as proposed, the statewide
35 procurement would be with a single vendor.” Vice Chair Bowers asked: “Is there a
36 process that the localities must adhere to receive reimbursements for previously
37 purchased equipment?” Commissioner Cortés stated: “ELECT will be developing a
38 reimbursement process with the associated paperwork.” Chairman Judd stated: “I have
39 reservations about a single vendor providing all of the voting equipment to the
40 commonwealth, because in any application where a monopoly exists the incentive for the
41 vendor to react quickly to issues or concerns and or provide upgrades diminishes. I would
42 encourage those individuals involved in this process to consider this thought process and
43 for the vendor’s to sharpen their pencils.”

44 The next order of business was the Legal Report presented by Anna Birkenheier,
45 Assistant Attorney General. Ms. Birkenheier stated that she request an executive closed
46 session. Chairman Judd stated that an executive closed session would be conducted at the
47 close of new business.

48 The next order of business was the approval of the Minutes from the State Board
49 of Elections Board Meeting held on December 12, 2014. Chairman Judd asked if Board
50 Members had any additions or corrections to the December 12, 2014 Board Minutes.
51 Chairman Judd asked if there were additions or corrections and there were none.
52 Chairman Judd moved *to adopt the Minutes for the December 12, 2014, Board Meeting.*
53 Vice Chair Bowers seconded the motion and the Board unanimously approved the
54 Minutes.

55 The next order of business was to ascertain the results of the January 6, 2015,
56 Special Election which was conducted by SBE Board Members and Matt Abell, Senior
57 Election Administrator. The Board Members reviewed and verified the abstracts with the
58 following results:

- 59 ✓ Kathleen J. Murphy received the greatest number of votes (6,419) in the
60 Thirty Fourth House of Delegates District.
- 61 ✓ Joseph E. Preston received the greatest number of votes (1,213) in the
62 Sixty Third House of Delegates District.

63 Chairman Judd announced that the ascertainment process was complete. Vice
64 Chair Bowers moved *that the SBE certify the results of the January 6, 2015, Special*
65 *Election*. Chairman Judd seconded the motion and the Board unanimously passed the
66 motion.

67 The next order of business was the request for temporary full-time status for the
68 General Registrars of Richmond County and Charles City County, Virginia present by
69 Liz Howard, ELECT Deputy Commissioner. Deputy Howard stated that the request is
70 authorized under Chapter 890, 2012 Acts of Assembly and recommended approval of the
71 submitted requests. The request for Richmond County is for the period of February 1,
72 2015 through June 30, 2015. Vice Chair Bowers moved *that the Board approve the*
73 *request from the Electoral Board of the Richmond County for a temporary full-time*
74 *general registrar for the period of February 1, 2015 through June 30, 2015*. Secretary
75 Alcorn seconded the motion and Chairman Judd asked if there were any questions and
76 there were none. The Board unanimously approved the motion.

77 Deputy Howard stated that the request from Charles City County is for the period
78 of January 5, 2015 through January 19, 2015. Secretary Alcorn moved *that the Board*
79 *approve the request from the Electoral Board of the Charles City County for a temporary*
80 *full-time general registrar for the period of January 5, 2015 through January 19, 2015*.
81 Vice Chair Bowers seconded the motion and Chairman Judd asked if there were any
82 questions and there were none. The Board unanimously approved the motion.

83 Chairman Judd opened the floor to other business and public comment. There
84 were no public comments. Chairman Judd asked if there was additional business before
85 the Board and there were none.

86 Chairman Judd then moved *to close the meeting to discuss actual and probable*
87 *litigation matters and specific legal matters requiring the provision of legal advice by*
88 *legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia*. Vice Chair
89 Bowers seconded the motion and the Board unanimously carried the motion. Chairman
90 Judd directed Kimberly Bowers, Vice Chair; James Alcorn, Secretary; Edgardo Cortés,
91 Commissioner; Liz Howard, Deputy Commissioner; Anna Birkenheier, Assistant
92 Attorney General and SBE Counsel and Rose Mansfield, Executive Assistant, to remain

93 with the Board during the closed session. Secretary Alcorn seconded the motion and the
94 Board went into Executive Session at 10:40AM.

95 At 10:50AM Chairman Judd *moved to reconvene in open session and a roll call*
96 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
97 *certifying that during the closed meeting (i) only public business matters lawfully*
98 *exempted from open meeting requirements under this chapter, and (ii) only such public*
99 *business matters as were identified in the motion by which the closed meeting was*
100 *concerned were heard, were discussed or considered.* Vice Chair Bowers seconded the
101 motion and the Board unanimously approved the motion. Rose Mansfield, Executive
102 Assistant performed the roll call vote and all Board Members approved the motion.

103 Chairman Judd asked if there were comments for the Good of the Order. There
104 were no additional comments.

105 Chairman Judd moved *that the Board adjourn.* Vice Chair Bowers seconded the
106 motion and without further comment the Board voted to adjourn. The meeting was
107 adjourned at approximately 10:55AM.

108 The Board shall reconvene on January 19, 2015 at 9:00AM in the Virginia State
109 Capitol - House Room C, Richmond, Virginia.

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Secretary

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Chair

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Vice Chair

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