

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, March 3,
4 2015. The meeting was held in the Washington Building, Room B27, Richmond,
5 Virginia. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary.
7 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
8 Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; and Rose Mansfield,
9 Clerk. Kristina Perry Stoney, Senior Assistant Attorney General and Counsel and Anna
10 Birkenheier, Assistant Attorney General and Counsel to SBE and ELECT attended.
11 Chairman Alcorn called the meeting to order at 2:09PM.

12 The first order of business was an introduction of the newly sworn-in Vice Chair,
13 Clara Belle Wheeler of the Virginia State Board of Elections whose term initiated on
14 February 12, 2015. Vice Chair Wheeler provided an overview of her professional
15 background and expressed enthusiasm for her upcoming service to SBE.

16 The first order of business was the approval of Minutes from the State Board of
17 Elections Board Meeting held on February 4, 2015. Chairman Alcorn asked if Board
18 Members had any additions or corrections to the February 4, 2015 Board Meeting
19 Minutes and there were none. Secretary McAllister moved to adopt the Minutes for the
20 February 4, 2015 Board Meeting. Chairman Alcorn seconded the motion and the Board
21 unanimously approved the Minutes. Vice Chair Wheeler abstained on the vote to approve
22 the Minutes.

23 The next order of business was the Commissioner's Report delivered by
24 Commissioner Cortés. Commissioner Cortés stated that 27 legislative bills passed both
25 houses associated to elections. The Department of Elections tracked and provided
26 analysis for over 150 bills during the legislative session that just concluded.
27 Commissioner Cortés expressed gratitude for the work of the Election Uniformity Team
28 under the guidance of Susan Lee, Manager of Compliance & Administration and Sharon
29 Woo, Manager of the Fiscal Department, for all their efforts. Three of the bills were
30 agency related bills that updated the responsibilities in the code. The bills reflected the
31 Department of Elections responsibilities verses State Board of Elections responsibilities.

32 Commissioner Cortés noted that one bill was a result of the GREB Workgroup that
33 outlined responsibilities that were the duty of the general registrar verses the electoral
34 board. Commissioner Cortés stated that post July 1, 2015, the certification of the
35 November election will be held on the third Monday of November. Commissioner Cortés
36 stated that post July 1, 2015, voter registration cards will no longer be required at the
37 polls and registered voters will receive a letter providing the information previously
38 contained on the voter registration cards. Commissioner Cortés stated that post July 1,
39 2015; the number of scanners in the precincts on Election Day will increased.
40 Commissioner Cortés stated that the general assembly did not provide funding for the
41 replacement of legacy voting equipment across the commonwealth. Commissioner Cortés
42 outlined the impact of varying bills and their impact to the agency. Commissioner Cortés
43 asked if there were any questions. Chairman Alcorn asked Commissioner Cortés to
44 provide a summary of the Board Members responsibilities as impact by any recent
45 legislation. Commissioner Cortés was in agreement with the request.

46 The next order of business was the Legal Report presented by Anna Birkenheier,
47 Assistant Attorney General. Ms. Birkenheier stated that she did not have a report to
48 present at this Board Meeting.

49 The next order of business was the SB11 Update-Workgroup Recommendations
50 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that
51 SB11 was adopted in 2014, which provides for the electronic return of ballots by
52 uniformed military members. SBE is required to establish a working group to outline the
53 details of how this program will function before the bill returns to the general assembly
54 next year for final approval. Commissioner Cortés stated that a Request for Information
55 (RFI) was distributed to solicit information and to provide feedback to ELECT for which
56 ten organizations submitted information. Commissioner Cortés provided the proposed
57 workgroup composition to the Board Members. Commissioner Cortés requested that
58 Board Members approve the members that have stated they can participate in the
59 workgroup and as the vacancies are filled, Board Members could approve those
60 individuals at subsequent meetings. Commissioner Cortés recommended that the
61 Chairman of SBE serve on the SB11 Workgroup. Commissioner Cortés asked if there
62 were any questions. Chairman Alcorn stated that he would participate in the workgroup.

63 Vice Chair Wheeler volunteered to assist the workgroup by participating in the meetings.
64 The offer of assistance was accepted by SBE Board Members. Chairman Alcorn moved
65 *that the roster of names submitted for the SB11 Workgroup be accepted and approved.*
66 Secretary McAllister seconded the motion. Chairman Alcorn asked if there was public
67 comment and there was none. The Board unanimously approved the motion.

68 The next order of business was the Process for Certifying Elections presented by
69 Chairman Alcorn. Chairman Alcorn stated that this business was introduced during the
70 February 4, 2015, SBE Board Meeting. Chairman Alcorn stated that the focus would be
71 on process improvement. Commissioner Cortés stated that the request has been discussed
72 and ELECT will present during the April 2015, SBE Board Meeting. Chairman Alcorn
73 stated that the certification process and any suggested changes should be tested during the
74 certification of the June 9, 2015, primaries on June 23, 2015. Secretary McAllister stated
75 that the suggested changes and testing would be acceptable during the time period noted.
76 Chairman Alcorn asked if there were public comments and there were none.

77 The next order of business was the GREB Workgroup presented by
78 Commissioner Cortés. Commissioner Cortés presented an overview of the workgroup's
79 activities and stated that at the close of 2014, the workgroup provided a list of action
80 items, findings, and a resolution outlining their 2015 workgroup goals. The workgroup
81 membership includes a member of SBE and former SBE Chairman Judd served in that
82 capacity. On February 1, 2015, new SBE appointments occurred as prior SBE Board
83 Members ended their appointed term. This action requires that a new appointment to the
84 GREB Workgroup occur with the recommendation that Vice Chair Wheeler participate
85 as the SBE representative. Vice Chair Wheeler stated that former SBE Chairman Judd
86 continued representation on the GREB Workgroup would be desirable and beneficial to
87 the group and the entire elections community. Secretary McAllister stated that she would
88 support the continued representation of former SBE Chairman, Charles Judd on the
89 GREB Workgroup. Commissioner Cortés reviewed the 2015, GREB Workgroup goals
90 and stated that the workgroup is due to report to the SBE Board at the end of 2015, with
91 its' final recommendations. Secretary McAllister requested that a report from the
92 workgroup be presented to SBE Board Members mid-year on the status of their findings
93 and work-in-progress. Chairman Alcorn asked if there were public comments. Charles

94 Judd, former SBE Chairman, approached the podium. Mr. Judd stated that he would
95 continue to support the workgroup by serving in an ex-officio capacity. Chairman Alcorn
96 moved *that former SBE Chairman, Charles E. Judd, continue to serve, as a member, with*
97 *the GREB Workgroup and that the workgroup provide an update to the SBE Board mid-*
98 *year, 2015.* Secretary McAllister seconded the motion and the Board unanimously
99 approved the motion.

100 The next order of business was the Administrative Code updates presented by
101 Martha Brissette, ELECT Policy Analyst. Ms. Brissette stated that the three
102 administrative codes being presented were discussed at the SBE Board Meeting on
103 February 4, 2015. Ms. Brissette stated that as a result of the change of structure, of the
104 now Department of Elections, that occurred in July, 2014, several administrative code
105 sections require updating. Ms. Brissette stated that the three code sections require public
106 comment. Anna Birkenheier, Assistant Attorney General, stated that the review of
107 changes will be completed after the recommended changes complete the public comment
108 period on Regulatory Town Hall. Ms. Brissette provided an overview of the changes and
109 stated that the position of commissioner needs to be inserted in the code with previously
110 aligning responsibilities of the secretary who was the previously designated agency head.
111 Chairman Alcorn stated that Administrative Code section 1 VAC 20-20-60 should be
112 amended to reflect “Delegations to the Commissioner of the Department of Elections”
113 and the motion to post for public comment should reflect this change. Secretary
114 McAllister moved *that Administrative Code Section 1 VAC 20-20-60 should be amended*
115 *to reflect “Delegations to the Commissioner of the Department of Elections”.* Vice
116 Chair Wheeler seconded the motion. Chairman Alcorn asked if there was public
117 comment and there was none. The Board unanimously approved the motion. Vice Chair
118 Wheeler moved *that the Board seek public comment through May 15, 2015, on the*
119 *proposed amendments to conform its regulation to 2013 legislation designation the*
120 *Commissioner of Election as the agency head responsible for supervising the conduct of*
121 *elections or eligibility to vote which affects 1 VAC 20-20-10, 1 VAC 20-20-30, and 1 VAC*
122 *20-20-60 of the 2013 Virginia Acts Chapter 542.* Secretary McAllister seconded the
123 motion. Chairman Alcorn asked if there was public comment and there was none. The
124 Board unanimously approved the motion.

125 Chairman Alcorn opened the floor to other business and public comment. William
126 Card, Chairman of the Prince William County Republican Committee approached the
127 podium. Mr. Card stated that on February 24, 2015 he did not file the appropriate
128 paperwork indicating their primary. Mr. Card stated that he called ELECT on February
129 25, 2015 and filed the necessary paperwork. Mr. Card stated: "We really have not
130 damaged anyone by filling late and there are similar situations covered by the code. I am
131 asking SBE to accept our request to grant an extension to the deadline and therefore to
132 accept the request for five primaries." Chairman Alcorn asked SBE counsel to inform the
133 Board Members on their authority to issue extensions on statutory deadlines. Ms.
134 Birkenheier stated that this conversation would be appropriate in closed session.
135 Commissioner Cortés stated that the request for primary was on February 24, 2015 and
136 ELECT received the Prince William County paperwork subsequent to the deadline.
137 Commissioner Cortés stated that historically waivers have not been extended for missed
138 deadlines. Vice Chair Wheeler stated that §24.2-511 may give SBE the opportunity to be
139 lenient when the party chair is in error and after every attempt was made to produce the
140 paperwork on time. Commissioner Cortés stated that if a staff member is absent their
141 email generates an automatic reply that directs the individual to an alternative staff
142 member and additionally the front office is open during normal business hours to answer
143 and direct calls. Mr. Card stated that he acknowledges that he is in error and as a result is
144 asking SBE for a waiver to the deadline. Chairman Alcorn stated that a closed session is
145 required to consider this request. Chairman Alcorn moved *that the SBE Board close the*
146 *meeting to discuss specific legal matters requiring the provision of legal advice by legal*
147 *counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia.* Secretary McAllister
148 seconded the motion and without public comment the Board unanimously approved the
149 motion. Chairman Alcorn directed Clara Belle Wheeler, Vice Chair; Singleton
150 McAllister, Secretary; Kristina Perry Stoney, Senior Assistant Attorney General and SBE
151 Counsel; and Anna Birkenheier, Assistant Attorney General to remain with the Board
152 during the closed session. The Board went into Executive Session at 3:20PM.

153 At 3:40PM Chairman Alcorn *moved to reconvene in open session and a roll call*
154 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
155 *certifying that during the closed meeting (i) only public business matters lawfully*

156 *exempted from open meeting requirements under this chapter, and (ii) only such public*
157 *business matters as were identified in the motion by which the closed meeting was*
158 *concerned were heard, were discussed or considered.* Secretary McAllister seconded the
159 motion and the Board unanimously approved the motion. Rose Mansfield, Clerk,
160 performed the roll call vote and all Board Members approved the motion.

161 Chairman Alcorn stated that after consultation with SBE Counsel the SBE Board
162 Members have reviewed the code and it is determined that in this particular situation
163 (Prince William County), candidates are able to participate in the electoral process and
164 the Board does not have the authority to grant an extension. Chairman Alcorn thanked
165 Mr. Card for bringing this matter before the Board. Chairman Alcorn asked if there were
166 additional public comments.

167 Kirk Showalter, General Registrar of Richmond City approached the podium. Ms.
168 Showalter stated that she wanted to review the pending certification procedures for
169 electronic pollbooks. The City of Richmond is in the process of procuring new
170 equipment. Ms. Showalter detailed the concerns and processes of the City of Richmond's
171 pollbooks. Ms. Showalter suggested changes to the current procedures. Ms. Showalter
172 stated that Mr. Scott Leiendecker from Knowink-innovative election solutions was
173 present to answer any questions the Board Members may have regarding this request and
174 the systems Knowink provides to the elections community. Mr. Leiendecker joined Ms.
175 Showalter at the podium. Vice Chair Wheeler stated that the electronic pollbooks only
176 communicate with the precinct they are associated with which is a safe guard designed to
177 protect the information. Ms. Showalter stated that the ability to view information away
178 from the precinct is essential to running Election Day effectively. Chairman Alcorn stated
179 that the security of the electronic pollbooks is essential. Mr. Leiendecker explained the
180 nuisances of the equipment Knowink developed that will address the concerns that Ms.
181 Showalter presented. Chairman Alcorn asked that any written materials and or brochures
182 be presented to the Board Members. Chairman Alcorn asked if there were any other
183 public comment and there were none.

184 Chairman Alcorn asked if there were comments for the Good of the Order and
185 there were none.

186 Secretary McAllister moved *that the Board adjourn*. Vice Chair Wheeler
187 seconded the motion and without further comment the Board voted to adjourn. The
188 meeting was adjourned at approximately 4:06PM.

189 The Board shall reconvene on April 1, 2015 at 2:00PM in the Washington
190 Building, 1100 Bank Street, Room B27, Richmond, Virginia.

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Secretary

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Chair

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Vice Chairman

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