

1 MINUTES

2
3 The State Board of Elections Board meeting was held on Wednesday, January 18,
4 2017. The meeting was held in the Martha Brissette Conference Room in the George
5 Washington Building, Richmond, Virginia. In attendance, representing the State Board of
6 Elections (SBE) was James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and
7 Singleton McAllister, Secretary. Also in attendance, representing the Department of
8 Elections (ELECT) was Edgardo Cortés, Commissioner; Elizabeth Howard, Deputy
9 Commissioner, and Paul Stenbjorn, Director of Election Services. Also in attendance is
10 Anna Birkenheier, Assistant Attorney General. Chairman Alcorn called the meeting to
11 order at 10:10AM.

12 The first order of business was the Commissioner report presented by Edgardo
13 Cortés, ELECT Commissioner. Commissioner Cortés reviewed that the General Assembly
14 of Virginia is in session, and subcommittees and committees are meeting until the end of
15 February. He also notified the board that ELECT will be receiving an award from Harvard
16 University for the electronic submission of absentee ballot applications. He also updated
17 the board that ELECT will be working with general registrars and the Department of Motor
18 Vehicles to improve the shift towards paperless transactions. Chairman Alcorn asked if
19 any of the legislation in session will affect the Board. Commissioner Cortés notified him
20 that some bills will. Secretary McAllister asked if the board could receive a summary of
21 all of the bills affecting elections. Commissioner Cortés said ELECT will provide one.
22 Chairman Alcorn also asked if there will be a replacement for Rose Mansfield, former clerk
23 and Board liaison, as well as the status of minutes for the December 5th, 2017 meeting. Mr.
24 Stenbjorn assured there is a draft of the minutes on Townhall.

25 The next order of business was the review of the situation in Lynchburg during the
26 January 10, 2017 special election. Pat Bower, the chair of the Lynchburg Electoral Board,
27 presented the steps that led to the shortage of ballots that occurred on Election Day. Ms.
28 Bower also apologized to any voters who felt disenfranchised. Ms. Bower acknowledged
29 the locality should have revisited their ballot order after the announcement of the
30 candidates, and outlined the steps they are going to take to prevent a similar situation. Ms.
31 Bower ensured that the locality will research and think longer about the ballot order, check

32 with other localities holding elections at the same time on their ballot order, consult local
33 political parties to forecast turnout, and review communication procedures and priorities
34 so the public is informed quicker about what is happening at the polls. Chairman Alcorn
35 asked if the locality reported the amount of ballots they were ordering to ELECT. Ms.
36 Bowers confirmed they did. Commissioner Cortés stated that ELECT received the report,
37 but did not address the situation directly, as ELECT received pushback the last time they
38 provided guidance. Commissioner Cortés stated that the City of Lynchburg had been
39 directed to increase ballot orders in the June 2016 primary election and the Lynchburg
40 Board refused to comply. Chairman Alcorn said that there are things to learn on both sides,
41 and acknowledged that ELECT should review the reports received from localities
42 analytically and provide feedback, and that localities should listen to that feedback. The
43 events of Election Day in Lynchburg were reviewed hour by hour. Commissioner Cortés
44 recalled his experience and the steps ELECT took to assist, including conference calls,
45 regular check-ins, contact with the Department of Motor Vehicles to assist in printing
46 additional ballots, and sending Deputy Commissioner Elizabeth Howard to the locality to
47 manage the situation. The Lynchburg General Registrar, Karen Patterson, then recalled
48 the locality's experience, including the steps they took to rectify the situation including
49 electoral board members driving ballots to polling places, and contacting a local printer.
50 Clara Belle Wheeler, Vice Chair, asked how many Officers of Elections were working.
51 Ms. Patterson said three. Vice Chair Wheeler and Chairman Alcorn insisted it is important
52 to have more than three Officers of Elections to be working to avoid a similar situation in
53 the future.

54 The next order of business was the Certification of the January 10, 2017 special
55 election, presented by Mr. Stenbjorn. Mr. Stenbjorn handed the results to Chairman
56 Alcorn to announce the winners. The board then signed and certified the results.
57 Chairman Alcorn also mentioned the Board's intent to sign results directly after its
58 meeting subsequent to the November 2017 general election so as to save time within the
59 meeting for other matters.

60 There was concern about the ability to certify results in a timely manner with the
61 General Assembly in session, so the winners of the elections can participate in at least
62 part of the session. Chairman Alcorn then suggested setting two dates of board meetings

63 during session so they can more quickly certify results; that way, if the election is
64 concluded by the first meeting, they can announce the winner, certify the results in the
65 next meeting after the provisional ballots have been counted, and still be able to provide
66 proper notice of the meeting. Commissioner Cortés voiced that the SBE meeting is
67 usually held after the local Board is able to certify the results to be sure that the SBE is
68 certifying the final vote totals, whether or not the counting of provisional ballots change
69 the outcome of the election or not. Chairman Alcorn noted that the ELECT website isn't
70 updated with the turnout for the January special election. Commissioner Cortés clarified
71 that the turnout is part of the certification process, so it will be available on the website in
72 the next day or so.

73 The discussion then turned to the state of emergency declared by the Governor
74 during the in-person absentee voting period prior to the January 10, 2017 special election
75 due to inclement weather. Mark Coakley, the General Registrar of Henrico County,
76 discussed the situation on Saturday, January 8, 2017. Mr. Coakley stated that no voters
77 appeared at their offices on that Saturday for absentee voting due to the snow. Chairman
78 Alcorn asked if people used the emergency extension granted by the Commissioner, and
79 it was stated that they had. Commissioner Cortés agreed that Saturday was cause for
80 concern, but noted that ELECT did not have authority to let the localities close.
81 Chairman Alcorn encouraged Commissioner Cortés to look at the Code of Virginia to see
82 if the Commissioner has the authority to extend the deadline due to emergency
83 conditions. Gary Fox from PrintELECT then suggested that training for emergency
84 weather preparedness would be a good idea.

85 Katie Webb Cyphert, Democratic Party Chair from Lynchburg, then discussed her
86 experience in Lynchburg during the election, followed by Brian Triplett, Republican
87 Party Chair from Lynchburg, both who shared concerns about training and lack of
88 instructions provided Officers of Elections. Vice Chair Wheeler suggested having a
89 training session during annual training for every electoral board member and general
90 registrar to use the polling machines, so they could help refill tape and with other issues
91 that may arise during an election. Commissioner Cortés noted that SBE has directed
92 localities to conduct training on voting equipment since each locality may have a
93 different type of equipment.

94 The next order of business was to review the preliminary statistics from the
95 November General Election presented by Paul Stenbjorn, Director of Elections
96 Administrator. Mr. Stenbjorn reviewed statistics on absentee ballots, including the
97 improvement of implementing online application systems in terms of efficiency on both
98 departmental and locality levels, and issues with duplicates.

99 The next order of business was the Stand by Your Ad summary presented by
100 Brooks Braun, Policy Analyst for the Department of Elections. Mr. Braun reviewed that
101 in November of 2016, there were 10 candidate committees, 2 local election committees,
102 and 21 separate incidents where complaints were filed for ad violations. Mr. Braun noted
103 all complaints were related to print media. Chairman Alcorn mentioned the Board's desire
104 to move through the complaints quickly, and have them put on the agenda as soon as
105 possible. Mr. Braun stated that candidates who have received a complaint must be
106 provided a ten day notice of the hearing. This notice includes the content of the complaint.

107 Chairman Alcorn discussed the relative authority of SBE in enforcement of
108 campaign finance broadly. Mr. Braun discussed the current processes ELECT follows for
109 the assessment of campaign finance penalties. Mr. Braun clarified what qualified as a
110 violation, including what cases would require referral to a Commonwealth's attorney.
111 Chairman Alcorn asked for a summary of campaign finance penalties assessed, as well as
112 any other kind of complaints that come in, including those that have gone to a
113 commonwealth's attorney.

114 The board then opened the floor to public comment. An audience member asked
115 who will be replacing Rose Mansfield, former clerk and board liaison for ELECT.
116 Commissioner Cortés said a replacement has not been found yet. There was then
117 discussion amongst the board about future rule making.

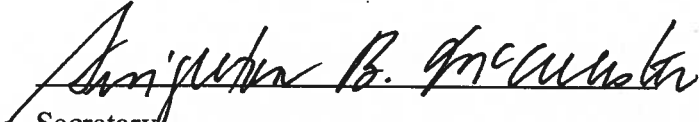
118 Secretary McAllister then asked if there is any legislation in session that will affect
119 the electoral process, and asked if the legislators receive any viewpoints from the election
120 community. Commissioner Cortés stated that ELECT attempts to provide as much input
121 to the legislators as possible, including what the impact of legislation will be and how much
122 implementation will cost. The Commissioner predicted that there will be no major changes
123 to the process, but that the legislature is still in session. Chairman Alcorn then adjourned
124 the meeting.

125 The meeting was adjourned at approximately 1:30 PM. The Board did not set the
126 date and time of its next meeting but discussed the need to meet to certify the special
127 election that has been called for Tuesday, February 7, 2017.

128

129

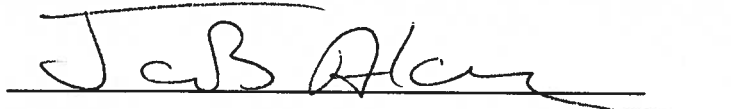
130


Secretary

131

132

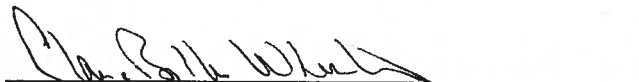
133


Chair

134

135

136


Vice Chair

137

138