

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Wednesday, April 1,
4 2015. The meeting was held in the Washington Building, Room, Richmond, Virginia –
5 Room B27. 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. Anna Birkenheier, Assistant Attorney General and Counsel to SBE and ELECT
10 attended. Chairman Alcorn called the meeting to order at 2:05PM.

11 Commissioner Cortés requested that an item be added to the agenda under new
12 business. Commissioner Cortés stated that there are requests from candidates to ask the
13 Board for extensions under §24.2-503 dealing with extensions on deadlines. Chairman
14 Alcorn stated that the item requested would be added under new business.

15 The first order of business was the approval of Minutes from the State Board of
16 Elections Board Meetings held on March 3, 2015, March 7, 2015, and March 19, 2015.
17 Chairman Alcorn asked if Board Members had any additions or corrections to the Board
18 Meeting Minutes presented and there were none. Secretary McAllister moved to adopt
19 the Minutes for the March 3, 2015, March 7, 2015, and March 19, 2015 Board Meetings.
20 Vice Chair Wheeler seconded the motion and the Board unanimously approved the
21 Minutes.

22 The seconded order of business was the Commissioner Report delivered by
23 Commissioner Cortés. Commissioner Cortés stated that Matt Abell, Election Services
24 Administrator, tendered his resignation with ELECT with his last official day with the
25 agency being on April 3, 2015. Commissioner Cortés stated that Mr. Abell has been in a
26 critical and essential role for many years and will be greatly missed by the election
27 community and staff members at ELECT. Chairman Alcorn echoed those sentiments
28 and directed the commissioner to prepare a letter of appreciation or resolution for Mr.
29 Abell.

30 Commissioner Cortés stated that ELECT has completed work on an electronic
31 pollbook solution and the system will be rolled-out statewide with testing occurring in

32 several localities during the June 2015, primary and statewide testing in the 2015,
33 General Election. Training will be conducted during the annual training event in July,
34 2015. Vice Chair Wheeler asked if the training would be available for the district
35 Virginia Electoral Board Associations' annual meetings. Commissioner Cortés stated that
36 after the system completed statewide testing it would be available to the elections
37 community and offered a demonstration at a future Board Meeting.

38 The next order of business was the Legal Report presented by Anna Birkenheier,
39 Assistant Attorney General. Ms. Birkenheier stated that she request an executive closed
40 session.

41 The next order of business was a request for full-time status from Mathews
42 County presented by Elizabeth Howard, Deputy Commissioner. Ms. Howard stated that
43 this item needed to be held until the next Board Meeting.

44 The next order of business was the Ballot Drawings conduct by Gary Fox,
45 ELECT Elections Supervisor. Mr. Fox explained the process under *Virginia Code* §24.2-
46 528. Mr. Fox stated that the districts/elections where simultaneously filling occur the
47 need for ballot position drawings exist. Board Members completed the process and Ms.
48 Mansfield entered the ballot order into the official records. The ballot drawings were
49 conducted with the following order determined:

50 8th Senate – Republican Party

- 51 • Bill Desteph
- 52 • Craig Hudgins

53 11th Senate – Republican Party

- 54 • Stephen H. Martin
- 55 • Amanda F. Chase
- 56 • Barry F. Moore

57 12th Senate – Republican Party

- 58 • Edward S. “Eddie” Whitlock III
- 59 • Siobhan S. Dunnavant
- 60 • Vincent M. “Vince” Haley
- 61 • William R. “Bill” Janis

62 29th Senate - Democratic Party

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- Atif M. Qarni
 - Jeremy McPike
- York/Poquoson – Clerk of the Court-Republican Party
- Kristen N. Nelson
 - Lawrence “Tu” Ritter

Chairman Alcorn stated that the ballot drawings are complete and asked if there were any comments or questions. Commissioner Cortés stated that the process of drawing ballot order is a board responsibility and prior to the previous SBE Board this responsibility was delegated to the agency to conduct when the board was not readily available to meet and conduct this activity. Commissioner Cortés asked Board Members to consider reassigning this responsibility when the need for a ballot drawing arises and the board is not scheduled to meet within the required boundaries of the ballot drawing deadline. Vice Chair Wheeler stated that the request of the Commissioner was reasonable. Commissioner Cortés stated that previously when the agency conducted the ballot drawings, the event was conducted in the presence of the Clerk of the House or Senate. Vice Chair Wheeler asked if the individuals placed on the ballot would be notified of the time and location of the ballot drawing. Commissioner Cortés stated that would occur if the board authorizes this change. Chairman Alcorn stated that for situations that foster this need and as long as there is transparency the Board Members would be agreeable to this situational change. Martha Brissette, ELECT Policy Analyst, stated that the change to the delegation of board duties and responsibilities would require posting on the ELECT website. Chairman Alcorn directed ELECT to review the guidance document that contains the list of board delegations and present the changes at the next Board Meeting. Secretary McAllister stated that the proposed ballot order changes were acceptable. Chairman Alcorn asked if there were additional questions or comments and there were none.

The next order of business was the Electronic Poll Books-Certification (EPB) Updates presented by Cameron Sasnett, ELECT Systems Support Specialist. Mr. Sasnett stated that the document presented to Board Members provides further guidance for EPB vendors to bring their systems to the SBE for certifications testing that were prohibited

94 previously due to contradictions in the certification requirements. Mr. Sasnett stated that
95 in review of the *VAEPB Certification Procedures and System Requirements REV-0315*
96 the need to change language within the document became apparent as a result of moving
97 the program in-house. The technical requirements and the functionality of the *Code* were
98 reviewed. Mr. Sasnett stated that the board would have the ability to call or recall EPB's
99 for certification and discuss the particulars requirements and limitations placed on
100 vendors under this document if approved by Board Members. Chairman Alcorn stated
101 that the interpretation of the document precluded any changes to the EPB system without
102 prior SBE approval. Mr. Sasnett stated: "That is correct." Mr. Sasnett explained the
103 difference between changes that ELECT and the vendors would consider major verses
104 minor. Chairman Alcorn instructed Mr. Sasnett to include these in the definitions section
105 of the document. Chairman Alcorn asked how the systems currently certified will be
106 affected by the changes in the EPB Certification document presented to Board Members.
107 Mr. Sasnett stated the systems currently certified will remain certified and new systems
108 or systems that require an update will be required to go through the certification process.
109 Vice Chair Wheeler stated that additional time would be required to review the details of
110 the document submitted for approval by ELECT and Secretary McAllister concurred and
111 suggested that this consideration be revisited at the next Board Meeting on May 12, 2015.
112 Chairman Alcorn confirmed that this item would be reconsidered at the next meeting
113 with no action occurring at this time.

114 The next order of business was the request for the filing deadline extension
115 presented by Commissioner Cortés. Commissioner Cortés stated that there are numerous
116 deadlines for filing different forms related to the candidates and the parties.
117 Commissioner Cortés stated that §24.2-503 states that SBE can grant a 10 day extension
118 to candidates for the statement of economic interest form and the statement of
119 qualification form and would apply to all candidates. There are several requests for
120 extensions before the board as a result of recent communications with ELECT. Board
121 approval to allow an extension would be required to allow ELECT to accept the forms
122 outside of the established deadline. Chairman Alcorn asked if there were public
123 comments or candidates that wanted to speak to the issue at hand. Leonidas Young,
124 candidate 74th House, approached the podium and discussed the particulars of his request

125 to obtain an extension. Two additional individuals spoke to the same issue and subject
126 matter. Secretary McAllister asked the Commissioner for historical reference on granting
127 extensions to candidates regarding this matter. Commissioner Cortés stated that the
128 process is complicated for all involved and the opportunity for the general assembly to
129 review the matter and present clarity and simplicity to the process exist. The general
130 assembly does recognize the issue and provided the Board the ability to grant an
131 extension through interpretation of the *Virginia Code*. Chairman Alcorn asked if there
132 were further questions or comments and there were none. Vice Chair Wheeler moved
133 *that the extension be granted as permitted under §24.2-503*. Secretary McAllister
134 seconded the motion. Chairman Alcorn asked if there were public comments. Kirk
135 Showalter, General Registrar of Richmond City approached the podium. Ms. Showalter
136 stated that she appreciated the boards' consideration of the extension because there is
137 confusion regarding the paperwork. Chairman Alcorn asked if there were additional
138 comments and without further comment the Board unanimously approved the motion.

139 The next order of business was the public comment period. Chairman Alcorn
140 asked if there were any public comments. Mark Coakley, General Registrar Henrico
141 County, asked if the EPB guidance document could be placed on Virginia Regulatory
142 Town Hall for public comment. Chairman Alcorn asked if there additional public
143 comments and there were none.

144 Chairman Alcorn moved *that the SBE Board close the meeting to discuss (i)*
145 *specific legal matters requiring the provision of legal advice by legal counsel as*
146 *authorized by § 2.2-3711(A)(7) of the Code of Virginia and (ii) to discuss voting*
147 *equipment security as authorized by §2.2 3711(A)(35)*. Secretary McAllister seconded the
148 motion and without public comment the Board unanimously approved the motion.
149 Chairman Alcorn directed Clara Belle Wheeler, Vice Chair; Singleton McAllister,
150 Secretary; Anna Birkenheier, Assistant Attorney General; General; Joshua Heslinga,
151 Assistant Attorney General to remain with the Board during the closed session for the
152 first item to be discussed in closed executive session. Chairman Alcorn stated that the
153 second section of the closed meeting would include ELECT staff members;
154 Commissioner Cortés, Deputy Commissioner Howard, Matt Davis, Gary Fox, Eugene

155 Burton. Chairman Alcorn identified that Joshua Heslinga would attend the second section
156 of the closed session. The Board went into Executive Session at 3:15PM.

157 At 4:45PM Chairman Alcorn *moved to reconvene in open session and a roll call*
158 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
159 *certifying that during the closed meeting (i) only public business matters lawfully*
160 *exempted from open meeting requirements under this chapter, and (ii) only such public*
161 *business matters as were identified in the motion by which the closed meeting was*
162 *concerned were heard, were discussed or considered.* Vice Chair Wheeler seconded the
163 motion and the Board unanimously approved the motion. Ms. Mansfield performed the
164 roll call vote and all Board Members approved the motion. Chairman Alcorn asked if
165 there were public comments and there were none.

166 Chairman Alcorn stated that the board has received information relating to the
167 ongoing investigation by ELECT regarding voting incidents that occurred during the
168 November, 2014, General Election. SBE is requesting that the clerk schedule a public
169 meeting regarding this matter with all due hast, in coordination with the Board Members
170 schedules. ELECT is to contact all the affected localities and vendors that are impacted
171 by the matters before the Board. Chairman Alcorn stated that the matter for the public
172 hearing will be to discuss the security concerns that SBE has with the WinVote system
173 and whether or not the Board should decertify the equipment for use in the
174 Commonwealth. Chairman Alcorn requested that ELECT staff work with existing
175 materials to release documents to the public regarding this issue without releasing any
176 information that would place any existing voting equipment systems at a security risk.
177 The Department of Elections has been granted authorization to access any voting
178 equipment across the Commonwealth necessary to complete the departments'
179 comprehensive voting equipment review under *Virginia Code §24.2-629(I)*. Vice Chair
180 Wheeler moved *that Chairman Alcorn's instructions be followed*. Secretary McAllister
181 seconded the motion and without further comment the Board voted unanimously to
182 approve the motion.

183 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded
184 the motion and without further comment the Board voted unanimously to adjourn. The
185 meeting was adjourned at approximately 5:05PM.

186 The Board shall reconvene on May 12, 2015 at 2:00PM in the Washington
187 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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