

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 (IVAC20-80) 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, IVAC 20-80-10 through IVAC 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