

1 MINUTES

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3 The State Board of Elections board meeting was held on Monday, June 25, 2018,
4 in the James River Ballroom at the Koger Center, 1021 Koger Center Blvd, Richmond,
5 Virginia. The meeting was held on the first day of the 2018 annual training.

6 In attendance: James Alcorn, Chairman, and Clara Belle Wheeler, Vice Chair
7 represented the State Board of Elections (“The Board”); Singleton McAllister, Secretary,
8 attended electronically. On behalf of the Department of Elections (“ELECT”) was
9 Christopher E. “Chris” Piper, Commissioner, and Jessica Bowman, Deputy Commissioner.
10 In attendance, representing the Office of the Attorney General (“OAG”), was Anna
11 Birkenheier, Assistant Attorney General. Chairman Alcorn called the meeting to order at
12 3:05 PM.

13 The first order of business was to approve Secretary McAllister attending the
14 meeting electronically. Chairman Alcorn moved *the Board approve Secretary*
15 *McAllister’s electronic participation in this meeting.* Vice Chair Wheeler seconded the
16 motion, and the motion passed 2 TO 0.

17 The next order of business was the Commissioner’s report, presented by
18 Commissioner Piper. The Commissioner thanked ELECT staff for planning the 2018
19 annual training. Commissioner Piper informed the Board that on July 23, at 9:00 AM and
20 2:30 PM, the Department of Motor Vehicles (“DMV”) would open their training room in
21 Richmond to give a presentation on the DMV process and the motor voter process. The
22 training may be broadcast via webinar, but that was not yet confirmed. The Commissioner
23 said the training would be a great opportunity to see the motor voter process from the
24 perspective of the customer, as well as from the perspective of the customer service
25 representative. Commissioner Piper shared that the first meeting of the Virginia Elections
26 Benchmark Index Workgroup (“Benchmark Workgroup”) would take place at 5:00 PM in
27 the James River Ballroom, after the conclusion of the Board meeting. The Commissioner
28 said the Board approved the Benchmark Workgroup at the meeting on April 25, and said
29 the first meeting would be organizational in nature. The meeting would also feature a
30 presentation from Jackie Anderson, Senior Consultant at International Consulting Services,
31 LLC., (“ICS”). Commissioner Piper shared that ICS was a global consulting firm that often

32 worked with ELECT on projects including developing strategic plans, organizing, and
33 developing priorities, measurements, and metrics.

34 Chairman Alcorn expressed interest in the DMV training, and enthusiasm for the
35 Benchmark Workgroup and its potential to set the foundation for nonpartisan, objective
36 analysis in elections. Vice Chair Wheeler asked the Commissioner if ELECT would send
37 communication to the election community on the date, time, and location of the DMV
38 training, and the Commissioner said they would. The Commissioner shared that on Friday,
39 June 22, ELECT sent an update on the DMV policy and said if there were questions to ask
40 him or Deputy Commissioner Bowman.

41 The next order of business was reviewing the proposed in-person absentee ballot
42 application, presented by Samantha Buckley, one of the ELECT's Policy Analysts.
43 Chairman Alcorn reminded the Board that they looked at this form during the June 19
44 meeting, but asked ELECT for information on how this application lined up with the
45 workflow in the Virginia Election Registration Information System ("VERIS"). Ms.
46 Buckley said one of the questions the Board had was in relation to how the format of the
47 form matched the format of data entry in VERIS, and said that ELECT provided
48 screenshots of the VERIS data entry screens in the Board's working papers. Ms. Buckley
49 noted that it would be difficult to mirror the VERIS screens on paper, since the VERIS
50 screen was designed for the general registrar ("GR"), while the paper form was designed
51 for the voters.

52 Vice Chair Wheeler stated when the form was last presented, the Vice Chair and
53 Secretary McAllister both voiced concern for uniformity with the addition of this form.
54 Vice Chair Wheeler stated there was already a form that a voter could fill out in the GR's
55 office, and therefore did not understand why a new form that served the same purpose was
56 being proposed. Ms. Buckley said the new form was created in response to feedback
57 ELECT got from the elections community, who asked for a form that was simple and had
58 less information for the voter to fill-in for a quicker transaction for in-person applications.
59 Vice Chair Wheeler raised the concern about the assistance section of the form, where a
60 voter could indicate if they would need assistance filling out their ballot. The Vice Chair
61 explained that the previous version of the form had a full assistance section, while the
62 proposed form required a voter receive an entirely separate assistance form in addition to

63 the in-person absentee application. The Vice Chair voiced concern for the extra paperwork
64 this created. Ms. Buckley acknowledged the Vice Chair's concerns, but stated that the
65 proposed form had been reviewed by GRs who did not see the extra form as a problem.
66 Chairman Alcorn asked to hear from the public. Commissioner Piper reminded the Board
67 that the proposed form was optional.

68 Brenda Cabrera, GR and Director of Elections in the City of Fairfax, said that many
69 localities pre-filled out the name of the locality, name of the election, and other items on
70 the application that they can when voters come in to vote in-person absentee, as there was
71 a lot of information the voters didn't understand on the previous form. Ms. Cabrera said
72 Fairfax would make copies of the reason for voting absentee codes and put them on the
73 front counter to assist voters as well; Ms. Cabrera also noted that the previous version did
74 have a section for assistance, but that the form still required an additional assistance form,
75 similar to the proposed version. Ms. Cabrera voiced appreciation for a simpler form that
76 included all the information that her office spent significant time trying to convey to voters.

77 Bill Jenkins, GR and Director of Elections in Sussex County, raised concerns about
78 the new law that made it optional for a voter to put their social security number ("SSN")
79 on the form. Mr. Jenkins discussed the difficulty that came with identifying voters with
80 similar names without SSNs, and asked if GRs were allowed to look a voter up and put
81 their SSN on the form. Chairman Alcorn said ELECT would look into the issue, but also
82 stated that the change was a statutory one the Board had to implement. Jake Washburne,
83 GR and Director of Elections in Albemarle County, asked if the new form was optional and
84 the Chairman confirmed that it was.

85 Mark Coakley, GR and Director of Elections in Henrico County, asked if the new
86 form would be considered complete if a voter did not put their SSN on it. Chairman Alcorn
87 said that it would be complete. Mr. Coakley asked if, as Ms. Cabrera said, localities are
88 pre-filling out parts of the application such as election date, localities could also add SSNs
89 to the application. Vice Chair Wheeler asked if Mr. Coakley was asking if localities could
90 pre-populate applications, and Mr. Coakley clarified he was asking if localities could
91 modify applications. The Vice Chair asked how a GR would know what the SSN was
92 before the voter handed in their application for a GR to modify the app with the SSN
93 beforehand. Chairman Alcorn said ELECT would look into these questions.

94 David Bjerke, GR and Director of Elections in the City of Falls Church, shared that
95 his locality had electronic pollbooks (“EPBs”) that could scan photo IDs such as driver’s
96 licenses and put their barcode on the form. The locality then would use a scanner on the
97 barcode, which would find a voter in VERIS without any data entry needed. Michele
98 White, GR and Director of Elections for Prince William County, said that Prince William
99 used the same model as Falls Church.

100 Kirk Showalter, GR and Director of Elections in the City of Richmond, was on one
101 of the workgroups that helped develop the form. Ms. Showalter assured the Board that a
102 number of GRs reviewed the forms and were happy with the results. Ms. Showalter noted
103 that if a GR needs additional information to find a voter, such as a SSN, that the voter is
104 there in-person so can just be asked for a voter ID number or SSN. The Vice Chair
105 reiterated that the form was optional. Chairman Alcorn suggested rearranging the form to
106 match parts of the VERIS screen in future revisions. Vice Chair Wheeler asked if the
107 Chairman was asking staff to edit the form before approval, and the Chairman said no,
108 instead suggesting making such changes in the future. Chairman Alcorn moved *the Board*
109 *adopt the Virginia In-Person Absentee Ballot Application for use beginning July 1, 2018.*
110 Vice Chair Wheeler seconded the motion. Ms. Buckley added that ELECT recommended
111 if the Board wanted to see formatting changes to the application approved by the Board on
112 June 19, that the Board give ELECT the authority to do so without Board approval. The
113 motion passed unanimously, and the Chairman said ELECT may already have that
114 authority and asked for an offline conversation about the division between staff and Board
115 authority.

116 The next order of business was the certification of the June 2018 elections.
117 Matthew Abell, one of ELECT’s Election Administrators, presented. Mr. Abell presented
118 the abstracts to the Board, reviewing the final election results for the Republican U.S.
119 Senate, Republican House Districts 2, 4, and 10, and Democratic House Districts 1, 2, 6,
120 7, 9, and 10 races. Chairman Alcorn asked Mr. Abell what the lessons learned from the
121 election were. Mr. Abell said the most evident lesson learned was in regards to the check-
122 in process at polling places where there were dual primary elections. Election officials
123 identified precinct voters correctly, handed voters their right ballot, but then checked them
124 into for the wrong election (i.e. Republican voter checked into the Democratic primary and

125 vice versa). Mr. Abell said this was a training issue and due to human error. Another issue
126 of record was the improper uploading of June primary voting credit. Several localities
127 inadvertently uploaded all dual primary voters to both Democratic and Republican
128 elections, or, in a few cases, all voters to just one primary. VERIS Help worked with
129 localities to remove the erroneous uploads so that the GR could upload June voting credit
130 properly. Mr. Abell said another lesson learned was about better communication overall,
131 and encouraged training be part of the solution.

132 Vice Chair Wheeler agreed with training and education as a solution, noting in
133 particular the need to educate voters about dual primaries. The Vice Chair acknowledged
134 the confusion around dual primaries as two separate elections, and the discomfort caused
135 by election officials asking which ballot a voter would like to receive in order to vote. Mr.
136 Abell agreed, but said voters have been learning and understand dual primaries better since
137 2016 due to the frequent occurrence of such primaries. Commissioner Piper said he was
138 more concerned about the voters who realized they voted the wrong ballot after the ballot
139 has already been cast. The Commissioner addressed the issue about voter credit that Mr.
140 Abell brought up, saying that ELECT determined better communication was needed. The
141 Commissioner acknowledged the amount of information about processes that was given to
142 GRs at one time, and assured that ELECT was focusing in on training and education to
143 help the problem. Commissioner Piper noted the issue was a good topic for the Benchmark
144 Workgroup to look at, as the Workgroup will examine areas that need improvement.
145 Chairman Alcorn said, given the comments from Mr. Abell, and feedback from ELECT
146 and the elections community, the elections ran smoothly.

147 Vice Chair Wheeler discussed the reports about shootings near polling places
148 during the primary elections. The Vice Chair suggested the Board hear from two of the
149 GRs of localities where the shootings took place. Mr. Coakley said one of the confirmed
150 incidents happened in Henrico County in a neighborhood associated with a school that was
151 serving as the polling place. Mr. Coakley said the school was not in lockdown, but students
152 were told to stay on the bus until law enforcement could arrive. Voting was unaffected.
153 Ms. Showalter spoke about the incident in the City of Richmond, in one of the Southside
154 precincts. The shooter was reportedly two blocks away, not at the school serving as a
155 polling place. Ms. Showalter stated the students were brought inside and voters were still

156 able to vote. Ms. Showalter discussed continuity of operation plans that were in place to
157 relocate voting, but noted if the polling place had been roped off by police then relocation
158 would not be possible. Ms. Showalter suggested ELECT and the Board develop procedures
159 and perhaps address the legislature for alternate plans in situations such as that. Ms.
160 Showalter also brought up an issue of voters not being aware that there was only a single
161 primary in the City of Richmond— voters would come into the polling place, check in,
162 take a ballot, and then realize belatedly that they did not want to vote in that party's
163 primary. Ms. Showalter asked for guidance in that instance.

164 Commissioner Piper said he had an initial conversation with the Fusion Center, the
165 Virginia State Police, and the Secretary of Administration ("SOA") office to work on
166 continuity of operations and contingency plans for situations like this. The Commissioner
167 noted these plans were especially important as many schools hosted polling places. Walt
168 Latham, GR and Director of Elections in York County, stated that years ago there was a
169 movement to move voting day to the third Tuesday in June, rather than the second. Mr.
170 Latham mentioned this was because schools were out of session on the third Tuesday. This
171 would that students were uninterrupted and schools were not open to the public as they are
172 during election days. Mr. Latham said other solutions included not using schools as polling
173 places, but noted the inconvenience and impracticality of it as many localities did not have
174 alternate polling places they could use. Mr. Latham suggested addressing the General
175 Assembly about the issue. Chairman Alcorn acknowledged the topic is complicated and
176 requires a multifaceted resolution. He agreed moving the date of the election would reduce
177 the chances of something happening in a school serving as a polling place. The Chairman
178 said ELECT should work on the legislative end to find a solution. Vice Chair Wheeler
179 agreed with the points made, and stated that in order to lobby the General Assembly, there
180 has to be a solid narrative around the problem.

181 Chairman Alcorn then moved *the Board certify the results of the June 12, 2018*
182 *Democratic and Republican Primaries as presented and declare the winners of each*
183 *primary to be that party's nominee for the November 6, 2018 election.* Vice Chair Wheeler
184 seconded the motion, and the motion passed unanimously.

185 The next order of business was for the Board to approve the political party
186 abbreviations that would be used during the November election, presented by Mr. Abell.

187 Mr. Abell explained that newer voting equipment came with more options for party
188 abbreviations, so reviewed the options presented before the Board. The Board agreed to
189 keep the abbreviations the same as they were previously approved, and the Chairman
190 moved *the Board approve the following party abbreviations for the general and special*
191 *elections being held November 6, 2018 and all other special elections between today and*
192 *November 6, 2018.* Vice Chair Wheeler seconded the motion, and the motion passed
193 unanimously. The approved abbreviations were:

194 Democratic – D

195 Republican – R

196 The next order of business was to draw the ballot order for the November 2018
197 general election, presented by Mr. Abell. The two recognized political parties for the
198 November 2018 election were the Democratic and Republican Parties. Mr. Abell
199 explained the ballot order drawn during the meeting would determine the ballot order for
200 the November election and for all special elections until the November; including the
201 special election on July 24 in Isle of Wight County. Mr. Abell presented two slips of paper,
202 one for the Democratic Party and one for the Republican Party. He folded each slip
203 separately and placed them into black film canisters. Each canister went into a crystal bowl
204 and the canisters were manually mixed. Chairman Alcorn drew the first canister, which
205 held the slip of paper for the Republican Party on it. Vice Chair Wheeler drew the second
206 canister, which held the slip of paper for the Democratic Party. Therefore, it was
207 determined by lot that the Republican Party's candidates would be listed first on the
208 November general election ballot, and the Democratic Party's candidates would be listed
209 second. Chairman Alcorn moved *the Board certify the determination by lot of the ballot*
210 *order for the general and special elections being held November 6, 2018 and all other*
211 *special elections between today and November 6, 2018.* Vice Chair Wheeler seconded the
212 motion and the motion passed unanimously.

213 The meeting then opened to public comment. Mr. Coakley discussed the House
214 committee created on school safety, noting that the committee would not have focus on
215 firearms and instead focus on removing polling places from schools. Mr. Coakley
216 encouraged the Voter Registrar Association of Virginia ("VRAV"), the Virginia Electoral
217 Board Association ("VEBA"), the Board, and ELECT attend the committee hearings to

218 stay abreast of developments. Vice Chair Wheeler asked when the committee was meeting,
219 but Mr. Coakley did not have the date. Chairman Alcorn said the Board was talking to
220 Commissioner Piper to find ways for ELECT staff to work in coordination with the
221 committee.

222 A representative from the Central Virginia A. Phillip Randolph Institute discussed
223 the confusion college face at the DMV when updating their voter registration status. The
224 reports came from students going to the DMV to renew their driver's licenses. When going
225 to renew their driver's license, students reported that upon being asking to update their
226 voter registration. They were unable to select "no" on the screen; it suggested this error
227 may be the reason why there was so much confusion with college students who want to
228 update their licenses with their school address rather than their permanent address. Sandy
229 Jack, a representative from DMV, said when a customer does a motor voter eligible
230 transaction at the DMV, the system would check if the person was already registered to
231 vote. If the customer was already registered, they got a shorter version of the motor voter
232 process. Ms. Jack informed the Board that the residence address on file with the DMV is
233 the address that is sent to ELECT. If ELECT already has a registration address, and if that
234 address is different than the one received by DMV, the address ELECT has will be sent to
235 the DMV. Ms. Jack said this process was one of the points of confusion in the process,
236 and asked that those with questions attend the DMV training that the Commissioner
237 discussed at the beginning of the meeting. Commissioner Piper reiterated the usefulness
238 of the training, and said the experience was educational in regards to what the customer
239 experienced as well as what the customer service representatives experienced. The
240 Commissioner assured the elections community that ELECT was continually looking at
241 the process for new issues and solutions.

242 Win Sowder, GR and Director of Elections in the City of Williamsburg, spoke and
243 brought up concerns about certain questions, including the questions asking voters to verify
244 their citizenship and felon status, being removed from DMV applications. Ms. Sowder
245 said working applications without those questions was costly, and time and labor-intensive
246 for her office, and asked those questions be added back to the form. Alison Robbins, GR
247 and Director of Elections in Wise County, stated that Wise encountered a number of
248 applications where the individual updated their residence address to a business address with

249 the DMV because they are business owners. Because of this update to a business address,
250 the address sent to the locality for voter registration was not their residence address, which
251 could change which district or precinct the individual is supposed to vote in or be registered
252 in. Ms. Robbins asked if the DMV kept records of residence addresses for driver's license
253 recipients that localities could access to help remedy the problem. Ms. Jack stated the
254 DMV allowed customers to keep two addresses on file: a mailing address, which the DMV
255 would use most often, and a residence address. The residence address was the address sent
256 to ELECT for voter registration purposes. Ms. Jack said most customers used the same
257 address for both fields, but the residence address on file was the address used for voter
258 registration. Ms. Robbins asked ELECT and the Board find a way to educate customers at
259 DMV about the residence address vs. mailing address to be sure the correct address is sent
260 to the locality.

261 Rosanna Bencoach, GR and Director of Elections in the City of Charlottesville,
262 brought up concerns about provisional ballots on Election Day from voters that did not
263 realize their registration had been transferred from their permanent address after updating
264 their driver's license at the DMV. Ms. Bencoach relayed an experience at the DMV
265 updating registration information where she was asked twice about voter registration,
266 despite having indicated she would like to update her information the first time. Guidance
267 from ELECT said that a voter only needs to affirm registration once, and Ms. Bencoach
268 said it would be confusing for a voter that marked "yes" to be asked the same question
269 about registration again later in the process, making it possible to receive conflicting
270 responses.

271 Vice Chair Wheeler highlighted the importance to educate college students about
272 the difference between being registered at their permanent address, where their parents may
273 live, and at school. The Vice Chair encouraged emphasizing the fact that a voter has to
274 vote where they are registered to vote; if a student attempted to vote at their school address
275 when still registered at their permanent address, and received a provisional ballot, that
276 provisional ballot would not be counted because the student was not registered at their
277 school address. Ms. Bencoach agreed and reiterated the concern that the DMV process
278 asks about voter registration more than once in a process.

279 Ms. Jack said the paper based forms, available prior to 2016, would be entered into
280 DMV's system by a customer service representative and pre-populate other forms the
281 customer filled out with previously provided information. When DMV switched to the
282 motor voter system after 2016, some voters who were unable to use the electronic system
283 had to continue using the paper form, which may have resulted in duplication and some of
284 the questions that arose.

285 Susan Spencer, an EB member from Madison County, brought up some of the
286 issues that happened in the 2017 November election. Ms. Spencer spoke about the
287 decertification of Direct-Recording Electronic ("DRE") machines, which required many
288 localities to buy new voting equipment in a short amount of time and with limited budgets.
289 Ms. Spencer also spoke about the situation in Fredericksburg where the election resulted
290 in a tie and the Board had to decide the winner by lot, as mandated in §24.2-674, as well
291 as the situation with the mis-assigned voters. Ms. Spencer tied these topics to voter
292 concerns about the integrity of elections and urged the Board help develop standards to
293 keep some of these situations from occurring again. Chairman Alcorn thanked Ms.
294 Spencer, and referred to Commissioner Piper's presentation on mis-assigned voters given
295 on June 19. The Chairman said ELECT was cleaning up the districting issues in advance
296 of the elections, and noted the effort being undertaken to keep lines correct.

297 Ray Rodriguez, an EB member from the City of Fredericksburg, spoke and said the
298 Fredericksburg EB stood behind their GR, and that the GR did not make any mistakes. Mr.
299 Rodriguez said the officer of elections at the polling places acted correctly and followed
300 the law, and urged individuals to take individual responsibility in marking their ballots. If
301 a ballot is not what the voter wanted, or has been mis-marked, Mr. Rodriguez urged voters
302 to go to an election official to have the ballot spoiled and a new ballot distributed in order
303 to cast their vote.

304 Ms. Spencer suggested the elections community be as straightforward as possible,
305 so that the media would not misunderstand their messages. Ms. Sowder added that GRs
306 are not surveyors and do not always know where district lines are. Ms. Sowder said GRs
307 are trying their best with districting, and that hopefully the next census would get the
308 district lines correct. Chairman Alcorn agreed and said the districting issue did not have
309 fault in a single area or individual, and was something the community could work together

310 to fix and make successful. Commissioner Piper assured the community that ELECT was
311 dedicated to working with localities, and discussed how quickly election laws were
312 evolving and changing with each legislative session.

313 Vice Chair Wheeler asked Commissioner Piper about the National Change of
314 Address (“NCOA”) mailings, saying she heard reports of a directive, sent by ELECT to
315 the localities, to not take action on the issue. The Vice Chair asked what happened.
316 Commissioner Piper explained there was an error with the vendor in regards to the
317 addresses, but stated there was no harm to the voters. ELECT sent a communication to
318 registrars the previous week asking for any returned NCOA mailings, with no charge to
319 the localities, so ELECT could do a second mailing with the correct addresses.
320 Commissioner Piper noted ELECT did not have fault in the issue and were working ahead
321 of schedule, giving plenty of time for the notices to be sent to the correct addresses in time.
322 Vice Chair Wheeler asked for clarification on the address issue. Commissioner Piper
323 explained the vendor put the registrars’ zip codes in the voters’ addresses, resulting in
324 incorrect addresses for the voters. ELECT sent the letters by first class mail, but specified
325 for the letters to not be forward-able. Therefore, no voter actually received the letter and
326 no voters were harmed or affected by the mistake. The Commissioner stated out-of-state
327 mailings were not affected by the vendor’s error. Ms. Sowder asked about mailings that
328 would be sent to the College of William and Mary, noting that the mail room was not open
329 until August. Ms. Sowder asked if the letters going to the Williamsburg zip code could be
330 held until August, but the Commissioner said the National Voter Registration Act
331 (“NVRA”) prohibited that.


332 Vice Chair Wheeler stated that ELECT moved into a liaison-focused
333 communication system, where liaisons sent relevant communications directly to their
334 regions that would be affected by the communications rather than to the whole community.
335 The Vice Chair requested that directives involving all localities be sent to all the GRs on
336 the GR mailing list, rather than through liaisons. The Vice Chair noted that if one locality
337 had a question, other localities may have similar questions. Commissioner Piper offered
338 to speak to the Vice Chair separately about the topic, and the Vice Chair agreed.

339 Vice Chair Wheeler asked about reports that localities were still getting duplicates
340 in their VERIS hoppers. Commissioner Piper said if localities were still getting duplicates

341 that those localities should contact ELECT so the problems could be addressed directly.
342 Vice Chair Wheeler discussed the importance of fixing things that are broken and ideally
343 fixing things before they broke.

344 Chairman Alcorn then moved to adjourn the meeting. Vice Chair Wheeler
345 seconded the motion, and the motion passed unanimously. The meeting was adjourned at
346 approximately 4:53 PM. The next Board meeting will be on August 15 at 11:30 AM.

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Secretary

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Chair

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Vice Chair