

1 MINUTES – Adopted by SBE-November 21, 2016-Final

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3 The State Board of Elections Board Meeting was held on Tuesday, August 30,
4 2016. The meeting was held in the General Assembly Building, Richmond, Virginia –
5 Room C. 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; Martin Mash, Policy
9 Advisor, and Rose Mansfield, Clerk. Anna Birkenheier, Assistant Attorney General and
10 Counsel to SBE and ELECT attended. Chairman Alcorn called the meeting to order at
11 1:00PM.

12 The first order of business was the approval of the minutes from the State Board
13 of Elections Board Meetings held on April 28, 2016, June 28, 2016, and August 10, 2016.
14 Chairman Alcorn asked if board members had any additions or corrections to the Board
15 Meeting minutes presented. Vice Chair Wheeler discussed suggested format changes to
16 the meeting minutes of June 28, 2016 regarding public comments. SBE members tabled
17 the minutes from the June 28, 2016 pending a review from the Clerk. Secretary
18 McAllister moved *that the Board approve the minutes from the April 28, 2016 and*
19 *August 10, 2016 meeting.* Vice Chair Wheeler seconded the motion and the Board
20 unanimously approved the motion.

21 The next order of business was the Commissioner Report presented by Edgardo
22 Cortés, ELECT Commissioner. Commissioner Cortés introduced ELECT Policy Analysts
23 Joe Stanley and Arielle Schneider who recently joined the ELECT Team. Commissioner
24 Cortés announced that long-term ELECT Team Member, Vanessa Archie would be
25 joining the General Registrars' Liaison Team. Commissioner Cortés stated that ELECT
26 recently hosted a Contingency of Operation Plan (COOP) meeting with state partners in
27 preparation for the November Elections. Commissioner Cortés stated that this is an
28 ongoing project and the support provided by state partners contributes to the success of
29 the elections. Commissioner Cortés stated that ELECT joined other state election
30 officials for informational conferences conducted by the Department of Homeland
31 Security regarding the issue of cyber security. Commissioner Cortés stated that ELECT is

32 additionally, working with VITA and the FBI in partnership with the Secretary of
33 Homeland Security to ensure the security of information and equipment. Commissioner
34 Cortés stated that ELECT has provided guidance to the localities regarding the ordering
35 of ballot orders to include the quantities depending on the equipment being utilized by the
36 locality. Commissioner Cortés asked if there were questions.

37 SBE members exchanged information regarding the information presented and
38 scenarios related to the situations that may occur on Election Day, November 2016.
39 Chairman Alcorn suggested that ELECT send communications to the field and the public
40 regarding Election Day preparations. Commissioner Cortés stated that the Governor sent
41 a message to all state employees about volunteering to act as an officer of election in
42 support of Election Day and the ELECT website is promoting the recruitment of these
43 officers. Commissioner Cortés stated that Nancy Rodrigues, Secretary of Administration
44 has been communicating with major employers, in the Commonwealth, regarding
45 volunteer opportunities. Secretary McAllister stated that it is important that SBE and the
46 Commonwealth stay informed about the ADA accessibility regulations to ensure
47 compliance on Election Day. Commissioner Cortés stated that ELECT is reviewing
48 public comments associated to the regulations. Recommendations are being compiled and
49 will be presented to the Board on October 4, 2016.

50 The next order of business was the Campaign Finance Updates presented by
51 Brooks Braun, ELECT Policy Analyst. Mr. Brooks stated that at the SBE meeting on
52 January 8, 2016, SBE heard the matter of a complaint received from the Republican Party
53 of Virginia alleging that Friends of Gary McCollum failed to appropriately disclose
54 certain campaign contributions in violation of the Campaign Finance Disclosure Act. It
55 was alleged that Mr. McCollum continued receiving payments from his employer during
56 a specified period in which he was campaigning for an elective office. Mr. Brooks stated
57 that Chairman Alcorn directed the Department to notify the commonwealth attorney's
58 office regarding this matter and to update SBE when a determination is made. On January
59 21, 2016, a letter was sent to Mr. Collin Stolle, Commonwealth's Attorney for the City of
60 Virginia Beach. The letter included all correspondence received by the Department of
61 Elections concerning this matter and stated that the Board had decided to forgo any
62 hearings regarding the matter until the Mr. Stolle's office had concluded its review. The

63 letter also asked that Mr. Stolle keep the Board updated as to the disposition of the
64 matter. The Department has received no further contact from the Commonwealth's
65 Attorney for the City of Virginia Beach. On July 22, 2016, Mr. Johnathon Schronce,
66 attorney for Mr. McCollum, contacted the clerk and asked that a letter from another
67 attorney for Mr. McCollum, Mr. Whitt Clement, be presented to the Board for a decision
68 at the August 30, 2016 meeting, included in the Board materials. In this letter Mr.
69 Clement asks the Board to consider the matter resolved if Mr. McCollum files an
70 amended report accounting for previously omitted payments. The letter asserts that the
71 Commonwealth's Attorney for the City of Virginia Beach has agreed that such an action
72 would resolve the matter. Chairman Alcorn asked if a representative from the McCollum
73 campaign was present.

74 Johnathon Schronce, Attorney for Gary McCollum approached the podium. Mr.
75 Schronce stated that Mr. McCollum believes that no further disclosure is required under
76 the *Code* however; is willing to file a supplemental report to bring closure to the
77 situation. Mr. Schronce reported that he had spoken with the Commonwealth's Attorney,
78 City of Virginia Beach, Colin Stolle, regarding the situation and believes that a
79 supplemental report would resolve the matter. Chairman Alcorn stated that the core
80 question before the Board is whether an employer's continuing the pay of a candidate
81 constitutes a campaign donation; if the candidate is campaigning verses working.
82 Secretary McAllister stated that the resolve will set precedent and it is important to have
83 a response to the letter sent to the Commonwealth's Attorney, as requested by SBE. Vice
84 Chair Wheeler stated that there is concern that a reply has not been received by SBE and
85 a statement from that office is required rather than a message relayed by an attorney
86 representing Mr. McCollum. Chairman Alcorn moved *that this item be tabled without*
87 *further discussion until a response is received by the Commonwealth's Attorney's Office*
88 *of Virginia Beach*. Secretary McAllister seconded the motion and without public
89 comment the Board agreed to table the agenda item.

90 The next order of business was the Ballot Drawing for the November 8, 2016
91 election presented by Reiko Doğu, Senior Elections Administrator. Ms. Doğu explained
92 the process and the ballot order drawing was conducted by SBE Members. The official
93 ballot order drawn by SBE Board Members:

- 94 1. Democrat
- 95 2. Republican
- 96 3. Libertarian
- 97 4. Green
- 98 5. Constitution
- 99 6. Independent Green

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101 Chairman Alcorn moved *that the Board certify the determination by lot of the*
102 *order of political parties, recognized political parties and other groups to determine the*
103 *ballot sequence of party candidates on the November 8, 2016 General Election ballot.*

104 Vice Chair Wheeler seconded the motion and without public comment the Board
105 unanimously approved the motion.

106 The next order of business was the Independent Candidate Petition Update
107 provided by Paul Stenbjorn, Director of Elections Administration. Mr. Stenbjorn stated
108 that the filing deadline for the petitions for the independent presidential candidates was
109 Friday, August 26, 2016 at noon. Mr. Stenbjorn reported that ELECT received a
110 substantial amount of petitions from four party candidates. Additionally, ELECT
111 received petition signatures from two independent candidates. Mr. Stenbjorn stated that
112 the Department is evaluating the signatures and expects to have the process completed by
113 Friday, September 2, 2016. Mr. Stenbjorn stated that if a candidate petitions are deficient
114 ELECT will notify the organization and the organization has seven days to request a
115 hearing by the Board to review the petitions deficiency. Vice Chair Wheeler asked when
116 the ballots will be approved so that the printers can begin their tasking. Mr. Stenbjorn
117 stated that the goal is to have the information to the printers no later than Friday,
118 September 2, 2016. Mr. Stenbjorn stated that ELECT has communicated with the printers
119 and they have indicated that this date is sufficient to meet their deadlines. Mr. Stenbjorn
120 noted that previously petitions were sent to the localities for verification. Mr. Stenbjorn
121 stated that in this situation, because of the time restraints, the verification process
122 occurred at the Department.

123 The next order of business was the candidate extension presented by Paul
124 Stenbjorn, Director of Elections Administration. Mr. Stenbjorn stated that Jaynel
125 Pittman-Shaw who was a candidate for the City of Richmond-School Board Seat, has
126 submitted a letter to the Board requesting an extension of the filing deadline for the

127 Statement of Economic Interest absent in her required filings. Mr. Stenbjorn noted that
128 the decision to exclude her from the ballot was a local decision. Mr. Stenbjorn stated that
129 she is exercising her right under *Code* to ask SBE for an extension. Ms. Pittman-Shaw
130 approached the podium.

131 Ms. Pittman –Shaw asked SBE to grant an extension for the Statement of
132 Economic Interest that was missing from her filing materials for the seat in which she
133 sought. Ms. Pittman-Shaw stated that she confused this document with the financial
134 statement that had a June, 2016 deadline. Ms. Pittman-Shaw stated that because of this
135 error she has not been able to interact with the community as a candidate. Ms. Pittman-
136 Shaw stated that she respectfully requests and extension from SBE so that she can
137 complete the filling and be placed on the ballot. Chairman Alcorn thanked Ms. Pittman-
138 Shaw for her time. Chairman Alcorn inquired if there was historical data regarding the
139 Board granting an extension under the *Code* provision. Mr. Stenbjorn stated there was not
140 a precedent for granting an extension for the reason cited by Ms. Pittman-Shaw.
141 Chairman Alcorn moved *that SBE not grant the requested extension as requested by Ms.*
142 *Pittman-Shaw.* Vice Chair Wheeler seconded the motion and without public comment the
143 Board unanimously approved the motion.

144 The next order of business was the SBE Training Standards presented by Clara
145 Belle Wheeler, SBE Vice Chair. Vice Chair Wheeler stated that the training standards
146 were an effort of the GREB Workgroup. Vice Chair Wheeler called upon Larry Haake,
147 General Registrar of Chesterfield County to present the document. Mr. Haake stated that
148 the standards were developed in a generalized fashion so that the Department and the
149 localities could individually develop their guidelines. Mr. Haake stated that the subject
150 matters that required uniformity throughout the Commonwealth were assigned to the
151 Department; while the subject matters that were specific to the locality were assigned to
152 the locality. Mr. Haake stated that some subject matters, i.e. emergency response... were
153 assigned a shared value as both the Department and the locality would be response for the
154 training. Vice Chair Wheeler stated that she recommends that SBE accept the training
155 document and extend gratitude to the workgroup for the collaborative efforts. SBE
156 members reviewed the submitted training document and thanked the workgroup for their
157 efforts. Chairman Alcorn suggested a change in the local training standards section that

158 removes: “The training, when combined with standards developed by the Department of
159 Elections, shall be sufficient to produce an effective, error-free election.” from section
160 one and be change to “The *local* training, when combined with standards developed by
161 the Department of Elections, shall be sufficient to produce an effective, error-free
162 election.”. Vice Chair Wheeler moved *that the standards with the recommended changes*
163 *should be adopted and sent to the localities and the localities should utilize the standards*
164 *in their training of officers of elections for the upcoming elections.* Secretary McAllister
165 seconded the motion. Chairman Alcorn asked if there were any public comments.

166 Eric Payne, Citizen of the Commonwealth approached the podium and asked if
167 the public had the opportunity to review the document and provide comment before
168 consideration of adoption. Commissioner Cortés stated that the document presented was
169 not produced by the Department. Vice Chair stated that the document had not been
170 placed out for public comment as it is a compilation of the *Code*. Chairman Alcorn asked
171 if there were additional comments. Cameron Sasnett, General Registrar of Fairfax
172 County, approached the podium and stated that a training guide was needed to create
173 uniformity. Chairman Alcorn asked if there were additional public comments and there
174 were none. The Board unanimously passed the motion.

175 The next order of business was the Community Outreach Program update
176 presented by Susan Lee, Community Relations & Compliance Support Manager. Ms. Lee
177 stated that The Virginia Department of Elections (ELECT) has launched its *Virginia is*
178 *for Voters* outreach campaign in preparation for the November 8, 2016 Presidential
179 Election. ELECT developed the new *Virginia is for Voters* (VIFV) campaign slogan in
180 partnership with Virginia Tourism, along with the Virginia Department of Elections
181 tagline, “You Have Questions. We Have Answers.” Ms. Lee stated that The Virginia
182 Department of Elections’ Fall, 2016 Voter Outreach Plan has been developed to offer
183 statewide and regional voter outreach to complement and supplement voter outreach
184 efforts conducted by general registrars at the local level. The Fall, 2016 Voter Outreach
185 Plan includes a robust digital media campaign offered statewide across the
186 Commonwealth of Virginia, as well as an extensive traditional media campaign that
187 includes major media markets across the state. Ms. Lee outlined the components of the
188 Voter Outreach Campaign and played the video associated with the upcoming public

189 service announcements. Ms. Lee stated that ELECT has partnered with VDOT to help
190 get the message delivered through their conduits by utilizing signage with voter outreach
191 messages. Ms. Lee recognized Rob Vance, ELECT Web developer and Tanya Pruett,
192 ELECT Outreach Coordinator, for their efforts in creating a successful program. SBE
193 Members discussed the campaign and noted that the campaign was aggressive in
194 covering the Commonwealth, yet frugal in the expenditures. SBE Members thanked Ms.
195 Lee for the efforts of the Community Outreach Campaign.

196 The next order of business was the VERIS presentation presented by Matt Davis,
197 ELECT Chief Information Officer. Mr. Davis stated that VERIS is the statewide voter
198 registration and election management system for the Commonwealth. Mr. Davis provided
199 an overview of the history of the system to include the legal duties assigned to the
200 Department. Ms. Davis explained the different sub-systems in VERIS to include the other
201 applications VERIS feeds. Mr. Davis explained the interaction between VERIS and other
202 entities such as the Social Security Administration. Mr. Davis explained the ELECT
203 staffing structure designed to support the upcoming November election. Mr. Davis asked
204 if there were any questions. Chairman Alcorn asked what the challenges of the division
205 would be over the next couple years. Mr. Davis stated that data architecture will be a
206 challenge. Vice Chair Wheeler asked if we should feel confident that someone will not
207 hack into VERIS. Mr. Davis stated that the VERIS system has multiple layers of security.
208 Mr. Davis stated that the monitoring of the system is extensive and ELECT has
209 completed the tasks responsible for in protecting the system. Secretary McAllister stated
210 that the establishment of best practices is evolving and asked if ELECT is working with
211 other entities to protect the system. Mr. Davis stated that the systems being built within
212 the security framework is being built to best practices standards.

213 Chairman Alcorn asked if there were any public comments. Gary Fox, PrintElect
214 Representative expressed concern about the deadline for ballots and petition certification.
215 Michael O'Neill, Landmark Legal Foundation-Legal Counsel expressed concern
216 regarding the cross-check programs and a letter that was sent to SBE. Larry Haake,
217 General Registrar of Chesterfield County, expressed that the introduction of the cross-
218 check removal of voters is not acceptable and troublesome. Cameron Sasnett, General
219 Registrar of Fairfax County, stated that he didn't like that the actual comments made

220 during the public comment period ,during the Homestead meeting, were not recorded in
221 the official minutes. Chairman Alcorn asked if there were additional public comments
222 and there were none. Chairman Alcorn directed the Clerk to insert the late arriving letter
223 from Delegate Landes into the working papers.

224 Chairman Alcorn asked if there were comments. Vice Chair discussed the
225 content of Delegate Landes' letter.

226 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded
227 the motion and without further comment the Board voted unanimously to adjourn.

228 The meeting was adjourned at approximately 4:00PM. The Board shall
229 reconvene on October 4, 2016 at 10:00AM in Richmond, Virginia – GAB-Room C.

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Secretary

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Chair

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Vice Chair

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