

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, November 3,
4 2015. The meeting was held in the Washington Building, Richmond, Virginia – Room
5 B27. 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; Elizabeth Howard, Deputy Commissioner; Martin Mash, Policy Advisor,
9 and Rose Mansfield, Clerk. Anna Birkenheier, Assistant Attorney General and Counsel to
10 SBE and ELECT attended. Chairman Alcorn called the meeting to order at 8:30AM.

11 The first order of business was the Commissioner’s Report delivered by
12 Commissioner Cortés. Commissioner Cortés provided Board members with an Election
13 Day update. Commissioner Cortés reported that ELECT staff members were available to
14 provide assistance prior to the polls opening. Commissioner Cortés reported that the City
15 of Richmond experienced electronic pollbook issues at the opening of the polls. Eugene
16 Burton, Voting Technology Coordinator, assisted the City of Richmond to resolve the
17 situation. Commissioner Cortés stated that when the city set up their electronic pollbooks
18 they selected a setting that is designed for a central absentee precinct (CAP) that prompts
19 for the entry of a code, when a voter checks-in, to indicate the ballot style. This code was
20 accidentally entered during the programing stage. Commissioner Cortés stated that the
21 election officers were not trained on utilization of this code. The City of Richmond took
22 the appropriate corrective action and at this time their systems are functioning correctly.

23 Chairman Alcorn asked if any voters left the polls without voting. Commissioner
24 Cortés stated that there was one report of a voter leaving and the general registrar is
25 attempting to make contact with this voter. Chairman Alcorn asked if ELECT tracked
26 the election day issues to include the volume of calls received by ELECT. Commissioner
27 Cortés stated that a comprehensive tracking system is not in place; however, we can
28 report the volume rather than the content of the calls. Secretary McAllister stated that a
29 reporting system on the types of calls received by ELECT would benefit the elections
30 community and help to focus training efforts of election officers. Commissioner Cortés
31 stated that ELECT has requested funding for an outside agency to establish a call center

32 as the staffing levels at ELECT would not be able to handle the volume especially around
33 a presidential election.

34 The next order of business was the Legal Report presented by Anna Birkenheier,
35 Assistant Attorney General. Ms. Birkenheier stated that there were no updates to provide
36 members.

37 The next order of business was the public comment period. Chairman Alcorn
38 asked if there were any public comments and there were none.

39 Chairman Alcorn moved *that the Board recess until 12:30PM*. Secretary
40 McAllister seconded the motion and without further comment the Board voted
41 unanimously to recess. Chairman Alcorn moved that the Board reopen the meeting at
42 12:40PM. Secretary McAllister seconded the motion. The Board unanimously approved
43 the motion. Chairman Alcorn asked Commissioner Cortés to provide an election day
44 update.

45 Commissioner Cortés reported that Campbell County had an issue with three
46 precincts, that are split precincts, and each precinct is running low on a particular ballot
47 style. Campbell County is making emergency ballots and has notified the vendor, Hart
48 Voting Equipment. The vendor has sent a PDF to the locality which will allow additional
49 printing of the ballot at their main office. Chairman Alcorn asked if ELECT provides
50 guidance/training to the localities on how to order ballots and how to estimate the number
51 of ballots needed during a particular election. Commissioner Cortés stated that the
52 general registrars utilize previous elections as a guide.

53 Commissioner Cortés reported that Norfolk City had an issue with the TSX
54 machines. ELECT received a complaint that a voter was having issue with a machine that
55 kept switching the vote to the unselected candidate. As a result, Norfolk City has
56 requested a technician to recalibrate the machine. Chairman Alcorn inquired if this was
57 the same issue and equipment that experience problems in Virginia Beach City.
58 Commissioner Cortés acknowledged that it was the same issue on the same equipment.
59 Commissioner Cortés noted that Manassas City had a minor equipment issue and that the
60 issue has been resolved. Commissioner Cortés stated that Roanoke City had issues related
61 to their connectivity between their electronic pollbook units. The units were not
62 communicating with each other correctly in locations that have multiple pollbooks.

63 Voters were offered the opportunity to vote provisionally while the issue was resolved.
64 ELECT spoke with the locality and directed Roanoke City to conduct alphabet splits
65 similar to the handling of paper pollbooks. The software vendor, DemTech, has been
66 contacted. Commissioner Cortés reported that Mecklenburg County had a precinct that
67 needed to replace a scanning machine. The equipment needing replaced is new and is
68 being tested. The equipment is under warranty and will be replaced. Commissioner
69 Cortés reported that Richmond had several equipment issues because the officer of
70 election did not remove the stabilizing bar placed in the back of the equipment during the
71 storage process. This bar blocked the entry of the ballots and the issue was resolved as it
72 was an election officer error rather than an equipment malfunction. Commissioner Cortés
73 reported that Giles County experienced a power outage that affected three precincts. The
74 Department of Mines & Minerals, Eileen Carson and Rose Mansfield, SBE Clerk
75 coordinated a rapid response team and power was restored within the hour. Generators
76 were utilized to keep the polling location fully functional during the outage.
77 Commissioner Cortés noted that Fairfax County had a power outage in one precinct for a
78 brief moment; however, voting operations remained totally functional.

79 Commissioner Cortés stated that ELECT has been encouraging the localities to
80 replace this equipment. Vice Chair Wheeler emphasized that the inaugural testing of new
81 voting equipment, in those localities that need to replace aging voting equipment, should
82 not be delayed until the November, 2016, federal election. Commissioner Cortés stated
83 that several localities have indicated that unless they are mandated to cease utilizing their
84 existing equipment that they have no plans and or resources to purchase new equipment.
85 Vice Chair Wheeler requested that ELECT provided SBE a list of the localities that are
86 still using the non-optical scan equipment. Commissioner Cortés stated that the ability to
87 input this information into VERIS is an option for the general registrar and if utilized
88 provides an avenue for ELECT to track voting equipment inventory across the
89 Commonwealth. Commissioner Cortés stated that ELECT website contains a list of
90 equipment utilized by the localities. ELECT will be sending a survey to the general
91 registrars that will inquire about the types of issues that their voting equipment
92 experienced on Election Day. Commissioner Cortés reported that The Daily Show-

93 Comedy Central came to ELECT and filmed an interview on the subject of aging voting
94 equipment. The segment is due to air in the near future.

95 Chairman Alcorn inquired about the Republican Party letter regarding
96 Chesterfield County and sample ballots presented to board members prior to the meeting.
97 Commissioner Cortés stated that the letter was received and he was a “cc” recipient.
98 Chairman Alcorn stated that the local electoral board should handle the issue. Eppa
99 Hunton, Democratic Party representative, stated that the *code* section referenced in the
100 republican letter does not apply to the sample ballot issue presented. Mr. Hunton stated
101 that ELECT has defined a sample ballot as a copy of the ballot and the distributed item
102 was not a copy. Chairman Alcorn stated that a definition of a sample ballot has not come
103 from the board rather ELECT. Deputy Commissioner Howard stated that several states
104 have attempted to define what constitutes a sample ballot and there is a federal regulation
105 from the Federal Election Commission (FEC) that can be presented in the future to the
106 board members. Chairman Alcorn stated that the board should develop a standard for a
107 sample ballot as there is no clear definition at this point.

108 Chairman Alcorn moved *that the Board recess until 6:30PM*. Secretary
109 McAllister seconded the motion and without further comment the Board voted
110 unanimously to recess. Chairman Alcorn moved that the Board reopen the meeting at
111 6:40PM. Vice Chair Wheeler seconded the motion. The Board unanimously approved the
112 motion. Ms. Mansfield conducted the roll call and noted the absence of Secretary
113 McAllister. Chairman Alcorn asked Commissioner Cortés to provide an Election Day
114 update.

115 Commissioner Cortés stated that Greene, Wise, and Washington counties have
116 experienced machine failures in some of their precincts. The voting equipment that
117 experienced difficulties was taken out-of-service. The Edge Voting Systems, utilized by
118 these localities, is a touch screen type unit and the units in question stopped working.

119 Commissioner Cortés stated that ELECT has been notified that Richmond City, in
120 their split-precinct locations, was issuing the wrong ballot style. Gary Fox, Election
121 Supervisor, stated that ELECT has made contact with the general registrar. Voters in
122 precincts 206 & 307, which are split-precincts, were given the wrong ballot to cast.
123 Chairman Alcorn asked if ELECT had the number of incorrect ballots that were given to

124 voters. Mr. Fox stated that Richmond City cannot calculate the error. Mr. Fox stated that
125 Richmond City did not program their pollbooks correctly and did not account for the
126 split-precinct. Chairman Alcorn stated that Richmond City should come to the SBE
127 meeting in December, 2015, to discuss the issues that occurred on Election Day.
128 Commissioner Cortés stated that overall Election Day went well with only a handful of
129 localities having difficulties with some of those being technology based. Chairman
130 Alcorn asked if there were any public comments and there were none.

131 Vice Chair Wheeler moved *that the Board adjourn*. Chairman Alcorn seconded
132 the motion and without further comment the Board voted unanimously to adjourn. The
133 meeting was adjourned at approximately 7:00PM.

134 The Board shall reconvene on November 16, 2015, at 1:00PM in the General
135 Assembly Building, 1100 Bank Street, Room C, Richmond, Virginia.

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Secretary

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Chair

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Vice Chairman

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