

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Monday, January 19,
4 2015. The meeting was held in the Virginia State Capitol, House Room 1, Richmond,
5 Virginia. In attendance, representing the State Board of Elections (SBE) was Charles
6 Judd, Chair; Kimberly Bowers, Vice Chair; James Alcorn, Secretary. Also in attendance,
7 representing the Department of Elections (ELECT) was Edgardo Cortés, Commissioner;
8 Liz Howard, Deputy Commissioner; Matt Abell, Senior Election Administrator; Myron
9 McClees, ELECT Policy Analyst, and Rose Mansfield, Clerk. Anna Birkenheier,
10 Assistant Attorney General and Counsel to SBE and ELECT attended. Chairman Judd
11 called the meeting to order at 9:00AM.

12 The next order of business was the approval of the Minutes from the State Board
13 of Elections Board Meeting held on January 12, 2015. Chairman Judd asked if there
14 were additions or corrections and there were none. Secretary Alcorn moved *to adopt the*
15 *Minutes for the January 12, 2015, Board Meeting*. Vice Chair Bowers seconded the
16 motion and the Board unanimously approved the Minutes.

17 The first order of business was the Commissioner's Report delivered by
18 Commissioner Cortés. Commissioner Cortés stated that ELECT is tracking 125
19 legislative bills associated to elections during this session. Commissioner Cortés thanked
20 the ELECT administrative and fiscal staff for their efforts this legislative session.
21 Commissioner Cortés reported that on January 20, 2015, Nancy Rodrigues, Secretary of
22 Administration, will be presenting to the Senate Finance Sub-Committee on
23 Governmental Affairs, information regarding the governor's proposal for funding for
24 voting equipment replacement across the commonwealth. Commissioner Cortés stated
25 that on January 21, 2015, he would report to the House Appropriations Sub-Committee
26 on ELECT's use of the Help America Vote Act (HAVA) funds. Commissioner Cortés
27 stated that the annual Virginia Electoral Board Association (VEBA) will hold its'
28 conference in Richmond on January 20, 2015.

29 The next order of business was the Legal Report presented by Anna Birkenheier,
30 Assistant Attorney General. Ms. Birkenheier requested an executive closed session.

31 Chairman Judd stated that an executive closed session would be conducted at the close of
32 business.

33 The next order of business was to ascertain the results of the January 13, 2015,
34 Special Election which was conducted by SBE Board Members and Matt Abell, Senior
35 Election Administrator. The Board Members reviewed and verified the abstracts with the
36 following results:

37 ✓ Joseph D. Morrissey received the greatest number of votes (2,840) in the
38 Seventy Fourth House of Delegates District.

39 Chairman Judd announced that the ascertainment process was complete. Vice
40 Chair Bowers moved *that the SBE certify the results of the January 13, 2015, Special*
41 *Election*. Chairman Judd seconded the motion and the Board unanimously passed the
42 motion.

43 The next order of business was the Request to Inspect Sealed Election Form
44 presented by Myron McClees, ELECT Policy Analyst. Mr. McClees stated that the
45 *Request to Inspect* form is used by localities when sealed election materials or envelopes
46 need to be accessed. Virginia Code §§ 24.2-659 and 24.2-669 require that parties and
47 candidates be notified when access to these sealed materials is granted by the proper
48 administrative authority. The Code does not state which entity is required to actually
49 notify the parties and candidates in every specific instance, and thus an instructional
50 second page to the form provides this information. Currently, this instructional page
51 states in § 7 that State Board staff will notify the parties if the materials were used in a
52 statewide or federal election. ELECT seeks an edit to the instructional form that would
53 instead state that the local electoral board will contact the state parties. Local electoral
54 boards have knowledge of the date time and location for access to sealed materials and
55 may provide such information to parties and candidates who may wish to observe. A
56 small change is included that allows the Commissioner of Elections to designate another
57 person to sign the form. This too increases efficiency, as there have been previous
58 instances where the agency head was not physically present to sign the document, yet
59 wished to grant access to the materials in a timely fashion. Secretary Alcorn asked: "Is
60 this an efficiency issue?" Mr. McClees replied: "Yes, it is in the interest of time."
61 Chairman Judd asked: "Does this occur often?" Mr. McClees replied: "Yes". Secretary

62 Alcorn stated: “This would be more efficient for ELECT Staff. Were the political parties
63 contacted for input?” Mr. McClees replied: “ELECT staff had not sought feedback from
64 the parties because this proposal would be beneficial for all parties as it sought to save
65 time during the process.” Secretary Alcorn moved *that the board adopt all provided*
66 *edits to the Request to Inspect Sealed Election Materials form (SBE-659)*. Vice Chair
67 Bowers seconded the motion and Chairman Judd asked if there were any question and
68 there were none. The Board unanimously approved the motion.

69 Chairman Judd opened the floor to other business and public comment. Carol
70 Noggle, League of Women Voters of Virginia, approached the podium. Ms. Noggle
71 presented a policy paper on the benefits and challenges of expanded early voting in
72 Virginia prepared by the William & Mary Election Law Program.

73 William Bell, Virginia Electoral Board Association (VEBA), approached the
74 podium. Mr. Bell stated that VEBA would like to extend appreciation to the current
75 sitting SBE Board Members for their efforts in improving Virginia Elections.

76 Wanda Judd, Citizen of the Commonwealth, approached the podium. Ms. Judd
77 expressed that she wanted to thank all members of the Board for their tireless efforts and
78 expressed great respect for the work of the Board Members.

79 The Honorable John Hager, Former Lieutenant Governor, approached the
80 podium. Mr. Hager commended Board Members for establishing the new GREB
81 Workgroup in 2014. This workgroup is reviewing the responsibilities and duties of the
82 general registrars and electoral board members in the commonwealth. Mr. Hager stated
83 that the Board Members deserve credit for their work and efforts over the past years as
84 they complete their final meeting of their term on the Board.

85 The Honorable Nancy Rodrigues, Secretary of Administration, approached the
86 podium. Ms. Rodrigues stated that she was present at the request of the governor to thank
87 each Board Member for their service to the commonwealth. Governor McAuliffe truly
88 appreciates the time, grace, efforts, and the care to which the Board Members carried out
89 their duties for the citizens and voters of Virginia. Ms. Rodrigues presented each Board
90 Member with the gift of the Governor’s Pen on behalf of Governor McAuliffe.

91 Renee Andrews, Treasurer of VEBA & Chair of the Falls Church Electoral Board,
92 approached the podium. Ms. Andrews congratulated the Board Members on a “Job very

93 well done.” Ms. Andrews stated it was a pleasure working with the Board and an honor.
94 Ms. Andrews stated that she looks forward to working with the new Board Members.

95 Chairman Judd asked if there were comments for the Good of the Order.
96 Commissioner Cortés stated that it has been a pleasure to work with members of the
97 Board and extended gratitude for each Board Members service. Secretary Alcorn stated
98 that he was appreciative of the work of the Board Members and that members conducted
99 their work well and in a nonpartisan manner. Ms. Birkenheier stated that she appreciated
100 the efforts and service of the Board Members.

101 Vice Chair Bowers stated: "It has been an honor and a privilege to serve the
102 commonwealth these last four years on the Board as Vice Chairman. As someone who
103 has always surrounded themselves around elections, and been passionate about the equity
104 of the process I am humbled with the opportunity to have been a part of the SBE. I have
105 learned so much about this dynamic process around election administering, data
106 maintenance, the absentee process, the voting machine and pollbook guidelines, just to
107 name a few. I am also proud of the work that the agency has done in collaboration with
108 the 134 localities that are serving the commonwealth throughout the year, not just on
109 Election Day. The commitment of the Board Members, along with the fashion in which
110 we conducted our meetings and made our decisions (often in a bipartisan manner) are
111 commendable." Vice Chair Bowers also noted the transparency of the process and the
112 input gathered from the voting community during so many sweeping legislative changes.
113 Lastly, she expressed gratitude to the ELECT staff members for their work in always
114 ensuring that the Board Members were informed and educated on the history and
115 provided with a rationale on the policies and procedures conducted by the agency.

116 Chairman Judd stated: “The Board Members have been engaged in the issues
117 presented. Our visions for the four year term required that we leave our political hats at
118 the door, for which we did, to ensure that elections were conducted according to *code*,
119 that there was uniformity across the commonwealth, and what could this Board do to help
120 with the process. The relationships we have developed with the localities and the
121 associations showed how dedicated individuals are to ensuring that the elections are
122 conducted smoothly and accurately. The commitment of all is demonstrated in the long
123 hours elections officials work with little recognition. To the associations that have invited

124 us as their guests to events, I express gratitude and believe that it has been productive and
125 rewarding experience. I am very proud of the efforts of this Board because we shared the
126 common goal of what is going to be the best way to ensure that the elections are
127 conducted without fraud and without the opportunity for folks to bend the rules. The
128 commonwealth conducts elections that when there is a need for recounts, seldom find a
129 discrepancy which speaks volumes to the quality of work. The Voter ID bill was a
130 positive change. My wish list for the future would include: (i) In-Person Absentee Ballot,
131 no excuse, for voters' age 65 and older, (ii) that Virginia pilot Vote Centers, (iii) replace
132 the DRE's (voting equipment), (iv) Registration by Party, (v) voters who are 75 years of
133 age or older go to the front of the line of election day at the polls and, (vi) mail-in
134 absentee ballots should be reviewed to alleviate the potential for fraud. Thank you from
135 my heart to yours to my fellow Board Members, ELECT staff, and family."

136 Chairman Judd then moved *to close the meeting to discuss actual and probable*
137 *litigation matters and specific legal matters requiring the provision of legal advice by*
138 *legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia. Vice Chair*
139 *Bowers seconded the motion and the Board unanimously carried the motion. Chairman*
140 *Judd directed Kimberly Bowers, Vice Chair; James Alcorn, Secretary; Edgardo Cortés,*
141 *Commissioner; Liz Howard, Deputy Commissioner; Kristina Perry Stoney; Senior*
142 *Assistant Attorney General and SBE Counsel; Anna Birkenheier, Assistant Attorney*
143 *General and SBE Counsel and Rose Mansfield, Clerk, to remain with the Board during*
144 *the closed session. Secretary Alcorn seconded the motion and the Board went into*
145 *Executive Session at 9:40AM.*

146 At 9:55AM Chairman Judd *moved to reconvene in open session and a roll call*
147 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
148 *certifying that during the closed meeting (i) only public business matters lawfully*
149 *exempted from open meeting requirements under this chapter, and (ii) only such public*
150 *business matters as were identified in the motion by which the closed meeting was*
151 *concerned were heard, were discussed or considered. Vice Chair Bowers seconded the*
152 *motion and the Board unanimously approved the motion. Rose Mansfield, Clerk,*
153 *performed the roll call vote and all Board Members approved the motion.*

154 Chairman Judd opened the floor to additional public comment. Donald Palmer,
155 Former SBE Secretary, approached the podium. Mr. Palmer thanked his former Board
156 Members for their work as well as the support and work of ELECT staff members. Mr.
157 Palmer expressed gratitude to the associations and to the election community to make
158 Virginia's proud on Election Day. The association assisted Board Members with open
159 arms and in a friendly manner.

160 Justin Riemer, Former SBE Deputy Secretary, approached the podium. Mr.
161 Riemer stated that he shared similar sentiment regarding the efforts of the entire ELECT
162 staff and SBE Board Members. Mr. Riemer wished the incoming Board Members great
163 successes.

164 Tammy Alexander, City of Petersburg Electoral Board Secretary, approached the
165 podium. Ms. Alexander thanked the Board Members for their support over the years.

166 Chairman Judd asked if there were additional comments and there were none.

167 Chairman Judd moved *that the Board adjourn*. Vice Chair Bowers seconded the
168 motion and without further comment the Board voted to adjourn. The meeting was
169 adjourned at approximately 10:05AM.

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Secretary

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Chair

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Vice Chair

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