

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Monday, June 22, 2015.
4 The meeting was held in the Washington Building, Richmond, Virginia – Room B27. In
5 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; and Rose Mansfield, Clerk.
9 Kristina Stoney, Senior Assistant Attorney General and Counsel to SBE and ELECT
10 attended. Chairman Alcorn called the meeting to order at 10:00AM.

11 The first order of business was the approval of the Minutes from the State Board
12 of Elections Board Meetings held on May 13, 2015 and June 9, 2015. Chairman Alcorn
13 asked if Board Members had any additions or corrections to the Board Meeting Minutes
14 presented and there were none. Secretary McAllister moved to adopt the Minutes for the
15 May 13, 2015 and June 9, 2015 Board Meetings. Vice Chair Wheeler seconded the
16 motion and the Board unanimously approved the Minutes.

17 The second order of business was the Commissioner Report delivered by
18 Commissioner Cortés. Commissioner Cortés introduced Reiko Doğu. Ms. Doğu accepted
19 a position with ELECT as the Senior Elections Administrator. Commissioner Cortés
20 stated that Taylor Melton, Governor’s Fellow, has been assigned to ELECT for the
21 summer. Additionally, Aaron Colby and Jacob Kipp have joined ELECT as interns. The
22 entire ELECT team extended a warm welcome to the new team members.

23 Commissioner Cortés stated that election night reporting for the primary was
24 successful. The new reporting system was the focus of the IT team and the results
25 yielded a successful night of results being posted in a timely and effective manner.
26 Commissioner Cortés congratulated Matt Davis, ELECT CIO, and the entire ELECT
27 team for their efforts on the election night reporting program. SBE Board Members echo
28 the praise to the IT team for their work on the election night reporting program and the
29 success they experience on primary election night.

30 Commissioner Cortés stated that the voter registration form is in the public
31 comment period through July 15, 2015. ELECT will be issuing some clarifying notes to

32 address the concerns of the general registrars and members of the general public. Those
33 notes will be shared with board members and will be posted on Regulatory Town Hall.
34 Commissioner Cortés asked if there were any questions.

35 Vice Chair Wheeler stated that the voter registration form suggested changes are
36 significant. Vice Chair Wheeler stated that the registrars' have numerous questions and
37 concerns about the changes. Vice Chair Wheeler suggested that the issue be addressed
38 during annual training in July. Vice Chair Wheeler requested that the comment period for
39 the voter registration form be extended until after annual training to allow additional
40 input from the general registrars'. Chairman Alcorn and Secretary McAllister expressed
41 support of Vice Chair Wheeler's request. Commissioner Cortés stated that at the boards'
42 request the comment period for the voter registration form would be extended until
43 Monday, August 3, 2015. Vice Chair Wheeler moved *that the open comment period for*
44 *the voter registration form be extended to August 3, 2015.* Secretary McAllister seconded
45 the motion and without public comment the Board unanimously approved the motion.

46 The next order of business was the Legal Report presented by Kristina Stoney,
47 Senior Assistant Attorney General. Ms. Stoney stated that she and the Commissioner
48 attended the Virginia Freedom of Information Advisory (FOIA) Council subcommittee
49 on meetings. The FOIA council is reviewing exemptions. The exemption for the Board to
50 enter into closed session to discuss voting equipment security matters was discussed.
51 ELECT explained how the exemption was utilized for the WinVote decertification. The
52 FOIA council expressed satisfaction with ELECT's protocol regarding closed sessions to
53 discuss voting equipment security. Ms. Stoney asked if there were questions or
54 comments and there were none.

55 The next order of business listed under "Old Business" was the Complaint against
56 Mike McHugh presented by Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that
57 the Commonwealth Attorney Office in Warren County was contacted regarding Mr.
58 McHugh and ELECT has received a response indicating that they would not be pursuing
59 the matter regarding Mr. McHugh. ELECT recommends that SBE replicates the Warren
60 County decision by taken no further action. The Board Members accepted the
61 recommendation of ELECT.

62 The first order of business under “New Business” was the Primary Election
63 Certification, June 9, 2015, presented by Gary Fox, ELECT Supervisor and Reiko Doğu,
64 Senior Elections Administrator. Mr. Fox explained the process and the applicable code
65 section, §24.2-679. Mr. Fox and Ms. Doğu presented the abstracts to board members and
66 the certificates of elections were signed by board members. Mr. Fox provided an
67 equipment update regarding election night reporting as it relates to the certification
68 process. Chairman Alcorn directed ELECT to send a letter to those localities that
69 prepared for the Election Day and experienced superior success levels congratulating
70 them on a “Job well done.” Secretary McAllister asked if the voter turnout numbers were
71 available for the primary election. Mr. Fox stated that those numbers had not been posted.
72 Mr. Davis stated that the report would be issued as a result of completing the certification
73 process. Vice Chair Wheeler moved *that the Board certify the results of the June 9, 2015*
74 *primary elections in the Commonwealth.* Secretary McAllister seconded the motion and
75 without public comment the Board unanimously approved the motion.

76 The next order of business was the Ballot Drawings presented by Gary Fox,
77 ELECT Supervisor. Mr. Fox stated that the process is directed by *Virginia Code* §24.2-
78 613. Mr. Fox stated that the SBE Clerk, Rose Mansfield would record the drawings for
79 the official record. The following ballot order for the November 3, 2015 election:

80 Party Candidates:

- 81 ❖ Democrat
- 82 ❖ Republican

83 Independent Party Candidates:

- 84 ❖ Libertarian
- 85 ❖ Independent Green
- 86 ❖ Green

87 Mr. Fox noted that the Independent candidates would be listed by alphabetical order by
88 last name. Vice Chair Wheeler moved *that the Board certify the draw for the ballot*
89 *positions as conducted by board members.* Secretary McAllister seconded the motion and
90 without public comment the Board unanimously approved the motion.

91 The next order of business was the 2016, Presidential Primary Candidate Bulletin
92 presented by Gary Fox, ELECT Supervisor. Mr. Fox stated that the bulletin is directed

93 by *Virginia Code* §24.2-544(B). Mr. Fox explained the materials and the dates listed on
94 the bulletin for review and approval by board members. Vice Chair Wheeler asked: “If
95 the parties decided to conduct a firehouse primary are the dates still applicable as
96 presented in the bulletin?” Mr. Fox referred to Brooks Braun, ELECT Policy Analyst,
97 who replied: “The dates are for the state run primary. If a party decides a different route
98 for their primary the party would notify ELECT for placement on the ballot after their
99 nomination period is conducted.” Chairman Alcorn asked if there were any public
100 comments.

101 Theresa Martin, League of Women Voters, approached the podium. Ms. Martin
102 inquired if the registration deadline listed on the bulletin was accurate. SBE Board
103 Members consulted with ELECT staff and it was determined that the voter registration
104 deadline for the presidential primary would be February 9, 2016. Secretary McAllister
105 stated:”It is important to create clear and concise documents that are transparent and that
106 citizen’s can understand the dates associated to an election.” Commissioner Cortés stated
107 that the document would be edited before placement on the website. Chairman Alcorn
108 asked if there were additional public comments and there were none.

109 Chairman Alcorn moved *that the Board adopt the Presidential Primary Candidate*
110 *Bulletin deadlines on the first page of the document and directed the Commissioner to*
111 *reevaluate the additional dates set by statue.* Secretary McAllister seconded the motion
112 and without further public comment the Board unanimously approved the motion.

113 The next order of business was the Update of Election Day Forms and Posters
114 presented by Myron McClees, ELECT Policy Analyst. Mr. McClees stated that the
115 provisional ballot envelopes require edits/changes and explained the requested change as
116 a misprint of the Virginia Government Data Collection and Dissemination Practices Act
117 verses the [Support Act]. Mr. McClees stated that the “Prohibited Area and Activities”
118 poster requires a change as a result of legislation that has taken place regarding “Who
119 may have representatives in the polling place?” The poster states the requirements and
120 additional guidance will be sent to the field. Mr. McClees stated that the “Voter Rights
121 and Responsibilities” poster contains changes that resulted when the agency became the
122 Department of Elections verses the State Board of Elections. Chairman Alcorn asked if
123 there were any public comment and there were none. Chairman Alcorn moved *that the*

124 *Board adopt the suggested changes to the Provisional Vote Envelope, Provisional Vote*
125 *Envelope-ID ONLY, Voter Rights and Responsibilities poster, and Prohibited Area and*
126 *Activities poster.* Vice Chair Wheeler seconded the motion and the Board unanimously
127 approved the motion.

128 The next order of business was the Voting Equipment Certification presented by
129 Eugene Burton, Voting Technology Specialist. Mr. Burton provided the background for
130 the Unisyn OpenElect Version 1.3 voting systems and stated that the Unisyn voting
131 system 1.2 is currently certified for use in the Commonwealth. Mr. Burton stated that the
132 system was successfully piloted in an election in Rockingham County on June 23, 2015
133 and that the system has completed the Virginia State Certification process. Chairman
134 Alcorn asked if there were any public comments and there were none. Chairman Alcorn
135 moved *that the Board certify Unisyn Voting Solutions OpenElect Version 1.3 voting*
136 *systems for use in elections in the Commonwealth of Virginia, pursuant to the State*
137 *Certification of Voting Systems: Requirements and Procedures.* Vice Chair Wheeler
138 seconded the motion and the Board unanimously approved the motion.

139 The next order of business was the 2015, Absentee Ballot Application and
140 Regulation Update presented by Elizabeth Howard, Deputy Commissioner. Ms. Howard
141 stated that legislative updates were required. This requirement prompted ELECT to
142 streamline the application form. Ms. Howard stated that the proposal revised form would
143 reduce the form from four pages to two pages. Ms. Howard explained the proposed
144 changes to the Board Members and stated that the recommendations of the Absentee
145 Ballot Workgroup were considered. Ms. Howard stated that revisions to the regulations
146 were based on *Virginia Code*. Ms. Howard requested that the Board approve publishing
147 the Department's proposed revisions to the absentee ballot application form and draft
148 regulations for a 30 day public comment period. Chairman Alcorn asked if there were
149 any questions.

150 Vice Chair Wheeler stated that the public comment period should be extended to
151 cover the annual training event. Martha Brissette, ELECT Policy Analyst, stated that the
152 30 day period would end on August 13, 2015 and would cover any discussions held at the
153 annual training. Secretary McAllister stated that the public comments will be valuable to
154 the Board Members. Chairman Alcorn asked for an explanation to the immaterial

155 omissions and the absence of supporting documentation. Ms. Howard provided an
156 explanation. Chairman Alcorn requested the input of counsel. Ms. Stoney stated that this
157 regulatory proposal is exempt from Administrative Process Act (APA). Vice Chair
158 Wheeler requested that the Ms. Stoney review the changes before placing on Regulatory
159 Town Hall for public comment. Secretary McAllister stated: “I would feel more
160 comfortable if I knew that a regulation being placed out for public comment was not in
161 violation of *code*.” Chairman Alcorn and Vice Chair Wheeler agreed with Secretary
162 McAllister’s statement. Chairman Alcorn asked if there were additional comments or
163 questions and there were none.

164 The next order of business was the Final Approval of Amended Delegation
165 Regulations presented by Martha Brissette, ELECT Policy Analyst. Ms. Brissette
166 stated that ELECT is requesting three changes; (i) approve staff’s proposed regulations
167 conforming to 2013 legislation naming the Commissioner of Elections agency head,
168 (ii) delegate to the Department of Elections responsibility for the drawing to determine
169 ballot order in special elections; and (iii) delegate to the Commissioner, authority to
170 determine when changes to forms, instructions and guidance documents require Board
171 approval. Vice Chair Wheeler requested additional time to review the materials
172 presented to the Board under section one and suggested that this agenda item be
173 presented at the next board meeting. Ms. Brissette explained the standard operating
174 procedures in section two to board members. Chairman Alcorn asked: “Who would
175 pull the ballot order if this tasking is delegated to ELECT?” Commissioner Cortés
176 replied: “Either the Commissioner or the Deputy Commissioner of ELECT.” Vice
177 Chair Wheeler requested additional time to review this matter. Ms. Brissette explained
178 the third section to board members and how the changes would impact SBE.
179 Chairman Alcorn asked that specific examples and associated language be provided to
180 board members before making a decision. Ms. Brissette thanked board members for
181 their time and future consideration of these matters.

182 The next order of business was the Other Business and Public Comment
183 period. Commissioner Cortés asked that the Board allow a change on the Absentee
184 Ballot Application to conform to legislation that will take place on July 1, 2015.
185 Commissioner Cortés stated that in the instruction section 5(A), religious obligation,

186 that currently (under supporting information) requires the nature of the obligation.
187 Under the new legislation supporting information is not required. Vice Chair Wheeler
188 moved *that the Commissioner request to strike the supporting information on the*
189 *religious obligation on the absentee ballot be permitted to support recent legislation.*
190 Secretary McAllister seconded the motion and without public comment the Board
191 passed the motion unanimously. Chairman Alcorn asked if there were any public
192 comments.

193 Michelle Kanter Cohen, Project Vote Election Counsel, approached the
194 podium. Ms. Cohen stated that moving the signature line to the bottom of the proposed
195 voter registration form is commendable. Ms. Cohen stated that Project Vote believes
196 that this will result in fewer rejections of eligible applicants because of administrative
197 errors. Chairman Alcorn asked if there were any additional public comments.

198 Theresa Martin, Virginia League of Women Voters, approached the podium.
199 Ms. Martin stated the league is please to hear that the Board Members are concerned
200 that all eligible citizens of the Commonwealth will be able to vote. Ms. Martin stated
201 that regarding the on-line voter registration training it would be beneficial if the
202 training module contained print capability for trainees' to utilize for validation of
203 training. Chairman Alcorn asked if there were any additional public comments.

204 Olga Hernandez, Virginia League of Women Voters, approached the podium.
205 Ms. Hernandez stated that the posting of the Board Working Papers, to the website,
206 was extremely beneficial and thanked the Board Members for this action as it creates
207 transparency. Chairman Alcorn acknowledged the Clerk, Rose Mansfield, for the
208 initiation and maintenance of the process. Chairman Alcorn asked if there were any
209 additional public comments and there were none.

210 Chairman Alcorn moved *that the Board adjourn*. Vice Chair Wheeler seconded
211 the motion and without further comment the Board voted unanimously to adjourn. The
212 meeting was adjourned at approximately 12:20PM.

213 The Board shall reconvene on July 28, 2015 at 8:00AM in the Double Tree by
214 Hilton, 1021 Koger Center Boulevard, Richmond, Virginia 23235.

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218 Secretary

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221 Chair

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224 Vice Chair

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