

1 MINUTES

2
3 The State Board of Elections board meeting was held on Friday, July 28, 2017.
4 The meeting was held in House Room 2 in the Virginia State Capitol in Richmond,
5 Virginia.

6 In attendance, representing the State Board of Elections (the Board) were James
7 Alcorn, Chairman; Clara Belle Wheeler, Vice-Chair; and Singleton McAllister, Secretary.
8 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
9 Cortés, Commissioner and Josh Laws, Assistant Attorney General. Chairman Alcorn
10 called the meeting to order at 10:47AM.

11 The first order of business was approving previous Board minutes, but Vice Chair
12 Wheeler had amendments and revisions to submit before approval. The item was tabled
13 until the next meeting.

14 The next order of business was to discuss the GREB Workgroup report. Chairman
15 Alcorn noted Robin Lind, secretary of the Workgroup, was present along with a number of
16 other members. The Chairman invited them to speak before the Board in regards to the
17 report. Mr. Lind spoke first and invited present members of the Workgroup to stand and
18 be recognized. Mr. Lind said at the previous Board meeting the Board requested ELECT
19 review the Workgroup report and give feedback before this discussion. Mr. Lind asked if
20 the Board or ELECT had any questions. Chairman Alcorn suggested going through each
21 charge in the report, but first stated he had spoken with Commissioner Cortés about
22 ELECT's review. It was noted there were some charges that ELECT was still in the process
23 of reviewing.

24 The first charge in the report was to evaluate staffing of Directors of Election
25 Offices, to "measure local support gauged by appropriate staffing...with a particular focus
26 on those previous part-time offices that moved to full-time...." The Workgroup proposed
27 every General Registrar (GR) have one full time assistant who would be able to fulfill the
28 duties of the GR in the case of an emergency. The Workgroup found many localities did
29 not have assistant GRs capable of fulfilling the responsibilities if needed. The report
30 suggested better compensation for any assistant GR fixed at no less than twice the
31 minimum wage.

32 Commissioner Cortés pointed these are legislative proposals, and the Workgroup
33 recognizes that. The Commissioner informed that ELECT has a process for legislation and
34 agency-sponsored legislation. ELECT’s budget proposals previously included requests for
35 salary increases for GRs and Electoral Boards (EB) based on recommendations that came
36 out of previous GREB Workgroup reports. Commissioner Cortés said despite those
37 requests, and due to other competing interests, increases did not happen. The
38 Commissioner noted in 2016 those requests were mentioned by members of the General
39 Assembly, but did not make it to the final budget. The Commissioner stated ELECT’s
40 continued support for salary increases for GRs, as well as other budget increases. The
41 Commissioner commented on the importance of proper staffing so each locality’s office
42 can run effectively.

43 Mr. Lind said the Workgroup’s cause would not be hurt if the Board accepted the
44 resolution with enthusiasm. The Chairman agreed, but commented on the
45 recommendations in the Workgroup’s report, which reads: “What is to be done when a
46 locality violates the Code of Virginia by failing to follow the directives in §24.2 dealing
47 with election law? The only true locality “attention-getter” is funding, so a certain remedy
48 would be to deny any state funding to any locality that violates the Code of Virginia as it
49 applies to §24.2.”

50 Mr. Lind stated localities had funds withheld or were fiscally punished for
51 seemingly no reason, and noted the Workgroup would like to see that function work the
52 other way. The Chairman agreed, but wondered if that is the solution to that problem. The
53 Chairman agreed with the Commissioner that this is an issue for legislation. Chairman
54 Alcorn stated the Board normally focuses on regulations rather than legislation, while
55 ELECT handles legislation. The Chairman deferred to ELECT to move legislation
56 forward.

57 Mr. Lind noted patrons within the General Assembly have worked with the GREB
58 Workgroup, and worked independently, for GREB Workgroup causes. Mr. Lind
59 mentioned Delegate Manson, who brought forward a bill and worked with the Workgroup
60 to move it through the General Assembly. Vice Chair Wheeler stated this bill was signed
61 by the Governor on July 1, 2017.

62 Commissioner Cortés addressed the Workgroup’s statement about withholding
63 funds. The Commissioner said ELECT does not have any statutory authority to withhold
64 funds from localities for performance. Commissioner Cortés noted that there are some
65 states that have no level of accountability for their local election offices; others, like South
66 Carolina, have processes in place that allow the state to more easily remove local election
67 officials for not meeting legal requirements. The Commissioner was unsure withholding
68 funds would be the best way to ensure accountability. Mr. Lind recalled when King
69 William County refused to pay for the reimbursement of mileage and accommodations for
70 EB members going to annual training, as required by the Code of Virginia. Mr. Lind stated
71 the secretary of the Board asked the Office of the Attorney General to send a letter to the
72 locality, stating they were required to pay reimbursements.

73 Chairman Alcorn said the correct way to navigate this charge is through legislation
74 and the Governor’s office. The Chairman wondered how the budget compares to other
75 states and other agencies in Virginia.

76 Vice Chair Wheeler noted the deliberation heard on each of the issues from the
77 GREB Workgroup, and noted the members felt encouraging accountability is necessary.
78 Chairman Alcorn agreed, but asked again if withholding funds is the correct solution, and
79 if the Board has, or should have, the authority to do so. Mr. Lind suggested while the
80 Board questions this suggestion to support the other two suggestions included in the report.
81 Mr. Lind noted the Workgroup is waiting on recommendations from the Board on what in
82 the report could be carried forward.

83 Chairman Alcorn suggested asking questions before legislative session starts to
84 help this charge, including questions like: what other agencies do this, what lessons those
85 agencies learned, and has this been effective. The Chairman also suggested finding an
86 objective measure for the elections community can implement withholding funding. The
87 Chairman questioned how much additional funding would be necessary for an additional
88 assistant GR, and if any other state has a similar fixed salary.

89 The second charge in the report regarded standards for and the recognition of
90 continuing education. Mr. Lind stated that after talking to members of the leadership there
91 was not widespread support for credential certification, so the Workgroup has given up on

92 this charge for the time being. The Chairman recognized the value of such education, but
93 acknowledged reasons for the lack of support.

94 The third and fourth charges examined state funding mechanisms for localities, and
95 for the funding of ELECT. Mr. Lind noted ELECT received the requested funding from
96 the General Assembly, despite the major source of funding – funds from the Help America
97 Vote Act (HAVA) – being depleted. Commissioner Cortés stated ELECT submitted a
98 budget request including a request for salary increases for GRs, but noted the General
99 Assembly has some hesitation about funding local positions. The Commissioner voiced
100 ELECT’s continued support, and mentioned the Voter Registrar’s Association of Virginia
101 (VRAV) and ELECT are working on new concepts to help work towards these goals.

102 Commissioner Cortés commented on ELECT funding, acknowledging that in this
103 fiscal year, the HAVA funds will be finished. The Commissioner stated 60% of ELECT’s
104 operating expenses are used to maintain the requirements from HAVA, including the
105 maintenance of voter registration lists. The Virginia Election and Registration System
106 (VERIS) is significant to maintain, as it is statewide IT infrastructure. Commissioner
107 Cortés said ELECT put in a request for replacement funding and the Governor put in a
108 budget request. The initial budget lacked the funding requested, but ELECT was near the
109 top of the Governor’s list of priorities. The General Assembly provided the full budget
110 request, after considering the technical deficiencies ELECT faced. The Commissioner
111 stated this request will be an ongoing request, as VERIS needs to be upgraded over the next
112 several years. Commissioner Cortés informed the Board that new VERIS servers are
113 coming online near the end of the summer to assist with performance issues, and the
114 additional funding is helping. After this fiscal year, ELECT will be a generally funded
115 agency with no HAVA funds.

116 The fifth charge recommended an initial program audit be requested by the Board
117 from ELECT to include specific IT projects underway, planned, or considered; and steps
118 being taken to support these undertakings (e.g. certain number of computer programmers
119 being hired.) Further, this charge recommended the audit be updated no less than quarterly
120 and the information be available to the electoral community. Mr. Lind stated ELECT has
121 had little transparency and recalled previous Board meetings where the Board requested to

122 know how much particular projects would cost and ELECT could not provide that
123 information. Mr. Lind voiced the GREB Workgroup is concerned about these interactions.

124 Mr. Lind mentioned how Michelle White, Prince William County GR and member
125 of the GREB Workgroup, initially went to her county's legislature to ask for Joint
126 Legislative Audit and Review Commission (JLARC) to audit ELECT, but was denied. Ms.
127 White then went to the Board, and the Chairman at the time formed the GREB Workgroup.
128 Mr. Lind commented JLARC is now auditing ELECT. Mr. Lind said the Workgroup's
129 goal is to have funding for ELECT increased with regard to other agencies in the
130 Commonwealth. Mr. Lind noted the disparity between Commissioner Cortés's salary and
131 the Commissioner of the Virginia Lottery's salary.

132 Chairman Alcorn noted a conversation with Commissioner Cortés about ways to
133 increase transparency about upcoming projects. The Commissioner then spoke, clarifying
134 one of the charges in the GREB Workgroup report that reads, "During the past year, the
135 Workgroup has become aware of issues related to IT that raise grave concerns given that
136 it is to be the main focus of ELECT. Some of these issues are: ...Development of a new
137 Electronic Pollbook (EPB) that has not yet been successful, with suggestion that millions
138 of dollars have been spent [...]" Commissioner Cortés commented ELECT spent a
139 considerable amount of money on supporting the vendor-supplied EPB for the past decade;
140 comparatively, the EPB ELECT developed cost what staff time it took to develop. The
141 Commissioner stated it would take a long time for the cost of that staff time to reach
142 "millions of dollars." The Commissioner further commented that the Board is a policy
143 board, rather than a supervisory board under the Code of Virginia.

144 Commissioner Cortés said IT project updates are given during calls with leadership.
145 The Commissioner stated an annual IT strategic plan, approved by the Virginia Information
146 Technologies Agency (VITA), will be available later in 2017, which should give the
147 electoral community an idea of what IT projects and plans are underway. The
148 Commissioner mentioned ELECT is working on an IT investment portfolio to share the
149 projects with the electoral community. The portfolio would show changes to IT; new
150 projects that are being developed; the status of those new projects; and how and when
151 requests come in from localities that suggest changes or improvements are evaluated and
152 implemented. Commissioner Cortés stated the intent of this portfolio is to share it with the

153 electoral community, but noted because of current funding and other priorities, the
154 portfolio is lower on the list of priorities. The Commissioner shared the Chief Information
155 Officer of ELECT, Matthew Davis, is not present at the Board meeting and therefore
156 unable to speak on it.

157 The Commissioner said a quarter of the additional funding provided by the General
158 Assembly has been spent or dedicated to replacing the database cluster in VERIS for the
159 upcoming election, as well as on other infrastructure updates to improve performance.
160 Commissioner Cortés stated the leadership calls include people from various associations
161 for a constant flow of communication. As an example, the Commissioner provided a recent
162 VERIS update that was shared with the community via these calls. The Commissioner
163 voiced concern regarding the proposed quarterly audits, which would dedicate all of
164 ELECT's time to auditing; the Commissioner stated the processes laid out would
165 accomplish the same goals as those suggested in the GREB Workgroup's report to increase
166 transparency.

167 Vice Chair Wheeler noted that in the past the Board asked specific questions about
168 funding for specific projects. As an example the Vice Chair mentioned the Board asked
169 how much it cost, in the past 4 years, for ELECT to develop the EPB. The Vice Chair
170 stated the Board was told the cost could not be separated out from other costs. Vice Chair
171 Wheeler voiced concern about tracking project funding, and asked the Commissioner why
172 the cost could not be provided. The Vice Chair pointed out there cannot be a comparison
173 between the cost of the vendor-supplied EPB if the cost of ELECT's EPB is not known.
174 The Vice Chair suggested working on an accounting system so when asking the General
175 Assembly for increased funding, ELECT can provide how previous funding has been spent.

176 Commissioner Cortés stated the cost of the EPB was measured in the staff time
177 developing it. Also to be taken into account is the cost of maintenance of the EPB and the
178 cost of support to the localities. The Commissioner stated other factors were in account
179 when developing the EPB. ELECT's goal was not to reduce cost, but rather, to improve
180 and update systems to meet the needs of the electoral community.

181 Chairman Alcorn directed the conversation back to the Workgroup's charge, asking
182 Commissioner Cortés for a better way to explain to the electoral community what IT
183 projects ELECT is working on. Commissioner Cortés suggested a routine, until processes

184 including the proposed portfolio are in place, to improve communication flow between
185 ELECT and the elections community. The Commissioner noted efforts to get the liaison
186 division of ELECT fully trained so that division can explain upcoming changes directly
187 with their localities.

188 Secretary McAllister agreed a quarterly audit would be onerous, but asked for a
189 way ELECT could subcontract for a yearly audit. The Secretary asked if there is a
190 downside to getting a yearly audit. Commissioner Cortés noted there already is a
191 requirement for an audit of ELECT's systems that occurs once every 3 years. The
192 Commissioner said these audits will occur more frequently, given the current security
193 environment, but that these will be focused on cyber security issues. The Commissioner
194 noted in the past year the Auditor of Public Accounts (APA) did an audit to evaluate the
195 prior 3 years of ELECT's budget, and its spending policies and procedures. Commissioner
196 Cortés questioned if spending money on an audit would be a remedy for the issue of
197 transparency at hand, but noted the solutions ELECT is working on to improve the
198 situation.

199 Vice Chair Wheeler stated the importance of good accounting, and noted good
200 accounting leads to transparency. The Vice Chair stated if ELECT and the Board cannot
201 account for where money allocated to the agency goes, then they are in no position to ask
202 for more funding. Vice Chair Wheeler said a yearly audit would not be a burden, and
203 encouraged improving the agency's accounting— of tracking how much money, how many
204 hours, and how much labor went where – to improve transparency. Chairman Alcorn noted
205 the Board is a policy board, rather than a supervisory board, so the Board's should not
206 oversee ELECT's budget. The Chairman agreed understanding how funding is spent
207 would be helpful to request more in the future.

208 Jean Jenson, co-chair of the GREB Workgroup, spoke, noting if the elections
209 community knows of future plans, they can get an idea of what the main focuses and
210 priorities are. Therefore, communication would increase overall. Ms. Jenson stated a need
211 for the public to know what ELECT's focus is, and where ELECT will make investments
212 in the next year.

213 Commissioner Cortés mentioned ELECT's strategic plan, which is available
214 publicly on ELECT's website and updated annually. The plan encompasses ELECT's

215 overarching goals for where ELECT is headed. Ms. Jenson noted it would be helpful to
216 know where the strategic plan is on the website, and suggested it be part of the annual
217 training.

218 The sixth charge in the report suggested distributing the “Electoral Board Job
219 Description” to all EBs, members of the General Assembly, state and local political chairs
220 and party executive directors, clerks of court, and circuit court judges. Mr. Lind said this
221 charge was signed into law on July 1, 2017, and stated ELECT still needs to add the
222 statement proposed in the report to the form. Mr. Lind noted that at least one EB member
223 signed it immediately and sent it to the circuit court. This charge has been adequately
224 addressed.

225 Vice Chair Wheeler asked if it would be helpful ELECT if the GREB Workgroup
226 created a form that includes the statement suggested in the report. Commissioner Cortés
227 noted §24.2-106.01 went into effect on July 1, and that it is ELECT’s job to send
228 communication to Clerks of Court around Virginia with all the information about EB
229 appointments by late November. The Commissioner stated the form will be updated by
230 that time, and further stated ELECT is working on a project that will make it easier to
231 submit these requirements and certifications.

232 The seventh charge in the report recognized the need for the Workgroup to look at
233 ways to get §24.2 recodified in the most effective, efficient, and least costly way possible.
234 Mr. Lind mentioned a member of the Code Commission would be working with the
235 Workgroup. Mr. Lind stated elections is in line for recodification, but proposed a meeting
236 in January to address the immediate problems in archaic and conflicting language in the
237 Code of Virginia. Chairman Alcorn voiced his interest in this initiative.

238 The eighth charge recommended “VRAV and VEBA establish a committee of IT
239 proficient members to work with ELECT on VERIS and other IT issues.” Cameron
240 Sasnett, Fairfax County GR, stated Tracy Howard, the president of VRAV, set up a VRAV
241 IT committee of GRs and assistant GRs. Mr. Sasnett noted one issue the committee is
242 considering is how to better leverage VERIS. The committee sent out an extensive survey
243 regarding VERIS, as well as other offerings from ELECT, in terms of usage and usability.
244 Mr. Sasnett said the chair of the subcommittee is working with Matthew Davis, Chief
245 Information Officer at ELECT, to transfer the top 10 concerns the committee finds to

246 ELECT. Mr. Lind recognized Mr. Sasnett and the Fairfax County office for being the first
247 locality to go paperless in terms of voter registration records. Mr. Lind voiced hopes this
248 IT committee would help localities reach equal ground in terms of digitalization, regardless
249 of access to technology due to manpower or budget.

250 Chairman Alcorn noted Mr. Lind shared ideas of where the GREB Workgroup was
251 going moving forward. The Chairman showed particular interest in the Workgroup's goal
252 to evaluate how the process of performance reviews worked, and the process and standards
253 that go into EBs' reviews of GRs. Mr. Lind noted the second charge of the 2017 GREB
254 Workgroup report is to recommend revision to the annual evaluation form to simplify it,
255 as well as eliminate unnecessary questions. The Chairman said this is a project the Board
256 would like to work on with the Workgroup.

257 Mr. Lind stated the third charge on the 2017 GREB Workgroup report is to evaluate
258 the procedures to be implemented with SB 1284, requiring audits of ballot scanning
259 machines. Mr. Lind noted the Workgroup is working to get a definition from the Election
260 Assistance Commission (EAC) of what is required in this audit, stating that the only
261 jurisdiction to have conducted an audit had the requirement of hand counting ballots, 5
262 ballots at a time. Mr. Lind pointed out the potential expense from this audit, notably in
263 larger jurisdictions like Fairfax County. Mr. Lind stated the bill would pick, at random, a
264 jurisdiction every 5 years, which would not give notice to localities with enough time to
265 allow them to make room in their budgets for the expenses of an audit.

266 Chairman Alcorn agreed on the importance of this charge. The Chairman said
267 while the cost to implement the audit could be expensive, it may not be as expensive as
268 anticipated. The Chairman noted it would be a risk-limiting audit, so not all ballots would
269 have to be hand counted; but encouraged thought on how the best way to handle these
270 audits will be. The Chairman said the legislation changes who oversees these audits. In
271 current policy, the Board creates parameters for the audit, while the new legislation charges
272 ELECT with creating the parameters. Therefore, Chairman Alcorn encouraged
273 cooperation between ELECT, EBs, and GRs to prepare for these.

274 Ms. White asked for an email to go to localities reminding them these audits are
275 coming, and about potentially budgeting for them at the cost of a recount or special.
276 Commissioner Cortés said ELECT could send out the language of the legislation, as it is

277 ELECT's responsibility to create the parameters for these audits and to provide a report to
278 the Board at the end of each audit cycle. The Commissioner noted these risk-limiting audits
279 would not necessarily be the cost of a full recount, and ELECT has been reviewing other
280 states that use risk-limiting audits in order to better anticipate how to implement them in
281 Virginia. Commissioner Cortés stated during a risk-limiting audit there is a way to
282 determine how many ballots need to be reviewed for a statistically significant number that
283 gives confidence the results are accurate. Therefore, there will be a much smaller number
284 of ballots to be reviewed. The Commissioner mentioned ELECT is studying and in contact
285 with states, like Colorado, which are beginning these audits this year.

286 Commissioner Cortés noted the first round of audits will begin following the 2018
287 November General Election. The Commissioner said ELECT will send communication to
288 the localities about the law change, but noted the Department cannot yet give
289 recommendations on budgeting until more research has been done as risk-limiting audits
290 begin nationally.

291 Vice Chair Wheeler re-stated the intent of the bill is to instill confidence in voters
292 that all ballots are being counted and counted correctly. Vice Chair Wheeler noted if there
293 are any machines that are not counting ballots correctly, then those machines need to be
294 taken offline. Mr. Lind brought up concerns both he and Senator Obeshain had in regards
295 to a backup plan if a machine were found to be malfunctioning, and that should be taken
296 into consideration as well. Chairman Alcorn agreed and asked Mr. Lind to share the same
297 concerns shared earlier with the Chairman with the other Board members so they could all
298 work towards solutions.

299 Mr. Lind directed the Board's attention to the fourth charge on the report, which
300 had to do with the structural makeup of the Board. Charlie Judd, former Chairman of the
301 Board, spoke, commenting the original intent of the GREB Workgroup was to support
302 ELECT in pursuing initiatives ELECT may not have enough time to pursue. Mr. Judd
303 stated the original intent of the three member Board was to ensure uniformity. Mr. Judd
304 further noted ELECT was created to support and carry out the work of the Board, but not
305 for ELECT and the Board to become two separate entities. Mr. Judd said the Board has
306 lost some authority through the years and is further from its original intention. Mr. Judd
307 requested the Workgroup work towards the Board moving from being a three member

308 Board to a five member Board, where each member serves a five year term and a new
309 member is instilled each year. This model would ensure continuity. Under this suggestion,
310 the Board would be charged with hiring the Commissioner, taking this charge out of the
311 executive branch.

312 Chairman Alcorn voiced interest in this topic, but wondered if it was a conflict of
313 interest for the State Board to take up this issue. Mr. Lind noted this suggestion is a work
314 in progress, but hopes when it is presented before the Board, they accept it with enthusiasm.
315 Vice Chair Wheeler said this topic is in purview of the Board, noting everyone present is
316 in the field of elections, and others outside may not understand the needs and concerns of
317 the elections community. Secretary McAllister thanked Mr. Judd for the historical
318 background, and stated she would like to give the idea more thought and discussion. The
319 Secretary asked how the suggested change would go into effect procedurally. Chairman
320 Alcorn said procedurally it would be a legislative change, but also mentioned a process
321 whereby ELECT submits ideas to the Governor's office as they consider what legislation
322 to introduce. The Chairman stated groups like VRAV have more freedom in terms of
323 advocating for an idea to any legislator.

324 Secretary McAllister raised the concern of this being a partisan issue. The
325 Secretary highlighted the importance of doing this process in an open, transparent, and
326 communicative way for a nonpartisan Board and agency. Mr. Lind noted the Workgroup
327 agreed, and reiterated the need for the departification of the process. Kate Hanley, the Vice
328 Chair of the GREB Workgroup, restated Mr. Lind's point that this suggestion is a work in
329 progress. Ms. Hanley commented on the inefficiencies of a three member Board and the
330 Board agreed. Chairman Alcorn encouraged the Workgroup to continue brainstorming,
331 stating the Board would be interested in being involved.

332 Secretary McAllister asked Mr. Lind how many members there are in the GREB
333 Workgroup presently. Chairman Alcorn clarified that procedurally the Board appoints
334 people to work in the Workgroup, and asked for an updated list of all members to be sent
335 to the Board. Secretary McAllister noted the importance of diversity within the Workgroup
336 and asked if the Workgroup would have any recommendations for other people to appoint.
337 Vice Chair Wheeler stated the Workgroup has been careful to keep the group diverse,
338 including people from different political parties, GRs, EB members, and a mix of elections

339 officials from different localities of different sizes. Ms. Hanley agreed to a need for more
340 diversity to reflect constituency in general, and that the community as a whole needs to
341 work on this.

342 The next order of business was the APA (Administrative Process Act) exemption,
343 presented by Chairman Alcorn. The Chairman summarized why this item was on the
344 agenda, explaining that it concerns how the Board passes and adopts regulations. Chairman
345 Alcorn noted ELECT voluntarily had public comment on regulations and policies, and
346 JLARC agreed that the public comment period be continued for transparency and that
347 ELECT and the Board remain exempt from some parts of the APA, such as Governor's
348 review, to keep the Board as non-partisan as possible. However, legislation recently passed
349 requires all agencies with an exemption to give a defense of their exemption, as well as
350 describe any regulations made under that exemption. If an agency were to fail to explain
351 their exemption, there would be a recommendation to the legislature for that agency to lose
352 their exemption. Chairman Alcorn noted there is a deadline for the explanation by August
353 1st; the Chairman presented the Board with a recommendation that ELECT keep their
354 exemption, but that ELECT could lose the exemption in regards to public comment so
355 public comment could continue at Board meetings for transparency purposes. Both Vice
356 Chair Wheeler and Secretary McAllister agreed with the Chairman's suggestion.
357 Chairman Alcorn moved *the Board adopt the letter*. Secretary McAllister seconded the
358 motion, and the motion passed unanimously. Each member of the Board then signed the
359 letter.

360 The meeting then opened to public comment. Ms. Hanley, Fairfax County EB,
361 mentioned Fairfax County has seventeen different ballot styles and each of these ballot
362 styles needs to be printed in four different languages. Because localities need to report by
363 congressional district, of which Fairfax County has three, the county has thirty-three
364 different ballot styles. Ms. Hanley stated that this is a problem scattered across the
365 Commonwealth and anticipated even more ballot styles in upcoming elections. Ms. Hanley
366 asked the Board to review this as soon as possible to see if there is a way to reduce the
367 number of ballots being produced, noting the amount of money that would be saved in
368 printing costs. Ms. Hanley said producing such a number of ballot styles could be

369 confusing, notably for localities such as Fairfax County which have a large number of
370 different styles to count through on election days.

371 Vice Chair Wheeler noted accuracy is the most important thing for reporting results
372 and asked Ms. Hanley clarify what the Board is being asked to do. Ms. Hanley clarified
373 she is asking localities are only asked to report based on congressional districts in years in
374 which there is a congressional election. Commissioner Cortés noted this was first
375 requested four days before the June primary, so ELECT was not able to provide a solution
376 in time. The Commissioner commented it is unclear where this requirement originated,
377 but that it was in place prior to the establishment of VERIS. Therefore, the requirement
378 was built into VERIS as one of the requirements for results reporting. Commissioner
379 Cortés said ELECT is working on finding workarounds for localities as quickly as possible,
380 agreeing localities should not be required to provide this information as part of a separate
381 reporting function. The Commissioner noted it is a technology issue and not a policy issue
382 or a legal requirement. Secretary McAllister asked that the Board be updated once those
383 issues are resolved. Commissioner Cortés stated whether ELECT can resolve the issue
384 before the election or not, a communication will be sent out informing localities of what
385 will need to be done.

386 Mr. Sasnett commented that the current requirement to report by congressional
387 district in races where this information is not relevant causes issues by making it more
388 difficult to account for ballots. Vice Chair Wheeler stated this not only impacts how ballots
389 are reported, but also impacts how election officers are trained. The Vice Chair highlighted
390 the importance of finding ways to avoid split precincts to avoid issues like this. Vice Chair
391 Wheeler asked Commissioner Cortés if this could be fixed without adding to any possibility
392 of VERIS crashing or malfunctioning before the November election. Commissioner Cortés
393 informed the Board that ELECT recognizes the criticality and timeliness of this issue, but
394 reiterated ELECT is searching for a workaround rather than attempting to resolve the
395 underlying issue, which is part of a longer term plan that requires a lot of work and
396 planning.

397 Mr. Lind spoke next, on behalf of VEBA, to bring primary election data anomalies
398 before the Board. Mr. Lind noted there was an amendment made to §24.2-105.1 that says
399 the Board shall provide election information on its website, including election results and

400 voter turnout information, which shall be calculated as a percentage of active voters who
401 voted. Mr. Lind stated the Republican Primary results showed there were 365,782 votes
402 cast for Governor, but the 354,907 voters on the turnout chart, which is a 3% difference.
403 10,875 more people were voting than the voter turnout. Mr. Lind stated in the Democratic
404 Primary, there were 542,816 votes cast but the turnout chart showed 486,186 voters, which
405 is a 10% difference. Mr. Lind commented upon examining the figures, he found there were
406 6 jurisdictions that did not report any results, or that only reported one primary.

407 Mr. Lind pointed to §24.2-1016, which states, “Any willfully false material
408 statement or entry made by any person in any statement, form, or report required by this
409 title shall constitute the crime of election fraud and be punishable as a Class 5 felony.” Mr.
410 Lind stated incomplete or incorrect information, such as the information on the website,
411 should be taken down until completed or corrected. Mr. Lind stated the Board certified the
412 results that are posted on the website that are inaccurate. Mr. Lind asked the Board to take
413 remedial action. Chairman Alcorn noted others in the election community brought this
414 issue to his attention, and he contacted Commissioner Cortés and Matthew Davis. The
415 Chairman clarified the vote totals, rather than the turnout results, were what the Board
416 certified, and turned to the Commissioner to recount the information given in regards to
417 this topic.

418 Commissioner Cortés confirmed the topic of interest is the turnout data and stated
419 ELECT is doing analysis on it. The Commissioner noted the refresh on this page on the
420 website, which updates any figures, is disabled after the results are certified by the Board;
421 therefore, any adjustments or corrections made after certification would not be reflected.
422 Commissioner Cortés stated the 2016 November General election was the first election
423 with the liaison team, who are working to find these inaccuracies and are working with
424 localities to correct them. There are some localities still in the process of working out these
425 issues with their liaison, which contributed in the turnout presented on the ELECT website.
426 Commissioner Cortés said the issue is not a technology issue with VERIS, but rather a
427 reporting issue from localities. ELECT continues to look into the problem, but has not
428 found any impact on vote totals, which relates to the certification of the election.

429 Chairman Alcorn asked for clarification whether this is an issue with the system or
430 an issue with the data getting into the system. Commissioner Cortés offered it may also be

431 incorrect data entered in the system on a local level, but reiterated the liaison team is
432 working with localities to identify any errors for correction. Vice Chair Wheeler asked for
433 clarification on if the Commissioner was stating the reason for the discrepancy between
434 votes cast and voter turnout is that the local election officials were incorrect; the Vice Chair
435 also asked why voter turnout would not be the same number as votes cast.

436 Commissioner Cortés stated turnout is not generated by the certified vote totals, but
437 is instead a separate data entry process GRs enter. Mr. Lind restated the part of the Code
438 read earlier, regarding any “willfully false material, statement, or entry on any report
439 required by this title shall constitute the crime of election fraud.” Mr. Lind said the
440 Commissioner stated data was put up ELECT knew was wrong, and yet stated this is a
441 local problem and not a problem for ELECT. Mr. Lind stated to continue to have incorrect
442 information on ELECT’s website is a violation of §24.2-1016.

443 Commissioner Cortés said ELECT posts the election results provided by localities,
444 and reiterated liaisons are working with localities to fix the problem; the Commissioner
445 also stated that any results provided by localities that may be inaccurate are not provided
446 as “willfully false.” Chairman Alcorn asked if this problem will be fixed and quickly; the
447 Chairman also asked how to prevent this issue from happening again. Vice Chair Wheeler
448 asked how this happens.

449 Ms. White noted votes cast and voter turnout are provided on two very separate
450 tracks. Ms. White explained that a voter who comes to vote is first recorded on the
451 pollbook, and then fills out a ballot to be put into an optical scanner to have the vote
452 counted; the votes cast abstract number is the number of ballots cast through the optical
453 scanner. The pollbook can become complicated in an election like a dual primary. Ms.
454 White noted Prince William County was one of the localities contacted by ELECT. Ms.
455 White explained each pollbook needs to be shut down individually by election officials
456 across the localities. If the data is not exported properly, the locality then needs to track
457 down the data another way. Ms. White noted the two totals of votes cast and voter turnout
458 are completely separate. Ms. White also stated Prince William County did track down all
459 the numbers and provide them to ELECT. Vice Chair voiced understanding of the
460 difference in the numbers, as well as understanding for a few voters missing in a precinct

461 as a regular occurrence, but found issue with how many discrepancies Mr. Lind brought to
462 the Board's attention.

463 Mr. Sasnett said ELECT could perhaps clarify the expectations for the entries into
464 VERIS, and communicate that turnout is expected to be either the actual number of ballots
465 cast in the precinct or it's the actual number of voters who showed in the precinct. Mr.
466 Sasnett stated localities track and account for the number of ballots, voters who may have
467 checked into pollbooks but not cast a ballot, etc. but much of that information is not
468 captured by VERIS. Mr. Sasnett encouraged this information be incorporated into VERIS.
469 Mr. Sasnett also encouraged ELECT send clarification to the election community about
470 expectations, as well as information on the process that data entered by the localities goes
471 through, so as to avoid a similar situation in the future. Chairman Alcorn thanked Mr.
472 Sasnett for the suggestion. The Chairman stated the biggest concern is for the data to be
473 corrected on the website, and that steps be taken in the future to prevent the situation from
474 arising again.

475 Vice Chair Wheeler asked Commissioner Cortés about staffing changes at ELECT
476 made in the last month. Commissioner Cortés stated Martin Mash, Confidential Policy
477 Advisor, is no longer with ELECT, and Paul Stenbjorn, Director of Election Services, will
478 be leaving as well. The Commissioner said Audrey Walker, Senior Office Administrator,
479 was hired and will assist working with the Board later in the year. Vice Chair Wheeler
480 asked if Ms. Walker is the replacement for Rose Mansfield, previous Board Liaison/Office
481 Manager. Commissioner Cortés said Ms. Walker's position has additional procurement
482 responsibilities as well.

483 Vice Chair Wheeler stated that at the previous meeting, the Board unanimously
484 requested a list of names of non-citizens that were sent to GRs to be removed from the
485 voter rolls. The Vice Chair had not received the list. Commissioner Cortés said ELECT
486 had the number of individuals removed due to non-citizenship status, but that names were
487 not requested. Vice Chair Wheeler asked if the number of non-citizens by locality were
488 sent to the Board, and the Commissioner said ELECT can send it. Vice Chair Wheeler
489 noted many of problems stemmed from registration through the Department of Motor
490 Vehicles (DMV), and the Commissioner said ELECT sent updates to the entire election

491 community, reviewing the work being done with the DMV to find ways to improve the
492 registration process.

493 Vice Chair Wheeler mentioned discussion during the previous meeting about the
494 issue of duplicate registrations being created by VERIS and sent to localities, and asked
495 Commissioner Cortés for any updates. The Commissioner clarified VERIS is not creating
496 the duplicates, but rather the issue is how information is sent from agencies like the DMV
497 to ELECT. Commissioner Cortés said GRs and others in the elections community were
498 present for studies that were done by ELECT and the Center for Civic Design to improve
499 the registration interface at DMV locations. The Commissioner mentioned other projects
500 were underway to continue improving the system so localities would receive fewer
501 duplicates.

502 Chairman Alcorn then moved to adjourn the meeting. Vice Chair Wheeler
503 seconded the motion. Chairman Alcorn then adjourned the meeting. The meeting was
504 adjourned at approximately 1:13PM. The Board did not set the date and time of its next
505 meeting.

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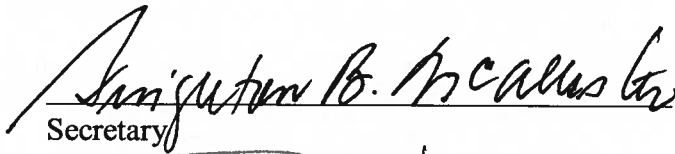
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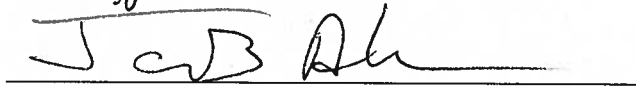
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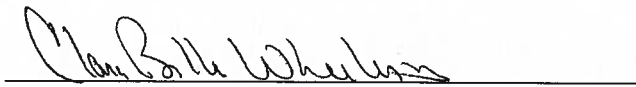
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Secretary


Chair


Vice Chair