

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Wednesday, February 4,
4 2015. The meeting was held in the Washington Building, Room B27, Richmond,
5 Virginia. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman; Matthew Gray, Vice Chairman; Singleton McAllister, Secretary. Also
7 in attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,
8 Commissioner; Elizabeth Howard, Deputy Commissioner; and Rose Mansfield, Clerk.
9 Kristina Perry Stoney, Senior Assistant Attorney General and Counsel to SBE and
10 ELECT attended. Chairman Alcorn called the meeting to order at 2:00PM.

11 The first order of business was an introduction of the newly sworn-in members of
12 the Virginia State Board of Elections whose term initiated on February 1, 2015.
13 Chairman James Alcorn, Vice Chairman Matthew Gray, and Secretary Singleton
14 McAllister each provided an overview of their professional background and expressed
15 enthusiasm for their upcoming term.

16 The Honorable Governor Terry McAuliffe approached the podium to address
17 SBE Board Members. Governor McAuliffe welcomed the Board Members to the Virginia
18 State Board of Elections. Governor McAuliffe thanked the Secretary of Administration;
19 Nancy Rodrigues, ELECT Commissioner Edgardo Cortés, Deputy Commissioner
20 Elizabeth Howard, Kristina Perry Stoney; Senior Assistant Attorney General, and the
21 entire elections team for their hard work. Governor McAuliffe welcome aboard Board
22 Members and thanked all for the hard work they are about to undertake.

23 The first order of business was the Commissioner's Report delivered by
24 Commissioner Cortés. Commissioner Cortés stated that ELECT is tracking 150
25 legislative bills associated to elections during this session. Commissioner Cortés stated
26 that ELECT is working on the list maintenance procedures.

27 The next order of business was the Legal Report presented by Kristina Perry
28 Stoney, Senior Assistant Attorney General. Ms. Stoney requested an executive closed
29 session. Ms. Stoney noted that Anna Birkenheier, Assistant Attorney General, was
30 unavailable for this Board Meeting due to a work related commitment and would be
31 providing Freedom of Information Act (FOIA) and Conflict of Interest Act (COIA)

32 training to the Board Members in addition to attending the SBE Board Meetings on a
33 regular basis. Chairman Alcorn stated that an executive closed session would be
34 conducted at the close of business.

35 The next order of business was the Electronic Participation in Meetings-Policy
36 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that
37 ELECT previously proposed a policy regarding electronic participation by Board
38 Members during meetings in the case of an emergency or personal matter of a member.
39 Commissioner Cortés stated that a policy has been drafted based on the code
40 requirements. Chairman Alcorn asked: “Is this a broad policy?” Martha Brissette, ELECT
41 Policy Analyst, stated: “The code has two provisions for electronic meetings and this
42 policy allows a member to participate remotely from a location that is not public.” Vice
43 Chairman Gray stated that there is a requirement that two members are present and only a
44 third member could call-in remotely. Secretary McAllister stated that this would be
45 applicable for executive sessions. Ms. Brissette stated that both statements were correct
46 under this policy. Vice Chairman Gray moved *that the Board approve the proposed*
47 *policy to allow members of the State Board of Elections to participate electronically in*
48 *meetings effective immediately.* Secretary McAllister seconded the motion and Chairman
49 Alcorn asked if there were public comments. Robin Lind, Secretary of the Goochland
50 Electoral Board approached the podium. Mr. Lind asked if there was a copy of the
51 proposed policy on-line. Rose Mansfield, SBE Clerk, stated that the policy was posted on
52 the ELECT website. Chairman Alcorn asked if there were additional public comments
53 and there were none. The Board unanimously approved the motion.

54 The next order of business was the SB11 Update-Workgroup Recommendations
55 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that
56 SB11 was adopted in 2014, which provides for the electronic return of ballots by
57 uniformed military members. SBE is required to establish a working group to outline the
58 details of how this program will function before the bill returns to the general assembly
59 next year for final approval. Commissioner Cortés stated that a Request for Information
60 (RFI) has been distributed to solicit information and to provide feedback to ELECT.
61 Commissioner Cortés presented a list containing the names of suggested individuals to

62 consider as members of the workgroup and stated that the Board Materials contain a draft
63 project charter for the members to review.

64 Vice Chairman Gray asked if ELECT has spoken to the leadership about the
65 selection of members for the workgroup. Commissioner Cortés stated that the legislators
66 that were selected for this workgroup were co-patrons of SB11 and other suggested
67 members would need to be contacted to check their current availability. Secretary
68 McAllister asked: “Do we know if there are some best practices adopted by other states?”
69 Commissioner Cortés stated that discussions have been held with other states who have
70 implemented similar legislation. Matt Davis, ELECT Chief Information Officer, stated
71 that a RFI has been submitted through the Department of General Services (DGS) and
72 ELECT will receive information on proposed systems that will be reviewed by ELECT.
73 Mr. Davis stated a balance would have to be achieved between the security of the system
74 and economic impact. Vice Chairman Gray stated that there was concern about party
75 representation and recommendations from the parties should be received before
76 establishing the workgroup membership. This action is needed to cement the support
77 extended to the workgroup members who are selected and their project goals. Secretary
78 McAllister stated that support for a workgroup is essential during the initiation stage to
79 have a win-win situation and with the recommendation of activating the group in April
80 2015; we have the opportunity to review the suggested membership and charter before
81 the Board. Vice Chairman Gray moved *that the SB11Update-Workgroup*
82 *Recommendations be tabled until the next SBE Meeting.* Secretary McAllister seconded
83 the motion and without public comment the Board unanimously approved the motion.

84 The next order of business was the Administrative Code updates presented by
85 Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated as a result of the
86 change of structure, of the now Department of Elections, that occurred in July, 2014,
87 several administrative code sections require updating. The position of commissioner
88 needs to be inserted in the code with previously aligning responsibilities of the secretary
89 who was the previously designated agency head. Chairman Alcorn stated that a review of
90 the code(s) indicate that a cleanup of terminology related to position titles was necessary.
91 This requires being sent out for public comment to make the changes to the regulations.
92 Ms. Stoney offered assistance in reviewing the regulations to advise the Board Members

93 of the appropriate promulgation process prior to regulatory action and placement of the
94 proposed regulatory amendments on the Regulatory Town Hall for public comment.
95 ELECT staff will collaborate with the attorney general's office before presenting
96 regulatory action to the Board to determine whether the formal regulatory process is
97 required. Vice Chairman Gray moved *that the review of the administrative codes*
98 *presented during this meeting be tabled until the next available Board Meeting.* Secretary
99 McAllister seconded the motion and the Board unanimously approved the motion.

100 The next order of business was the Certifying Elections Process introduced by
101 James Alcorn, SBE Chairman. Chairman Alcorn stated that having observed numerous
102 elections and previously taken part in the certification of those elections an introduction
103 to a conversation of the process was desired. Chairman Alcorn stated that both SBE and
104 ELECT staff members should collaborate on this process. Placing consideration to the
105 improvement of the election process as there is an opportunity to learn from previous
106 elections and lessons that can be shared from the election experience.

107 Chairman Alcorn asked Matt Abell, Senior Election Administrator, to explain the
108 certification process. Mr. Abell explained the process and associated details of certifying
109 elections in the commonwealth. Mr. Abell stated that ELECT staff is in constant
110 communication with the localities during the process and reviews all associated reports.
111 The written statements are then communicated to the Board Members, during the
112 certification process, and Board Members certify that the vote totals are correct before
113 signing the abstracts. Chairman Alcorn stated that there is comfort in knowing that the
114 quality control checks are completed prior to the abstracts being introduced to Board
115 Members for certification. Chairman Alcorn thanked ELECT staff members for the
116 quality of their work and their tireless efforts. The focus should be on how to improve the
117 quality of elections and to look for best practices to ensure uniformity across the
118 commonwealth. Chairman Alcorn stated that he would like to promote the sharing of
119 information between the localities and SBE Board Members. The creation of a
120 workgroup would be desirable to facilitate this goal. Secretary McAllister offered support
121 for the establishment of a workgroup to study the subject presented and suggested the
122 inclusion of the information technology staff. Vice Chairman Gray also expressed
123 support.

124 Commissioner Cortés stated that if an official working group is established by
125 SBE that ELECT supports, the consideration of the administrative tasking, to include
126 staff expertise to research and develop information, should be considered. Commissioner
127 Cortés stated that he was supported of the concept of the working group but, would defer
128 until ELECT staff could visit the goals internally and submit a plan to SBE Board
129 Members prior to the formal establishment of a workgroup. Chairman Alcorn stated that
130 this suggestion was open for consideration and representatives from the Virginia
131 Electoral Board Association (VEBA), Virginia Registrars Association of Virginia
132 (VRAV), and other organizations should be included in the workgroup. Chairman Alcorn
133 asked if there were public comments and there were none. Chairman Alcorn stated that
134 advisement from the commissioner on how to proceed would be welcomed in the near
135 future.

136 Chairman Alcorn opened the floor to other business and public comment. Therese
137 Martin, Virginia League of Women’s Voters approached the podium. Ms. Martin
138 welcomed the new Board Members and stated that the league is in agreement with the
139 comments of the governor made during this meeting about the necessity of making it
140 easier to vote for all Virginia’s citizens. Chairman Alcorn asked if there were additional
141 public comments and there were none.

142 Chairman Alcorn then moved *to close the meeting to discuss actual and probable*
143 *litigation matters and specific legal matters requiring the provision of legal advice by*
144 *legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia.* Vice Chairman
145 Gray seconded the motion and the Board unanimously carried the motion. Chairman
146 Alcorn directed Matthew Gray, Vice Chairman; Singleton McAllister, Secretary; Kristina
147 Perry Stoney; Senior Assistant Attorney General and SBE Counsel; Anthony F. Troy,
148 Eckert Seamans-Attorneys at Law and Daniel A. Glass, Eckert Seamans-Attorneys at
149 Law, to remain with the Board during the closed session. The Board went into Executive
150 Session at 3:10PM.

151 At 3:45PM Chairman Alcorn *moved to reconvene in open session and a roll call*
152 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
153 *certifying that during the closed meeting (i) only public business matters lawfully*
154 *exempted from open meeting requirements under this chapter, and (ii) only such public*

155 *business matters as were identified in the motion by which the closed meeting was*
156 *concerned were heard, were discussed or considered.* Vice Chairman Gray seconded the
157 motion and the Board unanimously approved the motion. Rose Mansfield, Clerk,
158 performed the roll call vote and all Board Members approved the motion.

159 Chairman Alcorn asked if there were comments for the Good of the Order. Vice
160 Chairman Gray stated that he was looking forward to working with the Board. Secretary
161 McAllister stated that she was looking forward to making Virginia the best state in the
162 union in the area of voting in the commonwealth. Chairman Alcorn stated that a Board
163 Meeting schedule should be established.

164 Chairman Alcorn asked if there were additional comments and there were none.

165 Chairman Alcorn moved *that the Board adjourn.* Vice Chairman Gray seconded
166 the motion and without further comment the Board voted to adjourn. The meeting was
167 adjourned at approximately 5:15PM.

168 The Board shall reconvene on March 3, 2015 at 2:00PM in the Washington
169 Building, 1100 Bank Street, Room B27, Richmond, Virginia.

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Secretary

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Chair

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Vice Chairman

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