



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Friday, December 12, 2014
Virginia State Capitol
House Room 1
4:00PM

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: December 12, 2014
LOCATION: Virginia State Capitol, House Room 1
TIME: 4:00 p.m.

- I. CALL TO ORDER** *Charles E. Judd*
Chair
- II. APPROVAL OF MINUTES** *SBE Board Members*
November 24, 2014
- III. COMMISSIONER'S REPORT** *Edgardo Cortés*
ELECT Commissioner
- IV. REPORT FROM LEGAL COUNSEL** *Kristina Perry Stoney*
SBE & ELECT
Legal Counsel
- V. NEW BUSINESS**
- A. To Ascertain the Results of the** *SBE Board Members*
December 9, 2014 Special Election
House of Delegates-District 4
- VI. OTHER BUSINESS & PUBLIC COMMENT**
- VII. GOOD OF THE ORDER**
- VIII. ADJOURNMENT**



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Call to Order

BOARD WORKING PAPERS



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Approval of Minutes November 24, 2014

BOARD WORKING PAPERS
SBE Board Members

1 MINUTES

2

3 The State Board of Elections Board Meeting was held on Monday, November 24,
4 2014. The meeting was held in the General Assembly Building – Room C, Richmond,
5 Virginia. In attendance, representing the State Board of Elections (SBE) was Charles
6 Judd, Chair; Kimberly Bowers, Vice Chair; Don Palmer, Secretary. Also in attendance,
7 representing the Department of Elections (ELECT) was Edgardo Cortés, Commissioner;
8 Matt Abell, Senior Election Administrator, Gary Fox, Election Uniformity Supervisor,
9 Eugene Burton, Voting Equipment Coordinator and Rose Mansfield, Executive Assistant.
10 Anna Birkenheier, Assistant Attorney General and Counsel to SBE and ELECT attended.
11 Chairman Judd called the meeting to order at 1:00PM.

12 The first order of business was the certification of results for the Senate of
13 Virginia, 16th District Member. Matt Abell, Senior Election Administrator explained the
14 process. Members of the SBE Board partnered with ELECT Staff to review the results
15 and certified the election in the 16th District. Chairman Judd announced that the highest
16 vote recipient in the district was Delegate Rosalyn R. Dance and thus determined to be
17 the incumbent. All supporting documents were signed and delivered.

18 The second order of business was the approval of the Minutes from the State
19 Board of Elections Board Meeting held on October 7, 2014. Chairman Judd asked if
20 Board Members had any additions or corrections to the October 7, 2014 Board Minutes
21 and there were none. Vice Chair Bowers moved *to adopt the Minutes for the October 7,*
22 *2014, Board Meeting.* Secretary Palmer seconded the motion and the Board unanimously
23 approved the Minutes. Chairman Judd asked if Board Members had any additions or
24 corrections to the November 4, 2014 Board Minutes and there were none. Chairman Judd
25 moved *to adopt the Minutes for the November 4, 2014, Board Meeting.* Secretary Palmer
26 seconded the motion and the Board unanimously approved the Minutes.

27 The next order of business was the Commissioner's Report delivered by
28 Commissioner Cortés. Commissioner Cortés reported that the statewide election on
29 November 4, 2014, ran smoothly. ELECT is responding and reviewing issues that
30 occurred on Election Day relating to the election night reporting on the website. The
31 public interface website, that displays the interactive results, experienced failure on

32 election night which prevented users from accessing this portion of the website. ELECT
33 worked to get the website functioning. During the process of finding a resolution there
34 was a PDF version available for reviewing. The general registrars did not experience any
35 issues with entering election night results. ELECT will continue to develop the public
36 view of election night reporting on the ELECT website and review the options.
37 Commissioner Cortés stated that there were server configuration issues and coupled with
38 the volume of activity this created viewing difficulties on election night. There were 19
39 or more, states across the country that experienced similar issues. ELECT will provide
40 periodical updates on actions taken to correct this issue.

41 Commissioner Cortés stated that there were issues with voting equipment that is
42 aging, in particular with touch screen devices. ELECT is reviewing the incidents
43 associated to those localities that experienced problems. ELECT will be working with
44 those localities to prepare for the 2016 elections.

45 Commissioner Cortés stated that the Voter Photo ID requirement on Election Day
46 was initiated relatively smoothly. There were a couple of isolated incidents early in the
47 day that involved election officers communicating the parameters of the program.
48 ELECT worked with the localities to resolve the queries immediately upon identifying
49 that there were questions in the field. There was an increase in “ID-Only Provisional’s”
50 with 800 being cast. The localities are entering the details of those ballots and will
51 provide ELECT with the details when the process is complete. Preliminary numbers
52 indicate that the commonwealth is at approximately 52% for the approval of provisional
53 ballots cast for reason of identification. On Election Day, there were approximately 500
54 temporary ID’s issued to voters and therefore those voters were able to cast their votes
55 without utilizing a provisional ballot. Secretary Palmer stated that the ELECT Staff
56 should be congratulated for their work on the Voter Photo Identification Plan and the
57 implementation of the program. Commissioner Cortés stated that the general registrar’s,
58 political parties, third-party voting rights activist groups and the ELECT Staff conducted
59 outreach programs covering the new implementation of the voter identification
60 requirements in the commonwealth.

61 The next order of business was the Legal Report presented by Anna Birkenheier,
62 Attorney General. Ms. Birkenheier stated that she did not have a report to present at this
63 Board Meeting.

64 The next order of business was an interim report from the GREB Workgroup
65 introduced by GREB Workgroup Co-Chair John Hager. Mr. Hager stated that the group
66 met on three occasions, since it's' conception, and has provided an interim report in the
67 form of a resolution to the SBE Board Members. Mr. Hager stated that the resolution
68 included a number of points/issues for the group to continue their work into 2015. Mr.
69 Hager discussed the details of the recommendations of the resolution that was approved
70 by the workgroup on November 18, 2014. Mr. Hager stated that the recommendations are
71 based on the surveys and a considerable amount of work that took place behind the
72 scenes. Mr. Hager stated that the GREB Workgroup recommends to the State Board of
73 Elections that their resolution be continued during the ensuing year with a final report to
74 the Governor, Secretary of Administration, State Board of Elections and the
75 Commissioner of Elections, on or before December 31, 2015. Mr. Hager discussed the
76 recommendations of the workgroup and activities to be conducted, but not limited to,
77 during the next year in detail.

78 Larry Haake, Chesterfield County General Registrar, discussed the surveys that
79 were conducted by the GREB Workgroup and the results and analysis of those results.
80 Mr. Haake stated that it was noteworthy that the general registrars are conducting all of
81 the activities in the area of campaign finance and absentee voting activity. Vice Chair
82 Bowers asked: "Is the workgroup asking for additional funding from the general
83 assembly in order to fund higher compensation for the general registrars?" Mr. Haake
84 replied: "Since the general assembly sets the funding for the general registrars, we are
85 asking the members to set the salary of the general registrars equal to the salaries of the
86 treasurer who serves a similar population base. This appropriation would come from the
87 state not the locality". Vice Chair Bowers asked: "The title proposed "Director of
88 Elections" was that a consensus from the workgroup?" Mr. Haake replied: "It was a
89 unanimous consensus from the members of the workgroup." Secretary Palmer moved
90 *that the Board Members accept the first report and resolution from the GREB Workgroup*
91 *and forward this to the office of the governor, speaker of the house, and president of the*

92 *senate, chairs and members of the privileges and elections committees with the*
93 *recommendation that with the Code of Virginia be amended to include the following; (i)*
94 *The General Registrar should be designated as “Director of Elections” for the locality*
95 *being served, (ii) The General Registrar should be reassign duties associated with*
96 *absentee voting and campaign finance, (iii) establishing a compensation program for the*
97 *General Registrar’s equal to the position of Treasurer and (iv) that the recommendations*
98 *have the full endorsement of the Virginia State Board of Election. Additionally, the*
99 *GREB Workgroup should continue to explore the other areas identified in the resolution.*

100 Vice Chair Bowers seconded the motion. Chairman Judd asked if there were any public
101 comments and there were none. The Board Members unanimously approved the motion.

102 Chairman Judd asked if there was any other business regarding the GREB
103 Workgroup to come before the Board. Vice Chair Bowers moved *that the charter of the*
104 *GREB Workgroup be extended through December 31, 2015, directing the workgroup to;*
105 *(i) Work with the appropriate authority in the implementation of the recommendations*
106 *contained herein, (ii) further evaluate the roles and responsibilities of Electoral Board*
107 *members to make certain their historically important role of checks and balances is*
108 *maintained and emphasized, (iii) Examine and recommend state funding mechanisms for*
109 *voter registration and elections for the localities, (iv) Evaluate staffing of the general*
110 *registrars’ office, (v) Establish standards for continuing education needs and recognition*
111 *for advanced studies, (vi) Analyze and review minimum funding and staffing levels of the*
112 *Department of Elections to ensure a robust, efficient and responsive agency capable of*
113 *conscientiously serving the more than 5 million voters registered in the commonwealth*
114 *today and (vii) Study other areas as deemed necessary.* Secretary Palmer seconded the
115 motion. Chairman Judd asked if there were any public comments and there were none.
116 The Board Members unanimously approved the motion.

117 The next order of business was the Ballot Drawing for the Special Election in
118 Powhatan County on February 10, 2015, presented by Matt Abell, Senior Elections
119 Administrator. Mr. Abell explained the process. Vice Chair Bowers drew the first
120 position of the Republican Party and Secretary Palmer drew the second position of the
121 Democratic Party. Chairman Judd declared that the ballot order had been determined with
122 the Republican candidate listed first and the Democratic candidate listed second.

123 The next order of business was the proposed review of voting equipment issues,
124 November 4, 2014, General Election, presented by Edgardo Cortés, ELECT
125 Commissioner. Commissioner Cortés stated that on Election Day there were issues with
126 voting equipment in Virginia Beach. In Virginia Beach, when the voter selected their
127 candidate of choice, there was issue with the appropriate selection appearing on the
128 screen. Equipment issues were not isolated to Virginia Beach and it appears that
129 difficulty with voter equipment occurred on devices that are aging since several types of
130 equipment experienced varying difficulties. Commissioner Cortés stated that continued
131 review of the issues presented will help ELECT understand the causes. This information
132 would be provided to the localities to help them with a potential decision to purchase new
133 equipment. Those localities that have recently purchased new equipment did not
134 experience voting equipment issues on Election Day.

135 Commissioner Cortés stated that ELECT is requesting a review of voting
136 equipment leading up to and including Election Day. Commissioner Cortés stated that
137 ELECT would like to send a survey to all localities in the commonwealth to interpret
138 trends with the voting equipment issues and to ensure that all issues were captured by
139 ELECT Staff. Commissioner Cortés stated that ELECT would complete a review
140 process. Initial conversations regarding this review have been conducted with the U.S
141 Elections Assistance Commission (EAC) which completes the certification of voting
142 equipment. ELECT has also spoken with Kennesaw State University, Georgia, which
143 also has a voting testing center and conducts certification of voting equipment.
144 Commissioner Cortés stated that a complete review of the security, maintenance, and
145 chain of custody of the voting equipment would be conducted. ELECT would also review
146 Logic and Accuracy testing as well as any calibration issues. ELECT will also be
147 reviewing the training of election officers in regards to how they are instructed on how to
148 handle voting equipment issues, report issues, and what actions are taken to take a device
149 out-of-service. Commissioner Cortés stated that when the review is complete ELECT will
150 provide SBE with recommendations. A review plan has been completed regarding the
151 specific questions. ELECT will use this information in preparation for the presidential
152 election when voter turnout will be double of this past election. Secretary Palmer stated
153 that it would prudent to conduct a complete review of the voting equipment utilized in the

154 commonwealth before the presidential election. Secretary Palmer moved *that the*
155 *Department of Elections conduct an official review of the voting systems to include*
156 *surveys to the localities, age of equipment, maintenance of equipment, trends, logistical*
157 *and accuracy testing, chain of custody of voting equipment and the training of election*
158 *officers.* Vice Chair Bowers seconded the motion. Chairman Judd asked if there was any
159 public comment.

160 Robin Lind, Secretary of the Goochland County Electoral Board stated that this
161 type of review is beneficial and should be conducted on a regular basis. Mr. Lind
162 requested that a record of the cost should be recorded since the funding of ELECT has
163 been reduced. Renee Andrews, Secretary of the Falls Church City Electoral Board stated
164 that a review of the equipment was important. Ms. Andrews stated that the review should
165 include the transportation methods of voting equipment as this could determine if there
166 was a correlation between transportation and calibration issues. Chairman Judd asked if
167 there was any public comment and there were none. The Board Members unanimously
168 approved the motion.

169 The next order of business was to ascertain the results of the November 4, 2014,
170 General and Special Election which was conducted by SBE Board Members and
171 members of the ELECT Staff. The Board Members reviewed and verified the abstracts
172 with the following results:

- 173 ✓ Mark R. Warner received the greatest number of votes (1,073,667) in the
174 United States Senate election.
- 175 ✓ 1st District, Robert J. Wittman received the greatest number of votes
176 (131,861) in the United States House of Representatives.
- 177 ✓ 2nd District, election, E. Scott Rigell received the greatest number of votes
178 (101,558) in the United States House of Representatives.
- 179 ✓ 3rd District, election, Robert C. Scott received the greatest number of votes
180 (139,197) in the United States House of Representatives.
- 181 ✓ 4th District, election, J. Randy Forbes received the greatest number of
182 votes (120,684) in the United States House of Representatives.
- 183 ✓ 5th District, election, Robert Hurt received the greatest number of votes
184 (124,735) in the United States House of Representatives.

- 185 ✓ 6th District, election, Robert W. Goodlatte received the greatest number of
186 votes (133,898) in the United States House of Representatives.
- 187 ✓ 7th District, election, Dave A. Brat received the greatest number of votes
188 (148,026) in the United States House of Representatives.
- 189 ✓ 8th District, election, Donald S. Beyer, Jr., received the greatest number of
190 votes (128,102) in the United States House of Representatives.
- 191 ✓ 9th District, election, H. Morgan Griffith received the greatest number of
192 votes (117,465) in the United States House of Representatives.
- 193 ✓ 10th District, election, Barbara J. Comstock received the greatest number
194 of votes (125,914) in the United States House of Representatives.
- 195 ✓ 11th District, election and Gerald E. Connolly received the greatest number
196 of votes (106,780) in the United States House of Representatives.
- 197 ✓ Special Election- 7th District, election and Dave A. Brat received the
198 greatest number of votes (148,841) in the United States House of
199 Representatives.
- 200 ✓ Special Election- 16th District, election and Rosalyn R. Dance received
201 the greatest number of votes (29,237) in the Senate of Virginia.
- 202 ✓ Proposed Constitutional Amendment to amend Section 6-A of Article X
203 (Taxation and Finance) of the Constitution of the Commonwealth
204 determined that a majority of the votes cast (1,841,034) were for the
205 adoption.

206 Chairman Judd announced that the ascertainment process was complete. Vice
207 Chair Bowers moved that the SBE certify the results of the November 4, 2014 General
208 Election.

209 Chairman Judd opened the floor to other business and public comment and there
210 was no additional business brought before the Board.

211 Chairman Judd asked if there were comments for the Good of the Order.
212 Secretary Palmer stated that he was tendering his resignation from the Virginia State
213 Board of Elections effective December 1, 2014. Secretary Palmer stated that this Board
214 has been engaged and worked diligently for the voters of the commonwealth. Secretary
215 Palmer thanked fellow Board Members for their friendship and service on this Board.

216 Chairman Judd and Vice Chair Bowers thanked Secretary Palmer for his work and
217 commitment to the commonwealth. Chairman Judd extended the opportunity for
218 members of the audience to extend their well wishes to Secretary Palmer. Several
219 members stood to express similar sentiments as the Board Members to Secretary Palmer.
220 Secretary Palmer received a standing ovation from Board Members, ELECT Staff and the
221 audience. Chairman Judd asked if there was additional business and there was none.

222 Chairman Judd moved *that the Board adjourn*. Secretary Palmer seconded the
223 motion and without further comment the Board voted to adjourn. The meeting was
224 adjourned at approximately 2:55PM.

225 The Board shall reconvene on December 12, 2014 at 4:00PM in the Virginia State
226 Capitol– House Room 1, Richmond, Virginia.

227
228 _____
229 Secretary

230
231 _____
232 Chair

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234 _____
235 Vice Chair

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Commissioner's Report

BOARD WORKING PAPERS
Edgardo Cortés
Commissioner
Department of Elections



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Legal Report

BOARD WORKING PAPERS
Kristina Perry Stoney
Senior Assistant Attorney General



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New Business

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★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Ascertain the Results of
the
December 9, 2014 Special
Election
House of Delegates
District 4

BOARD WORKING PAPERS
SBE Board Members



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Other Business & Public Comment

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Good of the Order

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Adjournment

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BOARD MEETING

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Rose Mansfield
Executive Assistant