MINUTES

The State Board of Elections Board Meeting was held on Thursday, April 28, 2016. The meeting was held in the General Assembly Building, Richmond, Virginia – Room C. In attendance, representing the State Board of Elections (SBE) was James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary. Also in attendance, representing the Department of Elections (ELECT) was Edgardo Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; Martin Mash, Policy Advisor, and Rose Mansfield, Clerk. Anna Birkenheier, Assistant Attorney General and Counsel to SBE and ELECT attended. Chairman Alcorn called the meeting to order at 11:00AM.

Chairman Alcorn stated that this was the first SBE Meeting since the passing of "Our Beloved Martha Brissette", ELECT Policy Analyst. Chairman Alcorn stated that Martha was dedicated to the election process, voters, and to anyone who needed help. Chairman Alcorn called for a moment of silence in memory of Martha who was loved by all that came to know her and that she is deeply missed.

The first order of business was the approval of the minutes from the State Board of Elections Board Meetings held on March 15, 2016, and April 9, 2016. Chairman Alcorn asked if board members had any additions or corrections to the Board Meeting minutes as presented. Chairman Alcorn stated that changes had been submitted to the Clerk for March 15, 2016 minutes. Secretary McAllister moved *to adopt the minutes for the March 15, 2016, and the April 9, 2016 meetings as amended and or presented.* Vice Chair Wheeler seconded the motion. The Board unanimously approved the motion.

The next order of business was the Commissioner Report presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés thanked the election community for their kind words of support regarding the passing of Ms. Brissette.

Commissioner Cortés stated that the Governor designated, April 24-30, 2016 as High School Registration Week and presented a proclamation from the Governor to SBE Board Members. Commissioner Cortés stated that this is an effort to encourage young people to get involved in the process. Commissioner Cortés stated that those individuals who are 17 years of age can register to vote early and vote in the Presidential Election if

32 they have reached their 18th birthday by Election Day, November 8, 2016. Commissioner
33 Cortés thanked the general registrars' offices and the civic organizations that have
34 conducted registration drives and who have spent time with the students discussing the
35 importance of civic participation. ELECT has worked with the Department of Education
36 and thank them for their support and assistance.

37 Commissioner Cortés stated that the ELECT social media sites have experienced
38 increased usage by the public. Commissioner Cortés thanked Tanya Pruett and Rob
39 Vance, ELECT staff members, for their efforts to maintain these sites and noted that the
40 increase in usage, over the past year, is at 3,500%.

41 Commissioner Cortés stated that the Governors' Restoration of Rights Order will
42 not affect the process that the general registrars' perform at the local level. ELECT is in
43 the process of transferring the data for use by the general registrars and will be complete
44 by week's end. Commissioner Cortés stated that once the Governors' order was issued
45 the general registrars' were immediately notified of any impact on the local offices.
46 Commissioner Cortés stated that ELECT is working directly with the Secretary of the
47 Commonwealth's (SOC) Office to restore the rights of all eligible individuals.
48 Commissioner Cortés asked if there were any questions.

49 Vice Chair Wheeler inquired: "If the Governors' order is rescinded, and ELECT
50 has to remove people from the list, is there a procedure in place to handle this situation?"
51 Commissioner Cortés stated that the general registrars' have legal responsibility to
52 process the registration forms and the Governor has the right under the constitution to
53 restore rights to the citizens of the Commonwealth. Commissioner Cortés stated that a
54 process is currently in place to transfer data to and from the SOC's office.

55 Commissioner Cortés stated that the sunset date for touch screen voting
56 equipment usage in the Commonwealth has been set for July 1, 2020. Commissioner
57 Cortés provided a visual of the voting equipment that highlighted were the equipment
58 was still in use in the Commonwealth and noted that a letter has been sent to the localities
59 to plan appropriately.

60 Commissioner Cortés stated that the final budget moves existing part-time
61 registrars to full –time status across the Commonwealth. This change is effective on July
62 1, 2016. Commissioner Cortés stated that a packet of information regarding this change

63 will be headed to the localities in the near future. Commissioner Cortés noted that the
64 funding reimbursement will not be at 100%. Commissioner Cortés stated that in the
65 communications to the localities it will be noted that the change to full-time status for the
66 general registrars does not negate the need to maintain the assistant general registrars
67 staffing levels.

68 Commissioner Cortés stated that the General Assembly did not approve the
69 budget request for a call center for the November 2016 election. Commissioner Cortés
70 stated that activating a call center for the presidential primary was instrumental in
71 effectively serving the voters' of the Commonwealth. Commissioner Cortés stated that
72 the call center was able to handle the increase in the volume of calls related to the
73 election. Commissioner Cortés asked if there were additional questions and there were
74 none.

75 The next order of business was the Campaign Finance Updates presented by
76 Brooks Braun, ELECT Policy Analyst. Mr. Brooks stated that a complaint was received
77 at the Department of Elections alleging that Supporters of Jacqueline Smith for Clerk of
78 the Circuit Court had distributed pamphlets and posted a website with disclosure
79 statements that deviate from those required by statute. Mr. Brooks stated that ELECT
80 recommends a fine for each of three different improperly disclosed pamphlets, and an
81 additional civil penalty for an improperly disclosed website. Chairman Alcorn asked if
82 Ms. Smith was present.

83 Ms. Smith approached the podium with legal counsel, Jonathan Francis. Mr.
84 Francis reviewed the details of the complaint and the related code sections. Mr. Francis
85 expressed doubt that the disclosure statement was in violation of Virginia's Stand by
86 Your Ad Law. Mr. Francis noted that the local commonwealth attorneys' office reviewed
87 the complaint and dismissed the issue. Mr. Francis stated that the disclosure was present
88 and that the matter should be dismissed by SBE. SBE members discussed the particulars
89 of the violation and determined that there were two separate issues with one issue being
90 in violation of the *Code*. Vice Chair Wheeler moved *that subject to the Board's authority,*
91 *Supporters of Jacqueline Smith for Clerk of the Circuit Court has be found in violation of*
92 *the print media disclosure requirements on two instances and a fine will be assessed for*

93 *$200.00.* Secretary McAllister seconded the motion and without further comment the
94 Board unanimously approved the motion.

95 The next order of business was the Voter Registration Form presented by
96 Commissioner Cortés. Commissioner Cortés stated that at the May 13, 2015 SBE
97 meeting ELECT proposed a revised Virginia Voter Registration Application and changes
98 to the associated regulations. Commissioner Cortés stated that the proposed form and
99 regulations were published on Virginia Town Hall and in the Virginia Register for public
100 comment. The public comment period was extended multiple times and written
101 comments were accepted through August 3, 2015. Commissioner Cortés stated that
102 additional public comments were received at the June 22, 2015 and July 28, 2015 public
103 meetings of the State Board of Elections. ELECT has reviewed all oral and written
104 comments from voters, election officials, legislators, nonprofit organizations, members of
105 the public, and SBE.

106 Commissioner Cortés stated that during the 2016 legislative session, the General
107 Assembly passed two bills that Governor McAuliffe signed into law requiring revisions
108 to the Virginia Voter Registration Application by July 1, 2016. Commissioner Cortés
109 stated that after making various revisions in response to statutory changes and numerous
110 public comments, the Department consulted usability experts and performed usability
111 testing to assess contemplated Revisions. The final revised Virginia Voter Registration
112 Application and associated regulation incorporating public comments and feedback from
113 usability experts are included in the Board Working Papers and are presented for final
114 consideration and adoption by SBE members. Commissioner Cortés stated that the
115 proposed form was field tested for usability. Commissioner Cortés stated that the
116 application presented today has streamlined the application for the purpose of making it
117 easier for eligible Virginians to register to vote. Commissioner Cortés stated the proposed
118 application contains all the required information to determine if an applicant is eligible.
119 Commissioner Cortés reviewed the changes on the application and the associated
120 regulation, by section, in detail. Commissioner Cortés asked if there were any questions.

121 Chairman Alcorn asked for the detailed implementation plan, for the new
122 registration form, set for July 1, 2016. Commissioner Cortés stated that once the Board
123 approves the form, distribution of the form will be sent to the general registrars' and the

124 designated agencies prior to the July 1, 2016 deadline. Commissioner Cortés stated that
125 ELECT will update the online registration portal, ELECT training and associated
126 materials. Commissioner Cortés asked if there were additional questions. SBE members
127 and the Commissioner conducted a question and answer exchange related to the proposed
128 changes on the form and regulation. SBE members submitted formatting and verbiage
129 changes to the Commissioner for implementation prior to the release of the new proposed
130 form. Chairman Alcorn asked if there were public comments.

131 Comments were received by the following individuals: Greg Riddlemoser,
132 General Registrar of Stafford County; Bill Bell, Electoral Board Secretary of Isle of
133 Wright; Tracy Howard, President of the Voter Registrars Association of Virginia; Robin
134 Lind, Electoral Board Secretary of Goochland County; Larry Haake, General Registrar of
135 Chesterfield County; Senator Thomas "Tom" Garrett, Virginia District 22; Jake
136 Washburne, General Registrar of Albemarle County; Anna Scholl, Executive Director of
137 Progress Virginia, and Michelle Kanler Cohen, Election Counsel-Project Vote.

138 Chairman Alcorn moved *that the proposed affirmation on the proposed Virginia*
139 *Voter Registration Application be stricken and the existing affirmation be utilized.*
140 Secretary McAllister seconded the motion. Chairman Alcorn asked if there were
141 additional comments and there were none. Commissioner Cortés added a formatting
142 clarification. Vice Chair Wheeler stated that the General Registrars have expressed grave
143 and serious concerns over the proposed voter registration form. Vice Chair Wheeler
144 stated that serious consideration should be given to not changing a form during a
145 presidential election year. Vice Chair Wheeler stated that the Board has not had enough
146 time to review this form and this consideration should be tabled. Chairman Alcorn stated
147 that he appreciated the feedback. A roll call vote was taken on the motion: Chairman
148 Alcorn, Yea; Vice Chair Wheeler, Abstain; Secretary McAllister, Yea. The motion
149 passed 2-0. Vice Chair Wheeler moved *that the Board keep the information and continue*
150 *to use the current application and reconvene the workgroup after the November*
151 *elections.* The motion failed for lack of a second. Chairman Alcorn moved *that the Board*
152 *adopt the changes proposed by the Department of Elections to the Virginia Voter*
153 *Application Form and associated regulations as amended and discussed at today's SBE*
154 *meeting.* Secretary McAllister seconded the motion. Chairman Alcorn asked if there was

any discussion and there was none. A roll call vote was taken on the motion: Chairman Alcorn, Yea; Vice Chair Wheeler, Nay; and Secretary McAllister, Yea. The motion passed 2-1.

Chairman Alcorn moved *that the Board adjourn.* Secretary McAllister seconded the motion. Chairman Alcorn asked if there was any discussion and there was none. A roll call vote was taken on the motion: Chairman Alcorn, Yea; Vice Chair Wheeler, Nay; and Secretary McAllister, Yea. The motion passed 2-1.

The meeting was adjourned at approximately 2:25PM. The Board shall reconvene on May 11, 2016 at 10:00AM in Richmond, Virginia – GAB-Room C.

Secretary

Chair

Vice Chair