FINAL MINUTES – SBE Approved – June 28, 2016

The State Board of Elections Board Meeting was held on Wednesday, May 11, 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 10:00AM. Secretary McAllister exited the meeting at 12:50PM.

The first order of business was the approval of the minutes from the State Board of Elections Board Meetings held on April 28, 2016. Chairman Alcorn asked if board members had any additions or corrections to the Board Meeting minutes as presented. Vice Chair Wheeler stated that the minutes should indicate that in the discussion of the Virginia Registration Form that all of the general registrars and a member of the Virginia State Senate all spoke in opposition of the form and requested specifically that the form be placed on Virginia Town Hall for review by the general registrars before being approved. Secretary McAllister stated that comments were also made in support of the form and expressed concern that the minutes reflected the correct balance. SBE members agreed to table the minutes until a review was completed by the Clerk.

The next order of business was the Commissioner Report presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that ELECT received final review by counsel on the Voter Registration Application Form and associated regulations adopted by the Board at the April 28, 2016 meeting. Commissioner Cortés stated that all guidance documents will be updated. Chairman Alcorn suggested that board members review the form to ensure that it incorporates the approved changes. Vice Chair Wheeler suggested tabling the approved form until the next meeting to allow for review by members and the general registrars. Commissioner Cortés stated that the form only incorporates the approved board changes minus the adjustment of a margin, recommended by the President of the Virginia Registrars Association of Virginia, which

32 would allow for cutting extra paper width to accommodate the filing cabinets of the
33 general registrars' offices. Commissioner Cortés stated that this change is an
34 administrative action, which is allowable. Commissioner Cortés asked if there were
35 additional questions and there were none.

36 The next order of business was the Polling Place Access-Proposed Regulations
37 presented by Elizabeth Howard, ELECT Deputy Commissioner. Chairman Alcorn asked
38 Secretary McAllister to speak to the item, as this subject, was the selected work plan
39 project of the SBE Secretary. Secretary McAllister stated that SBE received a
40 presentation by the Disability Law Center of Virginia (DLCV) and a summary of their
41 report is included in the Board materials. Secretary McAllister stated that the findings of
42 the report were: "Surprisingly, significant barriers to voting were identified in 49 of the
43 202 polling places surveyed, or approximately 24%." Secretary McAllister requested that
44 the ELECT Deputy Commissioner report on these findings so that the proposed
45 regulation can be placed on Regulatory Town Hall for comment.

46 Deputy Commissioner Howard stated that the proposed regulation, 1 VAC 20-60-
47 35, addresses the concerns of the DLCV and will include the following; (i) Reminder
48 from the State Board to all localities stating that general registrars are legally responsible
49 for selecting polling locations that are accessible as required pursuant to VA. Code §
50 24.2-310©; (ii) Official authorization to conduct audits for the purpose of assessing
51 accessibility; and (iii) Policy Statement from the State Board acknowledging DLCV's
52 role in ensuring polling place accessibility. Deputy Commissioner Howard stated that
53 before official adoption, the Department requests that the Board first approve a 21 day
54 public comment period for the proposed regulation and that the materials made available
55 for comment will include the attached draft regulation and the background information
56 included in the Board materials. Deputy Commissioner Howard reviewed each of the
57 provisions of the regulation. Deputy Commissioner Howard stated that the public
58 comments are expected to be available for board review by June 28, 2016. Deputy
59 Commissioner Howard noted that all comments are accessible on Town Hall as they are
60 received. Vice Chair Wheeler stated that it is important to have adequate time for public
61 comment as this will interfere with Election Day activities, and has the potential for being
62 disruptive, as they [sinc DLCV] run around taking measurements, wearing buttons and

identifying t-shirts. Chairman Alcorn stated that SBE is trying to strike the right balance between accessibility and facilitating the elections. Secretary McAllister thanked the staff for their work on this project. Chairman Alcorn asked if there were public comments and there were none. Chairman Alcorn moved *that the Board seek public comment, for a period of 21 calendar days, on proposed 1VAC 20-60-35: Polling Place Accessibility Assessments.* Secretary McAllister seconded the motion and the Board unanimously approved the motion.

The next order of business was the General Registrar's Full-Time Request presented by Martin Mash, ELECT Policy Advisor. Mr. Mash stated that the City of Buena Vista Electoral Board requested temporary full-time status for their general registrar. Chairman Alcorn moved *that the Board approve the requests from the Electoral Board of Buena Vista City for the time period noted in the Board Working Papers.* Vice Chair Wheeler seconded the motion and without public comment the Board unanimously approved the motion.

The next order of business was the KnowInk Exception Request presented by SBE Chairman Alcorn. Chairman Alcorn stated SBE directed the ELECT staff to work with the Fairfax County Electoral Board to find a solution that would comply with the *Code of Virginia.* Chairman Alcorn noted that Fairfax County has been asking for additional functionality of the system. The exception would require a review through Virginia Information Technologies Agency (VITA). Chairman Alcorn directed that ELECT staff report back to SBE on the status of this request.

Commissioner Cortés stated that SBE certified KnowInk in September, 2015 which limited the system to non-cloud based solutions because of the sensitivity of data contained within the poll books. Commissioner Cortés stated that Fairfax County is seeking an exception to VITA's regulations related to cloud posting of sensitive data. Commissioner Cortés stated that the general registrar has been notified of the requirements for submitting an exception to VITA. Commissioner Cortés stated that VITA would notify ELECT if an exception is warranted and on that occasion ELECT would return to SBE to notify them of the exception and to receive clarification of the previous certification. Commissioner Cortés stated that currently Fairfax County has a certified poll book system that was fielded during the March 1, 2016 primary. Commissioner Cortés stated that the final decision for the exception would be delivered

94 by the CIO of the Commonwealth. Chairman Alcorn asked if there were any comments.
95 David Greenwalt, Director of Integration-KnowInk and Katherine Hanley, Electoral
96 Board Secretary of Fairfax County provided comments to SBE.

97 The next order of business was the List Maintenance Overview presented by
98 Edgardo Cortés, ELECT Commissioner and Matt Davis, ELECT CIO. Commissioner
99 Cortés presented an overview of list maintenance and the requirements of the program.
100 Commissioner Cortés stated that SBE and ELECT are charged by federal and state law to
101 maintain a central voter registration database: § 24.2-404 charges SBE and ELECT with
102 maintaining a "complete, separate, and accurate record of all registered voters in the
103 Commonwealth." Commissioner Cortés noted that Virginia is a leader in this area and
104 one of the first states in the country to introduce a centralized voter registration database.
105 In 2007, the state introduced the Voter and Election Registration Information System
106 (VERIS) which expanded the database to include other processes handled by the SBE,
107 such as candidate and petition processing as well as list maintenance reporting.
108 Commissioner Cortés stated that confirmation process provided for in the National Voter
109 Registration Act (NVRA) and in the Code of Virginia stated that a voter registration
110 cannot be cancelled until a set of conformational actions are completed by the State.
111 Commissioner Cortés explained the parameters of the process and the exceptions allowed
112 under NVRA.

113 Matt Davis, ELECT CIO, continued the discussion on list maintenance. Mr. Davis
114 reviewed the data sources that ELECT utilizes to maintain the voter rolls of the
115 Commonwealth. Mr. Davis identified the following sources of information; List
116 Maintenance-DMV Full Data Extract, List Maintenance-DMV Non-Citizen Data, List
117 Maintenance-ERIC Death Data, List Maintenance-ERIC In-State Duplicates, List
118 Maintenance-SSA Death Data, List Maintenance-VDH Death Data, List Maintenance-US
119 District Courts, List Maintenance – VSP Felon Data, List Maintenance – VADOC Data,
120 List Maintenance – SCB Data, List Maintenance – VA Circuit Courts Mentally
121 Incapacitated Data, List Maintenance – Restoration of Rights, List Maintenance- ERIC
122 Cross-State Matches, List Maintenance – ERIC In-State Updates, List Maintenance –
123 Crosscheck, List Maintenance – USPS NCOA Data, and List Maintenance – NVRA
124 Cancellations. Mr. Davis asked if there were any questions.

125 Chairman Alcorn asked who makes the decision to cancel a voters' Virginia
126 registration. Mr. Davis stated that the State performs this function and uses several forms
127 of matching voter information before completing this action which is required by federal
128 law. Vice Chair Wheeler asked about the high percentages of inactive voters on the rolls
129 and the potential for individuals to vote more than once if they are registered in multiple
130 locations. Vice Chair Wheeler stated that this activity could change the results of the
131 elections and when inactive voters show at the polling locations on Election Day they
132 cause the lines to increase, because of the additional paperwork required before they are
133 able to cast their vote. Vice Chair Wheeler stated that it would behoove Virginia to clean
134 up the inactive rolls before August 2016 to prepare for the November 2016 election.
135 Vice Chair Wheeler stated: "We have to do something to clean up the rolls or we are
136 going to have 500,000 inactive voters coming to us causing increased lines, having to fill
137 out forms, and I won't even mention the fact that I have a chief election officer tell me,
138 when I was on the local electoral board, we don't (quote) have time for people to fill out
139 these forms, we just give them the forms and let them do it at home." Vice Chair Wheeler
140 suggested that the general registrars could assist with the cleanup of the voter rolls.
141 Mr. Davis stated that the NVRA does not allow the general registrars to take
142 action when a voter is in inactive status unless the general registrar has something in
143 writing from that voter. Mr. Davis stated that the surge in inactive voters is a direct
144 reflection of the list maintenance that has been occurring and the voter will be removed
145 when the requirements of federal laws are satisfied. Commissioner Cortés stated that
146 federal law is designed not to remove voters until the process is complete to ensure that
147 eligible voters are not removed improperly or accidentally from the rolls of the
148 Commonwealth utilizing the data sources available to ELECT. Commissioner Cortés
149 stated that there is a specific procedure that the officers of elections are to utilize to
150 confirm the address of a voter at the polls. Commissioner Cortés stated that ELECT is
151 doing everything available to ensure accurate rolls. Commissioner Cortés stated ELECT
152 is performing every safety check to ensure that voters are not improperly removed from
153 the rolls. Chairman Alcorn stated that the process has been improved over the years and
154 Virginia has become a leader in list maintenance. Chairman Alcorn stated: "The goal of
155 voter registration is to include people, not exclude eligible Virginians. Maintaining an

accurate list that contains every eligible voter and which excludes any non-eligible voter." Secretary McAllister stated that the annual list maintenance report, June 2013, states that general and federal funds are to be utilized to maintain the list. Secretary McAllister asked if there were funds available to maintain this resource. Mr. Davis stated that increasing resources would allow expansion of the current system and additional personnel to assist with the maintenance. Mr. Davis stated that the data involved in this program is sensitive. The resources required, to protect, our data and system environment is one of our biggest challenges. Chairman Alcorn asked if there were any public comments.

Comments were received by the following individuals: William Jenkins, General Registrar of Sussex County; Larry Haake, General Registrar of Chesterfield County and Kevin Reynolds, Chief of Staff for Senator Thomas Garrett.

The next order of business was the June 2016 Primaries Update presented by Reiko Doğu, Senior Elections Administrator. Ms. Doğu stated that on January 6, 2016 ELECT provided official notice to the party chairs of the filing window for requesting a direct primary which was February 10th thru March 1st. The parties notified ELECT of the adoption of direct primary as the method of making their nominations. Ms. Doğu stated that a special election has been called for November 8, 2016 to fill the remainder of the term vacated by the untimely death of the Honorable John Miller. Ms. Doğu stated that ELECT was instructed to use the new congressional districts as ordered by the court order on January 12, 2016. Ms. Doğu stated that on January 7, 2016 the United States District Court for Eastern Virginia instructed the Department of Elections to implement redrawn congressional districts. The 2016 congressional district lines are in effect for the nomination made at the 2016 June primaries. The internal process of updating the district boundaries was completed on April 16th utilizing the GIS software. ELECT was able to implement the new lines in record time as a result. Ms. Doğu stated that two localities, Chesterfield and James City County, completed a further step of reprecincting and they chose to do this to limit the number of split precincts caused by the new district lines. Ms. Doğu asked if there were any questions and there were none. Vice Chair Wheeler expressed gratitude, on behalf of SBE and the elections community, for the efforts and achievements of Ms. Doğu during her first year in her new position.

187 The next order of business was the SBE Training Standards presented by SBE
188 Vice Chair, Clara Belle Wheeler. Vice Chair Wheeler stated that SBE, according to
189 *Code*, is responsible for training and education. Vice Chair Wheeler stated that members
190 of the election community are responsible for presenting training segments during the
191 annual training in June 2016. Vice Chair Wheeler stated that computer based knowledge
192 centers are being developed to allow election officials the opportunity to train and update
193 their knowledge base at their convenience. Conversations have been held regarding
194 regional training. The annual training event will be information packed and a benefit to
195 all that attend. Those who attend will be properly prepared for the presidential elections
196 in November 2016. Commissioner Cortés stated that a workgroup was formed to provide
197 feedback to the Department of the desired training to be presented at the annual event.
198 Commissioner Cortés stated that the GREB Workgroup could focus on the training
199 standards for Officers of Elections and incorporated the changes that will be mandated on
200 July 1, 2016. Vice Chair Wheeler stated that she personally called several general
201 registrars and electoral board members asking for their input on the training. Vice Chair
202 Wheeler stated that the input received would be shared with SBE and the elections
203 community.

204 The next order of business was the Voter Registration Form – Lessons Learned
205 presented by SBE Chairman, James Alcorn. Chairman Alcorn stated that SBE is
206 continuing the practice of reviewing election related issues to learn and enhance the
207 administration of elections across the Commonwealth. Commissioner Cortés reviewed
208 the development of the new Voter Registration Application form adopted at the SBE
209 meeting on April 28, 2016. Commissioner Cortés started that a complete internal review
210 was conducted on the related regulations and outlined the input received from varying
211 members of the elections community. Commissioner Cortés reviewed the legislation that
212 was implemented that affected the application form. Commissioner Cortés stated that
213 after making various revisions in response to statutory changes and numerous public
214 comments, the Department consulted usability experts and performed usability testing to
215 assess contemplated revisions. Chairman Alcorn asked for a review of the Boards'
216 involvement of the process since June 2015 which was provided by the Commissioner.
217 Chairman Alcorn stated that SBE's role was minimal during the development process and

stated that a lesson learned would be increased involvement from SBE Members. Vice Chair Wheeler stated that she shared the same sentiment as the Chairman and declared that she had no knowledge of the development of the form until reviewing the proposed form in the Board Working Papers for the April 28, 2016 meeting. Vice Chair Wheeler stated that the election community did not have adequate time to review the documents. Secretary McAllister stated that the timeline for the review of materials by SBE should be expanded with increase structure in the review and preparation of materials presented at meetings. Secretary McAllister stated that this constructive conversation is necessary to keep the Board moving forward. Commissioner Cortés stated that the Voter Registration Application Form was vetted for nearly a year with input received from stakeholders and the election community and ELECT welcomes the feedback regarding the processes of presenting the Board Working Papers.

Chairman Alcorn asked if there was any other business to come before the Board and there was none. Chairman Alcorn asked if there were additional public comments. Public comment was provided by Katherine Hanley, Electoral Board Secretary of Fairfax County.

Chairman Alcorn moved *that the Board adjourn.* Vice Chair Wheeler seconded the motion. The Board unanimously approved the motion.

The meeting was adjourned at approximately 1:15PM. The Board shall reconvene on June 14, 2016 at 8:00AM in Richmond, Virginia – Washington Building-The Martha Brissette Conference Room.

Secretary

Chair

Vice Chair

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