

1 MINUTES

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3 The State Board of Elections Board meeting was held on Wednesday, January 18,  
4 2017. The meeting was held in the Martha Brissette Conference Room in the George  
5 Washington Building, Richmond, Virginia. In attendance, representing the State Board  
6 of Elections (SBE) was James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and  
7 Singleton McAllister, Secretary. Also in attendance, representing the Department of  
8 Elections (ELECT) was Edgardo Cortés, Commissioner; Elizabeth Howard, Deputy  
9 Commissioner, and Paul Stenbjorn, Director of Election Services. Chairman Alcorn  
10 called the meeting to order at 10:10AM.

11 The first order of business was the Commissioner report presented by Edgardo  
12 Cortés, ELECT Commissioner. Commissioner Cortés reviewed that the General  
13 Assembly of Virginia is in session, and subcommittees and committees are meeting until  
14 the end of February. He also notified the board that ELECT will be receiving an award  
15 from Harvard University for the electronic submission of absentee ballot applications.  
16 He also updated the board that ELECT will be working with general registrars and the  
17 Department of Motor Vehicles to improve the shift towards paperless transactions.  
18 Chairman Alcorn asked if any of the legislation in session will affect the Board.  
19 Commissioner Cortés notified him that some bills will. Secretary McAllister asked if the  
20 board could receive a summary of all of the bills affecting elections. Commissioner  
21 Cortés said ELECT will provide one. Chairman Alcorn also asked if there will be a  
22 replacement for Rose Mansfield, former clerk and Board liaison, as well as the status of  
23 minutes for the December 5<sup>th</sup>, 2017 meeting. Mr. Stenbjorn assured there is a draft of the  
24 minutes on Townhall.

25 The next order of business was the review of the situation in Lynchburg during  
26 the January 10, 2017 special election. Pat Bower, the chair of the Lynchburg Electoral  
27 Board, presented the steps that led to the shortage of ballots that occurred on Election  
28 Day. Ms. Bower also apologized to any voters who felt disenfranchised. Ms. Bower  
29 acknowledged the locality should have revisited their ballot order after the announcement  
30 of the candidates, and outlined the steps they are going to take to prevent a similar  
31 situation. Ms. Bower ensured that the locality will research and think longer about the

32 ballot order, check with other localities holding elections at the same time on their ballot  
33 order, consult local political parties to forecast turnout, and review communication  
34 procedures and priorities so the public is informed quicker about what is happening at the  
35 polls. Chairman Alcorn asked if the locality reported the amount of ballots they were  
36 ordering to ELECT. Ms. Bowers confirmed they did. Commissioner Cortés stated that  
37 ELECT received the report, but did not address the situation directly, as ELECT received  
38 pushback the last time they provided guidance. Commissioner Cortés stated that the City  
39 of Lynchburg had been directed to increase ballot orders in the June 2016 primary  
40 election and the Lynchburg Board refused to comply. Chairman Alcorn said that there are  
41 things to learn on both sides, and acknowledged that ELECT should review the reports  
42 received from localities analytically and provide feedback, and that localities should  
43 listen to that feedback. The events of Election Day in Lynchburg were reviewed hour by  
44 hour. Commissioner Cortés recalled his experience and the steps ELECT took to assist,  
45 including conference calls, regular check-ins, contact with the Department of Motor  
46 Vehicles to assist in printing additional ballots, and sending Deputy Commissioner  
47 Elizabeth Howard to the locality to manage the situation. The Lynchburg General  
48 Registrar, Karen Patterson, then recalled the locality's experience, including the steps  
49 they took to rectify the situation including electoral board members driving ballots to  
50 polling places, and contacting a local printer. Clara Belle Wheeler, Vice Chair, asked  
51 how many Officers of Elections were working. Ms. Patterson said three. Vice Chair  
52 Wheeler and Chairman Alcorn insisted it is important to have more than three Officers of  
53 Elections to be working to avoid a similar situation in the future.

54 The next order of business was the Certification of the January 10, 2017 special  
55 election, presented by Mr. Stenbjorn. Mr. Stenbjorn handed the results to Chairman  
56 Alcorn to announce the winners. The board then signed and certified the results.  
57 Chairman Alcorn also mentioned the Board's intent to sign results directly after its  
58 meeting subsequent to the November 2017 general election so as to save time within the  
59 meeting for other matters.

60 There was concern about the ability to certify results in a timely manner with the  
61 General Assembly in session, so the winners of the elections can participate in at least  
62 part of the session. Chairman Alcorn then suggested setting two dates of board meetings

63 during session so they can more quickly certify results; that way, if the election is  
64 concluded by the first meeting, they can announce the winner, certify the results in the  
65 next meeting after the provisional ballots have been counted, and still be able to provide  
66 proper notice of the meeting. Commissioner Cortés voiced that the SBE meeting is  
67 usually held after the local Board is able to certify the results to be sure that the SBE is  
68 certifying the final vote totals, whether or not the counting of provisional ballots change  
69 the outcome of the election or not. Chairman Alcorn noted that the ELECT website isn't  
70 updated with the turnout for the January special election. Commissioner Cortés clarified  
71 that the turnout is part of the certification process, so it will be available on the website in  
72 the next day or so.

73 The discussion then turned to the state of emergency declared by the Governor  
74 during the in-person absentee voting period prior to the January 10, 2017 special election  
75 due to inclement weather. Mark Coakley, the General Registrar of Henrico County,  
76 discussed the situation on Saturday, January 8, 2017. Mr. Coakley stated that no voters  
77 appeared at their offices on that Saturday for absentee voting due to the snow. Chairman  
78 Alcorn asked if people used the emergency extension granted by the Commissioner, and  
79 it was stated that they had. Commissioner Cortés agreed that Saturday was cause for  
80 concern, but noted that ELECT did not have authority to let the localities close.  
81 Chairman Alcorn encouraged Commissioner Cortés to look at the Code of Virginia to see  
82 if the Commissioner has the authority to extend the deadline due to emergency  
83 conditions. Gary Fox from PrintELECT then suggested that training for emergency  
84 weather preparedness would be a good idea.

85 Katie Webb Cyphert, Democratic Party Chair from Lynchburg, then discussed her  
86 experience in Lynchburg during the election, followed by Brian Triplett, Republican  
87 Party Chair from Lynchburg, both who shared concerns about training and lack of  
88 instructions provided Officers of Elections. Vice Chair Wheeler suggested having a  
89 training session during annual training for every electoral board member and general  
90 registrar to use the polling machines, so they could help refill tape and with other issues  
91 that may arise during an election. Commissioner Cortés noted that SBE has directed  
92 localities to conduct training on voting equipment since each locality may have a  
93 different type of equipment.

94 The next order of business was to review the preliminary statistics from the  
95 November General Election presented by Paul Stenbjorn, Director of Elections  
96 Administrator. Mr. Stenbjorn reviewed statistics on absentee ballots, including the  
97 improvement of implementing online application systems in terms of efficiency on both  
98 departmental and locality levels, and issues with duplicates.

99 The next order of business was the Stand by Your Ad summary presented by  
100 Brooks Braun, Policy Analyst for the Department of Elections. Mr. Braun reviewed that  
101 in November of 2016, there were 10 candidate committees, 2 local election committees,  
102 and 21 separate incidents where complaints were filed for ad violations. Mr. Braun noted  
103 all complaints were related to print media. Chairman Alcorn mentioned the Board's  
104 desire to move through the complaints quickly, and have them put on the agenda as soon  
105 as possible. Mr. Braun stated that candidates who have received a complaint must be  
106 provided a ten day notice of the hearing. This notice includes the content of the  
107 complaint.

108 Chairman Alcorn discussed the relative authority of SBE in enforcement of  
109 campaign finance broadly. Mr. Braun discussed the current processes ELECT follows  
110 for the assessment of campaign finance penalties. Mr. Braun clarified what qualified as a  
111 violation, including what cases would require referral to a Commonwealth's attorney.  
112 Chairman Alcorn asked for a summary of campaign finance penalties assessed, as well as  
113 any other kind of complaints that come in, including those that have gone to a  
114 commonwealth's attorney.

115 The board then opened the floor to public comment. An audience member asked  
116 who will be replacing Rose Mansfield, former clerk and board liaison for ELECT.  
117 Commissioner Cortés said a replacement has not been found yet. There was then  
118 discussion amongst the board about future rule making.

119 Secretary McAllister then asked if there is any legislation in session that will  
120 affect the electoral process, and asked if the legislators receive any viewpoints from the  
121 election community. Commissioner Cortés stated that ELECT attempts to provide as  
122 much input to the legislators as possible, including what the impact of legislation will be  
123 and how much implementation will cost. The Commissioner predicted that there will be

124 no major changes to the process, but that the legislature is still in session. Chairman  
125 Alcorn then adjourned the meeting.

126 The meeting was adjourned at approximately 1:30 PM. The Board did not set the  
127 date and time of its next meeting but discussed the need to meet to certify the special  
128 election that has been called for Tuesday, February 7, 2017.

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Secretary

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Chair

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Vice Chair

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