

1 MINUTES

2
3 The State Board of Elections board meeting was held Friday, March 23, 2018. The
4 meeting was held in the East Reading Room in the Patrick Henry Building in Richmond,
5 Virginia.

6 In attendance, representing the State Board of Elections (the Board) were James
7 Alcorn, Chairman; Clara Belle Wheeler, Vice-Chair; and Singleton McAllister, Secretary.
8 Also in attendance, representing the Department of Elections (ELECT) was Chris Piper,
9 Commissioner; Jessica Bowman, Deputy Commissioner; and Anna Birkenheier, Assistant
10 Attorney General. Chairman Alcorn called the meeting to order at 11:11AM.

11 Chairman Alcorn introduced Commissioner Piper and Secretary of Administration
12 Keyanna Connor. Commissioner Piper introduced Deputy Commissioner Bowman, who
13 began with ELECT on February 1, 2018, and Dave Nichols, the Director of Election
14 Services of ELECT. Ms. Birkenheier introduced Stephen Cobb, the new Deputy for the
15 Division of Financial Law and Government Support Section with the Office of the Attorney
16 General.

17 The first order of business was the approval of Board minutes. Secretary
18 McAllister *motioned the Board approve the minutes in block*. Vice Chair Wheeler
19 seconded the motion, and the motion passed unanimously.

20 The next order of business was the Commissioner's report, presented by
21 Commissioner Piper. The Commissioner informed the Board of a communication from
22 ELECT to the elections community, notifying the community of new hires at ELECT.
23 These hires included Gary Finch, a former contractor at ELECT who will be working on
24 an investment management project; Alanna McCann, the Election Services Program
25 Specialist, who will provide support to the Election Services team; Matthew Hayes, the
26 Support Analyst, who will be diagnosing and assisting with VERIS help tickets; and
27 Matthew Abell, the Election Administrator, who worked with ELECT from 2000-2015
28 before working in a local office.

29 Commissioner Piper noted legislative session was wrapping up, and that there were
30 no major legislative changes made that would impact the elections community. The
31 Commissioner mentioned that on July 1, 2018, §24.2-671.1 would go into effect, and that

32 ELECT was working with a variety of groups to determine what election officials will need
33 to do as far as conducting annual audits and preparing localities to implement the changes
34 proposed by the bill. Commissioner Piper said ELECT was including localities in the
35 discussion and in the plan to make these changes. The Commissioner also mentioned the
36 Omnibus bill in Congress, which passed and would grant \$308 million for elections and
37 election security, including money for audits for states.

38 Commissioner Piper laid out his vision for the agency for the next four years,
39 beginning with an improvement in communication in ELECT, both internally and
40 externally. The Commissioner stated internally there would be better day-to-day
41 management for staff and their tasks, including the increased use of the liaison division to
42 communicate directly with localities to provide more timely information. ELECT will be
43 implementing a program for ELECT staff to respond to any communications within 24
44 hours. ELECT staff will also be improving the foundation of VERIS, including an
45 investment management program. The Commissioner stated that ELECT was working
46 closely with localities, the Virginia Electoral Board Association (VEBA), and the Voter
47 Registrars Association of Virginia (VRAV), to improve annual training to be more
48 targeted, timely, and to identify communications, policies, or documents that are not clear
49 or effective. The Commissioner shared that Deputy Commissioner Bowman is leading a
50 project to review all of ELECT's policies, regulations, documents, and forms, for updates
51 or improvements that need to be implemented.

52 Chairman Alcorn thanked the Commissioner, and showed appreciation for the
53 focus on communication. Secretary McAllister noted the past election year had interesting
54 moments and that she is looking forward to keeping Virginia up to date with election law,
55 cyber security, and other important issues.

56 The next order of business was a review of ballot standards, presented by Samantha
57 Buckley, ELECT Policy Analyst. Ms. Buckley stated that in the fall of 2017 it was decided
58 the ballot standards needed to be updated and redesigned. Ms. Buckley presented the
59 updated ballot standards, noting the new standards did not include significant changes but
60 accounted for changes in the Code, the decertification of direct-recording electronic
61 machines (DREs) in 2017, and other changes. Ms. Buckley shared that ELECT worked

62 with the vendors, general registrars, and the Center for Civic Design (CCD) on the revised
63 standards.

64 ELECT recommended the Board approve and immediately implement the proposed
65 standards and the revised 501 (Certificate of Candidate Qualification) included in the
66 working papers. Commissioner Piper clarified that the new ballot standards would not go
67 into effect until the November 2018 election, so would not have to be implemented in the
68 June primary. Ms. Buckley noted the inclusion of a waiver that would permit localities to
69 request a waiver to the ballot standards if there are usability issues found (i.e. ballot order).
70 The waiver would need approval from the Commissioner, with each request considered on
71 a case-by-case basis. It was asked that the Board give the Commissioner the power to
72 approve these waivers.

73 Chairman Alcorn voiced approval for the new standards, finding them easy to read
74 and interpret. The Chairman asked why there was no font size minimum stated in the
75 standards, and suggested changing the word “expiry” to something more accessible. Vice
76 Chair Wheeler suggested the use of “expires” in its stead. Chairman Alcorn also noted a
77 typo on one of the pages, but congratulated ELECT on the overall effectiveness, usability,
78 and quality of the standards.

79 Vice Chair Wheeler suggested the Board hear from the electoral board members
80 and general registrars present at the meeting on their thoughts regarding the new standards,
81 and Secretary McAllister seconded the suggestion. Kate Hanley, electoral board member
82 from Fairfax County, stated that the County has to print every ballot in four languages;
83 because of this requirement, Ms. Hanley hoped there could be flexibility within the
84 standards to account for the need to rearrange for ballot order and length.

85 Commissioner Piper stated he spoke with Cameron Sasnett, the Fairfax County
86 general registrar, about these issues, and that this conversation is what led to the proposed
87 waiver Ms. Buckley discussed. Chairman Alcorn asked that if the Commissioner approved
88 a waiver, a report is given to the Board so if the issue is seen a number of times, the
89 standards can be updated accordingly.

90 Gary Fox, Customer Service Manager at PrintELECT, said that PrintELECT had
91 the opportunity to give input on these ballot standards and were confident that the vendors

92 could comply and work with localities such as Fairfax County to adhere to the standards.
93 Mr. Fox voiced PrintELECT's appreciation for the new proposed standards.

94 Stephanie Iles, City of Norfolk General Registrar, asked if their ballots would have
95 to be changed due to the use of rectangles for voting as opposed to circles, and when the
96 new standards would have to be implemented. Mr. Fox assured Ms. Iles that PrintELECT
97 spoke with the City of Norfolk's vendor and ensured that the circles on ballots be
98 recommendations rather than requirements so the vendor would not have to be recertified.
99 Ms. Buckley stated that rectangles could be used rather than circles, and stated the new
100 standards would not be implemented until the November general election so localities can
101 check on any changes that would need to be made with their vendors.

102 Chairman Alcorn brought the discussion back to the issue of font size, requesting
103 the Board set a Board requirement for a minimum font size. Vice Chair Wheeler agreed
104 that the size needed to be standardized. The Chairman suggested a requirement for size 10
105 font, but a recommendation for size 12. Ms. Buckley noted in the ballot standards that font
106 size 12 is a best practice, and that the Code stated the smallest font size is no less than 10.
107 Vice Chair Wheeler stated the Board should recommend that font size 12 should be used
108 unless it will create a problem with ballot length, as long as it doesn't contradict the Code.
109 The Chairman asked what the impact of that would be. Ms. Buckley said it was important
110 to consider how the font size could impact ballot length. Commissioner Piper said font
111 size 12 should be a best practice, but not a requirement, and that impact would be minimal.

112 Dianna Mormont, James City County General Registrar, asked if going to font size
113 12 would be a recommendation for localities' bookkeeping at the bottom of ballots as well;
114 Ms. Mormont explained that at the bottom of the ballot is information strictly for the office,
115 and asked if the font size being discussed would be applicable to that type as well.
116 Chairman Alcorn suggested doing a Board requirement that font not go below size 10 font,
117 but a Board recommendation the font not go below size 12. Vice Chair Wheeler asked Ms.
118 Mormont if the office type was currently at size 10, and Ms. Mormont said it was. Vice
119 Chair Wheeler suggested that any office information meet the size 10 requirement, but that
120 any information for the voter meet the size 12 recommendation.

121 Walt Latham, York County General Registrar, noted that the forms workgroup
122 reviewed the standards and discussed developing a checklist in coming months that could

123 address missing gaps such as the font size issue. Chairman Alcorn reviewed the changes
124 to the standards the Board discussed, and moved *to adopt the standards and the form as*
125 *presented by staff with the recommended changes.* Vice Chair Wheeler seconded the
126 motion, and the motion passed unanimously.

127 The next order of business was to review the Electoral College Candidate
128 qualification forms. Ms. Birkenheier stated that changes from the consent decree passed
129 would affect the petition of qualified voters for electors and the qualification forms for
130 electors. The specific changes included the removal of the last four numbers of a voters'
131 social security numbers on the petition, which would be replaced with the voters' date of
132 birth. Changes on the certificate of candidate qualification included the statement that
133 forms could be returned directly to ELECT.

134 Chairman Alcorn stated that the Board agreeing to the consent decree obligated the
135 Board to implementing these changes. Vice Chair Wheeler asked why the last four
136 numbers of a social security number were being removed from a form for someone
137 requesting to be an elector. Ms. Birkenheier clarified that the full social security number
138 for the elector is still required on the form, but that the last four numbers of a social security
139 number from a voter signing a petition was being replaced with the voters' date of birth.
140 Ms. Birkenheier stated the last four numbers of a social security number were optional for
141 voters signing the petition, and that providing the voters' date of birth would also be
142 optional. Vice Chair Wheeler asked how petition signatures could be verified with only a
143 name, address, and possibly a date of birth. Ms. Birkenheier suggested the Board go into
144 closed session if they wanted to discuss details, because of litigation. Vice Chair Wheeler
145 asked if the Board could table the topic and go into closed session after other items on the
146 agenda were covered.

147 Chairman Alcorn asked Ms. Birkenheier if the Board had any discretion in this
148 topic after the consent decree. Ms. Birkenheier said no. The Chairman said the Board
149 could have a discussion if desired, but had an obligation to abide by the legal binding
150 decree. The Chairman moved *the Board approve the amendments to form SBE-543 and*
151 *form SBE-501, sub-paragraph 1/543 as presented to the Board.* Secretary McAllister
152 seconded the motion. Vice Chair Wheeler voted nay, and the motion passed 2:1.

153 The next order of business was Stand by Your Ad (SBYA) procedures, presented
154 by Arielle Schneider, ELECT Policy Analyst. Ms. Schneider reviewed the procedure for
155 SBYA; Ms. Schneider explained that any complaint received by ELECT would have a
156 copy provided to the Board within 1 week of receipt. Within 1 week of receipt, ELECT
157 would review the complaint for sufficiency and completeness, and decide if it violates
158 SBYA. In 2015, the Board decided in order for a complaint to be considered complete, it
159 would need to include the name of both the person bringing the complaint and the sponsor;
160 the statement of the alleged violation; and evidence, such as photographic evidence.
161 ELECT would give notice of the date of the hearing, if the Board has one, to the
162 complainant, as well as to the accused. ELECT would provide the accused with a copy of
163 the complaint and evidence as well. ELECT would prepare materials that would outline
164 the complaint, evidence, and provide a staff recommendation. The procedures outline that
165 ELECT would require no fewer than 14 (fourteen) days before the hearing to provide the
166 Board with materials. ELECT also requested that the date would be given to the
167 complainant and accused no later than 14 days before the hearing.

168 Chairman Alcorn thanked ELECT for their work. The Chairman asked the Board
169 if the Board would consider anonymous complaints, given that the complainant provides
170 enough evidence to support their claim. Vice Chair Wheeler said verifying an anonymous
171 complaint could be an issue, but if all of the needed information is provided, saw no reason
172 against anonymity. Ms. Birkenheier informed the Board there was no legal Code
173 requirement for a complainant's identity. Secretary McAllister asked how many
174 anonymous complaints ELECT had received, and Ms. Schneider responded that ELECT
175 hadn't seen any but also has no way of tracking them if they're anonymous. Ms. Schneider
176 noted if a complaint came in incomplete, under these procedures, ELECT would reach out
177 to the complainant for more details. However, if a complaint comes anonymously, there
178 would be no way to complete the complaint.

179 Chairman Alcorn asked for the statement in the procedures that ELECT would
180 provide the Board with complaints that are not violations of SBYA be clarified. Ms.
181 Schneider suggested changing the language so it would state that ELECT would provide
182 the Board with complaints alleging violations of §24.2-9.3 and §24.2-9.4, with the staff
183 recommendation that the Board not have a hearing. Vice Chair Wheeler agreed, stating

184 the Board may not need a hearing but would still know what's going on. Chairman Alcorn
185 requested the language say the complaints with recommendation of no hearing are not in
186 the scope of §24.2-9.5 rather than within the scope of 9.3 and 9.4, and Ms. Schneider agreed
187 to the request.

188 Vice Chair Wheeler stated the importance of the Board's receipt of complaints, and
189 Ms. Schneider agreed to the importance of transparency via inclusivity. Chairman Alcorn
190 discussed the statement in the procedures outlining that complaints received 30 days before
191 an election will be heard by the Board, and complaints received less than 30 days before
192 an election will be heard after the election; the Chairman asked if that procedure was okay
193 with the Board. Vice Chair Wheeler stated most violations occur in the last days before an
194 election and raised concern that if a candidate is violating SBYA, it should be addressed
195 before an election. Chairman Alcorn acknowledged the concerns, but suggested the Board
196 go by this timeline and monitor it to see if the 30 days need to be shortened.

197 Vice Chair Wheeler suggested the Board use the 30-day timeline unless a
198 particularly egregious complaint comes up, in which case, the Board should have a hearing.
199 Ms. Schneider noted that if the Board adopts the standard operating procedures proposed,
200 the Board would not hear a complaint within 30 days of an election, regardless of its
201 severity. Chairman Alcorn agreed that the Board would not have discretion, unless
202 discretion was written into the procedure. Vice Chair Wheeler suggested adding a clause
203 that the Board would have the option of having a hearing within those 30 days. Chairman
204 Alcorn raised the concern that the option could lend the Board to being accused of picking
205 and choosing complaints they find politically strategic. Secretary McAllister asked what
206 would define an egregious complaint and how the Board would make that determination.

207 Commissioner Piper said he used to work in campaign finance on this issue, and
208 discussed the fact that there could be hundreds of complaints to be heard by the Board.
209 The Board agreed to try the 30-day timeline and monitor how it goes. Chairman Alcorn
210 moved *the Board adopt the enclosed process for the Department of Elections' handling of*
211 *complaints alleging violations of Chapter 9.5 Stand by Your Ad with the modifications*
212 *made by the Board, and the Board request that staff prepare a report regarding the timeline*
213 *on when complaints are received in regards to the 2018 elections.* Secretary McAllister
214 seconded the motion and the motion passed unanimously. Chairman Alcorn requested the

215 standard operating procedure be turned into a regulation. Commissioner Piper assured the
216 Board that ELECT would get the process started, and noted that there were a number of
217 outstanding SBYA complaints that ELECT would get to the Board soon.

218 The next item on the agenda was to review a memo in the working papers. Ms.
219 Schneider recommended the Board request ELECT staff prepare memorandum before any
220 SBYA hearings to clarify items of ambiguity or previous requests the Board made to staff
221 in the past. One of the three memos would be in regards to express advocacy, and would
222 be drafted alongside the Office of the Attorney General (OAG). The memo could serve as
223 a resource document and guide for SBYA complaints, which often concern the issue of
224 express advocacy. Chairman Alcorn requested language in the memo be changed,
225 specifically in section 3, where he suggested "CF" (campaign finance) be changed to
226 SBYA. The second memo would provide a proposed schedule of civil penalties. The third
227 memo concerned exacerbating ameliorating factors. Chairman Alcorn moved that *the*
228 *Board direct the Department to evaluate and propose a policy on factors for considerations*
229 *in SBYA hearings; prepare the analysis with recommended improvements to the existing*
230 *schedule of civil penalties; and provide a mental consultation with OAG regarding*
231 *interpretation and application of express advocacy, to include a review of past decisions*
232 *by this Board, federal, and state courts.* Vice Chair Wheeler seconded the motion, and the
233 motion passed unanimously.

234 The next order of business was regarding the Prince William Audit. Ryan
235 Mulligan, Election Training Administrator at Prince William County, asked the Board for
236 permission to conduct a pilot audit in the May 1 town election to help develop procedures
237 for §24.2-671.1. Mr. Mulligan stated the audit would create an opportunity to test four
238 different methods of auditing: a recount, a hand count, and two statistical tests. The audit
239 would take place on May 10, 2018 in Prince William County.

240 Chairman Alcorn asked if the Board has to grant permission for counties to do these
241 audits, and if the Board has to approve procedures under the Code. Robin Lind, Electoral
242 Board Member for Goochland County, pointed to §24.2-671.1, part C, which states, "All
243 audits shall be performed in accordance with procedures prescribed by the State Board
244 under the supervision of the local electoral board." Mr. Lind said no procedures had yet

245 been developed by the Board, and said the Prince William County audit could serve as a
246 test to help create procedures that could go into effect on July 1.

247 Commissioner Piper said he spoke with Michele White, Prince William County
248 General Registrar, and asked Ms. White to provide more information on the procedures as
249 they're developed. ELECT strongly supports the audit, as it gives an opportunity to
250 develop procedures prior to July 1. Commissioner Piper said as ELECT receives updates
251 on what procedures are being developed, the updates could be forwarded to the Board for
252 consideration, comments, and concerns.

253 Chairman Alcorn suggested the Board delegate the duties of procedures to the
254 Commissioner, and said he would approve the audit if the Commissioner agrees with the
255 procedures. Ms. Iles stated that the Norfolk Electoral Board is interested in conducting a
256 statistical audit in May, and did not realize they would need Board permission to conduct
257 one. Ms. Iles suggested that Norfolk work with Prince William County on developing
258 procedures.

259 Cameron Sasnett, Fairfax County General Registrar, brought up the last paragraph
260 in §24.2-671.1, which states, "At the conclusion of each audit...the board shall announce
261 publicly the results of the audit...The announcement shall include a comparison of the
262 audited election results and the initial tally for each machine audited, and an analysis of
263 any detected discrepancies." Mr. Sasnett voiced concerns that if Prince William County
264 plans on running four separate audits and there are discrepancies found, that there would
265 be liabilities for the locality. Chairman Alcorn agreed that if the audits with different
266 results from other audits appeared, there would be a problem.

267 Vice Chair Wheeler stated that the last paragraph of the bill is the goal of the bill—
268 to study the accuracy of ballot scanning machines in order to give voters confidence in new
269 voting equipment. The Vice Chair said it is important to find out a method of running
270 audits to test the machines for accuracy and consistency, and if Norfolk runs a similar audit,
271 the Board hears the results of it.

272 Chairman Alcorn said there would likely be time at the next Board meeting before
273 May, and before Norfolk would conduct the audit, and to further discuss it. Chairman
274 Alcorn moved *the Board approve the audit in Prince William County, utilizing procedures*

275 *that are agreed upon by the Prince William Electoral Board and Commissioner Piper.*

276 Vice Chair Wheeler seconded the motion, and the motion passed unanimously.

277 The next order of business was a review of DemTech and the November 2017
278 election. Commissioner Piper introduced Mike Brown, and informed the Board that
279 DemTech provides electronic pollbook (EPB) support solutions to over 90 localities.
280 ELECT received reports from 14 localities of errors regarding EPBs on Election Day in
281 November 2017. Mr. Brown said DemTech did run into a small number of problems with
282 localities, and worked to address the issue, find a solution, implement the solution, and
283 then work to be sure the issues would not happen again. Mr. Brown stated there was not a
284 question of the validity of the machines, and that the machines worked but did have
285 slowdowns. Mr. Brown said that feedback from localities stated the machines were not
286 working correctly, but that was not the case.

287 Commissioner Piper stated he spoke to localities that experienced issues and the
288 localities reported that DemTech was quick and efficient when problems were reported.
289 The Commissioner stated the issues arose from communication errors between EPBs at the
290 polling places, but that ELECT has been working with DemTech since the November 2017
291 elections to get all versions up to date and working together. Commissioner Piper reiterated
292 Mr. Brown's point that the machines were not broken, and were in fact secure.

293 Secretary McAllister asked what steps could be taken to fix the issue of the
294 slowdown. Mr. Brown assured the Board that a fix had been put in place to fix localities
295 that had the issue. Vice Chair Wheeler said that most of the issues regarding this topic
296 were resolved before the Board or ELECT were even aware they were happening, and
297 stated it was a small issue that did not impair voters in the ability to access polling places
298 to vote.

299 The next item on the agenda was to conduct a drawing by lot for the placement of
300 names on the primary election ballot. Commissioner Piper informed the Board there would
301 be no drawing at this meeting, but that there would be another meeting scheduled to
302 conduct it. The Commissioner noted the Board had the ability to delegate the duty to
303 ELECT if requested, but informed that the deadline for certification of candidates would
304 be on April 3 and suggested April 4 as a meeting time to conduct the drawing. Chairman

305 Alcorn said he would, but the Vice Chair and Secretary were available to hold the meeting
306 in Northern Virginia on April 4.

307 The next order of business was an open discussion by the Board members. Vice
308 Chair Wheeler discussed the problems with the interface between the Department of Motor
309 Vehicles (DMV) and ELECT/the Voter Electronic Registration Information System
310 (VERIS). The Vice Chair stated that nearly every day, a general registrar would report a
311 problem regarding this interface. The Vice Chair discussed reports in the November 2017
312 election where students were having issues voting, as updating information at the DMV
313 would result in their polling places being changed. Chairman Alcorn asked what the
314 Board's goal in having the discussion was, noting that these issues are programming issues
315 being worked on by the DMV and ELECT staff. Vice Chair Wheeler clarified that the goal
316 was to see which localities had these issues, how the localities dealt with the issues, and
317 what response the localities received from DMV regarding them. Chairman Alcorn asked
318 if the few general registrars in the audience would be a representative sample of the issues
319 being experienced. Vice Chair Wheeler said she was asking if the DMV had been changing
320 voters' registration based on updates to their licenses, and how localities dealt with
321 provisional ballots that had been submitted regarding this issue. Chairman Alcorn stated
322 the answer to that question would be from computer systems rather than general registrars.
323 Vice Chair Wheeler stated the Board should make a blanket statement regarding the
324 handling of these provisionals, since they were handled differently amongst localities. The
325 Board making a statement could provide some uniformity. Chairman Alcorn agreed to
326 hear from locality representatives and how they handled this particular situation.

327 Win Sowder, City of Williamsburg General Registrar, stated the issue was a
328 misunderstanding between students on how and where to register. Students get confused
329 between whether to register at their dorms or university living spaces or at their permanent
330 address with their parents. Ms. Sowder said the issue is finding a way to communicate
331 how and where students should be registering to the students. Ms. Iles agreed that
332 education is the solution. Jake Washburne, Albemarle County General Registrar, said
333 Albemarle had this issue and did not count the provisional ballots. Mr. Washburne asked
334 if there is a way to make the registration issue clearer to students. Mr. Sasnett noted that
335 many universities no longer use mailbox systems, using new technologies to direct mail

336 and leaving students unsure of mailing addresses. Mr. Sasnett asked how to make sure
337 students have the opportunity to vote on campus, notably when these mail issues are
338 occurring within universities. Kate Hanley, Fairfax County Electoral Board member,
339 stated a number of students no longer have mailing addresses, which creates issues in
340 communicating important voter information to them via mail.

341 Chairman Alcorn acknowledged the questions and concerns, but asked what the
342 Board's role is in this issue. Commissioner Piper stated ELECT is going through
343 regulations, and is working with association leadership to find a solution. The
344 Commissioner pointed to third party registration training as a solution, and said ELECT is
345 working on regulations and policies as well as training.

346 Ms. Iles raised further concerns regarding applications received from the DMV and
347 how the processing of applications led to duplicate registrations or incomplete applications,
348 notably when updating addresses. Due to this issue, election offices are struggling with
349 scanning alpha cards to transmit to other localities, which creates delays, high mailing
350 costs, and high printing costs. Ms. Iles suggested the process for how protected voter status
351 is offered at DMV be updated that applications from DMV provide a transaction number
352 so issues could be linked together. Ms. Iles also suggested ELECT have a staff lawyer to
353 provide legal guidance to localities, and have communication on IT changes from ELECT
354 more frequently. Ms. Iles stated that the current system needs to be cleared against a social
355 security number list, as there are allegedly a number of invalid social security numbers
356 coming from third party registration groups.

357 Ms. Birkenheier clarified that the Office of the Attorney General represents the
358 Board, but cannot give legal advice to localities. Chairman Alcorn stated that ELECT staff
359 cannot give legal advice to localities either. Ms. Iles clarified she was requesting legal
360 advice regarding changes or updates to policy or Code that ELECT is making. Chairman
361 Alcorn noted the General Assembly is responsible for updating Code, and that ELECT has
362 staff who have Bar licenses, but are not attorneys. The Chairman said the Attorney General
363 is legal counsel to the Board and ELECT. Chairman Alcorn recognized the issues
364 concerning DMV applications, and said the Commissioner assured that ELECT is working
365 with DMV and other agencies to resolve issues as quickly and accurately as possible.

366 Mr. Washburne voiced frustration at the lack of legal guidance, asking for an
367 authoritative interpretation of Code that could be provided to localities. Mr. Sasnett noted
368 the Board has the authority to state interpretations of Code, and that localities are receiving
369 issues that lead general registrars to be hesitant on stating whether a voter is registered.
370 Mr. Sasnett said the interpretations of law make a big impact on how localities do their
371 jobs.

372 Vice Chair Wheeler noted the discussion being held was the reason for regular
373 Board meetings, stating the Board had not met for a general meeting since October of 2017.
374 The Vice Chair said the Board's responsibility is to listen to concerns from localities and
375 act in tandem with ELECT to find solutions.

376 The Vice Chair then asked about the exact methods used for reporting and receiving
377 Virginia data to the voter registration cross check program as the next item in open
378 discussion. Commissioner piper said ELECT could send that information to the Board for
379 discussion in the next meeting. The Commissioner shared ELECT had dates ready for the
380 2018 annual training that would be announced by Monday, March 26.

381 Chairman Alcorn moved to the next item on the agenda, regarding a review of the
382 November 2017 general election. Chairman Alcorn said the Board planned to have a
383 debrief on how things went, but was unsure if anything was prepared considering the
384 unique situations that arose from the election. Vice Chair Wheeler discussed the issue in
385 Fredericksburg City and Stafford County, where voting districts were being populated
386 incorrectly. The Vice Chair stated she was informed ELECT knew of multiple jurisdictions
387 that were mispopulated before the congressional race two years earlier, and submitted that
388 every locality look at its own jurisdiction and be sure that it is populated correctly. The
389 Vice Chair requested that localities that do not have mapping capabilities receive assistance
390 from ELECT, and that all localities submit verification that all localities are populated
391 correctly before the next election.

392 Commissioner Piper informed the Board that ELECT is working with localities and
393 the process the Vice Chair described is in process. Vice Chair Wheeler asked if the Board
394 could have a report at the next meeting, and the Commissioner agreed to give a status
395 report. Ms. Iles stated several localities were contacted by the Division of Legislative
396 Services (DLS) to provide district files in preparation for upcoming redistricting.

397 Vice Chair Wheeler discussed ballot printing and proofing by local vendors, asking
398 the Board if localities could use local printers to print ballots as opposed to bigger vendors.
399 The Vice Chair pointed out there is no certification process for printing vendors, unlike
400 required certification for voting machines. Chairman Alcorn was unsure if there were any
401 Code sections permitting or forbidding it. Vice Chair Wheeler submitted that the Board
402 and ELECT look into the question. The Chairman stated if the printers meet the
403 requirements in the Code, he did not see an issue with it given there are no certification
404 requirements to be met; however, the Chairman suggested the Board and ELECT research
405 precedent and legality of the question. Ms. Birkenheier stated if there were legal concerns,
406 localities should consult with their local attorneys. Mr. Fox encouraged the Board to have
407 a detailed discussion regarding this issue, as vendors certify printers in order to meet their
408 standards and the issue is complex and requires further attention.

409 The next item on the agenda was to cover the 2016 and 2017 GREB Workgroup
410 reports. Ms. Hanley said the Board received the reports electronically, and would like a
411 discussion from the Board about what items can be done and what feedback the members
412 may have. Chairman Alcorn shared he asked Commissioner Piper to do a review of the
413 report. Ms. Hanley noted one item on the report is the revision of evaluation forms for
414 general registrars, and Chairman Alcorn said he had input for that. Vice Chair Wheeler
415 asked if the discussion could take place at the next Board meeting. Commissioner Piper
416 asked for clarification on what ELECT is being asked to do in regards to the report, and
417 the Chairman replied ELECT should have recommendations on projects and review if there
418 would be operational or procedural difficulties on any of the items mentioned.

419 Ms. Hanley asked if the Workgroup could be helpful as a sounding board or data
420 collections, as the group would like to be available in any way moving forward. Mr. Lind
421 mentioned that Deputy Commissioner Bowman came to the last GREB Workgroup
422 meeting and shared the importance of improved communication, patience, and
423 cooperation.


424 The last item on the agenda was to set future Board meeting dates. Commissioner
425 Piper described a 6 week rotation for Board meetings, which would allow ELECT to
426 provide the Board with materials two week ahead of any meeting time. Meetings would
427 also be placed around important deadlines regarding certification and election


428 requirements. Chairman Alcorn agreed to a baseline of dates, which could have more
429 added if needed. Secretary McAllister asked for suggested dates. Vice Chair Wheeler
430 suggested the Board meet every month until after November in order for the Board to get
431 outstanding items in order. Chairman Alcorn stated six weeks would be fine if there are
432 clear action items set for the meetings.

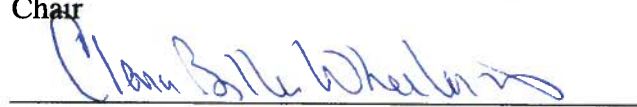
433 Mr. Fox spoke regarding the May Town Election, and on the tight deadline between
434 candidate certification to candidates qualifying for the ballot. Mr. Fox asked that someone
435 suggest legislation to move certification a week out so vendors have an extra week for
436 proofing and media burning; this solution would also assist ELECT staff and localities.

437 Chairman Alcorn then moved to adjourn the meeting. Vice Chair Wheeler
438 seconded the motion, and the motion passed unanimously. The meeting was adjourned at
439 approximately 2:00 PM. The Board will next meeting on April 4, 2018 to conduct the
440 ballot drawing to set the order for the June primary elections.

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Secretary


Chair


Vice Chair