

## DRAFT MINUTES of the GREB WorkGroup

September 14, 2017

The GREB WorkGroup met on Thursday, September 14, 2017, at 10 a.m. in Conference Room, McGuireWoods Gateway Plaza, Richmond Virginia.

Present: Co-Chair John Hager, Al Ablowich, Renée Andrews, Billy Bell, Barbara Gunter, Tracy Howard, Lisa Jeffers, Charlie Judd, Robin Lind, Clara Belle Wheeler and Michele White; Co-Chair Kate Hanley and Tracy Howard attended telephonically.

Mr. Hager called the meeting to order at 10:05 am and minutes of the July 13 meeting were approved as revised.

Mr. Lind described the third attempt to get a response from the State Board of Elections to the 2016 GREB WorkGroup Report at their July 28 meeting. He reported that the Commissioner did not provide the point by point response requested by SBE Secretary Singleton McAllister but at the request of SBE Chair James Alcorn Mr. Lind said he had provided a brief point by point summary of the Report. The SBE took no action. Dr. Wheeler said there are no further SBE meetings scheduled until the November 8 Canvass of election results.

Extensive discussion followed with suggestions that a synopsis be prepared for the members of the House and Senate P&E Committees with a sense of the state of the Elections Community. Mr. Howard agreed to work on the synopsis with Jake Washburn, VRAV Legislative Chair, and incoming VRAV President Walt Latham.

On Charge 1, the Report on the VRAV Survey, Ms. Gunter led the discussion on improvements needed, sharing an extensive report compiled by Tracy Howard which had been emailed to WorkGroup members on 9/13/17; she noted some issues have actually been addressed and improved. The report recommended a request to Matt Davis, ELECT CIO, for a summary of improvements over the past year; that the VRAV annual technology survey be continued to provide “input to ELECT as to user needs and issue;” and form a partnership between ELECT and VRAV to review needs and priorities.

Ms. Hanley focused on the issue of duplicate registrations through the DMV which she attributed to their computer back-end systems. Ms. White said the two systems — of DMV and ELECT — need to be married together. Mr. Judd suggested that the Secretary of Administration needed to hear kudos for the successes achieved and then meet with the Secretary of Transportation and explain that this is their problem and critical.

Mr. Bell said he believed that data controlled by DMV was critical and Ms. White agreed that data ownership is the issue to be addressed.

Mr. Ablowich said that Ms. Gunter had provided a good statement of the problem but that we need to lay out the consequences of not solving the problem. He suggested a letter to the two secretaries of Admin and DMV with copies to the P&E Committees.

Mr. Hager called for a document to be drafted and Ms. Hanley and Ms. White agreed to develop the draft letter.

On Charge 2, Performance Evaluation of Directors of Election, Ms. Andrews explained the changes her subcommittee had prepared in the existing report and submitted a Draft revision. Detailed discussion ensued on the purpose and usefulness of the report. Dr. Wheeler suggested that a training session on how to conduct and evaluation might be very helpful at VEBA's annual meeting.

On Charge 3, Implementation of SB 1254, (now §24.2-671) calling for Risk-Limiting Audits of optical scan ballot machines, Ms. White quoted the Commissioner as saying it is too early to deal with and doesn't take effect until July 1, 2018.

Ms. White gave a detailed report on her research in which she said there are many parts and pieces which have not been fully identified, and implementation will be very ambitious to undertake in one year. Some voting equipment makes an image of every ballot that goes through, she said, and it may not be legal to examine images of ballots. She also explained that an audit of ballot scanners with the ballots they had counted would require She provided a copy of the Colorado Risk Limiting Audit Report and said Colorado took six years to implement a similar system in 64 counties. Their system requires the audit to be performed within days of the election, before results are certified.

Dr. Wheeler said the intent of the legislation was to check one fifth of all machines in every jurisdiction every year. Mr. Lind pointed out that the language, as written, required some machines in one fifth of the jurisdictions to be audited annually at random.

Mr. Howard said the Commissioner had told him that ELECT envisions the audit being held in mid-summer to avoid May elections and the audit would be on whichever most recent election was held.

Ms. Andrews asked which election was being referenced in the language calling for an annual "post-election" audit.

Ms. Hanley said there will be 38 ballot combinations in Fairfax County in November and would probably take the full seven days to certify results; Fairfax couldn't possibly conduct an audit and make deadlines to certify in time.

Mr. Ablowich pointed out that all voting equipment is not necessarily owned by jurisdictions; some is leased. How do you get back the same equipment to test, he asked.

Mr. Bell said there were degrees of difficulty all across the state; he recommended legislative action to remedy the deficiencies in the new Code section.

Ms. White asked that the subcommittee get back together and draft suggested remedies.

Ms. Gunter said that every jurisdiction is required to be audited but the bill does not specify that every machine has to be audited; it may be only 10% of the machines that are audited. The L&A verifies that the equipment is accurate, the risk-limiting audit verifies that the software is functioning correctly.

Mr. Judd said that he was confident that the patron and P&E Committees were unaware of the issues raised.

Mr. Hager asked that the significant issues be put down on paper for review with the patron, Sen. Mark Obenshain. What happens if you find something wrong? he asked. Mr. Hager then directed the subcommittee to get together and come up with recommendation for clarification.

On Charge 4, restructuring the State Board of Elections, Mr. Judd gave a brief summary of the first legislation proposing a five-member SBE introduced in 2010, which passed the House 97-3 but in the Senate was defeated in subcommittee 8-7. He said that original bill could be tweaked, the five-member board being gubernatorial appointments, who appoint the Commissioner; modeled after the State Corporation Commission. He also suggested a staggered appointment process with a new member appointed each year. Ms. Hanley said it should be incremental change.

Mr. Lind pointed out the Governor coming into office in January would still have appointive power of a new Commissioner, the existing SBE would stay on in their existing four-year terms, and, if legislation passed, the new members and system would come into office in 2019.

Mr. Hager asked Mr. Judd to propose legislation and seek a patron to carry it.

On Charge 5, List Maintenance and Management:

Mr. Howard reported on list maintenance discussions he has had with ELECT's Matt Davis, especially about Cross-Check and ERIC; basically handcuffed to NVRA requirements; also federal SAVE system. There has reportedly been a change in the non-citizen question at the DMV, new safeguards going online; better matching of social security numbers and signatures in process but DMV bureaucracy exponentially worse than ELECT's.

Dr. Wheeler asked about the citizenship question on DMV and Voter Registration forms. Mr. Howard said ELECT seems to be making progress through Matt Davis and his team.

Mr. Lind commented extensively on the List Maintenance report required under §24.2-404-F, and described a response from the Commissioner referring to an exemption from the August 1, 2017 reporting deadline mentioned in 2.2-608.

Mr. Hager asked Mr. Lind to forward his report to the P&E Committees.

Time for the meeting having expired, Mr. Lind moved that Old Business and New Business be tabled until the following meeting.

The next meeting was scheduled for October 12 at 10 am.

There being no time for further business the WorkGroup adjourned at 1:14 pm

Respectfully submitted,

Robin Lind, Temporary Permanent Recording Secretary