

State Election Commission  
Thursday, March 3, 2016 – 10:00 a.m.  
Secretary of State Conference Room  
Minutes

Members Attending:

Gary Collias, Chair  
The Honorable Natalie E. Tennant, Secretary of State  
Taylor Downs (By Teleconference)  
Vince Cardi (By Teleconference)

Others Attending:

Tim Leach, Assistant Legal Counsel  
Ashley Summitt, General Counsel  
Layna Valentine Brown, Director of Elections  
John Sandoro, Chief Financial Officer  
Missi Kinder, Campaign Finance Specialist

The State Election Commission met on Thursday, March 3, 2016 at 10:00 a.m. in the Secretary of State Conference Room. Mr. Collias called the meeting to order at 10:00 a.m., and a quorum was established by roll call.

Mr. Cardi made a motion to approve the minutes from the October 21, 2015 meeting with Mr. Downs seconding the motion. Motion passed unanimously.

Ms. Valentine-Brown addressed the commission concerning a request for certification for the Election Systems & Software (ES&S) EVS 5.2.1.0 Express Vote voting system. In 2015, the State Election Commission certified the Express Vote for use in West Virginia. Since that time, ES&S has sent modifications of the system through the Federal Election Assistance Commission for certification that impacts the functionality of the system. A request has been sent to us for consideration of review and certification of these modifications for use in West Virginia.

The two State Computer Experts would be called in to review the federal report and to do a physical review of the system. The experts would have 90 days to complete the review and submit a report to the State Election Commission for consideration.

Mr. Cardi made the motion to give approval for the State Computer Experts to examine the Express Vote 5.2.0.0, with Secretary Tennant seconding the motion. The motion passed unanimously.

Mr. Downs made the motion to set the compensation for the experts at \$500. This compensation is to be paid by the vendor. Mr. Cardi seconded the motion, and the motion passed unanimously.

Mr. Sandoro informed the Commission that of the \$5,782 that the Legislature has budgeted the State Election Commission for the EY 2016, currently \$4,677.50 has been incurred for court reporting fees and

transcripts. There are also outstanding expenses for printing and legal fees, which totals more than what has been appropriated for the current fiscal year.

Mr. Cardi made the motion to pay \$4,677.50 from the SEC budget for court reporting fees with Secretary Tennant seconding the motion. Motion passed unanimously.

Mr. Downs made the motion to request the Secretary of State's office to pay \$2,091.62 in printing fees and any legal fees with Mr. Cardi seconding the motion. Motion passed unanimously.

The State Election Commission moved into Executive Session at 10:42 a.m. to discuss litigation issues with Mr. Downs recusing himself.

The commission came out of Executive Session at 11:42 a.m.

Secretary Tennant made the motion to engage Lewis, Glasser, Casey and Rollins to participate in two civil actions and file pleadings, continuances and counsel, and represent the interest of the SEC with Mr. Collias seconding the motion. Motion passed unanimously.

Secretary Tennant moved to adjourn at 11:45 a.m. with Mr. Cardi seconding the motion. Motion passed unanimously.