

State Election Commission
Monday, August 22, 2016 – 11:00 a.m.
Secretary of State Conference Room
Minutes

Members Attending:

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

Others Attending:

Tim Leach, Assistant Legal Counsel
Layna Valentine-Brown, Direct of Elections
Ashley Summitt, General Counsel
Dave Nichols, Legislative Liaison
Sam Speciale, Public Affairs Specialist
Missi Kinder, Campaign Finance Specialist

The State Election Commission met on Monday, August 22, 2016 at 11:00 a.m. in the Secretary of State Conference Room. Chairman Collias called the meeting to order at 11:02 a.m., and a quorum was established by roll call.

Secretary Tennant made a motion to approve the minutes from the May 31, 2016 meeting with Mr. Downs seconding the motion. Motion passed unanimously.

Layna Valentine-Brown spoke about ES&S's certification request for their EVS 5.3.1.0 Voting System. The State Election Commission previously approved the 5.2 version of this system. The 5.3 version of the system has the telecommunication modeming functioning turned on, and the 5.2 version does not.

The Election Assistance Commission (EAC) has not certified this version of the system because it does not meet their requirements. In addition, this system does not conform to §3-4A-9B of W. Va. State Code.

After a discussion, Secretary Tennant made a motion to deny accepting the application because it lacks federal certification and does not comply with West Virginia State Code, with Mr. Downs seconding the motion. Motion passed unanimously.

Mr. Leach addressed the Commission concerning the audit of the West Virginia Supreme Court of Appeals Public Financing Fund as prepared by Maher Duessel. No negative findings or problems were found with the report. This audit will be supplied as an attachment to the annual report to be filed with the Legislature at the end of the year. \$500,000 was taken out of the account by the Legislature after the completion of the report, which also will be detailed in the annual report.

Mr. Nichols mentioned that State Code requires the Secretary of State's office to consult with the State Election Commission anytime they propose legislative rules prior to promulgating them.

§153-3-1 is in response to changes made through HB 4013 (also known as the Voter ID Bill). This rule is a product of many meetings with many stakeholders including county clerks, The Brennen Center, The League of Women Voters, and Political Parties.

Automatic Voter Registration at the DMV is included in this bill. Currently, there is an opt-in feature at the DMV, and this rule creates an opt-out provision. This rule is currently out for the 30-day public comment, which ends today at noon.

§153-52-1 is in response to Senate Bill 591 (Voter Registration List Maintenance by the West Virginia Secretary of State's office). Many administrations of the Secretary of State's office have established that voter rolls are maintained by the County Clerk's offices, but the Secretary of State may assist with this only when requested. The office does not make changes to Voter Registration records for any county.

SB 591 requires the Secretary of State's office to potentially do maintenance on the records, such as cancel voters or make them inactive if the County fails to do so. Limitations do need to be in place to let the Counties know what to expect. This rule provides circumstances and guidelines in which the Secretary of State's office would step in and make necessary changes. This rule is also out for the 30-day public comment, which ends today at noon.

Secretary Tennant noted that September is National Voter Registration month and efforts have been picked up to recognize this. The Secretary of State's office will hold a press conference on September 1 to unveil the planned activities.

Mr. Collias asked about the two County Clerks that were not complying with Online Voter Registration (OVR). Secretary Tennant stated that some engagement is now being made by these County Clerks.

Mr. Cardi made the motion to adjourn at 11:50 a.m. with Mr. Downs seconding the motion. Motion passed unanimously.