

State Election Commission
Tuesday, June 27, 2017 – 9:00 a.m.
Secretary of State’s Conference Room
Minutes

Attendees:

Members

Gary Collias, Chair
Mac Warner, Secretary of State
Vince Cardi (By Teleconference)
Taylor Downs (By Teleconference)

Guests

Steve Connolly, Chief Counsel
Donald Kersey, Director of Elections
Chuck Flannery, Chief of Staff
Kim Mason, Investigations Coordinator
Phil Kabler, WV Gazette
Maureen Lewis, Secretary of State’s Office
Kendra Welker, Secretary of State’s Office
Andrew Means, Secretary of State’s Office

The State Election Commission met on Tuesday, June 27, 2017 at 9:00 a.m. in the Secretary of State’s Conference Room at the State Capitol Complex. The emergency meeting was called to order and chaired by Gary Collias. A quorum of members was established.

The second item on the agenda was the approval of minutes from the August 22, 2016 meeting. Secretary Warner made a motion to approve the minutes with Vince Cardi seconding. The motion carried with a unanimous vote.

The third item on the agenda was consultation on changes to current legislative rules. Donald Kersey addressed the Commission. The first rule discussed was 153CSR39, “Vote by Mail Pilot Project Phase 2: Voting by Mail”. This rule terminated in 2014 and has not been re-implemented. This rule needs to be repealed and will be filed completely struck-through.

The next rule discussed was 153CSR18, “Procedures for Canvassing Elections”. This rule needs language updates pursuant to the passage of HB 4302 in 2014. The bill mandates that the Board of Canvassers shall be the County Commission. Additional updates are pursuant to W. Va. Code §§3-4A-9(14), 3-6-9(a)(1), 3-4A-28(d), 3-6-11 and a few typos and corrections. Taylor Downs asked if since the Board of Education is being struck-through in other sections, should it also be struck through in §2.1.c. of the rule. Mr. Kersey responded that was correct and he would make that change.

The final rule discussed was 153CSR27, “Procedures for Handling Ballots and Counting Write-In Votes in Counties Using Optical Scan Ballots”. This rule needs language updates and corrections due to typos and incorrect references. Filing fee language needs to be removed pursuant to W. Va. Code §3-6-4A. Straight party ticket voting language needs to be removed pursuant to W. Va. Code §3-6-2(g).

Taylor Downs made a motion to approve the changes to rules 153CSR39, 153CSR18 and 153CSR27 as discussed at the meeting including the added deletion to §2.1.c. of series 18 with Vince Cardi seconding. The motion carried with a unanimous vote.

The fourth item on the agenda was budget considerations. Donald Kersey addressed the Commission. He explained that for the current budget, there is \$5,031 left in Fund 160. For that money to be used, it would have to be spent prior to July 1. This does not affect next year's budget of approximately \$7,500. Upon discussion, there was no immediate need for the remaining funds. That amount will revert back to the State.

The fifth item on the agenda was consideration of 20170425.01. Taylor Downs made a motion that the Commission go in to Executive Session for the discussion. Vince Cardi seconded the motion. The Commission went in to Executive Session.

The Commission re-convened for the final item on the agenda, other business. Gary Collias asked, based on discussion in the media of federal voting system hacking, if there was any reason to suspect that any of West Virginia's voting systems were hacked. Secretary Warner responded that it appears that there were attempts but nothing successful. He continued that there have been reports that there were attempts in as many as 39 states, but DHS has not shared which states those are. Vince Cardi asked if there was assurance that the Secretary of State's Office is doing everything reasonable and consistent with other states across the country to prevent any hacking from happening. Secretary Warner replied that all fire walls and protective measures are in place. In addition, the office is working with the National Guard and keeping IT staff updated on the latest and best practices. West Virginia is working as diligently as any other state to keep the election system protected. He added that the office is receptive to all input, suggestions and ideas that anyone may have.

With no further business, Secretary Warner made a motion that the meeting adjourn with Taylor Downs seconding. The motion carried. The meeting was adjourned.