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The State Board of Elections Board Meeting was held on Tuesday, May 22, 2013.

The meeting was held in the General Assembly Building, Room C, in Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary; Joshua Lief, Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy Secretary; Nikki Sheridan, Confidential Policy Advisor; Susan Lee, Elections Uniformity Manager; Chris Piper, Election Services Manager; Martha Brissette, SBE Policy Analyst; Eugene Burton, Voting Equipment Coordinator; and Matt Abell, Election Administration Lead. Chairman Judd called the meeting to order at 10:00AM.

The first order of business was the Secretary's Report delivered by Secretary Palmer. The Secretary's Report is an agenda item for each Board meeting describing recent developments at SBE. Secretary Palmer welcomed Scott Van Der Hyde who is law student at William & Mary and will be interning with SBE this summer. Secretary Palmer reported that a primary will be held on June 11, 2013 and the Board would meet on June 25, 2013 to certify those results. Secretary Palmer reported that the Request for Information (RFI) had been submitted for the new photo identification bill. Secretary Palmer reported that the SBE team is preparing the community outreach plan in support of the new photo identification bill. Secretary Palmer reported that SBE staff is continuing to work on the online voter registration bill. Secretary Palmer reported that updates occurring within the VERIS system would allow the general registrar to scan documents to store voter registration application. Secretary Palmer reported that this new feature should be available by late June 2013. Secretary Palmer reported that this change request was being funded in part by Fairfax County and that this change would allow the electronic storage of documents.

The second order of business was the Legal Report delivered by Joshua Lief, Senior Assistant Attorney General and SBE Counsel. The Legal Report is an agenda item for each Board Meeting describing non-privileged legal issues involving SBE. Mr. Lief introduced Kate Maxwell who would be interning with the Attorney General's Office in support of SBE during this summer. Mr. Lief reported that he had received an alert in the *Fairfax County Democratic Party* case against SBE and the General Registrar of Fairfax

33 County. Mr. Lief reported that he is continuing to work with SBE on the interstate
34 crosscheck program. Mr. Lief reported that the Attorney General's office submitted the
35 preclearance documents to the Department of Justice for the bills signed by the Governor
36 that will take effect in 2013 and is awaiting word on their status.

37 The third order of business was the presentation of the resolution honoring the
38 work of Betty Weimer, retiring General Registrar of Prince William County. Vice Chair
39 Bowers invited Ms. Weimer to the podium for the presentation. Vice Chair Bowers
40 presented the resolution to Ms. Weimer and each Board member extended their sincere
41 thanks for her twenty-eight years of service to the election community. Chairman Judd
42 also noted the many years of service that Ms. Weimer contributed to the Voter
43 Registrars' Association of Virginia. Ms. Weimer addressed the Board and presented the
44 Board members a shadowbox containing memorabilia gathered from her years of
45 services. The Board members thanked Ms. Weimer for the thoughtful expression. Ms.
46 Weimer expressed that she was looking forward to spending time with her family and
47 that she was thankful for all the friendships that were forged over the years.

48 The next order of business was the Electoral Board request for temporary full-
49 time status for the Richmond County General Registrar. Deputy Riemer informed the
50 Board Members the Electoral Board submitted the required request in a timely manner.
51 Deputy Riemer noted the request is authorized under Chapter 890, 2012 Acts of
52 Assembly and SBE recommended approval of the submitted request. Vice Chair Bowers
53 moved the Board approve the request from the Electoral Board of the Richmond County
54 for the months May and June 2013 and Secretary Palmer seconded the motion. Chairman
55 Judd asked if there were any questions. Robin Lind, Virginia Electoral Board
56 Association, stated that he was appreciative of the support SBE Board Members provide
57 by approving these requests. Chairman Judd asked if there were any comments and there
58 were none. The Board Members unanimously approved the motion.

59 The next order of business was the drawing of the ballot order for the Senate of
60 Virginia Special Election to be held on August 6, 2013. Matt Abell, Election Services
61 Lead, explained the process. Vice Chair Bowers drew the first position of the Democratic
62 Party and Secretary Palmer drew the second position of Republican Party. Chairman Judd
63 declared that the ballot order had been determined with the Democratic candidate listed
64 first and the Republican candidate listed second.

65 The next order of business was the request for approval of the updated voter
66 registration application presented by Martha Brissette, SBE Policy Analyst. Ms. Brissette
67 stated that on May 1, 2013, SBE staff issued an official communication announcing that a
68 draft form redesigning the current Virginia Voter Registration Application was available
69 for public comment through May 15, 2013. Ms. Brissette stated that more than 50
70 comments were received and those comments have been provided to Board Members for
71 review. Ms. Brissette stated that due to the nature of the comments, staff recommends
72 that a work group be assembled to consider the redesign of the voter registration
73 application. Ms. Brissette indicated that in the meantime staff was proposing a short-term
74 update to the application's Privacy Act Notice while the working group developed a more
75 comprehensive redesign. SBE Board Members took this into consideration with questions
76 concerning the Privacy Act Notice. Secretary Palmer clarified that the working group
77 would not be suggesting changes to the privacy act statement once the Board Members
78 approved the language of a revised privacy notice. Secretary Palmer moved that the
79 Board amend the current Privacy Act Notice that is on the current voter registration
80 application form consistent with the consent decree removing the sentence "this
81 registration card will not be subject to inspection by the public" and replacing it with
82 "this registration card will only be open to inspection if the social security number is
83 removed". Secretary Palmer added to the motion that the statement "and all lawful
84 governmental purposes" after the words "by courts". Vice Chair Bowers seconded the
85 motion and Chairman Judd asked if there were any public comments. Catherine Flanagan
86 approached the podium to address the Board, stating that she represented Project Vote as
87 their Director of Election Administration. Ms. Flanagan stated that the general
88 expectation is that the voter registration application is open to the public with the social
89 security number removed. Chairman Judd thanked Ms. Flanagan for her comments and
90 inquired if there were additional comments and there were none. The Board Members
91 unanimously approved the motion to revise the Privacy Act Notice.

92 The next order of business was the request for approval of the updated absentee
93 ballot application presented by Martha Brissette, SBE Policy Analyst. Ms. Brissette
94 referred to the Board materials dated May 21, 2013 which track the suggested changes to
95 the absentee ballot application. Ms. Brissette stated that on May 1, 2013, SBE staff issued
96 an official communication announcing that a draft form redesigning the current Virginia

97 Absentee Ballot Application was available for public comment through May 15, 2013.
98 Ms. Brissette stated that staff received about 45 comments and incorporated many into
99 the new design. Ms. Brissette acknowledged the work that Joe Baker, SBE Website
100 Developer, performed to prepare the absentee ballot application for Board approval. Ms.
101 Brissette explained the numerous changes to the absentee ballot application, including the
102 optional use of color printing by the general registrars and the localities. Board members
103 accepted some of the changes while issuing revisions to other suggested changes. Vice
104 Chair Bowers suggested adding an instruction to the front of the absentee ballot
105 application to “see reverse side of application for instructions,” as well as a reference
106 within the instructions to the list of general registrar’s addresses. Mr. Lief advised that
107 although identifying the religion was repealed, the amended statute requires stating the
108 nature of the religious obligation; Chairman Judd agreed the instructions related to this
109 reason should conform to the amended statute. Chairman Judd inquired if there were any
110 other comments. Secretary Palmer stated that the revised form would need to go through
111 the preclearance process in order to meet the July 1, 2013 deadline for the elections that
112 will follow after the implementation of the law. Chairman Judd inquired if there were any
113 other questions. Therese Martin, representing the League of Women Voters, approached
114 the podium. Ms. Martin inquired about the mailing instructions and the change of
115 address or name on the form. Ms. Martin further questioned if the voter voting absentee
116 ballot could be used for the purposes of changing the voter’s address or name. Terry
117 Wagoner, SBE Absentee Coordinator, stated that the absentee ballot application could be
118 used to make changes to the voter’s address or name. Chairman Judd inquired if there
119 were any other questions and there were none. Chairman Judd moved that the Board
120 should approve the usage of the new absentee ballot application form subject to
121 preclearance. Vice Chair Bowers seconded the motion and the Board unanimously
122 approved the motion.

123 The next order of business was the request for approval of updates to Guidelines
124 for Conducting Voter Registration Drive presented by Chris Piper, Election Services
125 Manager. Mr. Piper stated that the Voter Registration Drive Guidelines have been
126 reviewed to include the new requirements for SBE to provide voter registration drive
127 training to groups and individuals who request 25 or more voter registration applications
128 from SBE or the local voter registration office. Mr. Piper explained the changes to the

129 guidelines. Board members accepted the changes with some additional revisions
130 incorporated into the document. Mr. Piper stated that suggestions from Project Vote and
131 the League of Women Voters were taken into consideration when revisions to the Voter
132 Registration Drive Guidelines were processed. Chairman Judd inquired if there were any
133 other questions or comments from the Board Members and there were none. Vice Chair
134 Bowers moved to approve the revised and amended Voter Registration Drive Guidelines.
135 Secretary Palmer seconded the motion and Chairman Judd inquired if there were any
136 public comments. Robin Lind, Secretary of the Goochland Electoral Board, approached
137 the podium. Mr. Lind expressed that any use of the social security number provided on
138 the voter registration application other than by the general registrar was considered a
139 felony. Chairman Judd thanked Mr. Lind for his comments. Chairman Judd inquired if
140 there were additional public comments. Therese Martin, representing the League of
141 Women Voters approached the podium. Ms. Martin inquired if the Board-approved voter
142 registration guidelines would be available at the local general registrar's office. Ms.
143 Martin stated that her interpretation of the materials indicated that there was flexibility in
144 the method of the training. Secretary Palmer responded to Ms. Martin's inquiry and
145 stated that the online portal is being developed and will be functional by July 1, 2013.
146 Secretary Palmer stated that the document should be flexible to allow the general
147 registrar's to insert particulars that reflect the operations of their locality. Secretary
148 Palmer stated that the training should be uniform with a few additional instructions.
149 Chairman Judd thanked Ms. Martin for her time and inquired if there were additional
150 public comments and there were none. Vice Chair Bowers stated that she wanted to
151 commend the SBE staff for their work on the proposed voter registration guidelines.
152 Chairman Judd inquired if there were additional comments and with none the Board
153 unanimously approved the motion.

154 The next order of business was the "Stand by your Ad Complaints" presented by
155 Chris Piper, SBE Election Services Manager. Mr. Piper identified the first matter for
156 Board consideration as the complaint against Ronald Wood. Mr. Piper informed the
157 Board that on or about February 25, 2013, the State Board of Elections received a
158 complaint that Mr. Ronald Wood was "inside" the Portsmouth Court house passing out
159 campaign business cards promoting his candidacy for Portsmouth City Sheriff in the
160 November 2013 General Election. Mr. Piper stated that the candidate has been formally

161 notified about the violation and a response was received. Mr. Piper informed the Board
162 that staff recommended assessing a civil penalty of \$100.00. Chairman Judd inquired if a
163 representative of the committee was present. Chairman Judd noted that, absent a
164 representative of the Ronald Wood, a motion was appropriate. Vice Chair Bowers moved
165 to waive the civil penalty since an apology was given and remedial measures occurred.
166 Secretary Palmer seconded the motion and Chairman Judd asked if there was any further
167 public comment and with there being none the Board unanimously passed the motion.

168 The next order of business was the “Request to Waive Civil Penalties” presented
169 by Chris Piper, SBE Election Services Manager. Mr. Piper identified the matter for Board
170 consideration as the complaint against ACRE Virginia, (PAC 12-00115). Mr. Piper
171 informed the Board that the committee was penalized on December 18, 2012 for not
172 filing its campaign finance report due November 6, 2012 in a timely manner. Mr. Piper
173 stated that the committee requests a waiver of the penalty because they claim they were
174 not aware that a separate large dollar contribution report was required within three
175 business days if the committee received a single \$10,000 contribution. Mr. Piper
176 informed the Board that staff recommended assessing a civil penalty of one hundred
177 dollars. Mr. Piper stated that in Board Policy 2001-003, the Board stated that, among
178 other reasons, good cause allowing Board waiver of campaign finance civil penalties
179 does not include the committee’s lack of knowledge of how to file, the need to file or due
180 date of filing. Vice Chair Bowers moved that the civil penalty be assessed to PAC 12-
181 00115 and Secretary Palmer seconded the motion. Chairman Judd inquired if there was a
182 representative from the ACRE or if there were any comments and there were none. The
183 Board unanimously approved the motion.

184 The next order of business was the “Request to Waive Civil Penalties” presented
185 by Chris Piper, SBE Election Services Manager. Mr. Piper identified the matter for Board
186 consideration as the complaint against the Virginia Parent Political Action Committee,
187 (PAC 12-00918). Mr. Piper informed the Board that the committee was penalized on
188 January 15, 2013 for not filing their campaign finance report due January 15, 2013 in a
189 timely manner. Mr. Piper stated that the committee requests a waiver of the penalty due
190 to the fact they switched from paper to electronic and thought the filing deadline time
191 was midnight. Mr. Piper stated that in Board Policy 2001-003, the Board stated that,
192 among other reasons, good cause allowing Board waiver of campaign finance civil

193 penalties does not include the committee's lack of knowledge of how to file, the need to
194 file or due date of filing. Mr. Piper informed the Board that staff recommended assessing
195 a civil penalty of one hundred dollars. Secretary Palmer moved that the civil penalty be
196 assessed to PAC 12-00918 and Vice Chair Bowers seconded the motion. Chairman Judd
197 inquired if there was a representative from the Virginia Parent Political Action
198 Committee or if there were any comments and there were none. The Board unanimously
199 approved the motion.

200 The next order of business was the "Independent Expenditures Violation"
201 presented by Chris Piper, SBE Election Services Manager. Mr. Piper identified the matter
202 for Board consideration as the complaint against Community Leaders for Change, PAC-
203 12-01422. Mr. Piper stated that on or about March 1, 2013, the State Board of Elections
204 became aware that ads were taken out on behalf of Community Leaders for Change. Mr.
205 Piper stated that it is clear from the evidence provided that the committee made
206 independent expenditures opposing a candidate(s), but they did so through a third party
207 which made in-kind contributions to the committee. Mr. Piper informed the Board that
208 staff recommends assessing a civil penalty of \$700.00 which is \$100.00 each for each of
209 the seven ads that were published. Secretary Palmer moved that the civil penalty be
210 assessed to PAC 12-01422 and Vice Chair Bowers seconded the motion. Chairman Judd
211 inquired if there was a representative from the Community Leaders for Change or if there
212 were any public comments and there were none. The Board unanimously approved the
213 motion.

214 The next order of business was the Electronic Pollbook Certification & Approval
215 of Pilot Program present by Eugene Burton, Voting Equipment Coordinator. Mr. Burton
216 stated that the City of Richmond has requested to pilot the new electronic pollbook
217 system at the primary on June 11, 2013. Mr. Burton stated that the electronic pollbooks
218 were tested on May 20 and 21, 2013 at SBE. Mr. Burton stated that SBE staff identified
219 some deficiencies and has provided a report to the vendor and the City of Richmond. Mr.
220 Burton stated that the vendor will have the noted deficiencies corrected prior to the June
221 2013 primary. Mr. Burton stated that staff recommendations are to approve the pilot
222 requested by the City of Richmond. Chairman Judd moved that the Board approve the
223 pilot program requested by the City of Richmond and Vice Chair Bowers seconded the
224 motion. Chairman Judd inquired if there were any comments. Bill Thomas, Chairman of

225 the Richmond City Electoral Board, approached the podium. Mr. Thomas stated that he
226 appreciated the Board Members considering the City of Richmond for the pilot program.
227 Chairman Judd inquired if there were any other comments and there were none. The
228 Board unanimously approved the motion.

229 Chairman Judd stated that the New Business portion of the agenda had concluded
230 and inquired if there was any other business to come before the Board. Therese Martin,
231 representing the League of Women Voters approached the podium. Ms. Martin extended
232 her compliments to the redesign of the forms. Chairman Judd thanked Ms. Martin for her
233 comments. Chairman Judd inquired if there were any other comments. Mr. Bruce Tyler
234 approached the podium. Mr. Tyler stated that he sent a letter to SBE on December 31,
235 2013 in regards to some issues regarding the Richmond City General Registrar's office.
236 Mr. Tyler inquired as to any further action by SBE Board Members. Secretary Palmer
237 stated that SBE did issue a response to Mr. Tyler and informed Mr. Tyler that he spoke to
238 the general registrar on the issues. Secretary Palmer stated that the agency will be
239 working on improvements to the absentee ballot process which is of concern to Mr.
240 Tyler. Secretary Palmer stated that the issues that Mr. Tyler raised fall within the General
241 Assembly to make the process more efficient. Mr. Tyler stated that he appreciated the
242 input from SBE but felt that the general registrar was negligent in her actions. Chairman
243 Judd thanked Mr. Tyler for his comments.

244 Chairman Judd asked if there was any other business to come before the Board for
245 the Good of the Order and with there being none Chairman Judd made a motion to
246 adjourn. Vice Chair Bowers seconded the motion and the Board unanimously passed the
247 motion. The Board shall reconvene on June 25, 2013 at 10:00 AM in the General
248 Assembly Building, Room C. The meeting was adjourned at approximately 12:40PM.

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255 Chair

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259 Vice-Chair

Secretary