

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Wednesday, March 19,
4 2014. The meeting was held in the General Assembly Building, Room C in Richmond,
5 Virginia. In attendance, representing the State Board of Elections (SBE) was Charles
6 Judd, Chair; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary; Edgardo Cortés,
7 Deputy Secretary; Anna Birkenheier, Assistant Attorney General and SBE Counsel;
8 Susan Lee, Election Uniformity Manager; Chris Piper, Election Services Manager and
9 Rose Mansfield, Executive Assistant. Chairman Judd called the meeting to order at
10 10:00AM.

11 The first order of business was the approval of the Minutes from the State Board
12 of Elections Board Meetings held on February 26th, February 28th, and March 8th of 2014.
13 Chairman Judd stated that each set of Board Meeting Minutes would be addressed
14 separately. Chairman Judd asked if Board Members had any additions or corrections to
15 the February 26, 2014 Board Minutes. Vice Chair Bowers noted that her name was
16 missing from the list of attendees at the Board Meeting. Chairman Judd moved *that Vice*
17 *Chair Bowers be added to the list of attendees*. Secretary Palmer seconded the motion
18 and the Board unanimously approved the motion. Chairman Judd asked if Board
19 Members had any additions or corrections to the February 26, 2014 Board Minutes.
20 Chairman Judd moved *that the February 26, 2014 Board Meeting Minutes be approved*
21 *as amended*. Secretary Palmer seconded the motion and the Board unanimously approved
22 the Minutes. Chairman Judd asked if Board Members had any additions or corrections to
23 the February 28, 2014 Board Minutes and there were none noted. Vice Chair Bowers
24 moved *that the February 28, 2014 Minutes be approved as submitted*. Secretary Palmer
25 seconded the motion. Chairman Judd asked if there was any discussion and with none the
26 Board unanimously approved the Minutes. Chairman Judd asked if Board Members had
27 any additions or corrections to the March 8, 2014 Board Minutes and there were none
28 noted. Chairman Judd moved *that the March 8, 2014 Minutes be approved as submitted*.
29 Vice Chair Bowers seconded the motion. Chairman Judd asked if there was any
30 discussion and with none the Board unanimously approved the Minutes.

31 The second order of business was the Secretary's Report delivered by Secretary
32 Palmer. Secretary Palmer stated that the Voter Implementation Plan was presented to
33 Virginia Electoral Board Association (VEBA) at their annual meeting on March 8, 2014.
34 On March 12, 2014 the plan was also presented to the Virginia Registrars Association of
35 Virginia (VRAV) during a regional meeting in Heathsville, Virginia. Secretary Palmer
36 stated that in the future there will be numerous training events, seminars, and webinars
37 related to the Voter Implementation Plan. Chairman Judd inquired if the guidelines for
38 the certification of voting equipment were still tabled. Secretary Palmer stated that this
39 will be presented at the April 23, 2014 Board Meeting.

40 The next order of business was the Legal Report delivered by Anna Birkenheier,
41 SBE Counsel. Ms. Birkenheier reported that the *discovery phase* in the federal case, *Page*
42 *v. Judd* is continuing. This case is set to go to trial on May 20-22, 2014. Ms. Birkenheier
43 requested an executive session prior to the conclusion of this scheduled meeting.

44 The next order of business was the request for temporary full-time status for the
45 General Registrar of City of Galax, Virginia presented by Edgardo Cortés, Deputy
46 Secretary. Deputy Cortés informed the Board Members that the Electoral Board
47 submitted the required request in a timely manner. Deputy Cortés stated that the request
48 is authorized under Chapter 890, 2012 Acts of Assembly and recommended approval of
49 the submitted request for the period of March 21, 2014 through May 9, 2014. Vice Chair
50 Bowers moved *that the Board approve the request from the Electoral Board of the City*
51 *of Galax for a temporary full-time general registrar for the period of March 21, 2014*
52 *through May 9, 2014.* Secretary Palmer seconded the motion and Chairman Judd asked if
53 there were any questions. Chairman Judd stated that this is a necessary action because
54 the General Assembly decided not to allow the part-time general registrars to become
55 full-time therefore, this is the exercise that SBE must perform. The Board Members
56 unanimously approved the motion.

57 The next order of business was the campaign finance policy proposal on final
58 report penalties present by Chris Piper, Election Services Manager. Mr. Piper stated that
59 often a campaign believes that they have filed a final report when in fact that action is
60 incomplete. The result is that a campaign will be subject to civil penalties for not filing
61 reports. The large dollar amount often serves as detraction to committees who wish to

62 close out their accounts who have had an error in their action of filling a final report. Mr.
63 Piper stated that the SBE Staff requests the Board adopt a policy which will allow for
64 staff and local electoral boards to accept a late final report and assess a \$100.00 penalty,
65 but not require staff and local electoral boards to assess the penalties against the
66 committees for the missing reports filed in the interim period prior to the filing of a final
67 report. Chairman Judd asked if there were any comments and there were none. Vice
68 Chair Bowers moved *that the Board adopt staff recommendation to assess a one-time*
69 *penalty for late final report penalties.* Secretary Palmer seconded the motion. Vice Chair
70 Bowers asked if the one-time penalty policy will be communicated to the field. Mr. Piper
71 stated that the SBE Staff would notify the outstanding committees about the new policy.
72 Chairman Judd asked if this policy affects both the SBE Staff and the local electoral
73 boards. Mr. Piper stated that this was a correct statement. Vice Chair stated that placing
74 this on the SBE Website as a new policy or under the frequently asked questions. Mr.
75 Piper stated that this would be added to the COMET system. Chairman Judd asked if
76 there were any other comments and there were none. The Board unanimously passed the
77 motion.

78 The next order of business was the Voter ID Implementation Plan update
79 presented by Susan Lee, Election Uniformity Manager. Ms. Lee reported that SBE Staff
80 developed a flyer that would be available for the general registrars and officers of
81 elections if approved by the Board Members. The flyers would be handed out to voters
82 who vote in the May and June, 2014 elections. The flyers would be posted in the general
83 registrars' office and any location that receive public exposure. Ms. Lee stated that the
84 voter identification workgroup vetted this flyer and approval. Chairman Judd asked who
85 would be responsible for printing the flyers. Ms. Lee stated that SBE would be
86 responsible for the cost and the funding would be available under the voter outreach
87 program. Chairman Judd asked if there were any comments. Chairman Judd asked: "Who
88 was in the work group?" Ms. Lee replied: "The group included general registrars,
89 electoral board members and SBE Staff." Chairman Judd asked if there were any outside
90 groups involved in the work groups. Ms. Lee stated that updates are sent to the groups on
91 a regular basis. Vice Chair Bowers asked that a phone number be added to the flyer for

92 those that do not have access to the website. Chairman Judd asked if there were any other
93 comments and there were none.

94 The next order of business was the Public Comment portion of the Board
95 Meeting. Robin Lind, Secretary of the Goochland Electoral Board, approached the
96 podium. Mr. Lind stated that he was pleased to hear that the flyer was a work in progress
97 and would suggest that the stars shapes on the flyer be replaced with images of
98 identification cards. Chairman Judd asked if there were any other comments and there
99 were none.

100 The next order of business was the Good of the Order. Chairman Judd stated that
101 the newspapers reported that SBE did not allow a period of public comment regarding the
102 change of campaign finance deadline times. Chairman Judd stated: "SBE did not make
103 the decision to change the deadline without public input; SBE discussed this issue in two
104 Board Meetings. The Board Meeting on February 26, 2014 included the agreement to
105 post for 21 days the suggested change of moving the deadline from 5:00p.m. to 11:59pm.
106 That 21 day deadline is currently in affect and SBE looks forward to the comments and
107 taking action accordingly." Chairman Judd inquired if there were any other comments
108 and there were none. Chairman Judd then moved *to close the meeting to discuss actual
109 and probable litigation matters and specific legal matters requiring the provision of legal
110 advice by legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia.* Vice
111 Chair Bowers seconded the motion and the Board unanimously carried the motion.
112 Chairman Judd directed Edgardo Cortés, Deputy Secretary and Rose Mansfield,
113 Executive Assistant, to remain with the Board during the closed session. Secretary
114 Palmer seconded the motion and the Board went into Executive Session at 10:20AM.

115 At 10:30AM Chairman Judd *moved to reconvene in open session and a roll call
116 vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously
117 certifying that during the closed meeting (i) only public business matters lawfully
118 exempted from open meeting requirements under this chapter, and (ii) only such public
119 business matters as were identified in the motion by which the closed meeting was
120 concerned were heard, were discussed or considered.* Vice Chair Bowers seconded the
121 motion and the Board unanimously approved the motion. Rose Mansfield, Executive
122 Assistant performed the roll call vote and all Board Members approved the motion.

123 Chairman Judd asked if there was any other business to come before the Board and there
124 was none. Chairman Judd moved *that the Board adjourn*. Secretary Palmer seconded the
125 motion and without further comment the Board voted to adjourn. The meeting was
126 adjourned at approximately 10:35AM.

127 The Board shall reconvene on April 2, 2014 at 10:00AM in the Washington
128 Building, Room B27.

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Secretary

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Chair

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Vice Chair

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