

MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, June 5, 2012.
4 The meeting was held in the General Assembly Building, House 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; Justin Riemer,
7 Deputy Secretary; Joshua Lief, Senior Assistant Attorney General and SBE Counsel;
8 Nikki Sheridan, Confidential Policy Advisor; David Blackwood, Policy Analyst; Martha
9 Brissette, Policy Analyst and Myron McClees, Policy Analyst. Chairman Judd called the
10 meeting to order at 2:00PM.

11 The first order of business was the approval of the Minutes from the State Board
12 of Elections Board Meeting held on May 24 2012. After careful review, Chairman Judd
13 made a motion to approve the Minutes. Vice-Chair Bowers seconded the motion and the
14 Board unanimously approved the Minutes.

15 The second order of business was the Secretary's Report delivered by Secretary
16 Palmer. The Secretary's Report is an agenda item for each Board Meeting describing
17 recent developments at SBE. Secretary Palmer stated that July 1, 2012 is the
18 implementation date for recently passed legislation and that SBE staff is diligently
19 working to have all the necessary changes in place. Secretary Palmer noted that these
20 dates coincide with the training that will occur at the 2012 Election Uniformity
21 Workshop on June 20th and June 21st. Secretary Palmer noted that over five hundred
22 election officials will attend this training event. Secretary Palmer stated that SBE is
23 preparing for the June 12th Congressional Primary. Secretary Palmer stated that the
24 Election Center will provide training to election officials who desire Virginia certification
25 in advance of annual training. Secretary Palmer noted that the goal of this training is to
26 provide comparable training in a cost effective manner which accomplishes the same
27 training and goals of national certification tailored to meet the requirements of the State
28 of Virginia.

29 The third order of business was the Board approval of the Voter Outreach Plan for
30 implementation of House Bill 09 and Senate Bill 01. Justin Riemer, Deputy Secretary,
31 provided the background to the plan stating that during the 2012 General Assembly
32 Sessions two bills were passed that modified the identification requirements to vote in

33 Virginia. Deputy Riemer stated that Governor McDonnell signed Executive Order
34 Number 45 on May 18, 2012 relating to these two bills and directing SBE to take “all
35 appropriate steps to implement this legislation without adding inconvenience, confusion,
36 or hardship to the Commonwealth’s voters.” Deputy Riemer stated that while these bills
37 made other changes to the Election Day processes, the most notable changes were the
38 elimination of the Affirmation of Identity and the expansion of the number of forms of
39 identification acceptable for voting. Deputy Riemer stated that Governor McDonnell
40 directed SBE “to engage in a voter outreach campaign between now and the November
41 General Election to educate voters about the changes to the Virginia’s voter identification
42 requirements.” Deputy Riemer stated that SBE is presenting a draft Voter Outreach Plan
43 to the Board members for approval that ensures that as many voters in Virginia are made
44 aware of the changes to the voter identification requirements in Virginia. Deputy Riemer
45 stated that this will be one part of the Virginia’s voter education campaign for the
46 November 6, 2012 General Election and will be titled: “Are you Election Ready?”
47 Deputy Riemer noted that the voter education campaign would encompass a broad range
48 of subjects to include the recruitment of officers of election. Deputy Riemer stated that
49 the plan has nine goals that include making sure all registered active voters have a valid
50 voter registration card for all active voters and coordination with all interested third party
51 groups. Deputy Riemer noted that coordination efforts with third party groups were
52 initiated during a meeting that morning with the Virginia Civil Engagement Table.
53 Deputy Riemer noted that the Virginia Civil Engagement Table is a coalition representing
54 eight major community groups within the Commonwealth. Deputy Riemer stated that
55 SBE has identified over one hundred community groups that will be contacted with the
56 goal of engaging their members and communities in voter education. Deputy Riemer
57 stated that SBE has a comprehensive media strategy to communicate to voters the
58 changes in voting identification requirements and other laws related to voting. Deputy
59 Riemer stated that SBE will communicate important deadlines through media outlets and
60 debunk the inevitable rumors and misinformation that will surface in the weeks leading
61 up to the General Election. Deputy Riemer stated that that SBE will work with general
62 registrars who are knowledgeable of local media, to ensure the agency builds a
63 comprehensive list of media contacts. Deputy Riemer stated that SBE’s efforts will also
64 include gathering contact information from independent news sources that target groups

65 including, but not limited to, the African-American, Hispanic, and Asian communities of
66 Virginia. Deputy Riemer stated that SBE will take the necessary steps to ensure the
67 production and airing of Public Service Announcements in both television and radio
68 formats by the start of absentee voting for the General Election which will commence on
69 September 21, 2012. Deputy Riemer noted that SBE's goal in producing and airing these
70 PSAs will be to educate as many Virginia voters, statewide, as possible on the changes to
71 the law and to do so within SBE's budgetary limitations. Deputy Riemer stated that
72 Governor McDonnell directed SBE to mail voter cards to all 4.7 million active Virginia
73 Voters which should occur in late September 2012. Deputy Riemer stated that the
74 partnership with the general registrars and the electoral boards is an important segment of
75 the Voter Outreach Plan. Secretary Palmer added that the staff at SBE will be available to
76 answer all questions about the plan and that the working partnership with the general
77 registrars and electoral board members and their staffing will facilitate the vote.
78 Chairman Judd asked if those Virginia voters who just received a card, as the result of
79 congressional redistricting, will receive a new card in September. Deputy Riemer stated
80 that all active Virginia voters will receive a new card to ensure that they have one of the
81 forms of identification at the polls. Deputy Riemer added that the new cards would have
82 an issue date posted on the card that would aid the voter in determining the most recent
83 card. Secretary Palmer noted that there is the potential for confusion and SBE is making
84 every effort to educate the voter about the changes and the process. Secretary Palmer
85 moved that the Board adopt the proposed Voter Outreach Plan for implementation of
86 House Bill 09/Senate Bill 01. Vice-Chair Bowers seconded the motion and Chairman
87 Judd asked if there were any public comments. Carol Noggle, Virginia League of Women
88 Voters, approached the podium expressed pleasure in the expeditious development of the
89 Voter Outreach Plan. Ms. Noggle inquired of the Board if the new voter card sent out in
90 September came back to the general registrar as undeliverable would there be time to
91 address those issues with a late September mailing. Secretary Palmer stated it was
92 important to mail the cards as timely as possible coinciding with the General Election.
93 Chairman Judd thanked Ms. Noggle for her comments. The Board unanimously voted to
94 pass the motion.

95 The next order of business was the Board approval of final documents for the
96 Voter identification legislation. Myron McClees, SBE Policy Analyst, stated that there

97 were eight documents to review with two of those documents requiring Board approval
98 and the other six documents containing structural changes. Mr. McClees stated that these
99 changes were the result of the implementation of HB09/SB01 and the legislation's effect
100 on provisional voting. Mr. McClees stated that multiple documents and forms were
101 affected by the change in legislation and it is for this reason that the provisional ballot
102 envelopes were presented for Board approval. Mr. McClees stated that other documents
103 affected by the legislation are being presented to the Board for informational purposes
104 only. Mr. McClees presented each of the documents and the changes proposed to the
105 Affirmation of Eligibility form, the Provisional Ballot Log, the Provisional Voter Notice,
106 the Provisional Voter Notice – ID, the “Attention All Voters” Sign, the Provisional Ballot
107 Envelope, the Provisional Ballot Envelope – ID, and the “Important Notice to Absentee
108 Voters” form. Chairman Judd asked Josh Lief, Senior Assistant Attorney General and
109 SBE Counsel, to confirm which forms required Board approval. Mr. Lief stated that only
110 the Provision Ballot Envelope and the Provisional Ballots Envelope-ID required Board
111 approval. Secretary Palmer inquired of Mr. McClees that the Executive Order had a
112 requirement to collect data for the Commonwealth and wanted to know if the new
113 provisional ballot log met those requirements. Mr. McClees stated that with the updated
114 form those requirements would be meet. Vice-Chair Bowers inquired if the trends of
115 voters utilizing provisional ballots would be analyzed. Secretary Palmer explained that
116 this is a valuable tool currently used and would be further utilize with direction of the
117 Governor's Executive Order. Vice-Chair Bowers addressed the issue of consistency at the
118 polling location if a voter returns with their identification after casting a provisional
119 ballot. Vice–Chair Bowers noted that some polling locations would place the provisional
120 ballot in a sealed container while others would hold the envelope to deliver to the general
121 registrars' office. Vice-Chair Bowers stated that the voter that returned to the polling
122 location with their identification would have different opportunities to resolve the lack of
123 identification issue. Secretary Palmer stated that this will be a procedure that the SBE
124 will have to address with the Virginia Registrars' Association of Voters (VRAV) in the
125 future to ensure the consistency that Vice-Chair Bowers addressed. William Bell, General
126 Registrar of Isle of Wright County, explained that the provisional ballot is completed at
127 the polling chief's desk then sealed and placed in the second envelope and placed in
128 control of the polling chief. Mr. Bell explained that if a voter returned to a polling station

129 in Isle of Wright later that day who had earlier cast a provisional vote the envelope could
130 be retrieved. Mr. Bell added that he does not believe that there was a uniform policy in
131 the Commonwealth. Chairman Judd inquired if there were any other comments from the
132 audience and there were none. Vice- Chair Bowers moved that the Board approve staff's
133 proposed changes to the Provisional Vote Envelope and the creation of the Provisional
134 Vote Envelope – ID only. Chairman Judd seconded the motion and the Board
135 unanimously passed the motion.

136 The next order of business was the proposed regulation relating to contacting the
137 provisional voter. Justin Riemer, Deputy Secretary, stated that as a result of the
138 Governor's Executive Order Number 45 SBE was directed to take steps to promulgate a
139 regulation that makes clear the general registrar or electoral board is permitted to contact
140 an individual who has voted provisionally and remind them of their option to provide a
141 copy of identification to the electoral board. Deputy Riemer stated that there is no legal
142 obligation on the part of the general registrar to contact the voter that voted provisionally
143 but if they wish to they may. Deputy Riemer stated that ideally this regulation would go
144 through Town Hall for public comment however the publication schedule does not permit
145 these steps. Deputy Riemer stated that SBE will make efforts to circulate this draft
146 regulation to the general registrars, electoral boards, the third-party organizations
147 identified in Appendix B of the Voter Outreach Plan, and through other means. Chairman
148 Judd asked if this proposed regulation would be ready for the June 26, 2012 Board
149 meeting. Justin Riemer stated that it would and that during today's meeting SBE was
150 asking the Board to seek public comment through the previously mentioned avenues.
151 Vice-Chair Bowers moved that SBE seek public comment on the proposed regulation
152 relating to contacting a provisional voter for the purposes of final Board approval of the
153 draft regulation at the June 26, 2012 Board meeting. Secretary Palmer seconded the
154 motion and Chairman Judd asked if there were any public comments and with none the
155 Board unanimously passed the motion.

156 The next order of business was the Board approval of the Voter Registration
157 Application. Martha Brissette, SBE Policy Analyst, stated that at the last Board meeting,
158 the Board approved a number of changes to implement 2012 legislation; including
159 instructions related to voter identification and protected voters. Ms. Brissette stated that
160 these changes have been included in a new form that improves the appearance and

161 instructions for claiming address protection. Ms. Brissette stated that SBE is requesting
162 Board approval to amend the changes approved at the May 24, 2012 Board meeting
163 related to the Voter Registration Application. Ms. Brissette stated that upon careful
164 consideration, staff recommends restoring the warning about voting more than once. Ms.
165 Brissette stated that Section 24.2-418(A) as amended in 2009 requires the voter
166 registration application to include a statement that “whoever votes more than once in any
167 election in the same or different jurisdictions shall be guilty of a Class 6 felony.” Ms.
168 Brissette stated that the language needs to be restored and that SBE will continue to leave
169 out the following sentence for which there is no Code mandate: “Upon conviction you
170 also lose your right to vote and hold office.” Secretary Palmer moved that the Board
171 approve staff’s proposed changes to the Virginia Voter Registration Application as
172 amended and set forth in the copy provided to the Board. Vice-Chair Bowers seconded
173 the motion and Chairman Judd asked if there were any public comments and with none,
174 the Board unanimously approved the motion.

175 Chairman Judd asked if there was any other business to come before the Board for
176 the Good of the Order and with there being none Vice-Chair Bowers made a motion to
177 adjourn. Chairman Judd seconded the motion and the Board unanimously passed the
178 motion. The Board shall reconvene on June 26, 2012 at 10:00 AM in the General
179 Assembly Building, House Room D. Chairman Judd asked for any further public
180 comments. There being none, the meeting was adjourned at approximately 3:05PM.

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Secretary

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Chair

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Vice-Chair

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