

MINUTES

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3 The State Board of Elections Board Meeting was held on Wednesday, April 3,
4 2013. 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; Joshua Lief,
7 Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy Secretary;
8 Nikki Sheridan, Confidential Policy Advisor; Chris Piper, Election Services Manager;
9 Matthew Davis, Information Services Manager; Susan Lee, Election Uniformity
10 Manager; Sharon Woo, Business Manager; and Matt Abell, Election Services Lead.
11 Chairman Judd called the meeting to order at 10:00AM.

12 The first order of business was the approval of the Minutes from the State Board
13 of Elections Board Meeting held on January 8, 2013. After a careful review, Chairman
14 Judd made a motion to approve the Minutes. Vice Chair Bowers seconded the motion and
15 the Board unanimously approved the Minutes.

16 The second order of business was the Secretary's Report delivered by Secretary
17 Palmer. The Secretary's Report is an agenda item for each Board meeting describing
18 recent developments at SBE. Secretary Palmer reported that testing for the ES&S 3.4.0.1
19 which includes the DS850 high speed scanner occurred at SBE. Secretary Palmer stated
20 that SBE is awaiting the final results and report of testing. Secretary Palmer introduced
21 Ray Alexander, the new SBE Grants Manager, and extended a warm welcome to Mr.
22 Alexander. Secretary Palmer reported that the Governor signed SB1256, a photo
23 identification bill, and that the Governor also issued an Executive Order 62 outlining
24 parameters of implementation. Secretary Palmer reported that SBE will be working
25 closely with localities on the implementation of SB1256. Secretary Palmer reported that
26 there will be a voter outreach program associated with Executive Order 62 and that SBE
27 will be working with stakeholders during all the phases of the outreach program.
28 Secretary Palmer reported that HB2341, online voter registration, also passed and SBE
29 believes that this process will streamline the voter registration process and help improve
30 the integrity of the voter registration database. Secretary Palmer reported that July 1,
31 2013 will be the implementation date of the online electronic registration process.
32 Secretary Palmer reported that HB2341 will also help voters update their registration

33 information, reduce delays in the mailing process, and reduce the amount of paper used in
34 the registration process. Secretary Palmer reported that with the passage of SB1008,
35 training will be required for groups and individuals who wish to receive 25 or more
36 registration applications from SBE or a local general registrar's office. Secretary Palmer
37 stated that training will be available online and in person or at the SBE classroom.
38 Secretary Palmer reported that with the passage of HB2022, Virginia will be able to share
39 and receive information on potential dual registrations in Virginia and other states.
40 Secretary Palmer reported that with the passage of SB1229, the State Board of Elections
41 will be renamed the Department of Elections with the position of Commissioner of
42 Elections heading the agency and that transition will also change the makeup of the SBE
43 Board. Vice Chair Bowers followed up to the Secretary's report with some questions
44 regarding implementation of SB1256, including a query on the financial burdens placed
45 on the localities as a result of the new law. Secretary Palmer stated that the Governor
46 encouraged localities to get involved in the outreach program and that monies were
47 appropriated to SBE to pay for the outreach and installation of equipment and production
48 of the free photo ID cards that would be available to voters who do not already possess an
49 acceptable photo ID.

50 The next order of business was the Legal Report delivered by Joshua Lief, Senior
51 Assistant Attorney General and SBE Counsel. The Legal Report is an agenda item for
52 each Board Meeting describing non privileged legal issues involving SBE. Mr. Lief
53 reported that the Attorney General's ballot access package presented to the General
54 Assembly passed. Mr. Lief reported that his office is working on the preclearance
55 documents needed to support the bills that the Governor has signed. Mr. Lief reported
56 that the Supreme Court decision on Section 5 of the Voting Rights Act is expected this
57 summer. Mr. Lief reported that there are two pending cases; the *Libertarian Party* case
58 which is in the court of appeals and the *Fairfax County Democratic Party* case against
59 SBE and the General Registrar of Fairfax County.

60 The next order of business was the General Registrar requests for temporary full-
61 time status for Charles City and Mathews Counties. Deputy Riemer informed the Board
62 Members the Electoral Boards submitted the required requests in a timely manner.
63 Deputy Riemer noted the requests are authorized under Chapter 890, 2012 Acts of
64 Assembly and SBE recommended approval of the submitted requests. Vice Chair Bowers

65 moved the Board approve the request from the Electoral Board of the Charles City
66 County for the months April, May, and June 2013. Chairman Judd asked if there were
67 any questions. Robin Lind, Virginia Electoral Board Association, stated that he was
68 appreciative of the support SBE Board Members provide by approving these requests.
69 Secretary Palmer seconded the motion and the Board unanimously approved the motion.
70 Secretary Palmer moved to approve the request from the Electoral Board of Mathews
71 County for the months of May and June 2013. Vice Chair Bowers seconded the motion
72 and the Board unanimously approved the motion. Chairman Judd asked if there were any
73 comments and there were none.

74 The next order of business was the drawing of the ballot order for the June 2013
75 Primary Election. Matt Abell, Election Services Lead, explained the process. Mr. Abell
76 stated that the drawings were for the Lieutenant Governor's ballot position in the June
77 2013 Democratic Primary. Vice Chair Bowers drew the first position of Ralph Northam
78 and Secretary Palmer drew the second position of Aneesh Chopra. Mr. Abell stated that
79 there will be a second drawing for the Republican Primary in House District 85. Vice
80 Chair Bowers drew the first position of T. Jeremy Walters, Secretary Palmer drew Gary
81 C. Byler. Chairman Judd noted that Scott W. Taylor would be placed in the third position
82 as a result of his filings occurring after the simultaneous filings of Mr. Walters and Mr.
83 Byler.

84 The next order of business was the approval of the Campaign Finance Summaries
85 presented by Chris Piper, SBE Election Services Manager. Mr. Piper stated that § 24.2-
86 946 of the Code of Virginia requires the State Board of Elections to summarize the
87 provisions of the Campaign Finance Disclosure Act of 2006 and prepare the summary for
88 distribution to candidates and committees upon request or at the time that they first
89 register with agency. Mr. Piper stated that in July 2012 the Board approved numerous
90 updates to the Candidate Campaign Committee Summary on Laws and Policies. Mr.
91 Piper stated that the most significant updates were to the procedure and civil penalty
92 schedule for late and fail to file campaign finance reports as well as to the incomplete
93 report policy. Mr. Piper stated that documents provided for Board review conform to the
94 political committee summaries. Mr. Piper thanked SBE staff member Lindsay Fraser for
95 her assistance in preparing the documents. Chairman Judd asked if there were any
96 comments and there were none. Secretary Palmer moved that the Board approve the

97 proposed update to the Political Committees' Summary on Campaign Finance Laws and
98 Policies. Vice Chair Bowers seconded the motion and the Board unanimously approved
99 the motion.

100 The next order of business was the "Request to Waive Civil Penalties" presented
101 by Chris Piper, SBE Election Services Manager. Mr. Piper identified the matter for Board
102 consideration as the complaint against the American Fire Sprinkler Association Virginia
103 Chapter (PAC 12-00120). Mr. Piper informed the Board that the committee was
104 penalized on October 16, 2012 for not filing their campaign finance report due October
105 15, 2012 in a timely manner. Mr. Piper stated that the committee requests a waiver of the
106 penalty due to hospitalization of a relative. Mr. Piper stated that staff recommends
107 waiving the \$100 penalty assessed as the request is not in conflict with official Board
108 policy stating that extenuating personal circumstances of a committee treasurer is good
109 cause allowing Board waiver of campaign finance civil penalties. Chairman Judd
110 inquired if there were any public comments and there were none. Chairman Judd moved
111 to waive the penalty assessed to PAC 12-00120, Vice Chair Bowers seconded the motion
112 and the Board unanimously approved the motion.

113 The next order of business was the 2013 Homeland Security Award and Letter
114 presented by Secretary Palmer. Secretary Palmer stated that SBE received this award
115 from the Secretary of Veterans Affairs and Homeland Security. Secretary Palmer thanked
116 SBE staff members for the preparations leading up to the general elections and stated that
117 those preparations contributed to this recognition.

118 The next order of business was the staff report on the Interstate Voter Registration
119 Crosscheck Program and Electronic Registration Information Center (ERIC) presented by
120 Matthew Davis, Information Services Manager. Mr. Davis stated that in 2012 SBE
121 entered into an agreement to share voter registration data with 21 other states. Mr. Davis
122 stated that this data sharing was designed to look for duplicate registrations. Mr. Davis
123 reported that the results of this data sharing showed matches based on last name, first
124 name, and date of birth for over 308,000 possible duplicate registrations. Mr. Davis stated
125 that SBE has taken additional steps to narrow down the findings by adding the data field
126 of the last four digits of an individual's Social Security Number. Mr. Davis stated that
127 this new match reduced the number to 164,000 possible matches and of those voters
128 approximately 97,000 are active voters in Virginia. Mr. Davis stated that SBE is

129 analyzing the findings to ensure accurate data input occurred as the program is in its early
130 stages. Mr. Davis stated that removing voters from the Virginia rolls is a lengthy process
131 which involves time, verification, and caution. Chairman Judd thanked Mr. Davis for the
132 update and asked if there were any questions and there were none.

133 The next order of business was a demonstration by Democracy Live on the
134 Tablet-based Accessible Ballot Marking Device. Brian Finney, President and CEO of
135 Democracy Live, provided an overview of their company. Mr. Finney stated that the City
136 of Charlottesville expressed interested in piloting a program utilizing the new tablet
137 provided by Democracy Live to assist voters with disabilities. Mr. Finney provided a
138 demonstration of the equipment to the Board Members. Chairman Judd asked questions
139 related to the equipment. Susan Lee stated that SBE staff had not had an opportunity to
140 review and test the equipment and could not provide comment at this time. Ms. Lee
141 recommended that Democracy Live submit the equipment for testing at an accredited lab
142 and to SBE staff. Pending the results of the testing, this equipment could be presented to
143 the Board for approval at a future meeting.

144 Chairman Judd stated that the New Business portion of the agenda had concluded
145 and inquired if there was any other business to come before the Board. Mr. Samuel
146 Walker approached the podium. Mr. Walker stated that he had provided materials to SBE
147 and that he was solely acting on behalf of himself in regards to a matter in Culpeper
148 County. Mr. Walker stated that in his letter dated December 19, 2012 to SBE he stated
149 his concerns about Megan Fredrick and Lawrence Fredrick not being residents and
150 domiciled in Culpeper County at the time they completed their voter registration
151 applications. Chairman Judd inquired of Mr. Walker if he was asking the Board for a
152 particular action. Mr. Walker stated that normally this would fall to the local
153 Commonwealth's Attorney office but since that is the individual in question that he is
154 asking the SBE Board Members to consider using its influence with the local board to
155 request an investigation. Chairman Judd informed Mr. Walker that by Virginia Code the
156 SBE Board Members do not have the authority to investigate and the matter should be
157 directed to the local authorities. Chairman Judd thanked Mr. Walker for his time.
158 Chairman Judd inquired if there were any other public comments.

159 Robin Lind, Communication Director and Chair of the Legislative Committee of
160 the Virginia Electoral Board Association, approached the podium. Mr. Lind stated that

161 the Vice Chair of the Goochland County Electoral Board reviewed the officer of elections
162 online training module and that the Goochland County Electoral Board voted to submit to
163 the State Board a list of suggestions regarding the scope of the training. Mr. Lind thanked
164 the Board members for their time. Chairman Judd inquired if there were any other
165 comments. Deputy Riemer noted that everyone appreciated Goochland's input on the
166 issue but that raising it directly with staff would have been more appropriate, not in the
167 context of a public Board meeting. Secretary Palmer noted that he spoke with Mr. Lind
168 prior to the meeting and that he understood Mr. Lind was directed by his Board to bring it
169 before the State Board and that he appreciated the suggestions. Susan Lee also gave brief
170 remarks regarding the online officer of election training efforts, including the amount of
171 positive feedback received on the program thus far.

172 Chairman Judd then moved to close the meeting to discuss actual and probable
173 litigation matters and specific legal matters requiring the provision of legal advice by
174 legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia. Chairman Judd
175 directed Justin Riemer, Deputy Secretary; Nikki Sheridan, Confidential Policy Advisor;
176 Rose Mansfield, Executive Assistant and Matthew Davis, Information Service Manager,
177 to remain with the Board during the closed session. Secretary Palmer seconded the
178 motion and the Board went into Executive Session at 11:40AM.

179 At 12:30PM Chairman Judd moved to reconvene in open session and a roll call
180 vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously
181 certifying that during the closed meeting (i) only public business matters lawfully
182 exempted from open meeting requirements under this chapter, and (ii) only such public
183 business matters as were identified in the motion by which the closed meeting was
184 concerned were heard, were discussed or considered.

185 Chairman Judd moved to ask the Office of the Attorney General to investigate the
186 possibility of voter fraud and double voting as a result of the Interstate Crosscheck
187 Program discussed during the Board Meeting. Vice Chair Bowers seconded the motion
188 and the Board unanimously approved the motion.

189 Chairman Judd asked if there was any other business to come before the Board for
190 the Good of the Order and with there being none Chairman Judd made a motion to
191 adjourn. Vice Chair Bowers seconded the motion and the Board unanimously passed the
192 motion. The Board shall reconvene on May 22, 2013 at 10:00 AM in the General

193 Assembly Building, Room C. The meeting was adjourned at approximately
194 12:35PM.

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Secretary

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Chair

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Vice-Chair

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