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The State Board of Elections Board Meeting was held on Tuesday, June 11, 2013.

The meeting was held in the Washington Building, Room B27, 1100 Bank Street in Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary; Justin Riemer, Deputy Secretary; Chris Piper, Election Services Manager; and Susan Lee, Election Uniformity Manager; Chairman Judd called the meeting to order at 8:15AM.

Chairman Judd stated that the polls were open throughout the Commonwealth because of the Primary Election in process. Chairman Judd stated that the Board had a short agenda before them although the Board would be present throughout the day and would be present until all Board business of the day concluded.

The first order of business was the Voter Registration Drive Guidelines Affidavit presented by Chris Piper, Election Services Manager. Mr. Piper stated that at the May 22, 2013 Board Meeting the Board approved staff recommendations and changes to the guidelines in conducting voter registration drives.

Upon receipt of additional public comment and internal review, including discussions with counsel, Mr. Piper recommended that minor adjustments be made specifically to number two on the proposed affidavit that says: "I am requesting the forms "on behalf of" then check on" myself" or "my organization". Then you have a spot where you list the organization and you add a new bullet point under number three where it states: "If I am requesting the forms on behalf of an organization I will use my best efforts to ensure that this organization will abide by all Virginia laws and rules regarding the registration of voters which will include additional training of individuals working on behalf of my organization". This language was recommended by counsel, Josh Lief.

Chairman Judd asked that if a person checks "I am requesting these forms on behalf of myself" then it does not read just right. Chairman Judd said he would like to see that if the person requests the forms on behalf of themselves they would agree to say: "I will abide by all Virginia rules and laws" instead of "using my best efforts". Chairman Judd stated that what has transpired is that we have fixed for someone who is picking the applications up on behalf of the organization but what about the person who picks up the applications on behalf of themselves. Vice Chair Bowers stated that number three should

33 be repeated to say “If I am requesting these forms on behalf of myself I will use my best
34 efforts to make sure that or I will by abide by, to do both,” because if you are going to
35 separate number two to distinguish “myself” between “myself and an organization” then
36 perhaps adding an additional clause if I am requesting these forms on behalf of myself
37 and end with the same language.

38 Vice Chair Bowers inquired: “Does the individual have to receive additional
39 training as an individual versus an organization?” Mr. Piper responded that the legislation
40 requires the training and the affidavit for an individual or a group”. Vice Chair Bowers
41 stated that there should be no difference between picking up 26 forms for myself or 26
42 forms for my sorority if it requires the same training. Chairman Judd stated that the
43 problem came as part of a concern that the first person “I will” wouldn’t speak to the
44 organization, only to the individual. Chairman Judd suggested adding a sixth bullet point
45 under number three which makes it read slightly redundant but still addresses the issue.
46 Secretary Palmer stated that the thought is if an individual is picking them up that you are
47 going to be responsible to ensure that training occurs: “If I am requesting these forms on
48 behalf of myself I will abide by all Virginia laws”.

49 Mr. Piper added that an individual can request these forms and it should be added
50 that the affidavit would include additional training and supervision of individuals
51 working on my behalf and then you would take out of my organization. Mr. Piper stated
52 that the legislation states that when obtaining 25 or more voter application registrations
53 applications, such individuals or groups shall be required to register with the State Board
54 and receive training and sign a sworn affidavit on a form prescribed by the State Board
55 attesting that such individuals or organization will abide by all laws and rules regarding
56 the registration of voters. Mr. Piper stated that the legislation does not specifically state
57 that an individual which requests the voter applications is not required to attest that those
58 acting on their behalf receive training and abide by the Virginia laws and rules. Mr. Piper
59 stated that he was unsure if that language could be added. Chairman Judd stated that he
60 thought it possible and that it further clarifies the difference between “on behalf of
61 themselves” or “on the behalf of an organization”. Chairman Judd stated that he would
62 like to pursue the idea of the sixth bullet.

63 Secretary Palmer stated that a vote could be taken but he preferred to run it by
64 Josh Lief, Senior Assistant Attorney General and SBE Counsel. . There was discussion

65 among Board members, Chris Piper, and Susan Lee. Mr. Piper expressed the desire to
66 bring in counsel to consult on this matter. Chairman Judd moved to table the agenda item
67 and Secretary Palmer seconded the motion. Motion carried unanimously. Vice Chair
68 Bowers moved to recess and Secretary Palmer seconded the motion. Motion carried
69 unanimously and the Board recessed at 8:31AM.

70 Chairman Judd called the SBE Board meeting back to order at 9:25AM.
71 Chairman Judd moved to remove from the table the voter registration guideline affidavit
72 edits and Vice Chair Bowers seconded the motion. Motion carried unanimously.
73 Chairman Judd noted that SBE Legal Counsel, Josh Leif was present at this time.
74 Chairman Judd stated that the discussion previously was about adding a sixth bullet under
75 number three that would use similar language to the individual as it would to the
76 organization. Chairman Judd stated that the additional bullet could read if “I am
77 requesting these forms on behalf of myself I will abide by all Virginia laws and rules
78 regarding the registration of voters which will include additional training and supervision
79 of individuals working for me on behalf of myself.” Chairman Judd stated that the other
80 question was under number four striking the language that says “I will encourage all
81 persons assisting me to complete the same training.”

82 Mr. Lief stated that the bullet was redundant because it starts with “I will abide
83 by all Virginia laws and rules of registration as required” and ultimately it is the Code
84 that drives everything. Mr. Lief stated he preferred the language of “I will use my best
85 efforts to ensure that the organization will abide by the laws which will include additional
86 training and supervision of individuals working on my behalf of my organization.”
87 Chairman Judd expressed pleasure with the additional bullet and there is concern that
88 there is a void for the individual if they check under number two, requesting the form on
89 behalf of myself, there is nothing in there that requires them, is not as specific as if they
90 had checked under the organization. Mr. Lief suggested rather than make that item a
91 bullet maybe it should be a separate line item i.e. number four. Chairman Judd asked for
92 clarification in that making the fifth bullet number four and asked if there were any
93 comments. Vice Chair Bowers stated that she agreed with the proposal and that the
94 clarification was given if we are going to distinguish between the individual and the
95 organization, what is the individual being held accountable for and what is the agent

96 acting on behalf of the organization be held accountable for and the Vice-Chair said she
97 preferred it being separated.

98 Chairman Judd stated that it was his understanding that we are taking the
99 affidavit form and tweaking it to include a new fifth bullet under number three and
100 making that number four and then adjusting number four and number four becomes five
101 and number five becomes six and asked if that was everybody's understanding. Vice
102 Chair Bowers and Secretary Palmer acknowledged that they were in agreement with
103 Chairman Judd's summary of the changes. Chairman Judd called on Mr. Piper again: Mr.
104 Piper stated that Ms. Lee and he had conferred and recommended we change number two
105 to strike "on behalf of" and replace it with language so it would read "I am requesting
106 these forms as "and then" before an organization we would add the language "as an agent
107 on behalf of an organization". Chairman Judd asked if everyone followed Mr. Piper's
108 statement. Vice Chair Bowers asked Mr. Piper to read the statement. Mr. Piper stated it
109 would read "I am requesting these forms as an agent on behalf of an organization." Vice
110 Chair Bowers asked would we keep it "myself" then or would we say "as an individual".
111 Vice Chair Bowers made a point of clarity and said I am requesting these forms "as
112 myself", right? Chairman Judd stated no you would say "an individual. Vice Chair
113 Bowers stated change "myself "to" an individual". Secretary Palmer asked Chairman
114 Judd a point of clarity; it is going to read I am requesting these forms striking "on behalf
115 of" and then "myself" would be stricken and it would be "individual". Vice Chair Bowers
116 stated that you put "an" in the first line. Mr. Piper confirmed that it would be "an". Vice
117 Chair Bowers stated that you could do a colon then the individual. Chairman Judd stated
118 it would read I am requesting these forms as a colon individual next line agent of an
119 organization. Mr. Piper stated it would be an agent on behalf of an organization.
120 Secretary Palmer informed the Chair that I think we have this and this is a format issue
121 but I think we need to give a little more space for listing the organization on number two.
122 Chairman Judd entertained a motion. Vice Chair Bowers moved that the Board approve
123 with the noted additions, changes, and corrections to the sworn affidavit presented in
124 front of us. Secretary Palmer seconded the motion. Chairman Judd asked if there was any
125 further discussion and there was none and the Board unanimously approved the motion.
126 Chairman Judd moved to recess. Vice Chair Bowers seconded the motion. Motion carried
127 unanimously. The Board recessed at 10:40AM.

128 Chairman opened the Board Meeting at 5:00PM. The Secretary conducted a roll
129 call noting the absence of Vice Chair Bowers. Chairman Judd asked if there was any
130 other business to come before the Board for the Good of the Order and with there being
131 none Chairman Judd made a motion to adjourn. Secretary Palmer seconded the motion
132 and the Board approved the motion to adjourn. The meeting was adjourned at
133 approximately 5:05PM.

134 The Board shall reconvene on June 25, 2013 at 10:00 AM in the General
135 Assembly Building, Room C.

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137 Secretary

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141 Chair

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145 Vice-Chair

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