

MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, May 14, 2013.
4 The meeting was held in the General Assembly Building, Room D, 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 Susan Lee, Election Uniformity Manager; Martha Brissette, SBE Policy Analyst; Myron
10 McClees, SBE Policy Analyst; and Matt Abell, Election Services Lead. Chairman Judd
11 called the meeting to order at 4:00PM.

12 The first order of business was the approval of the Minutes from the State Board
13 of Elections Board Meeting held on April 3, 2013. After a careful review, Vice Chair
14 Bowers made a motion to approve the Minutes. Secretary Palmer seconded the motion
15 and the Board unanimously approved the Minutes.

16 The second order of business was the Secretary's Report delivered by Secretary
17 Palmer. Secretary Palmer reported that testing for the ES&S 3.4.0.1 which includes the
18 DS850 high speed scanner was conducted at SBE. Secretary Palmer stated that the testing
19 phase was successful. Secretary Palmer stated that the various types of equipment tested
20 will be used in the June 2013 Primary in Chesterfield County. Secretary Palmer stated
21 that request for approval for certification of the new equipment will be presented to the
22 Board in July of 2013. Secretary Palmer stated that the Dominion Democracy System
23 4.1.4 is also currently being tested. Secretary Palmer noted that several voting
24 equipment vendors have held expositions throughout the state and had the opportunity to
25 show their products to members of the election community and other stakeholders.
26 Secretary Palmer stated that implementation of the online registration bill is moving
27 forward with the assistance of Matt Davis, IS Manager and the SBE team. Secretary
28 Palmer stated that the online registration system will be operational by July 1, 2013.
29 Secretary Palmer stated that work on SB1256, the photo identification bill, is moving
30 forward and that the SBE team is looking at the procurement process in support of the
31 bills' implementation on July 1, 2014. Secretary Palmer inquired if there were any
32 questions. Chairman Judd asked about the online registration for residents of Virginia,

33 regarding the capture of the full social security number, date of birth and driver's license
34 number, and does that check against the Division of Motor Vehicles (DMV) database.
35 Secretary Palmer stated that it does check against the DMV data base and SBE has been
36 working closely with the DMV. Chairman Judd asked about the equipment expositions
37 that have been occurring all over the state, "Who comes to these expositions?" Secretary
38 Palmer stated that the primary participants are the general registrar's and their staff, poll
39 workers, voting equipment managers and election chiefs. Chairman Judd also asked how
40 many different vendors supply equipment to Virginia. Secretary Palmer replied that we
41 have four digital optical scan vendors who can provide equipment. Chairman Judd asked
42 if they were all certified. Secretary Palmer replied that all of the vendors were certified by
43 SBE. Secretary Palmer stated that before equipment is presented to the Board Members
44 for certification testing occurs during a primary in a locality that agrees to participate in
45 the pilot.

46 The next order of business was the Legal Report delivered by Joshua Lief, Senior
47 Assistant Attorney General and SBE Counsel. Mr. Lief reported that the Attorney
48 General's office submitted the preclearance documents to the Department of Justice for
49 the bills signed by the Governor that will take effect in 2013. Mr. Lief reported that there
50 are two pending cases; the *Libertarian Party* case which is in the Federal Circuit Court of
51 Appeals and the *Fairfax County Democratic Party* case against SBE and the General
52 Registrar of Fairfax County. Mr. Lief reported that the Supreme Court decision on
53 Section 5 of the Voting Rights Act is expected this summer.

54 The next order of business was the State Board of Elections review of existing
55 regulations presented by Deputy Secretary Justin Riemer. Deputy Riemer provided a
56 review of the history of conducting reviews and the requirements of the review process.
57 Deputy Riemer stated that each regulation must be reviewed every four years and that the
58 agency shall provide for a minimum of 21 days of public comment. Deputy Riemer stated
59 that no later than 60 days after the close of the public comment period, the agency shall
60 post a completed periodic review report on Town Hall and that the Attorney General's
61 Office would examine the regulation to ensure statutory authority. Deputy Riemer stated
62 that as a result of the periodic review the results would be reported to the appropriate
63 Secretary and Counselor to the Governor. Deputy Riemer stated that around August 2013
64 SBE Board Members would be presented a report that summarized the public comments.

65 Chairman Judd asked if there were regulations that need to be fixed. Deputy Reimer
66 replied that the review process will show if they need to be fixed. Deputy Riemer stated
67 that this process is only a couple of years old and the Board has been very careful in
68 adopting new regulations. Chairman Judd inquired if there were any questions. Secretary
69 Palmer commented that often we will be talking to a General Registrar or an Electoral
70 Board member and they will point out a perceived flaw or potential issue that needs to be
71 improved upon and this will provide an opportunity to put the regulations out to the
72 community and if they take the time to provide a comment then we can take a look at
73 those identified issues systematically. Chairman Judd asked other than posting this do
74 you have any other plans in engaging the electoral community?" Deputy Riemer replied
75 that absolutely and we will make sure that the entire election community receives the
76 regulations. Chairman Judd asked if there were any public comments.

77 Robin Lind, Virginia Electoral Board Association, approached the podium and
78 stated that he was in support of any review of regulations and the invitation to comment
79 on the regulations was appreciated and welcomed. Chairman Judd asked if there were
80 any other questions and there were none. Secretary Palmer moved that the Board
81 approve the State Board staff proposed plan for the State Board of Elections' periodic
82 review of regulations. Vice Chair Bowers seconded the motion. Chairman Judd stated
83 that the details of this Board motion included that each regulation will be reviewed at
84 least once every four years with a minimum of at least 21 days of public comment and
85 that no later than 60 days after the close of the public comment with a post periodic
86 review report on Town Hall with an examination of the regulation by the Attorney
87 Generals' Office then reported to the appropriate Secretary and then the Governor.
88 Chairman Judd asked if there were any further comments and there were none. The
89 Board unanimously approved the motion.

90 The next order of business was the request for Board approval to post draft
91 regulations for public comment to Virginia's Regulatory Town Hall. The following
92 regulations were presented to Board Members for approval to post to Virginia Regulatory
93 Town Hall:

- 94 • Appeals of Petition Signature Insufficiency Proposed Regulation
95 presented by Chris Piper, Election Services Manager.

- 96 • Material Omissions on Candidate Petitions Regulations presented by Chris
97 Piper, Election Services Manager.
- 98 • Material Omissions on Referenda Petitions Regulations presented by Chris
99 Piper, Election Services Manager.
- 100 • When a Ballot is Cast Regulation presented by Myron McClees,
101 SBE Policy Analyst.
- 102 • Material Omissions on Absentee Envelope B Regulation presented by
103 Martha Brissette, SBE Policy Analyst.
- 104 • Material Omissions on Federal Write-In Absentee Ballots presented by
105 Martha Brissette, SBE Policy Analyst.
- 106 • Early Processing of Absentee Ballots Regulation presented by Martha
107 Brissette, SBE Policy Analyst.

108 SBE staff members presented their materials and requested that the Board approve the
109 posting to seek public comment on the proposed regulations Board Members
110 unanimously approved each of the proposed regulations for posting onto the Virginia
111 Regulatory Town Hall for public comment.

112 The next order of business was the draft revised Voter Registration Application
113 presented by Chris Piper, Elections Services Manager. Mr. Piper stated that on May 1,
114 2013, SBE staff issued an official communication announcing that draft forms
115 redesigning the current Virginia Voter Registration and Absentee Ballot Applications
116 were available for public comment. Mr. Piper stated that those public comments received
117 would be available for Board review and consideration at its meeting on May 22, 2013.
118 Chairman Judd aksed if there were any public comments and there were none.

119 The next order of business was the draft revised Absentee Ballot Application
120 presented by Martha Brissette, SBE Policy Analyst. Ms. Brissette stated that on May 1,
121 2013, SBE staff issued an official communication announcing that draft forms
122 redesigning the current Virginia Voter Registration Application and Absentee Ballot
123 Application were open for public comment. Ms. Brissette stated that those public
124 comments received would be available for Board review and consideration at its meeting
125 on May 22, 2013. Chairman Judd aksed if there were any public comments and there
126 were none.

127 Chairman Judd stated that the New Business portion of the agenda had concluded
128 and asked if there was any other business to come before the Board. Hope Amezquita
129 representing the American Civil Liberties Union of Virginia approached the podium and
130 informed the Board that the organization had sent a letter to the SBE office regarding
131 Virginia's new voter identification law on May 7, 2013. Ms. Amezquita stated that her
132 letter contained suggestions about the new law that would help ensure that Virginia's
133 elections are fair, free, and accessible for all Virginia citizens. Ms. Amezquita stated that
134 she came before the Board to ask for those considerations and thanked the Board
135 Members for their time. Chairman Judd thanked Ms. Amezquita for her comments and
136 asked if there were any other public comments.

137 Michelle Kanter-Cohen approached the podium. Ms. Kanter-Cohen stated that
138 she was present on behalf of the Project Vote. Ms. Kanter-Cohen inquired if the Board
139 Members had any questions. Chairman Judd polled the Board Members and stated that
140 there were no questions. Ms. Kanter-Cohen thanked the Board for their time.

141 Chairman Judd asked if there was any other business to come before the Board for
142 the Good of the Order and with there being none Chairman Judd made a motion to
143 adjourn. Vice Chair Bowers seconded the motion and the Board unanimously passed the
144 motion. The meeting was adjourned at approximately 5:20PM.

145 The Board shall reconvene on May 22, 2013 at 10:00 AM in the
146 General Assembly Building, Room C.

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148 Secretary

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152 Chair

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156 Vice-Chair

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