

MINUTES

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3 The State Board of Elections Board Meeting was held on Wednesday, January 8,
4 2014. The meeting was held in the General Assembly Building, House Room C in
5 Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was
6 Charles Judd, Chair; Donald Palmer, Secretary; Joshua Lief, Senior Assistant Attorney
7 General and SBE Counsel; Justin Riemer, Deputy Secretary; Nikki Sheridan,
8 Confidential Policy Advisor; Susan Lee, Election Uniformity Manager; Chris Piper,
9 Election Services Manager and Rose Mansfield, Executive Assistant. Chairman Judd
10 called the meeting to order at 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 November 25, 2013 and December 2, 2013.
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 November 25, 2013 Board Minutes and there were none noted. Chairman Judd
16 moved *that the November 25, 2013 Minutes be approved as submitted*. Secretary Palmer
17 seconded the motion. Chairman Judd asked if there was any discussion and with none the
18 Board unanimously approved the Minutes. Chairman Judd asked if Board Members had
19 any additions or corrections to the December 2, 2013 Board Minutes and there were none
20 noted. Chairman Judd moved *that the December 2, 2013 Minutes be approved as*
21 *submitted*. Secretary Palmer seconded the motion. Chairman Judd asked if there was any
22 discussion and with none the Board unanimously approved the Minutes.

23 The second order of business was the Secretary's Report delivered by Secretary
24 Palmer. Secretary Palmer stated that the recount for the attorney general's race has been
25 finalized. Secretary Palmer acknowledged the efforts of the SBE staff, general registrars,
26 and volunteers across the commonwealth for their efforts. Secretary Palmer stated that
27 the electoral community really shined during this process. Secretary Palmer stated that he
28 wanted the community to know that every member of the SBE staff worked extremely
29 long hours and in perspective it was like have Election Day for two weeks straight.
30 Secretary Palmer stated that SBE moved through the process and it was successful.
31 Secretary Palmer stated that SBE is working on the implementation of the ID Plan and
32 the legislative session is opening with over 200 bills from SBE. Secretary Palmer stated

33 that two political appointees assigned to SBE would be leaving SBE this week. Secretary
34 Palmer acknowledged Nikki Sheridan, Governor's Policy Advisor, who handled the
35 media inquiries and as a small agency SBE, did not have the ability to handle the demand
36 before Ms. Sheridan arrived and that Ms. Sheridan handled this tasking with a great deal
37 of expertise. Secretary Palmer stated that Ms. Sheridan worked on the previous ID Plan
38 flawlessly and Ms. Sheridan was the spearhead of the voter outreach plan. Secretary
39 Palmer stated that Ms. Sheridan will be missed at SBE. Secretary Palmer acknowledged
40 Deputy Secretary Justin Riemer, appointed by Governor McDonnell, and stated that he
41 managed the SBE staff and the divisions within the agency. Deputy Riemer has been
42 invaluable in managing legislation in sessions past and assisting localities to ensure that
43 SBE performs election administration correctly and provided legal guidance to localities.
44 Secretary Palmer stated that Deputy Riemer will be missed at SBE.

45 The next order of business was the Legal Report delivered by Josh Lief, SBE
46 Counsel. Mr. Lief stated that he did not have a report to present at this Board Meeting.

47 The next order of business was the Voter Identification Plan presented by Susan
48 Lee, Election Uniformity Manager. Ms. Lee stated that the Board was presented the final
49 draft version of the ID Plan at the December 2013, Board Meeting. Ms. Lee stated that
50 the Board Members comments and changes were incorporated into the plan as presented.
51 Ms. Lee stated that SBE would continue to work with DMV to establish a workgroup.
52 Secretary Palmer thanked the SBE staff and in particular the policy analysts for the
53 efforts on the voter identification plan. Secretary Palmer noted that SBE has received
54 input from stakeholders during Board Meetings and additional meetings held at SBE.
55 Secretary Palmer moved *that the Board approve the proposed plan to implement recently*
56 *enacted Voter Identification legislation-SB 1256(Obenshain)*. Chairman Judd seconded
57 the motion. Chairman Judd asked if there were comments. Hope Amezquita, ACLU
58 representative, approached the podium. Ms Amezquita stated that the ACLU would like
59 to participate in any future activities involving the plan. Chairman Judd asked if there
60 were additional comments. Carol Noggle, League of Women Voters of Virginia,
61 approached the podium. Ms. Noggle stated that the plan did not reflect the requirements
62 for receiving free voter identification. Ms. Noggle stated that the league would also like
63 to be involved in any future activities involving the plan. Ms. Noggle asked if the
64 approved plan would be on Regulatory Town Hall. Secretary Palmer stated that this

65 would be posted on Regulatory Town Hall and there will be a separate regulation to
66 address individuals who wish to apply for free voter identification. Chairman Judd asked
67 if there were additional comments and there were none and the Board unanimously
68 approved the motion.

69 The next order of business was the Stand by Your Ad Violations presented by
70 Chris Piper, Election Services Manager. Mr. Piper stated the first consideration was from
71 the Alberts for Supervisor campaign. Mr. Piper submitted additional documents in the
72 form of an email from Mr. Alberts to the Board Members. Mr. Piper stated that on
73 October 27, 2013, staff received a complaint concerning a political advertisement
74 appearing in a public right of way and allegedly paid for by Mark Alberts for Supervisor,
75 but did not contain the disclosure statement required by § 24.2-956 of *Code of Virginia*.
76 Mr. Piper stated that the campaign sign failed to display the proper discloser and that staff
77 recommends that the political advertisement is in violation of the law and a penalty of
78 \$100 should be assessed. Chairman Judd asked Mr. Piper to address the email that was
79 presented to the Board Members. Mr. Piper stated that the email states that the candidate
80 is aware that the banners did not have the proper disclosure and immediately corrected
81 the situation. Chairman Judd stated that the interpretation of the email is that candidate
82 was unaware of the banners that were displayed because several supporters conducted
83 this activity independently of the campaign and the situation was corrected when the
84 campaign became aware of the issue. Chairman Judd stated that he believed that the
85 candidate has taken the correct steps and for that reason would make a motion that the
86 penalty be waived. Chairman Judd moved *that the penalties assessed be waived for the*
87 *Alberts for Supervisor campaign*. Secretary Palmer seconded the motion. Chairman Judd
88 asked if there were any comments and there were none and the Board unanimously
89 passed the motion.

90 The next order of business was the Stand by Your Ad Violation related to the
91 Carroll County Republican Committee presented by Chris Piper. Mr. Piper stated that on
92 October 16, 2013 SBE staff received a complaint concerning a political advertisement
93 appearing in a local paper and paid for by the Carroll County Republican Committee that
94 did not contain the disclosure statement required by § 24.2-956.1 in the *Code of Virginia*.
95 Mr. Piper stated that the advertisement appearing in the newspaper meets the Board's
96 standard for "express advocacy" as it clearly states, "I ask you to join me in supporting

97 Jeff Campbell...” The advertisement does state it was paid for by the Carroll County
98 Republican Committee, but fails to state whether the candidate authorized the
99 advertisement and therefore is not complaint with the disclosure required in §24.2-
100 956.1(2) of the *Code of Virginia*. Mr. Piper stated that the committee has apologized for
101 the error. Secretary Palmer moved *that the political party committee should be assessed*
102 *civil penalties totaling \$50.00 representing a first violation*. Chairman Judd seconded the
103 motion. Chairman Judd asked if there were any comments and there were none and the
104 Board unanimously passed the motion.

105 The next order of business was the Stand by Your Ad Violation related to the
106 Democratic Party of Virginia presented by Chris Piper. Mr. Piper stated that the counsel
107 for the Democratic Party of Virginia has been in contact with SBE and requested that the
108 Board consider this matter at the next Board Meeting. Chairman Judd deferred the matter
109 to the next Board Meeting.

110 The next order of business was the Stand by Your Ad Violation related to the
111 Engle for Delegate presented by Chris Piper. Mr. Piper stated that on November 4, 2013
112 staff received a complaint concerning a political advertisement appearing in a public right
113 of way allegedly paid for by Engle for Delegate that did not contain the disclosure
114 statement required by § 24.2-956 of the *Code of Virginia*. Mr. Piper stated that the
115 Boards’ guidance is unclear of what constitutes a “yard sign”. Mr. Piper stated that SBE
116 staff could not provide guidance to the Board and staff recommendation is to not assess a
117 penalty. Mr. Piper suggested that the matter be differed until guidance is provided on
118 what constitutes a “yard sign” on private property. Chairman Judd agreed to move the
119 matter to the next Board Meeting and stated that the code defines print media which
120 includes billboards and outdoor advertizing. Chairman Judd asked: “Is the issue that the
121 “yard sign” is on private property verse public property?” Mr. Piper replied: “Yes”.

122 The next order of business was the Stand by Your Ad Violation related to the
123 Independence USA PAC presented by Chris Piper. Mr. Piper stated on October 28, 2013,
124 staff received a complaint concerning a political advertisement appearing on television
125 and paid for by Independence USA PAC, but did not contain a spoken disclosure
126 statement as required by § 24.2-957.2 of the *Code of Virginia*. Mr. Piper stated that
127 federal action committees are not required to contain a disclosure statement on their
128 advertisements for state offices. Mr. Piper stated for that reason staff does not

129 recommend that a penalty be assessed. Chairman Judd moved *that the Board accept staff*
130 *recommendations*. Secretary Palmer seconded the motion. Chairman Judd asked if there
131 were any comments and there were none. The Board unanimously approved the motion.

132 The next order of business was the Stand by Your Ad Violation related to the
133 Lamont Kizzie presented by Chris Piper. Mr. Piper stated that on September 18, 2013,
134 staff received a complaint concerning the campaign advertising disclosures allegedly paid
135 for by Lamont Kizzie for Sheriff. The complaint alleges the campaign paid for an
136 advertisement in the Richmond Voice in which the disclaimer required by § 24.2-956 in
137 the *Code of Virginia* is not included. Mr. Piper stated that the staff recommendation is
138 that the campaign be assessed civil penalties of \$1000.00 as this represents the fourth
139 violation by this campaign. Chairman Judd stated that a pattern has been noted in that an
140 individual by the name of Tony Pham writes letters and the Board addresses the issue and
141 then the process starts all over again. Chairman Judd asked: “Who is Tony Pham?”
142 Chairman Judd asked: “Has Lamont Kizzie paid the other fines?” Mr. Piper replied:
143 “Yes.” Chairman Judd asked if Mr. Kizzie was present. Lamont Kizzie approached the
144 podium. Mr. Kizzie explained the error and noted that a correction to the ad was
145 immediately made once his campaign was notified of the error. Mr. Kizzie stated that Mr.
146 Pham is the present sheriffs’ attorney. Secretary Palmer stated that he believed that there
147 is a timing error in receiving the complaints. Secretary Palmer moved that *the Board not*
148 *asses the penalties recommended by staff*. Chairman Judd seconded the motion.
149 Chairman Judd asked if there were any other comments and there were none. The Board
150 unanimously approved the motion.

151 The next order of business was the Stand by Your Ad Violation related to the
152 Qarni for Delegate presented by Chris Piper. Mr. Piper stated that on October 26, 2013,
153 staff received a complaint concerning a political advertisement appearing on the
154 Facebook page of Qarni for Delegate that did not contain a spoken disclosure statement.
155 Mr. Piper stated that the advertisement appears on the Internet and there is no evidence it
156 appeared on television. Mr. Piper stated that the advertisement meets the definition of
157 “print media” as defined in § 24.2-955.1 and is not subject to the spoken disclosure
158 requirements found in § 24.2-955.1. Chairman moved *to table this complaint while*
159 *consideration is being given to the status of this ad as a “video” or a television*

160 *advertisement*. Secretary Palmer seconded the motion. The Board unanimously approved
161 the motion.

162 The next order of business was the Stand by Your Ad Violation related to the
163 Slagle for Treasurer presented by Chris Piper. Mr. Piper stated that on October 15, 2013,
164 staff received a complaint concerning a political advertisement mailed to constituents and
165 allegedly paid for by Slagle for Treasurer that did not contain the disclosure statement
166 required by § 24.2-956. Mr. Piper stated that the post card meets the Board’s standard for
167 “express advocacy” as it clearly advocates for the election of Joshua Slagle. Mr. Piper
168 stated that staff recommends that the political advertisement is in violation of the law and
169 a penalty should be assessed. Chairman Judd moved *that the Board accept staff*
170 *recommendations and assess the civil penalty*. Secretary Palmer seconded the motion.
171 Chairman Judd asked if there were any comments and there were none. The Board
172 unanimously passed the motion.

173 The next order of business was the Campaign Finance Civil Penalty Waiver
174 Requests presented by Chris Piper, Elections Services Manager. Mr. Piper stated that the
175 first violation was for the Citizens for Daun Hester. Mr. Piper stated that the committee
176 was penalized on June 4, 2013, for not filing their campaign finance report due June 3,
177 2013, in a timely manner. The committee requests a waiver of the penalty due to a
178 turnover in the committee’s staff. Mr. Piper stated that the committee admits to its’ late
179 filing and that Board policy states that staff turnover does not constitute “good cause” for
180 late filing. Mr. Piper stated that staff recommends upholding the civil penalty. Chairman
181 Judd stated that as previously discussed in a Board Meeting, now that SBE files
182 electronically, the 5:00PM deadline is outdated. Chairman Judd stated that in this
183 particular situation the filing of the report occurred at 5:14PM. Chairman Judd suggested
184 that the deadline be extended to midnight of the day the report is due. Mr. Piper stated
185 that the Board can change this guidance and the elections community will be notified of
186 the change. Secretary Palmer stated that the regulation is not specific about the time.
187 Secretary Palmer stated that SBE would prefer an 11:59PM deadline on the day of the
188 reports being due. Chairman Judd moved *that the Board not accept staff*
189 *recommendations to assess the civil penalty*. Secretary Palmer seconded the motion.
190 Chairman Judd asked if there were any comments. Virginia Delegate Daun Hester
191 approached the podium. Delegate Hester stated that she was thankful for the manner in

192 which the Board Members handled this situation. Delegate Hester stated that she wanted
193 to acknowledge all the efforts of SBE throughout the years and the dedication SBE Board
194 Members have displayed to the elections community. Chairman Judd thanked Delegate
195 Hester for her time and her comments. Delegate Hester stated that she was pleased to
196 observe the proceedings of the Board Meeting. Chairman Judd asked if there were any
197 comments and there were none. The Board unanimously passed the motion. Secretary
198 Palmer moved that the Board move *that the deadline be changed to 11:59PM on the day*
199 *that the report is due*. Chairman Judd seconded the motion. Chairman Judd asked if there
200 were any comments and there were none. The Board unanimously passed the motion.

201 The next order of business was the Campaign Finance Civil Penalty Waiver
202 Requests related to the Friends of Patrice Winter presented by Chris Piper. Mr. Piper
203 stated the campaign has been in contact with SBE and wishes to remove this request from
204 the agenda.

205 The next order of business was the Campaign Finance Civil Penalty Waiver
206 Requests related to the Vuyyuru for Governor by Chris Piper. Mr. Piper stated that the
207 committee was penalized on June 4, 2013 for not filing their campaign finance report due
208 June 3, 2013 in a timely manner. The committee requests a waiver of the penalty due to
209 lack of knowledge on how to prepare the reports. The report was filed late and the
210 committee admits to its' late filing. Board policy states that, among other reasons, good
211 cause allowing Board waiver of campaign finance civil penalties does not include lack of
212 knowledge on how to file the required reports. The reason provided does not constitute
213 "good cause" allowing the Board to waive the assessed penalty. Mr. Piper stated that staff
214 recommendation is that the penalty should be upheld as the reason provided is in conflict
215 with official Board policy. Mr. Vuyyuru approached the podium. Mr. Vuyyuru stated that
216 he misunderstood that he needed a treasurer to file a report initially but, now understands
217 that he does not need a treasurer and can file his own reports. Chairman Judd asked Mr.
218 Piper to explain this situation in detail. Mr. Piper stated that Risé Miller, SBE Service
219 Specialist, had assisted Mr. Vuyyuru in his efforts to file his reports. Ms. Miller has
220 spoken with Mr. Vuyyuru on numerous occasions and Ms. Miller provides "incredibly
221 accurate advice when it comes to the filing campaign finance reports." Chairman Judd
222 stated: "I agree, I have only heard stellar comments about Ms. Miller but, do you know if
223 it was communicated that Mr. Vuyyuru required a treasurer?" Mr. Piper replied: "I was

224 not present when the conversation occurred”. Secretary Palmer stated that this was the
225 first filing deadline for Mr. Vuyyuru and he has filed subsequent filling on a timely basis.
226 Chairman Judd moved *that the Board assess a penalty of \$50.00 instead of the \$100.00*
227 *recommended by staff*. Secretary Palmer seconded the motion. Chairman Judd asked if
228 there were any comments and there were none. The Board unanimously approved the
229 motion.

230 Chairman Judd asked if there was any other business to come before the Board for
231 the Good of the Order. Deputy Riemer stated: “Since this is my last meeting in my
232 current capacity, I just wanted to thank Chairman Judd, Vice Chair Bowers, Secretary
233 Palmer, and Josh Lief for all their support. Looking back I think we all can be proud of
234 what SBE has achieved over the last three years. It has been a pleasure serving the Board.
235 I want to thank you for being involved in the process”. Chairman Judd thanked Deputy
236 Riemer and Nikki Sheridan for their service to the Board.

237 The next order of business was to ascertain the results of the special elections. Mr.
238 Piper reported to the Board that the canvas for the special elections was in process and at
239 this time were not available for certification. Chairman Judd moved to recess and
240 reconvene at 2:00PM in the Washington Building, 1100 Bank Street, Richmond in Room
241 B27. Secretary Palmer seconded the motion. The Board unanimously approved the
242 motion.

243 At 2:00PM Chairman Judd moved to reconvene the SBE Board Meeting.
244 Secretary Palmer seconded the motion and the Board unanimously approved the motion.
245 Rose Mansfield, Executive Assistant performed the roll call and Chairman Judd and
246 Secretary Palmer were present.

247 The first order of business was the Ascertainment of the January 7, 2014, Special
248 Election. Matt Abell, Election Services Lead, explained the process. Chairman Judd and
249 Secretary Palmer partnered to review the abstracts. Chairman Judd announced the S.
250 “Sam” Rasoul received the greatest number of votes and was duly elected as the next
251 representative to the Eleventh House of Delegates District. Mr. Abell informed the Board
252 that the results from the Sixth Senate had not arrived at SBE. Chairman Judd moved *that*
253 *the Board recess until January 10, 2014, at 2:00PM*. Secretary Palmer seconded the
254 motion and the Board unanimously approved the motion.

255 The Board shall reconvene on January 10, 2014 at 2:00PM in the Washington
256 Building, Room B27. The meeting was adjourned at approximately 2:10PM.

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Secretary

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Chair

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Vice-Chair

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