

MINUTES

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4 The State Board of Elections Board meeting was held on Wednesday, May 25,
5 2011. The meeting was held in the State Capitol, House Room Two in Richmond,
6 Virginia. In attendance, representing the State Board of Elections (SBE) was Charles
7 Judd, Chair; Kimberly Bowers, Vice-Chair; Donald Palmer, Secretary; Justin Riemer,
8 Confidential Policy Advisor; Joshua Lief, Senior Assistant Attorney General and SBE
9 Counsel; Susan Lee, Election Uniformity Manager; Peter Goldin, Policy Analyst; Martha
10 Brissette, Policy Analyst; Susan Pollard, Director of Communications; Chris Piper,
11 Election Services Manager; and Matthew Abell, Assistant Manager, Election Services.
12 Chairman Judd called the meeting to order at 9:00 AM.

13 The first order of business was the approval of Minutes from the State Board of
14 Elections Board meeting held on April 29, 2011. After a careful review of the Minutes,
15 Vice-Chair Bowers made a motion to approve them since there weren't any suggested
16 changes. Chairman Judd seconded the motion and the minutes were unanimously
17 approved by the Board.

18 The second order of business was the Secretary's Report delivered by Secretary
19 Palmer. The Secretary's Report is a new agenda item for each Board meeting describing
20 recent developments at SBE since the previous Board meeting. Secretary Palmer took a
21 moment to welcome the new additions to the SBE team: Myron McClees, Policy Analyst;
22 Chris Piper, Election Services Manager; Mark Holicky, Information Center Lead; and
23 three law student summer interns Frank Talbott, Shanna Reulbach and Brooks Braun.
24 Secretary Palmer spoke about four main issues: US Department of Health and Human
25 Services (HHS) funds, SBE's future campaign finance management system, the Federal
26 Voting Assistance Program (FVAP) and the Election Uniformity Annual Workshop.

27 Secretary Palmer reported that the State Board of Elections had already begun the
28 paperwork for the HHS funds program, which is a reimbursement program for disability
29 accessible equipment for split and new precincts established to mitigate costs associated
30 with redistricting changes for localities.

31 Secretary Palmer also spoke about a new campaign finance management system,
32 which is expected to have completed Phase One in September and become fully

33 operational in early 2012. SBE received partial appropriations for the new system from
34 the General Assembly in the form of a Productivity Investment Fund Loan from the
35 Secretary of Technology amounting to \$95,000. A series of Memorandum of
36 Understandings (MOUs) have been signed with Enterprise Applications Division of the
37 Virginia Informations Technologies Agency.

38 Another issue of importance was the Federal Voting Assistance Program, which is
39 implementing a Department of Defense initiative in the form of a grant opportunity to
40 improve voting access for voters living and serving abroad during federal, state and local
41 elections. SBE is partnering with Microsoft and Democracy Live as an agency to
42 develop a grant proposal through 2012 and possibly through 2016 to achieve this
43 objective.

44 Secretary Palmer also announced the upcoming Election Uniformity Annual
45 Training Workshop on July 14 and 15 for general registrars and electoral board members.

46 The next order of business was a request by Election Services Manager Chris
47 Piper for the Board to approve a policy change and delegate authority to Secretary Palmer
48 in waiving campaign finance penalties in situations of error. This would decrease
49 appearances made before the Board in waiving campaign finance penalties that should
50 not have been assessed in the first place. Chairman Judd acknowledged the policy was
51 needed and requested Mr. Piper to bring a draft of the policy to the next meeting.

52 The next order of business was an update from Secretary Palmer on the Proposed
53 Letter to Interested Parties in the Complaint by Marion Werkheiser against Electoral
54 Board Member Tammy Alexander from the City of Petersburg. Secretary Palmer
55 explained to the Board that SBE did not finalize the letter and requested the Board's
56 assistance in guidance on the proper course of action. The Board deliberated with Senior
57 Assistant Attorney General and SBE Counsel Joshua Lief and Secretary Palmer
58 announced that SBE has agreed to include the City of Petersburg in their regional visits to
59 general registrar offices in order to clarify issues and concerns about the position of the
60 election observer and highlight best practices on Election Day, as well as ways to avoid
61 these types of situations. The Board did not take further action on the Petersburg matter.

62 The next order of business was Confidential Policy Advisor Justin Riemer's
63 presentation of the draft letter of censure for Montgomery County Electoral Board and

64 General Registrar. The letter of censure highlighted recommendations made by the Board
65 and the Office of the Attorney General at the April 29, 2011 Board Meeting and
66 requested increased training opportunities and requirement for officers of elections and a
67 site visit to the Montgomery County General Registrar's office by SBE staff along with a
68 notice to the Electoral Board members and General Registrar of Montgomery County that
69 future violations of the law may result in the Board seeking their removal pursuant to Va.
70 Code §§ 24.2-103 and 24.2-233. Chairman Judd made the motion and the Board
71 unanimously agreed to sign the letter of censure prepared by the State Board of Elections.

72 The next order of business was a request by Election Services Manager Chris
73 Piper for waivers of campaign finance civil penalties. In 2010, penalties were issued to
74 numerous PACs, some of which have already come before the Board requesting waivers
75 on campaign finance civil penalties. Mr. Piper provided a current listing of 39
76 organizations whose penalties were assessed based on partial information. At the time the
77 penalties were issued to these organizations, SBE did not have enough information to
78 determine whether or not these organizations were PACs. Vice-Chair Bowers made the
79 motion and the Board unanimously agreed to rescind the campaign finance civil penalties
80 to the 39 specified organizations as recommended by SBE staff.

81 The next order of business was a draft regulation for application for registration
82 on the Federal Post Card Application (FPCA) presented by Election Uniformity Manager
83 Susan Lee and Policy Analyst Martha Brissette. Mrs. Lee requested the Board to open up
84 the proposed draft regulation for public comment rather than passing the regulation
85 today. The FPCA is a federal dual purpose document used by uniformed and overseas
86 voters for applications for voter registration and absentee ballot requests. The draft
87 regulation would allow the FPCA for voter registration purposes to be acceptable in
88 facsimile or scanned email attachment form rather than an original mailed form, which
89 has previously caused voter confusion. Ms. Brissette briefed the Board on its statutory
90 authority to issue the proposed regulation requested by a group of general registrar staff
91 experienced with absentee voting administration. This absentee workgroup has informed
92 Board guidance on absentee voting for several years. She outlined a proposed timeline
93 for receiving public comments for Board consideration in July to allow a preclearance

94 submission and implementation by the November General Election or the August
95 Primary if possible.

96 Larry Haake, General Registrar of Chesterfield County and President of the
97 Virginia Registrars' Association of Virginia (VRAV), expressed his opposition to the
98 draft regulation.

99 Secretary Palmer commended his staff on the draft regulation and stated to the
100 other Board members about the much-needed reform for military and overseas voters.
101 Secretary Palmer then made a motion and the Board unanimously agreed to allow public
102 comment on the proposed draft regulation.

103 The next order of business was a form to request waiver of the absentee ballot
104 deadline and grant authority to SBE to print and mail emergency Federal Write-In
105 Absentee Ballots (FWABs) to overseas voters presented by Confidential Policy Advisor
106 Justin Riemer. Secretary Palmer explained to the other Board members the mechanism
107 that should be established in emergency situations for localities. General Registrar of
108 Chesterfield County and President of the Virginia Registrars' Association of Virginia
109 Larry Haake further explained the need for this waiver request as a "safety net" for
110 localities.

111 Deputy Secretary of Administration Charles James recommended the Board to
112 take the position to delegate the authority to Secretary Palmer on behalf of the agency in
113 cases of emergency situations since timeliness is crucial to overseas voters for FWABs.

114 Secretary of the Goochland County Electoral Board Robin Lind also
115 recommended the Board to delegate authority to Secretary Palmer to print and mail
116 emergency FWABs to overseas voters.

117 Secretary Palmer made the motion and the Board unanimously approved the
118 motion to adopt the waiver request of absentee ballot deadline and grant of authority to
119 SBE to print and mail emergency FWABs to impacted UOCAVA voters and grant the
120 authority of the Secretary of SBE to modify the required signatures of the Secretary of
121 the local Electoral Board and/or the Chair or Vice-Chair in lieu of the Secretary.

122 Chairman Judd then made an amendment to the previous motion that was
123 unanimously approved by the Board to authorize the Secretary to amend the form to
124 comply with the Code of Virginia.

125 The next order of business was a presentation by Assistant Manager of Election
126 Services Matthew Abell on revised SBE forms for review. SBE will offer both letter and
127 legal sizes for citizens on all of the revised forms for review. The SBE forms for review
128 brought before the Board did not require Board action.

129 Chairman Judd then inquired about the status of the recent complaints made
130 against the Allegheny County Electoral Board Chair and Secretary by Electoral Board
131 Vice-Chair Debra Johnson. Secretary Palmer noted that a meeting between the Allegheny
132 County Electoral Board and the Allegheny County General Registrar had been scheduled.
133 Secretary Palmer also explained that SBE is looking into the allegations, and the
134 Allegheny County Electoral Board and the Allegheny County General Registrar already
135 seemed to be working out the issues. Secretary Palmer's main concern was for the
136 Allegheny County General Registrar to be able to run elections without complications
137 and without the Allegheny County Electoral Board hindering the process. There will be
138 an update on the visit to Allegheny County at the next Board Meeting.

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140 The Board shall reconvene in July for the next Board Meeting.

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142 Chairman Judd asked for any further public comments. There being none, the
143 meeting was adjourned at approximately 9:56AM.

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Secretary

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Chair

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Vice-Chair

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