

MINUTES

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3 The State Board of Elections Board meeting was held on Monday, January 23,
4 2012. The meeting was held in the General Assembly Building, Room Four West in
5 Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was
6 Charles Judd, Chair; Kimberly Bowers, Vice-Chair; Donald Palmer, Secretary; Justin
7 Riemer, Deputy Secretary; Joshua Lief, Senior Assistant Attorney General and SBE
8 Counsel; Martha Brissette, Policy Analyst; and Matt Abell, Election Administration
9 Lead. Chairman Judd called the meeting to order at 3:00PM.

10 The first order of business was the approval of the Minutes from the State Board
11 of Elections Board Meetings held on November 28, 2011, December 28, 2011 and
12 January 13, 2012. After careful review of the Minutes, Vice-Chair Bowers made a motion
13 to approve them since there were no suggested changes. Secretary Palmer seconded the
14 motion and the Minutes were unanimously approved by the Board.

15 The second order of business was the Secretary's Report delivered by Secretary
16 Palmer. The Secretary's Report is an agenda item for each Board Meeting describing
17 recent developments at SBE. Secretary Palmer reported that SBE met the 45 day
18 requirement of the MOVE Act for state and federal overseas mailings of absentee ballots.
19 Secretary Palmer stated SBE staff is currently working on legislation for the 2012
20 Virginia General Assembly Session. Secretary Palmer stated the Republican Party
21 notified SBE to remove the Presidential Primary Pledge form from the March 6, 2012
22 Presidential Primary. Secretary Palmer stated that SBE honored the request under the
23 authority the State Board granted to the Secretary. Secretary Palmer noted the localities
24 have been informed not to insert the pledge in the absentee ballot envelope. Chairman
25 Judd asked Joshua Lief, SBE Counsel, to provide an update related to recent legal
26 proceedings. Joshua Lief stated the appeal in the *Perry* case was denied in the Fourth
27 Circuit Court and that the *Moseley* case was still pending.

28 The third order of business was the General Registrar requests for Temporary
29 Full-Time Status for the City of Bedford and Charles City County. Deputy Riemer
30 informed Board members the Electoral Boards submitted the required requests in a timely
31 manner. Deputy Riemer noted the requests are authorized under Chapter 890, 2011 Acts
32 of Assembly and SBE recommended approval of the submitted requests. Chairman Judd

33 moved the Board approve the requests from the Electoral Board of the City of Bedford
34 and Charles City County. Vice-Chair Bowers seconded the motion and the Board
35 unanimously approved the motion. Chairman Judd asked if there were any comments and
36 Robin Lind, Virginia Electoral Board Association, offered his support of this approved
37 motion.

38 The next order of business was the Material Omissions on Absentee Ballots
39 Proposed Regulation. Justin Riemer, Deputy Secretary, explained that the proposed
40 changes were different than those presented at the October 18, 2012 Board Meeting.
41 Deputy Riemer reviewed the differences relating to the changes for the Board which
42 included details on the name section of the form, legibility of the voter signature, details
43 on the address portion of the form, and the date the application was submitted. Deputy
44 Riemer also explained additional sections added that clarified the definition of a city and
45 a new section that stated a majority of the officers of election shall decide on the
46 materiality of an error or omission in a scenario that the regulation does not specifically
47 address. Chairman Judd asked if there were any comments from the audience. Chairman
48 Judd asked if there were other comments from the audience. Chairman Judd moved to
49 adopt the proposed changes to the Material Omissions on Absentee Ballots. Vice-Chair
50 Bowers seconded the motion and the Board unanimously approved the motion.

51 The next order of business was to re-certify the November 8, 2011 General
52 Election results for Senate District 12 and House Districts 68 and 73. Matt Abell,
53 Election Administration Lead, stated that Henrico County notified SBE their results did
54 not include the entire official voting results due to an equipment error. Matt Abell stated
55 that under reporting occurred in precinct 404 and the Electoral Board of Henrico County
56 resolved the discrepancies and delivered the results to SBE for recertification. Matt Abell
57 noted the gap between the three candidates who were seated increased. Chairman Judd
58 thanked the attending members of the Electoral Board for bringing this situation to light
59 and further emphasized it indicated that the proper checks and balances are in place.
60 Vice-Chair Bowers partnered with Matt Abell to read the official abstracts and re-certify
61 the election results and Board Members of the State Board of Elections signed the
62 certificates.

63 The next order of business was to conduct the Political Party Ballot Order for the
64 Special Elections on March 27, 2012, April 17, 2012, and May 1, 2012. Matt Abell,

65 Election Administration Lead, explained the process to the Board. Determining the ballot
66 order for the Arlington County Special Election on March 27, 2012, Vice-Chair Bowers
67 pulled the Democratic Party card first and the Republican Party card second. Matt Abell
68 noted the Special Election on April 17, 2012 in Leesburg is a non-partisan election and
69 therefore ballot order was not at issue. The party ballot order for the April 17, 2012
70 Special Election in Stafford County for the Board of Supervisors seat was drawn by
71 Secretary Palmer. Secretary Palmer pulled the Republican Party card first and the
72 Democratic Party card second. Chairman Judd pulled the Republican Party card first and
73 the Democratic Party Card second for the May 1, 2012 General Elections.

74 Chairman Judd asked if there was any other business to come before the Board.
75 Edgardo Cortés, SBE Grants Manager, provided an update to Board Members on changes
76 to Virginia’s Help America Vote Act (HAVA) State Plan. Edgardo Cortés noted the
77 stakeholders had met in December of 2011 to draft a plan and there would be a 30-day
78 public comment period in accordance with HAVA requirements.

79 Chairman Judd asked if there was any other business to come before the Board for
80 the Good of the Order and with there being none Chairman Judd then made a motion to
81 adjourn. Vice-Chair Bowers seconded the motion and the Board unanimously approved
82 the motion. The Board shall reconvene on March 20, 2012 at 10:30 AM in the General
83 Assembly Building. Chairman Judd asked for any further public comments. There being
84 none, the meeting was adjourned at approximately 3:45PM.

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Secretary

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Chair

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Vice-Chair

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