

# MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, September 6,  
4 2011. The meeting was held in the State Capitol, House Room Two 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; Myron McClees, Policy Analyst;  
8 Matt Abell, Assistant Manager of Election Services; Martha Brissette, Policy Analyst;  
9 and Chris Piper, Election Services Manager. Chairman Judd called the meeting to order  
10 at 10:00AM.

11 The first order of business was the approval of Minutes from the State Board of  
12 Elections Board Meeting held on August 16, 2011. Chris Piper, Election Services  
13 Manager, called to attention a desired change on page 3, Line 87. Mr. Piper noted that the  
14 error in question, "Secretary Palmer said that his vision of it is that no additional burden  
15 would be undertaken and that the information would go through the State Board," should  
16 read "Secretary Palmer said that his vision of it is that no additional burden would be  
17 placed on the localities and that the information would go through the State Board."  
18 Chairman Judd moved that the Minutes be accepted as amended. After careful review of  
19 the Minutes, Vice-Chair Bowers made a motion to approve them. Secretary Palmer  
20 seconded the motion and the Minutes were unanimously approved by the Board.

21 The second order of business was the Secretary's Report delivered by Secretary  
22 Palmer. The Secretary's Report is an agenda item for each Board Meeting describing  
23 recent developments at SBE. Secretary Palmer's report acknowledged that the Primary  
24 conducted on August 23, 2011 was successful in spite of an earthquake. Secretary Palmer  
25 commented that many localities moved their voting equipment and voting process out of  
26 doors. The Secretary reported that Governor McDonnell expressed satisfaction and  
27 extended a "thank you" to the general registrars and electoral board members of Virginia  
28 for their outstanding efforts on primary day. Governor McDonnell extended that same  
29 gratitude to the staff of the State Board of Elections. Secretary Palmer reported that the  
30 redistricting and voter card processes were continuing. Secretary Palmer made mention  
31 that we had received a deposit of funds from the Help America Vote Act (HAVA) and

32 that they had been processed accordingly. Secretary Palmer reported that Robert M.  
33 Ostergren who served as the General Registrar of Hanover County for over 23 years  
34 passed away on September 2, 2011.

35 The next order of business was the Certification of Unisyn Voting System 1.0.1  
36 (UVS 1.0.1) presented by Al Giles, Voting Equipment Coordinator. UVS 1.0 completed  
37 federal certification through to the 2005 Voluntary Voting Systems Guidelines (VVSG)  
38 standard in January 2010. During SBE's initial testing effort, SBE pointed out to Unisyn  
39 that their precinct scanner did not allow for the segregation write-in ballots per the Code  
40 of Virginia. SBE suspended its review at that point, noting that all other functionality  
41 had tested satisfactorily. Unisyn made changes to the system to include the required  
42 write-in functionality and designated the modified system as Version 1.0.1 (UVS 1.0.1).

43 Unisyn submitted UVS 1.0.1 to the EAC and in-turn to Wyle laboratories for testing.  
44 Wyle labs completed its testing in June 2011 and recommended certification. SBE  
45 completed its testing effort on June 21 and found the system to meet the state  
46 requirements. As the final step in the process, Arlington County tested UVS 1.0.1  
47 precinct scanner system and Warren County tested UVS 1.0.1 central count scanner  
48 system in their August 23, 2011 primaries. Both localities reported that the system  
49 performed successfully with no issues noted. Mr. Giles formally requested a motion to  
50 certify the system for use in the Commonwealth. Chairman Judd inquired about the  
51 '2005' reference to the VVSGs. Secretary Palmer explained that although the  
52 designation of '2005' gave the appearance of a dated standard, it was in fact the most  
53 current standard published by the EAC. Chairman Judd inquired if there were any  
54 questions and their being none, Vice-Chair Bowers made the motion to certify the Unisyn  
55 Voting System 1.0.1 for use by any locality in the Commonwealth and Secretary Palmer  
56 seconded the motion. The Board unanimously approved the motion.

57 The next order of business was to Ascertain the Results of the August 23, 2011  
58 Primary Election pursuant to § 24.2-534 of the Code of Virginia. Matt Abell, Assistant  
59 Manager of Election Services, explained the certification process to the Board. Mr. Abell  
60 added that since this was a primary there would not be certificates of elections signed.  
61 Chairman Judd, Vice-Chair Bowers, Secretary Palmer and Mr. Piper partnered to  
62 complete the certification of candidates in the August 23, 2011 primaries.

63 Chairman Judd then asked if there was any other business to come before the  
64 Board.

65 Robin Lind, Secretary of the Goochland County Electoral Board, stated and  
66 reinforced that when he certifies an election and applies his signature that he is stating  
67 that he is willing to go to jail if he falsely or incorrectly certifies a candidate. Mr. Lind  
68 commented on the earthquake and the impact it created on the primaries. Mr. Lind stated  
69 that the general registrars in those affected areas worked diligently and with dedication to  
70 ensure the voting process was complete. Mr. Lind then proposed to SBE that it would be  
71 beneficial to purchase or to arrange temporary shelter in the event of an incident that  
72 forces the voting polls to relocate.

73 The next order of business was ascertained when Chairman Judd initiated the call  
74 for additional comments. Chairman Judd moved to introduce "Other Business". Martha  
75 Brissette, SBE Policy Analyst, presented materials to update the Board on the preparation  
76 for absentee voting preparedness during the November 2011 elections. Ms. Brissette  
77 stated that SBE is sending out a readiness survey mid-month September. Ms. Brissette  
78 explained that there is draft agreement in the materials that will allow SBE to issue  
79 Federal Write-In Absentee Ballots for those localities that are not able to meet deadlines.  
80 Ms. Brissette notes that the agreement is modified from the language used in the  
81 primaries; because the language of the 2011 Act, Chapter 3 differs. Due to this difference  
82 we should adapt a language which would allow the Secretary of the State Board of  
83 Elections to modify the agreement.

84 Ms. Brissette provides an explanation of the updated absentee instructions. Ms.  
85 Brissette notes that the Absentee Work Group has been working to eliminate duplicate  
86 instructions for the current Absentee Ballots. Ms. Brissette notes that 15 versions of  
87 Absentee Ballots the instructions were reduced to four basic types. Vice-Chair Bowers  
88 requested an explanation of the editing notation at the top of her Absentee Ballot  
89 instructions example. Ms. Brissette clarified that Absentee Ballots can be surrendered by  
90 the voter on Election Day at their polling place. Voters who surrender their Absentee  
91 Ballot could then vote normally; absentee applicant without ballots may vote  
92 provisionally.

93 Chairman Judd then opened the discussion to the floor and with no comments  
94 Secretary Palmer provided insight to the absentee ballot changes. Secretary Palmer stated  
95 the changes are a result of lessons learned from prior elections and in preparations for  
96 mailing overseas absentee ballots. Secretary Palmer emphasized that he wanted to  
97 introduce the community to the new absentee ballot survey questions which are driven by  
98 the changes in the reporting requirements. Chairman Judd summarized the desired  
99 motion stating the desired action is to delegate authority to the Secretary of the State  
100 Board of Elections to modify the agreement authorizing the State Board staff to issue and  
101 send emergency Federal Write-In Absentee Ballots for those localities unable to meet the  
102 statutory deadline. Chairman Judd moved to pass the motion, Vice-Chair Bowers  
103 seconded, and the motion was unanimously approved by the Board.

104 Chairman Judd informed the Board and attendees that a recess would occur after  
105 an Executive Session and that they would reconvene at 6:00PM at 1100 Bank Street,  
106 Richmond, VA 23219, Room B027. Mr. Piper identified the purpose of the recess as an  
107 allowance of time for the arrival of a locality's primary paperwork that required  
108 certification from the Board. The motion to recess was unanimously approved by the  
109 Board.

110 Chairman Judd then called for the meeting to go into Executive Session, to  
111 discuss actual and probable litigation matters requiring the provision of legal advice by  
112 agency counsel, as provided by § 2.2-3711(A) (7) of the Code of Virginia. Secretary  
113 Palmer moved that the session go into Executive Session, Vice-Chair Bowers seconded  
114 the motion, and the motion was unanimously passed.

115 Chairman Judd then asked for any items for good of the order. No items were  
116 presented to the Board. The Board Meeting then went into Executive Session.

117 After the Executive Session, Secretary Palmer motioned to reconvene and  
118 Chairman Judd seconded the motion. The motion was unanimously approved by the  
119 Board. The Board opened the meeting to the public and each Board Member certified by  
120 roll call vote that, to the best of each member's knowledge, only lawfully exempt  
121 business matters in closed meeting were heard, discussed, or considered.

122 Chairman Judd motioned to stand in recess until 6:00PM, Secretary Palmer  
123 seconded the motion, and the motion was unanimously passed.

124 The State Board of Elections Board Meeting, reconvened at 6:00PM. on Tuesday,  
125 September 6, 2011, in the Washington Building, Room B027, Richmond, Virginia. In  
126 attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair;  
127 Kimberly Bowers, Vice-Chair; Donald Palmer, Secretary; Joshua Lief, Senior Assistant  
128 Attorney General and SBE Counsel; Matt Abell, Assistant Manager of Election Services;  
129 and Chris Piper, Election Services Manager. Chairman Judd reconvened the meeting at  
130 6:00PM.

131 Chairman Judd, Vice-Chair Bowers, Secretary Palmer, and Mr. Piper were  
132 presented the late arriving package of primary results. The Board then ascertained the  
133 results and Chairman Judd acknowledged with that action the certification was completed  
134 in totality and there were candidates for the November election.

135 Chairman Judd then asked if there was any other business to come before the  
136 Board. Secretary Palmer motioned that the act of adjournment for this meeting be in  
137 memory of Robert M. Ostergren, former General Registrar of Hanover County, who  
138 passed away on September 2, 2011. Chairman Judd seconded the motion and the Board  
139 unanimously approved the motion to close in honor of the dedicated and loyal service  
140 Robert M. Ostergren provided to the Commonwealth of Virginia.

141 Vice-Chair Bowers then made a motion to adjourn. Chairman Judd seconded the  
142 motion and the Board unanimously approved the motion. The Board shall reconvene on  
143 October 17, 2011 at 3:00PM. Chairman Judd asked for any further public comments.  
144 There being none, the meeting was adjourned at approximately 6:20PM.

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Chair

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Vice-Chair

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Secretary