

MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, June 26, 2012.
4 The meeting was held in the General Assembly Building, House 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; Nikki Sheridan, Confidential Policy
8 Advisor; Chris Piper, Election Services Manager; Matthew Abell, Elections Services;
9 Martha Brissette, Policy Analyst; Myron McClees, Policy Analyst and Gary Fox, Voting
10 Services. Chairman Judd 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 June 5, 2012 and June 12, 2012. After careful
13 review, Secretary Palmer made a motion to approve the Minutes. Vice-Chair Bowers
14 seconded the motion and the Board unanimously approved the Minutes.

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 the 2012 Election
18 Uniformity Workshop took place on June 20, 2012 and June 21, 2012. Secretary Palmer
19 noted that during the workshop all of the new legislation related to the elections was
20 covered to include the new voter identification law, HB9/SB1. Secretary Palmer noted
21 that the workshop covered the Virginia Registrars Election Officials (VREO) annual
22 training which is required for certification. Secretary Palmer noted that Deputy Riemer
23 was attending a conference on the Electronic Registration Information Center (ERIC) and
24 would be bringing valuable training to SBE for utilization during the general election.

25 The third order of business was the presentation of the resolution honoring the
26 work of Betty Williams, retiring General Registrar of Craig County. Chairman Judd
27 invited Betty Williams to the podium for the presentation. Chairman Judd presented the
28 resolution to Betty Williams and each Board member extended their sincere thanks for
29 her twenty-eight years of service to the election community. Betty Williams addressed
30 the Board and expressed that she enjoyed her time and work as the General Registrar of
31 Craig County and was looking forward to spending time with her children, grandchildren,
32 and great-grandchildren.

33 The next order of business was the presentation of the resolution honoring the
34 work of Theresa Wisler, retiring General Registrar of Northampton County. Chairman
35 Judd invited Ms. Wisler to the podium for the presentation. Vice-Chair Bowers presented
36 the resolution to Ms. Wisler and each Board member extended their sincere thanks for
37 twenty-four years of service to the election community. Theresa Wisler addressed the
38 Board and expressed that she enjoyed her time and work as the General Registrar of
39 Northampton County and was looking forward to spending time with family and friends.

40 The next order of business was the presentation of the resolution honoring the
41 work of Charlotte Pierson, retiring General Registrar of Richmond County. Chairman
42 Judd invited Ms. Pierson to the podium for the presentation. Secretary Palmer presented
43 the resolution to Ms. Pierson and each Board member extended their sincere thanks for
44 forty years of service to the election community. Charlotte Pierson addressed the Board
45 and expressed that she enjoyed her time and work as the General Registrar of Richmond
46 County and was looking forward to spending time on the family's dairy farm.

47 The next order of business was to ascertain the results of the June 12, 2012
48 Congressional Primary pursuant to § 24.2-534 of the Code of Virginia. Matt Abell,
49 Election Administration Lead, explained the certification process to the Board and SBE
50 staff members. SBE Board members and SBE staff members partnered to complete the
51 certification process. Chairman Judd, Vice-Chair Bowers, and Secretary Palmer
52 concluded the process by signing the canvass book pages and Chairman Judd declared
53 that the results of the June 12, 2012 were certified.

54 The next order of business was the Board approval of the regulation relating to
55 contacting the provisional voter. Myron McClees, SBE Policy Analyst, stated that at the
56 June 6, 2012 Board Meeting the Board voted to direct staff to post for public comment
57 the language of the proposed regulation. Mr. McClees stated that the process is complete
58 and SBE staff is now asking the Board to adopt this draft regulation so that it may be
59 implemented in time for the November 2012 General Election. Mr. McClees stated that
60 Executive Order No. 45 signed by Governor directed SBE to promulgate a regulation that
61 makes clear that the general registrar or electoral board is permitted to contact an
62 individual who has voted provisionally and remind them of their option to provide a copy
63 of identification to the electoral board. Mr. McClees cited the proposed changes to the
64 Board and Chairman Judd asked if there were any public comments and there were none.

65 Secretary Palmer stated that SBE was prepared to provide a script to the general registrars
66 and the electoral board members to utilize when calling the provisional voter reminding
67 them of the voting. Secretary Palmer stated that he did not feel that this script needed to
68 be added to the proposed regulation. Chairman Judd inquired if this action was required.
69 Secretary Palmer stated that the Code does not require this action; however, he noted that
70 the provisional voter would be contacted if their vote was not being counted. Chairman
71 Judd moved to approve the proposed regulation relating to contacting a provisional voter.
72 Vice-Chair Bowers seconded the motion and Chairman Judd asked if there were any
73 public comments and with none the Board unanimously passed the motion.

74 The next order of business was the Board consideration of Campaign Finance
75 Penalties. Chris Piper, Election Services Manager, informed the Board that the first
76 violation to be considered was related to the campaign of Jasper Hendricks, III; Friends
77 of Jasper Hendricks (CC983369). Mr. Piper stated that Mr. Hendricks is requesting a
78 waiver of penalties assessed for the late filing of required campaign finance reports. Mr.
79 Piper explained the particulars of the violation to the Board members including that the
80 campaign for Mr. Hendricks had not filed a final report. Mr. Piper stated that numerous
81 communications have been sent to Mr. Hendricks and that those communications have
82 received no response. Mr. Piper stated that the single communication received from Mr.
83 Hendricks was the request for waiver of the fines relating to the violations. Mr. Piper
84 stated that SBE staff recommends upholding penalties assessed against the campaign and
85 penalizing the campaign an additional one hundred dollars for the failing to file a report
86 for the reporting deadline of January 17, 2012 with total penalties assessed at one
87 thousand, one hundred and fifty dollars. Chairman Judd inquired if the candidate was
88 present and Mr. Hendricks was noted as being absent. Chairman Judd asked for
89 clarification from SBE staff that every attempt had been made to contact Mr. Hendricks
90 and that the single communication received was the request for waiver. Mr. Piper
91 confirmed that statement. Vice-Chair Bowers stated that she believed the process was in
92 place for handling the finances of a campaign and supporting reports and supported staff
93 recommendations. Chairman Judd moved to approve staff recommendations by assessing
94 the penalty for failure to file campaign finance reports by the campaign of Mr. Hendricks.
95 Vice-Chair Bowers seconded the motion and Chairman Judd asked if there were any
96 public comments and with none the Board unanimously passed the motion.

97 The next order of business was the Board consideration of the finance violation
98 relating to the campaign of Jim Kuznar (Shelter Pac 12-00866). Chris Piper stated that
99 Mr. Kuznar contacted SBE and requested a waiver of penalties assessed for the late filing
100 of required campaign finance reports. Mr. Piper stated that there were two civil penalty
101 violations outstanding that total two hundred dollars in fines. Mr. Piper stated that the
102 July 15, 2011 and the April 16, 2012 reports were filed one month late. Mr. Piper stated
103 staff recommends upholding penalties assessed against the campaign of Mr. Kuznar.
104 Chairman Judd inquired if there were any public comments and there were none. Vice-
105 Chair Bowers moved to uphold staff recommendations and assess the fine. Secretary
106 Palmer seconded the motion and the Board unanimously passed the motion.

107 The next order of business was the Board consideration of the finance violation
108 relating to the campaign of Kevin Knight, focused on Loudoun (PAC 11-008). Chris
109 Piper stated that Mr. Knight contacted SBE and is requesting a waiver of penalties
110 assessed for the late filing of required campaign finance reports. Mr. Piper stated that
111 there were four civil penalty violation letters sent to the campaign. Mr. Piper stated that
112 there was an email communication to the committee from SBE on file acknowledging the
113 receipt of the Final Report and Termination Statement. Mr. Piper stated that SBE staff
114 recommends upholding the penalties totaling four hundred dollars assessed against the
115 committee. Chairman Judd inquired if there were any public comments and there were
116 none. Secretary Palmer moved to uphold staff recommendations and assess the fine.
117 Vice-Chair Bowers seconded the motion and the Board unanimously passed the motion.

118 The next order of business was the Board consideration of the finance violation
119 relating to the campaign of Tim Nank, Friends of Tim Nank (CC982697). Chris Piper
120 stated that Mr. Nank contacted SBE and is requesting a waiver of penalties assessed for
121 the late filing of required campaign finance reports. Mr. Piper stated that there were three
122 civil penalty violations assessed against the campaign totaling three hundred dollars. Mr.
123 Piper stated that two reports and the final Termination Statement had been filled and the
124 August 15, 2011 report had not been filed to date. Mr. Piper stated that SBE staff
125 recommended upholding the penalties totaling three hundred dollars. Chairman Judd
126 inquired if there were any public comments and there were none. Vice-Chair Bowers
127 moved to uphold staff recommendations and assess the fine. Secretary Palmer seconded
128 the motion and the Board unanimously passed the motion.

129 The next order of business was the Board consideration of the finance violation
130 relating to the campaign of Thomas Aldous, T J Aldous for Senate (CC983434). Chris
131 Piper stated that Mr. Aldous contacted SBE and is requesting a waiver of penalties
132 assessed for the late filing of a required campaign finance report. Mr. Piper stated that the
133 report due for Mr. Aldous in January 2012 was not filed until April 2012 and that SBE
134 staff recommended assessing a penalty of one hundred dollars. Chairman Judd inquired if
135 there were any public comments and there were none. Vice-Chair Bowers moved to
136 uphold staff recommendations and assess the fine. Secretary Palmer seconded the motion
137 and the Board unanimously passed the motion.

138 The next order of business was the Board consideration to approve certifying
139 Dominion Democracy products for use as voting equipment in the Commonwealth. Gary
140 Fox, SBE Election Services, stated that Dominion Voting initiated the certification
141 evaluation by a letter to Secretary Palmer on May 7, 2012. Mr. Fox stated that Dominion
142 Voting provided their corresponding Technical Data Page and corporate information on
143 May 10, 2012. Mr. Fox stated that these submissions were deemed complete and the
144 preliminary reviews were conducted. Mr. Fox stated that during the review, the state-
145 designated evaluation agent conducted a preliminary analysis of the Technical Data
146 Package, corporate information, and other materials provided and prepared an evaluation
147 proposal. Mr. Fox stated that the test plan evaluation was conducted on May 15 through
148 17, 2012. Mr. Fox stated that the evaluation examined the Dominion Voting's
149 Democracy Suite 4.6 system and on May 10, 2012 the Election Assistance Commission
150 (EAC) issued their grant of certification. Mr. Fox stated that the equipment was used in
151 the June 2012 Primary in Prince George County with no errors recorded. Chairman Judd
152 inquired if there were any public comments. Victoria Bragunier, Director of the Alliance
153 for Progressive Values, inquired to the number of voting systems that were purchased.
154 Chairman Judd stated that the Board is considering approving the use of the equipment in
155 the Commonwealth and that equipment has not been purchased to date. Ms. Bragunier
156 asked if there would be a paper record of the votes cast. Mr. Fox stated that the
157 equipment is paper driven and votes are cast on paper then placed into a scanner. Ms.
158 Bragunier thanked the Board members for their time. Chairman Judd inquired if there
159 were additional questions or comments and there were none. Secretary Palmer moved
160 that the Board certify Dominion Voting's Democracy Suite 4.6 voting system for use in

161 the Commonwealth of Virginia, pursuant to the State Certification of Voting Systems
162 Requirements and Procedures. Vice-Chair Bowers seconded the motion and the Board
163 unanimously passed the motion.

164 The next order of business was the Board consideration of the absentee regulation
165 definition. Martha Brissette, SBE Policy Analyst, stated that the 2012 General Assembly
166 session enacted the Uniform Military and Overseas Voters Act (UMOVA) which
167 eliminated temporary registration. Ms. Brissette stated that as a result of this change the
168 regulation needed to conform by striking out the word “Temporary.” Ms. Brissette stated
169 that this proposed definition change should be placed on Town Hall for a public comment
170 period. Chairman Judd inquired if there were any public comments and there were none.
171 Secretary Palmer moved that the Board approve amending the regulation defining
172 overseas absentee voter to conform to 2012 legislation and invited public comments.
173 Vice-Chair Bowers seconded the motion and the Board unanimously passed the motion.

174 The next order of business was the Democratic and Republican ballot position
175 drawing for the November 6, 2012 General Election. Chris Piper, Elections Services
176 Manager explained the process to the Board. When determining ballot order, Vice-Chair
177 Bowers drew the “Republican” paper first and Secretary Palmer drew the “Democratic”
178 paper seconded. Chairman Judd stated that the Republican candidate for President would
179 be listed first on the ballot and the Democratic candidate for President would be listed
180 second during the 2012 General Election.

181 The next order of business was the request from candidate Gail Parker to address
182 the Board members concerning the listing of her name on the 2012 November General
183 Election Ballot. Ms. Parker thanked the Board members for their time and complimented
184 the SBE staff on their professionalism. Ms. Parker explained to the Board why she
185 decided to become a candidate for the House of Representatives. Ms. Parker informed the
186 Board that she wished to have her name listed on the ballot as Gail “for Rail” Parker. Ms.
187 Parker explained that the “for Rail” was a part of her nickname. Chairman Judd thanked
188 Ms. Parker for her comments and explanation of her nickname. Chairman Judd stated that
189 the nickname was a campaign slogan verses a nickname. Josh Lief, Senior Assistant
190 Attorney General and SBE Counsel, stated that the stand alone nickname is permitted on
191 the ballot however “for Rail” could not withstand that test. Vice-Chair Bowers stated that

192 she felt that this was a campaign slogan. Chairman Judd inquired if there were any other
193 comments on the subject and there were none.

194 The next order of business was the request from Candidate Greg McLemore to
195 appeal to the Board members. Chris Piper, Election Services Manager, stated that Mr.
196 McLemore contacted SBE about the "Stand by Your Ad" violation assessed at the May
197 3, 2012 Board Meeting. Mr. Piper stated that Mr. McLemore contacted SBE on June 25,
198 2012 expressing his regrets that he could not travel for personal reasons to make this
199 appeal. Mr. Piper provided the background information to Board members regarding the
200 violation. Mr. Piper made reference to the materials provided for Board review including
201 a copy of the flyer Mr. McLemore distributed during the campaign. Board members
202 revisited the violation and the details and concluded that the decision to assess a civil
203 penalty to the campaign of Mr. McLemore was within the boundaries of § 24.2-945 of
204 the Code.

205 Chairman Judd asked if there was any other business to come before the Board for
206 the Good of the Order and with there being none Vice-Chair Bowers made a motion to
207 adjourn. Chairman Judd seconded the motion and the Board unanimously passed the
208 motion. The Board shall reconvene on July 24, 2012 at 2:00 PM in the General Assembly
209 Building, House Room C. Chairman Judd asked for any further public comments. There
210 being none, the meeting was adjourned at approximately 11:50AM.

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217 Chair

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221 Vice-Chair

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Secretary