

MINUTES

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3 The State Board of Elections Board Meeting was held on Monday, December 2,
4 2013. 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; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary; Joshua
7 Lief, Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy
8 Secretary; Nikki Sheridan, Confidential Policy Advisor; Susan Lee, Election Uniformity
9 Manager; Myron McClees, SBE Policy Analyst; Martha Brissette, SBE Policy Analyst;
10 Chris Piper, Election Services Manager; Matt Abell, Election Services Lead; and Rose
11 Mansfield, SBE Executive Assistant. Chairman Judd called the meeting to order at
12 10:00AM.

13 The first order of business was the approval of the Minutes from the State Board
14 of Elections Board Meetings held on November 5, 2013 and November 13, 2013.
15 Chairman Judd stated that each set of Board Meeting Minutes would be addressed
16 separately. Chairman Judd asked if Board Members had any additions or corrections to
17 the November 5, 2013 Board Minutes and there were none noted. Vice Chair Bowers
18 moved *that the November 5, 2013 Minutes be approved as submitted*. Secretary Palmer
19 seconded the motion. Chairman Judd asked if there was any discussion and with none the
20 Board unanimously approved the Minutes. Chairman Judd asked if Board Members had
21 any additions or corrections to the November 13, 2013 Board Minutes. Vice Chair
22 Bowers noted a typo on line 34. Chairman Judd asked if Board Members had additional
23 additions or corrections to the November 13, 2013 Board Minutes and there were none
24 noted. Secretary Palmer moved *that the November 13, 2013 Minutes be approved as*
25 *amended*. Vice Chair Bowers seconded the motion. Chairman Judd asked if there was
26 any discussion and with none the Board unanimously approved the Minutes.

27 The second order of business was the Secretary's Report delivered by Secretary
28 Palmer. Secretary Palmer reported that each Board Member was provided with the
29 Obenshain petition for recount relating to the attorney general's race. Secretary Palmer
30 stated that the details of the dates are unfolding regarding the timing of the statewide
31 recount. The localities continue to prepare for the recount and SBE is providing guidance
32 and has conducted a webinar. Secretary Palmer inquired if there were any questions.

33 Chairman Judd asked: "Is there a date out there concerning the recount?" Secretary
34 Palmer replied: "There will likely be a hearing on December 4th or 5th, 2013, and it is
35 projected that the recount will occur on the 18th or 19th of December, 2013." Secretary
36 Palmer stated that the two campaigns are communicating and these dates are a
37 recommendation from those discussions. Vice Chair Bowers inquired about the localities
38 responsibilities during the recount. Secretary Palmer stated that the localities will be
39 working closely with the clerk of each court to ensure that the materials are available at a
40 recount site. They (localities) will be responsible for the retabulation of the paper ballots
41 and the DRE tapes will be reprocessed. Secretary Palmer noted that the goal is to
42 generally complete this recount in one day and the Commonwealth is utilizing an
43 increased amount of paper ballots which may increase the time required to complete the
44 recount. Secretary Palmer stated that SBE staff has been working with the localities
45 because the Commonwealth has a lot of diverse equipment. Secretary Palmer stated:
46 "There is some equipment in the Commonwealth that does not meet the requirements of
47 the Code of Virginia and Board Members may want to address this sometime in the
48 future." Secretary Palmer stated: "The Code really has a preference that these votes be
49 retabulated on the optical scan equipment." Chairman Judd replied: "That's alarming
50 that we have equipment that does not meet the requirements of the Code of Virginia."
51 Chairman Judd stated: "That if I understand you correctly: If there is a write-in the
52 scanner, it may or may not be able to process the ballot." Secretary Palmer replied:
53 "There is some equipment that is not able to reject the over or under votes." Secretary
54 Palmer stated the Virginia Code § 24.2-802 requires that in a recount situation that the
55 write-ins, over votes, and under votes be rejected so that they can be analyzed
56 individually by the recount team and the observers. If there is a dispute over the ballot
57 then it would go to the Recount Court here in Richmond, Virginia. Secretary Palmer
58 stated that there are two possibilities if you cannot retabulate on the equipment: You will
59 either (i) have to hand count the ballot or (ii) you have to find some other means such a
60 centralized scanner to count the ballots. For example, there is some high speed tabulating
61 equipment that will tabulate these ballots from a centralized location. Secretary Palmer
62 stated: "We have equipment that is not able do what it should be able to do, and it is our
63 responsibility to ensure that equipment can complete what is required. There may be
64 technical fixes but, in this instance for a few localities, there does not seem to be the

65 ability to retabulate and reject those under votes and over votes; therefore this is an issue
66 that SBE needs to review in the future.” Chairman Judd stated: “This vast diversity of
67 equipment in the state is problematic and I think this is the perfect example of this and I
68 believe we should have two kinds of equipment to choose from and not have numerous
69 types of equipment around the state and I think we should have some type of uniformity
70 even when it come to equipment.” Vice Chair Bowers stated: “I have a lot of concern that
71 some of our equipment is not compliant and we need to ensure that this is going to go
72 smoothly and following this election are we going to take a look at the equipment that is
73 not compliant. What would be the process to ensure that they are compliant for the next
74 election?” Secretary Palmer replied: “SBE addressed this issue last week by contacting
75 every vendor. SBE has a lot of old equipment that has been grandfathered and has not
76 been certified by the federal or state government or this Board. The question then
77 becomes do we decertify this equipment?” Chairman Judd stated: “Not for me, if the
78 equipment is not code compliant then we should decertify the equipment.” Vice Chair
79 Bowers asked: “Are we completely confident that the newer equipment is not having that
80 issue, or are we saying that only the older equipment is having this issue.” Secretary
81 Palmer replied: “It is mostly the old equipment with the lack of ability to divert over and
82 under votes although the Hart equipment is not necessarily considered the old
83 equipment. The General Assembly has considered and passed legislation that required
84 these changes.” Chairman Judd inquired if there were any other questions or concerns
85 and there were none.

86 The next order of business was the Legal Report delivered by Josh Lief, SBE
87 Counsel. Mr. Lief reported that case challenging House redistricting in Lynchburg has
88 been dismissed. Mr. Lief stated that SBE has two pieces of litigation (i) the Fairfax
89 County Democratic Party Committee case that is still pending and (ii) the challenge in the
90 Third District. Mr. Lief stated that his report was complete unless there were any other
91 questions.

92 The next order of business was to revisit the discussion introduced during the
93 November 25, 2013 SBE Board Meeting regarding Fairfax County. Chairman Judd stated
94 “That the SBE Board would not address this issue until the recount is complete because
95 what we are talking about is not intended to change the outcome of the election, it is to
96 see what we can learn from what happened and what SBE corrective action(s) can be

97 taken.” Chairman Judd acknowledged that Stephen Hunt, Vice Chair of the Fairfax
98 County Electoral Board was present. Chairman Judd stated: “My concerns are that (i)
99 SBE has learned that Fairfax County Board of Elections issued their own guidelines
100 when it is the responsibility of this Board to issue guidelines to ensure that we have
101 uniformity statewide and (ii) that the Fairfax County Board not only disagreed but did so
102 by vote as a matter of record.” Chairman Judd stated that there was confusion over
103 extending the deadline past noon on Friday to count provisional ballots because of the
104 lack of proper identification on Election Day and the Board was assured that this did not
105 happen even though we have received reports of this occurring. Chairman Judd stated:
106 “that the provisional ballot log is to be made available for observation but instead Fairfax
107 County decided to reproduce the log and send it out to offsite premises to interested
108 parties which is a direct violation of the spirit and the letter of the Code of Virginia.”
109 Chairman Judd inquired: “Who was this sent to, because in one locality we have made a
110 get out the vote provision after the election, yet we provide this information to pester
111 those who filed a provisional ballot and I have a real concern about this. I believe the
112 SBE guidance is binding.” Chairman Judd stated: “It is not clear if some absentee ballots
113 were counted without signatures and that is not uniform.” Chairman Judd offered Mr.
114 Hunt an opportunity to respond to these questions. Mr. Hunt approached the podium.

115 Mr. Hunt stated that there was a lot of communication going back and forth and
116 thanked the Board Members for this opportunity to provide clarification. Mr. Hunt stated
117 that the Fairfax County Electoral Board provides guidance to their staff and did not
118 understand the problem with the electoral board doing so as long as it does not conflict
119 with the guidance that the Virginia State Board provides. Mr. Hunt asked: “What specific
120 item on guidelines do you think the electoral board provided that conflicted?” Mr. Hunt
121 stated: “that although two of our electoral board members did disagree with SBE’s
122 guidance on lawyers being able to provide guidance on provisional ballots we did follow
123 the guidance.” Mr. Hunt stated: “That we did not allow lawyers to come in to represent
124 provisional voters without the voter.” Mr. Hunt stated: “We did follow the noon Friday
125 deadline for the identification provisional voters.” Mr. Hunt stated: “In reference to the
126 provisional log, our perspective is that the parties are able to come in and see the log and
127 take notes as well as copy, the electoral board creates that spreadsheet for our own
128 personal use with all the information that is on that log and the technology gives us the

129 ability to remove those things that the parties are not allowed to see because of privacy
130 issues and it actually takes us longer to create a hand written log or make copies for them
131 and it will end up in the same place electronically with the only difference is that they are
132 going to sit down and hand copy the information. We see no difference in the end result
133 and where that log ends up and we just shorten the process.” Mr. Hunt stated: “I assure
134 you that if someone did not sign their absentee ballot it was not counted.” Mr. Hunt
135 stated: “That those things that were put in the code were absolutely followed, the
136 provisional log issue we felt that we were in compliance we just took it a little bit
137 farther.” Chairman Judd asked if there were any other comments.

138 Secretary Palmer stated: “I am concerned about the attitude that was expressed
139 here today; some of the issues are legal issues and the SBE Board has been in litigation
140 for over year because Fairfax County goes their own way on procedures. Fairfax County
141 had procedures outside of what SBE provided just like the provisional ballot log which
142 does not conform to the Code or our direct guidance. We have been made aware of a
143 number of instances where provisional ballots did not have the signature and were counted
144 which is in conflict with the Code and SBE’s direct guidance to the field.” Vice Chair
145 Bowers stated: “Stated that SBE Board Members take seriously guidance and the
146 uniformity of guidance. Before going into the November, 2013 elections there were
147 several moments when we tried to ensure that every locality had guidance shared with
148 them but and had ample opportunity for questions. The SBE staff worked late hours to
149 address issues and some of the guidelines that SBE put forward were as a result of the
150 concerns that came from the field. Everything was spelled out and for a locality to
151 question the Board when things were clear, and if things were unclear that locality would
152 have spoken with SBE and went forward with what was actually guided by the code and
153 the guidelines.” Chairman Judd asked if there were any additional comments. Mr. Hunt
154 stated that when he became a member of the electoral board one of the first things he was
155 greeted with was the litigation and that litigation from my perspective was not because
156 Fairfax County went their own way but, because of the Democratic Committee of
157 Fairfax. The Fairfax County Electoral Board and the general registrar looked at the Code
158 and all of the issues very closely to make sure that we were in compliance with the Code
159 and hopefully you will find that our deviances were not that significant and we ran a legal
160 and fair election as best as we could and I know that there is concern. Fairfax County is a

161 very large jurisdiction and we are trying to take the guidance that we get and apply it to
162 the logistical aspects of a very large county and make things work fairly and honestly
163 across the board. The intent was not to disregard purposely, it was meant to take the
164 guidance from this board, in a large jurisdiction, what we thought was an appropriate
165 way. When we can get together at length hopefully we can come to the prospective that
166 we all are on the same team trying to make thing work correctly, honestly, and fairly.”
167 Chairman Judd stated that SBE looked forward to a meeting when they could discuss this
168 situation in detail.

169 The next order of business was to re-certify House of Delegates, District 34
170 presented by Matt Abell, Election Services Lead. Mr. Abell explained that there was a
171 keying error in Fairfax County after the Fairfax County Electoral Board completed the
172 canvas on November 12, 2013 for the November 5, 2013 General Election. Mr. Abell
173 stated that the abstracts had been examined and it is clear that the results for this precinct
174 are wrong due to the keying error. The Fairfax County Board submitted an amended
175 abstract on November 27, 2013 for SBE Board Members to certify. Mr. Abell noted that
176 the error presented will not change the outcome of the election in Fairfax County. Board
177 Members completed the re-certification process. Vice Chair Bowers moved *that the SBE*
178 *Board recertify the results in Fairfax County.* Secretary Palmer seconded the motion.
179 Chairman Judd asked if there were any comments and there were none and the Board
180 unanimously approved the motion.

181 The next order of business was the Periodic Review of the Public Participation
182 Guidelines (Chapter 10) presented for final approval by Deputy Secretary Justin Riemer.
183 Deputy Riemer stated that on May 15, 2013, the Board announced a periodic review of
184 all of its regulations pursuant to Regulation 20-10-103, calling for a review of all
185 regulations after each presidential election. Deputy Riemer stated that the Board had
186 expressed a desire to move away from the Regulatory Town Hall for the regulatory
187 process and receiving public comments to the utilization of the SBE website. Deputy
188 Riemer explained each of the draft changes to the Board Members. Chairman Judd asked
189 if both Town Hall and the SBE website would be utilized for public comment. Deputy
190 Riemer stated that there would be notice on Town Hall that the comment period is
191 ongoing and that the commenter can go to the SBE website to make that comment.
192 Chairman Judd asked “Would the same announcement be made on the SBE website?”

193 Deputy Riemer replied: “Yes, it would.” Secretary Palmer stated that on line 93 of the
194 proposed changes, it would be the option of the Board to primarily use the SBE website
195 and there would be a notice on Town Hall to provide those comments. Secretary Palmer
196 stated that the addition of the word “or” gives SBE the flexibility to utilize the SBE
197 website. Deputy Riemer stated that the SBE website option of receiving comments
198 expedites the process for the user. Chairman Judd asked: “Why do we even use Town
199 Hall if we are not required?” Susan Lee, Election Uniformity Manager, stated that the
200 Board has the discretion of accepting comments through SBE website or through Town
201 Hall. Ms. Lee stated that Town Hall provides some services that the SBE website cannot
202 provided. Ms. Lee stated that a citizen can currently go to Town Hall and register their
203 email address and, as a result, the user will receive automatic updates. Ms. Lee stated that
204 the SBE website cannot currently perform this service. Chairman Judd stated: “My goal
205 is to make sure that we have a user friendly vehicle, i.e. SBE website for people to
206 navigate with ease and get the information they need.” Chairman Judd asked if there
207 were any comments.

208 Vice Chair Bowers asked: “Are we saying that for every action there will be a
209 public comment period.” Deputy Riemer replied: “The public comment period is required
210 to finalize regulatory actions of the Board.” Vice Chair Bowers asked: “Will there be
211 convolution of information to merge both the Town Hall and SBE website comments?”
212 Deputy Riemer replied: “There will be some manual transfer of information by the SBE
213 staff and comments will be included in the Board Binder which is also posted on the SBE
214 website.” Secretary Palmer stated that it is at the discretion of the Board if they want to
215 post on both sites and the preference from the agency perspective is that we post it on one
216 site with a notification (of regulatory action) on both. Chairman Judd asked: “Can we get
217 a projected time line for this change?” Deputy Riemer replied: “A projected time line will
218 be provided at the next meeting.” Chairman Judd asked if there were any other comments
219 and there were none. Secretary Palmer moved *that the Board approve the changes to*
220 *Chapter 10, Public Participation Guidelines, to implement recommendations received*
221 *during the periodic review process.* Vice Chair Bowers seconded the motion. Chairman
222 Judd asked if there were any other comments and there were none and the Board
223 unanimously approved the motion.

224 The next order of business was the Candidate Qualification, Chapter 50, presented
225 for final approval by Myron McClees, SBE Policy Analyst. Mr. McClees stated that SBE
226 did not receive any public comments on Chapter 50 and SBE staff does not recommend
227 any changes, as the recommendations received were already addressed in the Board's
228 amendments to the regulation passed during its June 25, 2013 Board Meeting. Chairman
229 Judd stated: "When the Board reviewed this previously, I remember a change in section
230 D1; please explain why the election information of (i) county, city, or town in which the
231 election will be held; (ii) election type; and (iii) date of election are omitted would not be
232 considered material omissions." Vice Chair Bowers stated: "I do recall that conversation
233 and we basically said if the general registrar could clearly verify the information by it
234 being located somewhere else in the packet." Mr. McClees stated: "If the general
235 registrar is provided with multiple petitions and one petition is lacking information and if
236 it can be independently and reasonably identified then the petition could be accepted.
237 Dates are only allowed to be omitted if they are between other dates." Chairman Judd
238 stated that he was concerned about the placement of "If possible" in section G4. Josh
239 Lief, SBE Legal Counsel, suggested changing the phrase to read: "The affidavits should
240 state the person's name, residence address, and if possible a reasonable description of the
241 location where approached by the circulator to sign the petition." from "If possible, the
242 affidavits should state the person's name, residence address, and a reasonable description
243 of the location where approached by the circulator to sign the petition." Secretary Palmer
244 moved *that the Board approve the staff recommendation to retain the regulations in*
245 *Chapter 50 with the change noting the placement of "If possible" in section G4.* Vice
246 Chair Bowers seconded the motion. Chairman Judd asked if there were any other
247 comments and there were none and the Board unanimously approved the motion.

248 The next order of business was the request to post for public comment, Election
249 Administration (Chapter 60) presented by Myron McClees, SBE Policy Analyst. Mr.
250 McClees stated that SBE received multiple comments from one individual that were very
251 helpful. Mr. McClees stated that there are multiple changes that are recommended. Mr.
252 McClees stated that under 1VAC20-60-30 regarding electronic devices in polling place,
253 line 78, currently states [device contains no camera or video recording capacity] has a
254 recommended change to [camera function is not used within the polling place.] Mr.
255 McClees stated that throughout 1VAC20-60-30 the word "precinct" is used and the

256 recommendation is to substitute with the words “polling place”. Chairman Judd stated: “I
257 have a suggested edit to the use of the word “film” on line 93. I suggest using the phrase
258 “digitally captured”.” Vice Chair Bowers stated that the option of leaving the word “film”
259 and adding the phrase “digitally captured” could be an option. Mr. McClees stated that
260 the insertion of [the usage of the camera function to film within the polling place or
261 beyond the 40 foot prohibited area;] on line 102 would create a new bullet. Mr. McClees
262 state that in 1VAC20-60-40 on line 118 the statement [or relinquishing possession of a
263 completed provisional ballot envelope containing the ballot to the possession of an officer
264 of election.] was added. Mr. McClees stated that in 1VAC20-60-50 on line 144 the
265 statement “In a single-party primary election, the transfer shall be conducted by a
266 minimum of two officers of election who may be members of the same party.” was a
267 recommended addition. Chairman Judd asked if there were any comments. Vice Chair
268 Bowers moved *that the Board seek public comment, for a period of 10 calendar days, on*
269 *the proposed amendments to its regulations in Chapter 60, Election Administration, to*
270 *implement recommendations received during the periodic review process.* Chairman
271 Judd seconded the motion. Chairman Judd asked if there were any other comments.
272 Secretary Palmer stated that the issue of electronic devices in the polling place is
273 something that needs to be addressed by the General Assembly because it is very
274 ambiguous and confusing and I recommend that General Assembly review this before the
275 next election. Chairman Judd asked if there were any other comments and there were
276 none and the Board unanimously approved the motion.

277 The next order of business was the request to post for public comment, Absentee
278 Voting (Chapter 70) presented by Martha Brissette, SBE Policy Analyst. Ms. Brissette
279 stated that the only change to this chapter is to remove the military overseas provisions to
280 a new chapter titled, Chapter 40.1. Secretary Palmer asked: “Are these changes a result of
281 the 2012 General Assembly separating the UOCAVA?” Ms. Brissette replied: “Yes, the
282 reason for the recommendation to separate the chapters, within the Administrative Code,
283 was to follow the 2012 legislative change that created the new chapter dealing with
284 military and overseas voting.” Vice Chair Bowers moved *that the Board seek public*
285 *comment, for a period of 14 calendar days, on the proposed amendments to its*
286 *regulations in Chapter 70, Absentee Voting, to implement recommendations received*
287 *during the periodic review process.* Secretary Palmer seconded the motion. Chairman

288 Judd asked if there were any other comments and there were none and the Board
289 unanimously approved the motion.

290 The next order of business was the request to post for public comment, Voter
291 Registration (Chapter 40) presented by Martha Brissette, SBE Policy Analyst. Ms.
292 Brissette stated that comments were received on the proposed changes. Ms. Brissette
293 stated that on line 167 the sentence: “If so, when?” was added after the supplemental
294 question of “Do you have a specific plan to move away from this county or city at a fixed
295 date in the future?” Chairman Judd asked: “Is this what you are proposing for public
296 comment.” Ms. Brissette replied: “Yes.” Vice Chair Bowers asked: “if lines 212 through
297 224 were removed as a result of the new chapter.” Ms. Brissette replied: “Yes.” Vice
298 Chair Bowers moved *that the Board seek public comment, for a period of 14 calendar*
299 *days, on the proposed amendments to its regulations in Chapter 40, Voter Registration,*
300 *to implement recommendations received during the periodic review process.* Secretary
301 Palmer seconded the motion. Chairman Judd asked that a link be placed on the SBE
302 website for all regulations going out for public comment to Regulatory Town Hall.
303 Secretary Palmer questioned if SBE needed to add to this regulation information on the
304 online portal because this is a major change with the voter registration process. Secretary
305 Palmer asked: “Does these regulations deal with residency?” Ms. Brissette replied: “It
306 does deal with residency.” Chairman Judd asked: “Is this something that we should look
307 at before it goes out for public comment?” Secretary Palmer replied: “We can put them
308 out simultaneously.” Chairman Judd asked if there were any other comments and there
309 were none and the Board unanimously approved the motion.

310 The next order of business was the request to post for public comment, Absent
311 Military and Overseas Voter (Chapter 40.1) presented by Martha Brissette, SBE Policy
312 Analyst. Ms. Brissette stated that the suggested changes listed on line 63-66 are not being
313 recommended by SBE staff. Ms. Brissette stated that the initial purpose is to place these
314 materials into their own chapter. Vice Chair Bowers moved *that the Board seek public*
315 *comment, for a period of 14 calendar days, on proposed new Chapter 40.1, Military and*
316 *Overseas Voters, to implement recommendations received during the periodic review*
317 *process for existing Chapters 40 and 70 consistent with the Code structure created in*
318 *2012 with the exception of IVAC 20-40.1C lines 63-66.* Secretary Palmer seconded the

319 motion. Chairman Judd asked if there were any other comments and there were none and
320 the Board unanimously approved the motion.

321 The next order of business was the discussion of the Voter ID Implementation
322 Plan presented by Susan Lee, Election Uniformity Manager, and Nikki Sheridan,
323 Confidential Policy Advisor. Ms. Lee stated that in March, 2013 Governor McDonnell
324 signed Senate Bill 1256 into law and this legislation is aimed at continuing to increase the
325 integrity and reliability of the voting process in Virginia. Ms. Lee stated that the bill
326 eliminates documents that do not contain a photograph of the voter from being acceptable
327 forms of identification when a person is attempting to vote in-person. The bill further
328 provides that SBE will have to provide free voter registration photo ID cards that contain
329 the voters photograph and signature if the voter does not possess any satisfactory photo
330 identification. Ms. Lee stated that the bill has an implementation date of July 1, 2014.

331 Nikki Sheridan, Confidential Policy Advisor, presented and update on the Voter
332 ID Implementation Plan, Voter Outreach Program. Ms. Sheridan stated the Voter
333 Outreach Program is designed to compliment Executive Order #62 and communicate the
334 change that voter photo identification is required as of July, 2014. Ms. Sheridan stated
335 that voters can receive free voter identification if they are not currently in possession of
336 acceptable voter identification. Ms. Sheridan stated that SBE is tasked with partnering
337 with third party groups. Ms. Sheridan stated that SBE will be coordinating with the
338 general registrars and electoral board members and plans to make this part of the SBE's
339 annual training. Ms. Sheridan stated that the budget for the plan was set at \$200,000 per
340 fiscal year through 2017. Ms. Sheridan stated that there was an amendment to the Voter
341 Outreach Plan because the dates listed for the Request for Proposal (RFP) have been
342 updated to reflect the ones stated: November 12, 2013 through December 19, 2013.

343 Ms. Sheridan stated that the RFP has been provided to Board Members in the
344 Board Materials. Vice Chair Bowers asked: "The Voter ID Card will say "Voter ID"?"
345 Ms. Lee replied: "The card will state that it is for voter identification purposes." Vice
346 Chair Bowers asked: "Will it contain precinct information i.e. polling location." Ms. Lee
347 replied: "The ID card will not have precinct specific information on the card and the
348 voter will continue to receive their voter registration card." Vice Chair Bowers asked:
349 "Who is responsible for purchasing and maintaining the ID equipment?" Ms. Lee replied:
350 "SBE is looking for a device that will capture both the photo and the signature of the

351 voter and then the card will be created and mailed to the voter. SBE is looking for
352 equipment that has a reasonable life expectancy and a low maintenance cost for at least
353 the first five years.” Secretary Palmer stated: “SBE is looking at the actual hardware and
354 software that should work on any computer used to capture the photo and signature.”
355 Vice Chair Bowers asked: “What about the printing equipment?” Secretary Palmer
356 replied: “We have not made the final decision but the actual printing of the ID card will
357 not occur in each office. It will be similar to the DMV and other agencies where the the
358 card is mailed to residence of the requester. There are some localities that desire that
359 option and SBE may decide as a Board that we want to provide that option but that option
360 raises a new set of issues such as uniformity and the quality of the ID.” Chairman Judd
361 asked: “The voter cannot go into the general registrar and state that they do not have any
362 type of photo identification and leave with a new card?” Secretary Palmer stated: “That
363 is correct; they will receive the card in the mail through a vendor.” Vice Chair Bowers
364 asked: “If the voter does not have an ID are they required to go to the precinct that they
365 vote in to obtain the ID.” Ms. Lee replied: “A regulation will be presented to the Board
366 that will outline those details; at this time, with the encouragement of general registrars,
367 you can only obtain a photo identification card at the registrars’ office in the locality
368 which you are registered, to ensure that the individual is a registered voter.” Chairman
369 Judd stated that the ID card could be used as proof of identification. Ms. Lee stated:
370 “correct”. Secretary Palmer asked: “Some of the concern is coming from registrars that
371 service large localities, where they may be concerned they will become swamped by
372 voters from a neighboring large jurisdiction requesting an ID card?” Ms. Lee replied:
373 “That was part of the concern and also that general registrars felt that voter registration
374 was the responsibility of the local general registrar and being able to affirm that someone
375 is indeed a registered voter was important. SBE is asking for any direct feedback on the
376 plan from Board Members and the plan will be presented at a later date for approval.”
377 Secretary Palmer instructed Ms. Lee to insert on page 3 of the plan: “[create a DMV
378 working group].” Secretary Palmer stated that on page 7, Voter Outreach Goals, the
379 insertion of “voter information mailings” would be appropriate. Secretary Palmer stated
380 that on page 12 under Section 6, SBE should update the second paragraph to include “and
381 members of the incoming administration”. Chairman Judd asked if there were any other
382 comments or feedback.

383 Carol Noggle, Board Member with the League of Women Voters, approached the
384 podium. Ms. Noggle stated that the League was pleased to meet with the SBE staff to
385 exchange ideas and suggestions. Ms. Noggle stated that the League remains opposed to
386 the legislation and will support efforts to amend or delay the legislation. Ms. Noggle
387 stated expressed concern over the topic of where voters can get their photo identification.
388 Ms. Noggle stated that her concern over the ID card was access and was unsure of the
389 role played by DMV. Ms. Noggle stated that it would be convenient for the voter to go to
390 any jurisdiction and have their photo taken. Chairman Judd asked: "You say you oppose
391 this legislation and you want to work to delay this legislation and at the same time you
392 are offering to work with SBE." Ms. Noggle replied: "That is correct." Chairman Judd
393 asked if there were any other comments. Secretary Palmer stated: "The voter will not
394 need documents to receive a Voter Photo ID. The requirement will be that the voter signs
395 a form that confirms who you say you are and that you do not have requisite ID card.
396 This is based on the code and the Board will look at this regulation. The software that we
397 purchase will be mobile in nature and would be inclusive so that it can be used as part of
398 outreach to the community." Chairman Judd asked if there were any other comments and
399 there were none.

400 Chairman Judd asked if there was any other business to come before the Board for
401 the Good of the Order. Chris Piper, Elections Services Manager, requested to add to the
402 agenda a ballot drawing for the House of Delegates, District 11, Special Election to be
403 held on January 7, 2014. Vice Chair Bowers selected the Republican placement card first
404 and Secretary Palmer selected the Democrat placement card second for the official ballot
405 order.

406 Chairman Judd asked if there was any other business to come before the Board for
407 the Good of the Order and with there being none Chairman Judd made a motion *to*
408 *adjourn*. Vice Chair Bowers seconded the motion and the Board unanimously passed the
409 motion. The Board shall reconvene on December 18, 2013 at 10:00 AM in the General
410 Assembly Building, Room C. The meeting was adjourned at approximately 11:45AM.

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Secretary

416 _____
417 Chair
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420 _____
421 Vice-Chair
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