

MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, July 24, 2012.
4 The meeting was held in the General Assembly Building, House Room C 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; Justin Riemer, Deputy Secretary;
8 Nikki Sheridan, Confidential Policy Advisor; Chris Piper, Election Services Manager;
9 David Blackwood, Policy Analyst and Martha Brissette, Policy Analyst. Chairman Judd
10 called the meeting to order at 2:00PM.

11 The first order of business was the approval of the Minutes from the State Board
12 of Elections Board Meetings held on June 26, 2012. After careful review, Chairman Judd
13 made a motion to approve the Minutes. Secretary Palmer seconded the motion and the
14 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 SBE has adopted the Voter
18 Outreach and Education Plan called for in Executive Order No. 45. Secretary Palmer
19 reported that SBE staff members are participating in community events to include a
20 Town Hall Meeting in Hampton Roads. Secretary Palmer reported that the purpose of
21 these meetings is to get the word out to voters on the new voter identification law.
22 Secretary Palmer reported that new voter cards are being prepared for a late September
23 2012 mailing. Secretary Palmer reported that SBE is redesigning the SBE website in
24 preparation for the November general election. Secretary Palmer stated the new website
25 will debut in August 2012. Secretary Palmer reported that SBE was working with third
26 party registration groups on guidelines and working with localities regarding new
27 registrations. Secretary Palmer reported that SBE retained the services of a public
28 relations company to help with the Voter Outreach Program. Secretary Palmer inquired if
29 there were any questions or comments. Vice-Chair Bowers inquired about the timeline
30 for rolling out information to the registration and urban groups. Secretary Palmer stated
31 that starting in September 2012 information would be reaching the voters and that
32 additional detail would be provided to Board members. Chairman Judd expressed his

33 concerns about a third party registration group called the Voter Participation Center
34 (VPC) who has flooded Virginia with registration applications forms using an unreliable
35 consumer mailing list. Chairman Judd added that VPC is confusing the process and
36 making light of the issue of voter integrity. Chairman Judd stated that there is an email
37 circulating that is falsely informing the readers that if they had not voted since 2008 they
38 may have to reregister to vote. Chairman Judd requested an update on how this situation
39 was being handled. Secretary Palmer stated that there are restrictions in the Code that
40 SBE has communicated to third party registration groups and through building
41 relationships the process of voter outreach and education can occur in sync. Secretary
42 Palmer stated that the integrity of the voter registration list is very important at SBE.
43 Secretary Palmer stated that when SBE becomes aware of information that is inaccurate
44 every effort is made to correct the error without assessing blame. Secretary Palmer
45 encouraged all Virginia voters to visit the SBE website to obtain up to date and accurate
46 information about voting in Virginia or contact their local general registrar. Vice-Chair
47 Bowers stated that she shared the same concerns about the recent mailings as Chairman
48 Judd and is alarmed at the rate of inaccurate information passed on to Virginia voters.
49 Vice-Chair Bowers inquired if the general registrars are expressing concerns about these
50 forms being returned and if there were issues with double registrations. Secretary Palmer
51 reported that SBE was concerned about the double registrations and the extra tasking
52 placed on staffing both at the locality and at SBE.

53 The next order of business was the Board approval of consolidated Certificate of
54 Candidate Qualification Forms. Chris Piper, Election Services Manager, informed the
55 Board that SBE staff is consolidating paper forms and that this current effort will reduce
56 six Certificate of Candidate Qualification (SBE-501) into three Certificate of Candidate
57 Qualification forms. Mr. Piper stated that with Board approval the new forms will be
58 posted to the SBE website on July 25, 2012 and available for immediate use. Mr. Piper
59 explained to Board members the changes to each of the forms with previous versions of
60 each SBE-501 form compared to the proposed revision of the SBE-501 form. Mr. Piper
61 stated that staff recommendations are to approve the changes to the Certificate of
62 Candidate Qualification forms. Vice-Chair Bowers moved that the Board approve the
63 staff's recommendation to consolidate the Certificate of Candidate Qualification for U.S
64 Senate and U.S. House into one form [SBE-501(2)]; the Certificate of Candidate

65 Qualification for Governor, Lieutenant Governor and Attorney General into one form
66 [SBE-501(3)]; and the Certificate of Candidate Qualification for Local Offices and City
67 or Town Officer into one form [SBE-501 (4)]. Secretary Palmer seconded the motion and
68 Chairman Judd asked if there were any public comments. Robin Lind, Virginia Electoral
69 Board Association, addressed the Board with his concerns about the form language and
70 interpretation of “must a candidate for Attorney General be a lawyer”. Mr. Lind
71 explained that being a member of the bar and being a lawyer were different. Mr. Piper
72 addressed the concern and stated that the form had a disclaimer for verifying this
73 requirement stating “this is for the Office of Attorney General Only”. Chairman Judd
74 inquired if there were any public comments and with none the Board unanimously passed
75 the motion.

76 The next order of business was the Board approval of the new campaign finance
77 reports civil penalty schedule and procedures. Chris Piper, Election Services Manager,
78 stated that the previous procedure for assessing penalties utilized a graduating scale. Mr.
79 Piper stated that general registrars provided input regarding a new penalty schedule and
80 with a standardized schedule computing fines would be less labor intensive. Mr. Piper
81 explained the details of the new proposed civil penalty schedule. Mr. Piper stated that
82 with the new Committee Electronic Tracking System, (COMET), that statewide and
83 General Assembly campaigns would receive an email automatically notifying them that
84 their reports were delinquent. Mr. Piper stated that in the proposal of changes a late report
85 would be assessed a hundred dollar civil penalty. Mr. Piper stated that the local electoral
86 board will notify the committee of civil penalty and collection procedures via email or
87 regular postal mail. Mr. Piper stated that if the payment is not received with sixty days of
88 the deadline, the matter is referred to the appropriate Attorney for the Commonwealth for
89 collection. Mr. Piper stated that if a campaign fails to file a report within sixty days of the
90 due date SBE or the local electoral board will notify the committee via certified mail.
91 Mr. Piper stated that the penalty will increase to five hundred dollars and the committee
92 will be provided an additional sixty days to submit the report and the penalty payment.
93 Mr. Piper added that after sixty days and if the committee has not filed the report then the
94 matter is forwarded to the appropriate Attorney for the Commonwealth for collection and
95 determination as to whether the violation is willful. Mr. Piper noted that the penalty
96 notification will increase from five hundred dollars to one thousand dollars if there are

97 second or subsequent violations. Mr. Piper stated that if a delivery of the certified letter to
98 the committee's primary mailing address is returned undeliverable or the recipient
99 refused to sign, then the matter shall immediately be referred to the appropriate Attorney
100 for the Commonwealth. Mr. Piper stated that staff recommends that the Board approve
101 the staff's proposed civil penalty schedule and procedures. Vice-Chair Bowers inquired if
102 there was an education process for candidates and their campaign that clearly states the
103 penalties for late filing of reports. Mr. Piper stated that SBE will increase the amount of
104 information provided to new campaign in their welcome packet when they registrar with
105 SBE. Chairman Judd inquired if there were additional public comments and there were
106 none. Secretary Palmer moved that the Board approve the staff's proposed civil penalty
107 schedule and procedures. Vice-Chair Bowers seconded the motion and the Board
108 unanimously passed the motion.

109 The next order of business was the Board consideration of Stand by Your Ad
110 Complaints. David Blackwood, SBE Policy Analyst, informed the Board that the first
111 violation to be considered was related to the campaign of Anton A. Bell. Mr. Blackwood
112 stated that a flyer distributed on behalf of Mr. Bell clearly advocates for his election but
113 does not identify any person or organization that might have been financially responsible
114 for the sponsoring of the material. Mr. Blackwood stated that the flyer does not contain
115 a statement of authorization. Mr. Blackwood stated that staff recommends that a civil
116 penalty totaling one hundred dollars be assessed as the violation was a first time
117 occurrence unless the candidate provides an explanation, apology and/or takes remedial
118 measures. Chairman Judd inquired if there were any public comments. Anton Bell
119 approached the Board and stated that the ballot in question was printed by his campaign
120 manager the night before the election by a company utilized by his campaign previously.
121 Mr. Bell stated that the printing company was aware of the disclosure requirement. Mr.
122 Bell stated that the error was noticed and new flyers were printed immediately. Mr. Bell
123 stated that they immediately pulled the flyers that were in error and notified the general
124 registrar of the issue. Mr. Bell stated that he accepted full responsibility for the error and
125 extended his apologies to the Board. Mr. Bell stated that the individual who sent in the
126 complaint to SBE was his competitor who lost her bid for reelection. Chairman Judd
127 inquired as to who noticed the admission and notified the campaign. Mr. Bell stated that
128 a member of the campaign staff noticed the omission and notified him immediately.

129 Chairman Judd inquired if a copy of the corrected flyer was sent in with the complaint.
130 Mr. Blackwood stated that SBE had only received the original flyer, which failed to
131 contain the required disclosure statement. Chairman Judd inquired if there were any
132 additional public comments. Theresa Kyle, General Registrar of Hampton City,
133 approached the podium to address the Board. Ms. Kyle stated that she had not received
134 one complaint on Election Day regarding the flyer. Ms. Kyle stated ten days later after
135 the election, when she was informed of the incident, she had a conversation with Mr. Bell
136 and informed him that his actions on the morning of the elections were exactly in line
137 with the procedure that she would have outlined in this corrective measure. Ms. Kyle
138 stated that she is supportive of the request that Mr. Bell is making to SBE. Chairman Judd
139 inquired if there were any additional public comments. Dee Vantree-Keller approached
140 the podium to address the Board. Ms. Vantree-Keller stated that she sent the flyer into
141 SBE when she received it on June 19, 2012. Ms. Vantree-Keller stated that she decided to
142 file the complaint with SBE after receiving complaints from ten separate poll workers
143 about the flyer. Ms. Vantree-Keller stated that the flyer was distributed at ten of the thirty
144 polling locations. Chairman Judd inquired if she had been informed by anyone of the
145 flyer on Election Day. Ms. Vantree-Keller stated that she had been informed of the flyer
146 and a description was provided but she did not actually see the flyer until June 19, 2012.
147 Ms. Vantree-Keller stated that she then filed a complaint on line through the SBE. Ms.
148 Vantree-Keller thanked the Board for their time. Chairman Judd inquired if there were
149 any other public comments. Mr. Bell approached the podium and stated that Ms. Vantree-
150 Keller was not honest in her statement and that Ms. Vantree –Keller placed on her
151 Facebook page within a few days of the election that if anyone has a copy of the ballot in
152 question please let me know. Mr. Bell stated that Ms. Vantree-Keller filed suit in
153 Hampton City District Court asking that he be disqualified based on this particular action.
154 Mr. Bell stated that after he filed his reply with the Hampton City District Court Ms.
155 Vantree-Keller dropped the lawsuit. Chairman Judd inquired if there were any other
156 public comments and there were none. Chairman Judd stated that he felt that Mr. Bell
157 followed correct remedial measures without guidance and acted in good faith. Chairman
158 Judd stated that the Board was prepared to hear a motion and there was none. The State
159 Board of Elections passed on the violation related to the campaign of Mr. Bell.

160 The next order of business was the Board consideration of the “Stand by Your
161 Ad” violation against Renee Parker. David Blackwood, SBE Policy Analyst, stated that
162 on June 26, 2012 SBE received a complaint about Ms. Parker’s Facebook site. Mr.
163 Blackwood stated that the complaint alleged that Ms. Parker did not comply with state
164 law requiring that candidates identify whether they have authorized the advertisement.
165 Mr. Blackwood stated that SBE staff recommends not assessing a fine and that the
166 candidate is not in violation of § 24.2-945. Chairman Judd inquired if there were any
167 public comments and there were none. Vice-Chair Bowers moved to accept staff
168 recommendation. Secretary Palmer seconded the motion and the Board unanimously
169 passed the motion.

170 The next order of business was the Board consideration of the updated campaign
171 finance summaries. Chris Piper, Election Services Manager, stated that § 24.2-946 of the
172 Code requires the State Board to summarize the provisions of the Campaign Finance
173 Disclosure Act of 2006 and prepare the summary for distribution to candidates and
174 committees upon request or at the time that they first register with the agency. Mr. Piper
175 stated that the summaries require updating due to the new COMET electronic filing
176 system and a proposed change to the Board’s Civil Penalty schedule. Mr. Piper reviewed
177 the particular changes and answered the questions related to each change. Mr. Piper noted
178 that the “Best Efforts Policy” relating to contributors monetary donations requires all
179 information requested to be completed in writing on the reports submitted. Mr. Piper
180 stated that the committee is also required to submit, along with the committee’s report, a
181 copy of the written request to the contributor asking for the required information. Mr.
182 Piper stated that SBE does not consider a report complete if more than twenty percent of
183 the total number of contributors or other required itemized information is missing. Mr.
184 Piper stated that the COMET system will alert the campaign not to submit the report to
185 SBE if they have not made the eighty percent threshold. Chairman Judd inquired if there
186 were any public comments and there were none. Chairman Judd moved that the Board
187 approve the staff’s proposed update to the Candidate Campaign Finance Summary on
188 Laws and Policies. Vice-Chair Bowers seconded the motion and the Board unanimously
189 passed the motion.

190 Chairman Judd then moved to close the meeting to discuss actual and probable
191 litigation matters and specific legal matters requiring the provision of legal advice by

192 legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia. Vice-Chair
193 Bowers seconded the motion and the Board went into Executive session at 3:15PM.

194 At 4:20PM Chairman Judd moved to reconvene in open session and a roll call
195 vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously
196 certifying that during the closed meeting (i) only public business matters lawfully
197 exempted from open meeting requirements under this chapter, and (ii) only such public
198 business matters as were identified in the motion by which the closed meeting was
199 concerned were heard, were discussed or considered.

200 Chairman Judd asked if there was any other business to come before the Board for
201 the Good of the Order and with there being none Vice-Chair Bowers made a motion to
202 adjourn. Chairman Judd seconded the motion and the Board unanimously passed the
203 motion. The Board shall reconvene on August 23, 2012 at 2:00 PM in the General
204 Assembly Building, House Room C. Chairman Judd asked for any further public
205 comments. There being none, the meeting was adjourned at approximately 4:20PM.

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212 Chair

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216 Vice-Chair

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Secretary