

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, October 7,  
4 2014. The meeting was held in the Washington Building – Room B27, 1100 Bank Street,  
5 Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was  
6 Charles Judd, Chair; Kimberly Bowers, Vice Chair; Don Palmer, Secretary and Kristina  
7 Perry Stoney, Senior Assistant Attorney General and SBE Counsel. In attendance,  
8 representing the Department of Elections (ELECT) was Edgardo Cortés, Commissioner;  
9 Matt Abell, Election Services Lead and Rose Mansfield, Executive Assistant. Chairman  
10 Judd called the meeting to order at 12:00PM.

11 The first order of business was the approval of the Minutes from the State Board  
12 of Elections Board Meeting held on August 6, 2014. Chairman Judd asked if Board  
13 Members had any additions or corrections to the August 6, 2014 Board Minutes and there  
14 were none. Secretary Palmer moved *to adopt the Minutes for the August 6, 2014, Board*  
15 *Meeting*. Vice Chair Bowers seconded the motion and the Board unanimously approved  
16 the Minutes. Chairman Judd asked if Board Members had any additions or corrections to  
17 the August 27, 2014 Board Minutes and there were none. Secretary Palmer moved *to*  
18 *adopt the Minutes for the August 27, 2014, Board Meeting*. Vice Chair Bowers seconded  
19 the motion and the Board unanimously approved the Minutes.

20 The second order of business was the Commissioner’s Report delivered by  
21 Commissioner Cortés. Commissioner Cortés reported that Voter Photo ID  
22 implementation plan is meeting its’ target goals and that there has been interest across the  
23 commonwealth about the numbers of individuals who may be without acceptable  
24 identification on Election Day. Commissioner Cortés stated ELECT is posting on the  
25 website the weekly numbers related to Voter Photo ID’s which includes recent DMV  
26 data. Statewide there are approximately 197,000 individuals without DMV issued  
27 identifications. ELECT filter individuals who had not registered, absent voting history  
28 the commonwealth, a history of absentee ballot voting, and or military or UACOVA  
29 voters which reduced the number to approximately 90,000. ELECT mailed 86,000  
30 mailers to citizens of the commonwealth informing them about the new voter photo  
31 identification law, what types of identifications would be acceptable on Election Day and

32 information on how to obtain a free Voter Photo Identification Card. Commissioner  
33 Cortés stated that outreach materials were provided to general registrars, electoral board  
34 members and community partners. The ELECT website will contain editable documents  
35 that community partners can personalize to assist in their outreach efforts. ELECT sent a  
36 mailer at the end of September, 2014 to 394,000 individuals in the commonwealth that  
37 are not registered to vote and are identified as potential voters. There have been 1,500  
38 free voter photo identification to date issued in the commonwealth. Commissioner Cortés  
39 asked if there were any questions.

40 Chairman Judd noted that the number of voter photo identifications issued  
41 represents 1.9% of the total voters who do not have a DMV issued ID card. Chairman  
42 Judd inquired about the funding of the mailer involving 394,000 voters. Commissioner  
43 Cortés stated the mailing was paid for with funds associated with the Help America Vote  
44 Act (HAVA) and the mailing involving 86,000 individuals was paid for by utilizing the  
45 outreach funds established with the Voter Photo ID program. Vice Chair Bowers inquired  
46 about post-election community outreach efforts and suggested that information be  
47 disseminated about the Voter Photo ID program in totality to include the statistical  
48 information involving the free Voter Photo ID cards. Commissioner Cortés stated that  
49 ELECT would enact this suggestion.

50 The next order of business was the Legal Report presented by Kristina Perry  
51 Stoney, Senior Assistant Attorney General. Ms. Stoney reported that three attorney  
52 general opinions were recently issued. Ms. Stoney reported that the first opinion was a  
53 request from the City of Norfolk Office of Elections inquiring whether applicable law  
54 requires, or forbids the Norfolk Electoral Board from accepting mailed voter registration  
55 applications with electronically created signature. Commissioner Cortés stated that there  
56 was agency guidance in 2014, directing localities to accept forms based on electronic  
57 signatures. Secretary Palmer stated that there was concern about the interpretation of this  
58 opinion and SBE should consider a regulation to provide clarification on this issue.  
59 Chairman Judd directed ELECT to prepare a suggested regulation for presentation at the  
60 next SBE Meeting. Ms. Stoney asked if there were additional questions and there were  
61 none.

62 Ms. Stoney reported that the second opinion issued on October 1, 2014, was  
63 requested from Commissioner Cortés inquiring whether regulations administering  
64 Chapters 9.3, 9.4, and 9.5 of Title 24.2 of the *Code of Virginia*, which concerns campaign  
65 finance laws, related to “the conduct of elections or eligibility to vote,” thereby  
66 qualifying for an exemption from the Virginia Administrative Process Act (“APA”)  
67 regulatory process. The response issued is that they do not relate to “the conduct of  
68 elections and eligibility to vote,” and therefore do not qualify for an exemption from the  
69 regulatory process established by the APA. Ms. Stoney asked if there were questions and  
70 there were none.

71 Ms. Stoney reported that third opinion issued on October 1, 2014 and requested  
72 from the King William County Electoral Board. The requests asks if under § 24.2-112 of  
73 the *Code of Virginia*, a general registrar has the authority to hire, as needed, additional  
74 employees on a temporary, part-time basis, irrespective of local government approval and  
75 budgeting. The response issued states that under § 24.2-112 that the general registrar, in  
76 his discretion, to hire additional temporary, part-time employees when needed and  
77 requires the local governing body to compensate such employees as provided for by law.  
78 Ms. Stoney asked if there were questions and there were none.

79 The next order of business was the Ballot Drawing for the Special Election in  
80 House District Four to be held on December 9, 2014, presented by Matt Abell, Election  
81 Services Lead. Mr. Abell explained the process. Vice Chair Bowers drew the first  
82 position of the Republican Party and Secretary Palmer drew the second position of the  
83 Democratic Party. Chairman Judd declared that the ballot order had been determined with  
84 the Republican candidate listed first and the Democratic candidate listed second.

85 The next order of business was the Ballot Drawing for the Special Election in  
86 Prince William County for the Board of Supervisions Election to be held on December  
87 23, 2014, presented by Matt Abell, Election Services Lead. Mr. Abell explained the  
88 process. Secretary Palmer drew the first position of the Democratic Party and Vice Chair  
89 Bowers drew the second position of the Republican Party. Chairman Judd declared that  
90 the ballot order had been determined with the Democratic candidate listed first and the  
91 Republican candidate listed second.

92 The next order of business was the Ballot Drawing for the January Special  
93 Election for which a date has not been designated presented by Matt Abell, Election  
94 Services Lead. Mr. Abell explained that this Ballot Drawing will cover possible openings  
95 in House of Delegates District 10 and Senate of Virginia District 16. The openings  
96 would be the result of vacancies generated by the results of the November 4, 2014,  
97 General Election. Mr. Abell explained that a special election could be called starting on  
98 the first Tuesday in January and ending on the last Tuesday in January (January 6<sup>th</sup>, 13<sup>th</sup>,  
99 20<sup>th</sup> & 27<sup>th</sup>, 2015).

100 The following Ballot Orders were conducted:

- 101 • January 6, 2015 - Secretary Palmer drew the first position of the  
102 Democratic Party and Vice Chair Bowers drew the second position of the  
103 Republican Party. Chairman Judd declared that the ballot order had been  
104 determined with the Democratic candidate listed first and the Republican  
105 candidate listed second.
- 106 • January 13, 2015 – Vice Chair Bowers drew the first position of the  
107 Republican Party and Secretary Palmer drew the second position of the  
108 Democratic Party. Chairman Judd declared that the ballot order had been  
109 determined with the Republican candidate listed first and the Democratic  
110 candidate listed second.
- 111 • January 20, 2015 – Secretary Palmer drew the first position of the  
112 Democratic Party and Vice Chair Bowers drew the second position of the  
113 Republican Party. Chairman Judd declared that the ballot order had been  
114 determined with the Democratic candidate listed first and the Republican  
115 candidate listed second.
- 116 • January 27, 2015 – Vice Chair Bowers drew the first position of the  
117 Democratic Party and Secretary Palmer drew the second position of the  
118 Republican Party. Chairman Judd declared that the ballot order had been  
119 determined with the Democratic candidate listed first and the Republican  
120 candidate listed second.

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122 The next order of business was the nomination and replacement of a member of  
123 the GREB Workgroup presented by Chairman Charles Judd. Chairman Judd nominated  
124 Bill Thomas, Secretary of the Electoral Board, City of Richmond, Virginia. Chairman  
125 Judd moved *that Bill Thomas, Secretary of the Electoral Board, City of Richmond,*  
126 *Virginia fill the current vacancy on the GREB Workgroup.* Vice Chair Bowers seconded  
127 the motion and the Board unanimously approved the motion.

128 Chairman Judd opened the floor to other business and public comment and there  
129 was no additional business brought before the Board.

130 Chairman Judd asked if there were comments for the Good of the Order. Vice  
131 Chair Bowers stated that on Saturday, October 4, 2014, she participated in an outreach  
132 and voter education event during the 2<sup>nd</sup> Street Festival. Voting and registration materials  
133 were distributed to festival goers and additional supplies were provided to organizations  
134 to distribute at their future events. Chairman Judd asked if there was additional business.  
135 Rose Mansfield wished all members of the Board and the Commissioner a “Happy  
136 Bosses Day” prior to the official date of October 16, 2015. Chairman Judd asked if there  
137 was additional business and there was none.

138 Chairman Judd moved *that the Board adjourn.* Vice Chair Bowers seconded the  
139 motion and without further comment the Board voted to adjourn. The meeting was  
140 adjourned at approximately 12:05PM.

141 The Board shall reconvene on November 4, 2014 at 9:00AM in the Washington  
142 Building – Room B27, 1100 Bank Street, Richmond, Virginia.

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145 Secretary

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148 Chair

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152 Vice Chair

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