

MINUTES

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3 The State Board of Elections Board meeting was held on Wednesday, July 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; Justin Riemer,
7 Confidential Policy Advisor; Joshua Lief, Senior Assistant Attorney General and SBE
8 Counsel; Susan Lee, Election Uniformity Manager; Myron McClees, Policy Analyst;
9 Martha Brissette, Policy Analyst; Susan Pollard, Director of Communications; and Chris
10 Piper, Election Services Manager. Chairman Judd called the meeting to order at 2:00PM.

11 The first order of business was the approval of Minutes from the State Board of
12 Elections Board meeting held on May 25, 2011. After careful review of the Minutes,
13 Vice-Chair Bowers made a motion to approve them since there weren't suggested
14 changes. Secretary Palmer seconded the motion and the minutes were unanimously
15 approved by the Board.

16 The second order of business was the Secretary's Report delivered by Secretary
17 Palmer. The Secretary's Report is an agenda item for each Board meeting describing
18 recent developments at SBE.

19 Recent developments reported by Secretary Palmer include preparations for the
20 Primary Election and mailing of absentee ballots where SBE is inputting redistricting
21 data into their statewide database. Secretary Palmer highlighted Governor McDonnell's
22 letter to general registrars and electoral board members, which praised general registrars
23 for their efforts in preparing for the Primary Election.

24 Effective July 1, SBE will have distributed voter registration applications to 673
25 licensed Department of Game and Fisheries agents throughout the Commonwealth.
26 Citizens will be able to pick up voter registration applications and return them to their
27 localities. This was an effort generated by the General Assembly to give citizens a chance
28 to register to vote and participate in elections.

29 Secretary Palmer also spoke about the current training opportunities for general
30 registrars and officers of election with GR Boot camp June 27 to 29, Virginia Registered

31 Elected Official Certification and Recertification courses July 12 to 15, and the Election
32 Uniformity Annual Training seminar July 14 to July 15.

33 Secretary Palmer also updated the Board on the recent meeting with Alleghany
34 County election officials where he was accompanied by Confidential Policy Advisor
35 Justin Riemer and a representative from the Virginia Electoral Board Association.
36 Secretary Palmer described the basic problem with Alleghany County as a lack of
37 communication between the general registrar and the electoral board members. More
38 meetings on a regular basis were recommended.

39 Secretary Palmer spoke to the Board about the ADA Voting equipment
40 reimbursement program where nine jurisdictions are participating. SBE is in the process
41 of establishing a similar reimbursement program for regular voting equipment that may
42 be necessary for redistricting purposes. This is the Board's response to state redistricting
43 needs.

44 Secretary Palmer also announced the departure of two team members: Policy
45 Analyst Peter Goldin and Director of Training Rebecca Reynolds.

46 The next order of business was a proposed regulation for application for
47 registration on the Federal Post Card Application (FPCA) presented by Election
48 Uniformity Manager Susan Lee. The draft regulation would allow the FPCA for voter
49 registration purposes to be acceptable in facsimile or scanned email attachment form in
50 addition to an original mailed form, which has previously caused voter confusion.
51 During the May 25, 2011 Board Meeting, Mrs. Lee requested the Board to open up the
52 proposed draft regulation for public comment on Town Hall. There were seven
53 comments and five of them supported the draft regulation.

54 Larry Haake, General Registrar of Chesterfield County and President of the
55 Virginia Registrars' Association of Virginia (VRAV) explained that even though this
56 regulation would greatly assist voters, the Board should think carefully before passing
57 this regulation since it would be giving a group of people a privilege different from
58 others. He recommended that the General Assembly change this legislation in January on
59 an emergency basis so that it could be used next year.

60 Secretary Palmer explained that there hasn't been a discussion that this is
61 violating the law. The FPCA is in harmony between the Federal Postcard Application

62 under federal and state law. There is a circumstance that the FPCA should be treated as a
63 voter registration application for overseas or absent military voter and as an absentee
64 ballot request. There may be a situation where people will be registered but not have a
65 valid absentee ballot request. Due to the mailing system requiring original forms, it
66 would take much longer than necessary for the registration and absentee ballot to return
67 to general registrars. Scanning and emailing absentee ballot requests will speed up the
68 time it takes for absentee ballot requests. Secretary Palmer explained that SBE could
69 simply reform this process for overseas and military voters who already face enough
70 challenges in their everyday lives. He also reiterated that although we do not want to treat
71 voters unequal, we need to recognize that certain voters require accommodations due to
72 their current situations, such as the disabled, overseas and military voters. Chairman Judd
73 concurred with Secretary Palmer. Vice-Chair Bowers questioned about situations where
74 information on voter registration applications appears illegible on faxes. Senior Assistant
75 Attorney General and SBE Counsel Joshua Lief answered Mr. Haake's concerns about
76 the regulation as a constitutional violation and as a statutory authority issue. Ms. Lee
77 explained that the primary design of the regulation would include all military voters
78 whether deployed overseas or domestic, and UOCAVA citizens. Ms. Lee also added that
79 this regulation principally deals with only the delivery of the form and does not trample
80 on voter registration requirements and qualifications.

81 Chairman Judd motioned to approve the regulation in a timely manner and to
82 approach the General Assembly with the request to codify the regulation. Mrs. Lee
83 recommended various options: passing the regulation as it stands and implementing it as
84 soon as possible; passing the regulation with an effective date of September 1, 2011; and
85 not passing the regulation and/or approving it at a later date. SBE recommended passing
86 the regulation with an effective date of September 1, 2011. Vice-Chair moved to pass the
87 regulation by September 1. Chairman Judd seconded the motion and the motion was
88 unanimously approved by the Board.

89 The next order of business was a Board notice of a minor change to the Statement
90 of Organization presented by Election Services Manager Chris Piper. Mr. Piper updated
91 the Board on a minor change to SBE Form Number 947.1 Statement of Organization

92 Candidate Form. The minor change was a change in the actual code number from the
93 Code of Virginia. No action was required by the Board.

94 The next order of business was a request for Unisyn System 1.0.1 Test Election
95 presented by Information Services Manager Matthew Davis in lieu of Voting Technology
96 Coordinator Al Giles. Unisyn has made changes to their system to include write-in
97 functionality and designated the modified system as Version 1.0.1. Unisyn submitted
98 Version 1.0.1 to the Election Assistance Commission and to Wyle laboratories for
99 testing. After testing was completed, Unisyn began seeking federal certification and SBE
100 and the state certification agent, TEM Consulting, found the system to meet the
101 requirements of the Commonwealth as outlined in the State Certification of Voting
102 Systems Requirements and Procedures. State procedures require a live test of the system
103 in an actual election and Arlington County has volunteered to test UVS 1.0.1. precinct
104 scanner system and Warren County has volunteered to test UVS 1.1 central count scanner
105 system in their August 23, 2011 primaries. SBE recommends approval of testing in
106 Arlington and Warren counties. Vice-Chair Bowers made a motion to approve the testing,
107 Chairman Judd seconded the motion and it was unanimously approved by the Board.

108 The next order of business was a request for a waiver of an assessed \$100 civil
109 penalty for Independent Green Rail Virginia State PAC presented by Election Services
110 Manager Chris Piper. The Committee was penalized on May 20, 2011 for not filing their
111 campaign finance report due to April 15, 2011 in a timely manner. The Committee
112 requests a waiver of the penalty due to confusion caused by the IRS extended deadline of
113 April 18, 2011. SBE recommends upholding the penalty assessed as the request is in
114 conflict with official Board policy stating that lack of knowledge of the due date is
115 insufficient reason for the waiving of penalties. The Independent Green Rail Virginia
116 State PAC was not in the audience and was previously notified about the Board Meeting
117 today. Secretary Palmer affirmed the recommendation and made a motion to uphold the
118 \$100 penalty assessed, Chairman Judd seconded the motion and the motion was
119 unanimously approved by the Board.

120 Deputy Secretary of Administration Charles James spoke before the Board about
121 his observation on the number of failures of PACs during previous Boards. The previous
122 Board has uniformly upheld the policy that filing must be on time.

123 The next order of business was presented by Confidential Policy Advisor Justin
124 Riemer on Mathews County Local Electoral Board's request to grant temporary full-time
125 status to the part-time general registrar for the month of July in order to prepare for the
126 August 23, 2011 Primary. Vice-Chair Bowers made a motion to approve Mathews
127 County's request and the motion was unanimously approved by the Board. Secretary
128 Palmer made a recommendation that there should be full-time registrars year round due
129 to various factors and election administration purposes.

130 Chairman Judd asked for any further public comments before the scheduled
131 Executive Session. Vice-Chair Bowers made a motion to go into Executive Session for
132 consultation with legal counsel, and the motion was unanimously approved by the Board.

133 The meeting moved into Executive Session.

134 After the Executive Session, the Board opened the meeting to the public and each
135 Board member certified by roll call vote that, to the best of each member's knowledge,
136 only lawfully exempt public business matters identified in the motion closing meeting
137 were heard, discussed, or considered in the closed portion of the meeting.

138 Secretary Palmer made a motion to provide SBE the ability to publish for public
139 comment a regulation relating to material omissions on absentee ballots. Vice-Chair
140 Bowers seconded the motion and the motion was unanimously approved by the Board.

141 The Board shall reconvene in August for the next Board Meeting.

142 Chairman Judd asked for any further public comments. There being none, the
143 meeting was adjourned at approximately 4:00PM.

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Secretary

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Chair

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Vice-Chair