MINUTES

The State Board of Elections Board Meeting was held on Monday, December 2, 2013. The meeting was held in the General Assembly Building, House Room C in Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary; Joshua Lief, Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy Secretary; Nikki Sheridan, Confidential Policy Advisor; Susan Lee, Election Uniformity Manager; Myron McClees, SBE Policy Analyst; Martha Brissette, SBE Policy Analyst; Chris Piper, Election Services Manager; Matt Abell, Election Services Lead; and Rose Mansfield, SBE Executive Assistant. Chairman Judd called the meeting to order at 10:00AM.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Secretary

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Chair

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Vice-Chair