



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Wednesday, January 8, 2014  
General Assembly Building  
Room C  
10:00 AM

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BOARD WORKING PAPERS



**STATE BOARD OF ELECTIONS  
AGENDA**

*DATE: January 8, 2014*  
*LOCATION: General Assembly Building, Room C*  
*TIME: 10:00 a.m.*

- I. CALL TO ORDER** *Charles E. Judd*  
*Chair*
- II. APPROVAL OF MINUTES** *SBE Board Members*  
**November 25, 2013 & December 2, 2013**
- III. SECRETARY'S REPORT** *Donald Palmer*  
*Secretary*
- IV. REPORT FROM LEGAL COUNSEL** *Joshua Lief*  
*SBE Legal Counsel*
- V. NEW BUSINESS**
- A. Ascertain the Results - Special Election(s)** *Matt Abell*  
*Election Services Lead*
- B. Stand by Your Ad Violations** *Chris Piper*  
*Election Services Manager*
- C. Campaign Finance Civil Penalty Waiver Requests** *Chris Piper*
- D. Voter Identification Plan – Final Approval** *Susan Lee*  
*Election Services Manager*
- VI. OTHER BUSINESS & PUBLIC COMMENT**
- VII. GOOD OF THE ORDER**
- ADJOURNMENT**



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# Call to Order

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BOARD WORKING PAPERS



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Approval of Minutes  
November 25, 2013  
&  
December 2, 2013

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BOARD WORKING PAPERS  
SBE Board Members



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STATE BOARD *of* ELECTIONS

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# Approval of Minutes November 25, 2013

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BOARD WORKING PAPERS  
SBE Board Members

# MINUTES

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3 The State Board of Elections Board Meeting was held on Monday, November 25,  
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; Chris Piper, Election Services Manager; Matt Abell, Election Services Lead;  
10 and Pam Blount, Candidate Processing Specialist. Chairman Judd called the meeting to  
11 order at 10:00AM.

12 The first order of business was the approval of the Minutes from the State Board  
13 of Elections Board Meetings held on September 23, 2013 and October 10, 2013.  
14 Chairman Judd stated that each set of Board Meeting Minutes would be addressed  
15 separately. Chairman Judd asked if Board Members had any additions or corrections to  
16 the September 23, 2013 Board Minutes and there were none noted. Secretary Palmer  
17 moved *that the September 23, 2013 Minutes be approved as submitted*. Vice Chair  
18 Bowers seconded the motion. Chairman Judd asked if there was any discussion and with  
19 none the Board unanimously approved the Minutes. Chairman Judd asked if Board  
20 Members had any additions or corrections to the October 10, 2013 Board Minutes and  
21 there were none noted. Chairman Judd moved *that the October 10, 2013 Minutes be*  
22 *approved as submitted*. Vice Chair Bowers seconded the motions. Chairman Judd asked  
23 if there was any discussion and with none the Board unanimously approved the Minutes.

24 The second order of business was the Secretary's Report delivered by Secretary  
25 Palmer. Secretary Palmer reported that SBE is continuing the verification process of the  
26 November 5, 2013 General Election results. Secretary Palmer stated that SBE is  
27 preparing for a potential recount due to the closeness of the attorney general's race.  
28 Secretary Palmer stated that SBE is working with the localities regarding the procedures  
29 of a recount utilizing available training tools, such as webinars.

30 The next order of business was the Legal Report delivered by Josh Lief, SBE  
31 Counsel. Mr. Lief stated that he did not have a report to present at this Board Meeting.

32 The next order of business was the Ascertainment of the November 5, 2013  
33 General and Special Elections. Chairman Judd announced that Vice Chair Bowers would  
34 report on the governors' race. Vice Chair Bowers reported that Terry R. McAuliffe  
35 received 1,069,789 votes, Ken T. Cuccinelli II received 1,013,354 votes, and Robert C.  
36 Sarvis received 146,084. Vice Char Bowers reported that there were 11,087 write-in  
37 votes. Vice Chair Bowers reported the total votes cast as 2,240,314. Chairman Judd  
38 announced that Secretary Palmer would report on the lieutenant governors' race.  
39 Secretary Palmer reported that E.W. Jackson received 980,257 votes, Ralph S. Northam  
40 received 1,213,155 votes, and that there were 7,472 write-in votes. Secretary Palmer  
41 reported the total votes cast as 2,200,884. Chairman Judd announced the results for the  
42 attorney generals' race. Chairman Judd reported that Mark D. Obenshain received  
43 1,103,612 votes, Mark R. Herring received 1,103,777 votes, and there were 4,892 write-  
44 in votes. Chairman Judd reported the total votes cast as 2,212,281.

45 Chairman Judd announced that the ascertainment process was complete. Vice  
46 Chair Bower moved *that SBE certify the results of the November 5, 2013 General*  
47 *Election*. Secretary Palmer seconded the motion. Chairman Judd asked if there were any  
48 comments. Chris Piper, Election Services Manager, stated that he would like to recognize  
49 the leadership of Matt Abell, Election Services Lead; Pam Blount, Candidate Processing  
50 Specialist; and Risé Miller, Campaign Finance-Information Center Specialist. Mr. Piper  
51 stated that these SBE employees worked tirelessly to prepare the reports and documents  
52 for today's certification process.

53 Chairman Judd stated: "that as a member of the Board that my vote to certify this  
54 election will be with question and I have some reservations about the integrity of the data  
55 and we intend to explore this at our Board Meeting next week." Chairman Judd stated: "I  
56 am concerned about the lack of uniformity around the state and I think it is very  
57 important that we have uniformity statewide and there be no difference in any of the  
58 localities in how votes are counted or the process they use." Chairman Judd stated: "That  
59 my vote to this will be with question and I want the record to show that." Chairman Judd  
60 asked if there were any other comments and there were none. The Board Members  
61 unanimously approved the motion to certify the results of the November 5, 2013 General  
62 Election. Chairman Judd noted that the SBE Board Members have reviewed and  
63 ascertained all 100 House of Delegates Districts with all abstracts signed. Secretary

64 Palmer moved *that SBE ascertain the results of all 100 seats of the House Delegates.*  
65 Vice Chair Bowers seconded the motion. Chairman Judd asked if there were any other  
66 comments and there were none and the Board unanimously approved the motion.

67 Chairman Judd asked if there was any other business to come before the Board for  
68 the Good of the Order and with there being none Secretary Palmer made a motion *to*  
69 *adjourn.* Vice Chair Bowers seconded the motion and the Board unanimously passed the  
70 motion. The Board shall reconvene on December 2, 2013 at 10:00 AM in the General  
71 Assembly Building, Room C. The meeting was adjourned at approximately 11:05AM.

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Secretary

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Chair

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Vice-Chair

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STATE BOARD *of* ELECTIONS

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# Approval of Minutes December 2, 2013

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BOARD WORKING PAPERS  
SBE Board Members

# 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 4<sup>th</sup> or 5<sup>th</sup>, 2013, and it is  
35 projected that the recount will occur on the 18<sup>th</sup> or 19<sup>th</sup> 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 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

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Chair

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Vice-Chair

DRAFT



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Secretary's Report

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BOARD WORKING PAPERS  
Presented by Donald Palmer



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STATE BOARD *of* ELECTIONS

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# Report from Legal Counsel

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BOARD WORKING PAPERS  
Presented by Josh Lief



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# New Business

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BOARD WORKING PAPERS



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# Ascertain of the Results Special Elections

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BOARD WORKING PAPERS  
Matt Abell  
Elections Services Lead



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STATE BOARD *of* ELECTIONS

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# Stand by Your Ad Violations

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BOARD WORKING PAPERS  
Chris Piper  
Elections Services Manager



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STATE BOARD *of* ELECTIONS

Charles E. Judd  
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• Kimberly T. Bowers  
Vice-Chair

• Donald L. Palmer  
Secretary

• Justin Riemer  
Deputy Secretary

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## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka “Stand By Your Ad”)

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**Defendant:** Alberts for Supervisor

**Background:** On October 27, 2013, staff received a complaint concerning a political advertisement appearing in a public right of way and allegedly paid for by Mark Alberts for Supervisor, but did not contain the disclosure statement required by § 24.2-956 of the Code of Virginia.

**Relevant Statutory and Policy Provisions:** Section 24.2-955 states:

The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

Section 24.2-955.1 defines “print media” as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, and outdoor advertising facilities.”

Section 24.2-956 states:

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by ..... [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by ..... [Name of sponsor]" may be replaced by the statement "Authorized by ..... [Name of sponsor]."

**Analysis:** The advertisement appearing in the picture provided meets the Board's standard for "express advocacy" as it clearly advocates for the election of Mark Alberts and satisfies the definition of "print media" because the advertisement qualifies as an outdoor advertising facility. The sign fails to state who paid for the advertisement and is therefore not compliant with the disclosure required in § 24.2-956(1) of the *Code of Virginia*.

**Staff Recommendation:** The political advertisement is in violation of the law and a penalty of \$100 should be assessed (penalty is doubled because the advertisement was on display within the 14 days prior to the election).

**Authority:** Section 24.2-955.3(D) of the Code of Virginia states, "The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty." The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



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Deputy Secretary

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## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka “Stand By Your Ad”)

---

**Defendant:** Carroll County Republican Committee

**Background:** On October 16, 2013, staff received a complaint concerning a political advertisement appearing in a local paper and paid for by the Carroll County Republican Committee, but did not contain the disclosure statement required by § 24.2-956.1.

**Relevant Statutory and Policy Provisions:** Section 24.2-955 states:

The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

Section 24.2-955.1 defines “print media” as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, and outdoor advertising facilities.”

Section 24.2-956.1 states (in part):

It shall be unlawful for any person or political committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by ....."

[Name of person or political committee]."

2. In an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by a candidate."

**Analysis:** The advertisement appearing in the newspaper meets the Board's standard for 'express advocacy' as it clearly states, "I ask you to join me in supporting Jeff Campbell..." The advertisement does state it was paid for by the Carroll County Republican Committee, but fails to state whether the candidate authorized the advertisement and is therefore not compliant with the disclosure required in § 24.2-956.1(2) of the Code of Virginia.

**Staff Recommendation:** The political party committee has breached the requirements of Chapter 9.5 of Title 24.2, Code of Virginia, and should be assessed civil penalties totaling \$50 representing a first violation.

**Authority:** Section 24.2-955.3(D) states, "The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty." The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



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## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka “Stand By Your Ad”)

---

**Defendant:** Carroll County Republican Committee

**Background:** On October 16, 2013, staff received a complaint concerning a political advertisement appearing in a local paper and paid for by the Carroll County Republican Committee, but did not contain the disclosure statement required by § 24.2-956.1.

**Relevant Statutory and Policy Provisions:** § 24.2-955 states,

“The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.”

§ 24.2-955.1 defines “print media” as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, and outdoor advertising facilities.”

§ 24.2-956.1 states (in part),

It shall be unlawful for any person or political committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by ....."

[Name of person or political committee]."

2. In an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by a candidate."

**Analysis:** The advertisement appearing in the newspaper meets the Board's standard for 'express advocacy' as it clearly states, "I ask you to join me in supporting Jeff Campbell..." The advertisement does state it was paid for by the Carroll County Republican Committee, but fails to state whether the candidate authorized the advertisement and is therefore not compliant with the disclosure required in § 24.2-956.1(2) of the *Code of Virginia*.

**Staff Recommendation:** The political party committee has breached the requirements of Chapter 9.5 of Title 24.2, *Code of Virginia*, and should be assessed civil penalties totaling \$50 representing a first violation.

**Authority:** § 24.2-955.3(D) states, "The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty." The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



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Justin Riemer  
Deputy Secretary

December 26, 2013

Nathan H. Lyons, Treasurer  
605-11 Pine Street  
Hillsville, VA 24343  
RE: Carroll County Republican Committee,

Dear Nathan H. Lyons:

The State Board of Elections is in receipt of a complaint that claims your campaign committee is in violation of the political advertisement disclosures required by Chapter 9.5 in Title 24.2 of the *Code of Virginia*, for which the maximum possible penalty is \$2,500.00. The State Board of Elections will consider whether or not to impose civil penalties on January 8, 2014 at 10:00am at a public meeting, House Room C, General Assembly Building. Your presence at this meeting is requested, but is not required.

Pursuant to § 24.2-955.3, the State Board of Elections is notifying you via certified mail at least 10 days prior to the hearing.

Please feel free to contact me at [chris.piper@sbe.virginia.gov](mailto:chris.piper@sbe.virginia.gov) or at (804) 864-8907 if you need directions to the hearing or have additional questions.

Sincerely,

Christopher E. Piper  
Manager, Elections Services Division

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**Piper, Chris (SBE)**

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**From:** kcloud@carrollcountyva.org  
**Sent:** Wednesday, October 16, 2013 10:16 AM  
**To:** Piper, Chris (SBE)  
**Subject:** The Carroll News advertisement for HOD  
**Attachments:** doc00268520131016100812\_001.jpg

Chris,  
This is the ad I called about. The **Republican County Committee** has paid for this ad. How or should this be reported and by whom? Please advise. Thank you for your time.

**Kimberly N. Cloud, CERA, VREO**

**General Registrar**

County of Carroll

605-3 Pine Street

Hillsville, VA 24343-1404

(276)730-3038

(276)730-3040 Fax

[kcloud@carrollcountyva.org](mailto:kcloud@carrollcountyva.org)

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Carroll County Needs a **Delegate** that Shares Our

# CONSERVATIVE VALUES

## DEMOCRAT

Jonathan McGrady

and his law firm have **donated** over

**\$35,000**

to **liberal** democrats

running for offices all over Virginia

## DEMOCRAT

Jonathan McGrady

has supported **candidates** who favor

**higher taxes,  
abortion  
and gun control**

## DEMOCRAT

Jonathan McGrady

has accepted over

**\$10,000**

in **campaign contributions** from  
labor unions in the last 60 days

## DEMOCRAT

Jonathan McGrady

even helped run a **telephone bank**

in 2012 to make calls to get

**Barack Obama**

reelected

## REPUBLICAN

**JEFF CAMPBELL**

### SHARES OUR VALUES

### He will stand up for:

Our 2nd Amendment Rights

Oppose tax increases

Work to bring new job opportunities  
to Carroll County

Work to put armed police officers in  
every school in the Commonwealth to  
make sure our children are safe

*"Jeff is a proven conservative leader who will fight for the people of Southwest Virginia in the House of Delegates. As former Mayor of Saltville and a native of Southwest Virginia, Jeff knows the people and values of the 6th District. He knows the importance of creating jobs, supporting our families and protecting the 2nd Amendment, and will fight to preserve these values in Richmond. I ask you to join me in supporting Jeff Campbell by voting for him on November 5, 2013."*

*Congressman Margaret Griffith*

announces OCT.,  
Nov. events

Carroll County 4-H has many exciting events and activities planned over the next month.

On Oct. 18, there will be a 4H Dance from 6:30-8:30 p.m. at the Extension Office (in the old Hillsville Elementary School on Oak Street). Wear your Halloween Costume and have a spooky good time! Open to 4th-7th graders. Admission is \$3 with refreshments for 50 cents each.

On October 20th, the Clover Community Club meets at 3 p.m. Wear a costume and bring a snack to this brand NEW community club enrollment meeting. This club is open to anyone ages 9-19 and meets in Hillsville at the Extension Office.

The 4-H Fall Fun Day will be held November 5 from 8 a.m.-4 p.m. On Election Day, let us take care of your kids for the day! We'll be doing fall themed arts and crafts, cooking, and science experiments. In the afternoon we'll watch a movie and play some games! Cost is \$15 for grades 4-7. Must call to register by Friday November 1st, space is limited!

For more information about any of these events, please call (276) 730-3110.

### Primland offering Native American weekends

Meadows of Dan, VA – From now until year-end, Primland will take guests back in time with entertaining weekends that recognize the culture and tradition of the native Americans who once inhabited the 12,000 acres that is now the site of one of the best hotels in the world, according to Travel and Leisure Magazine.

Led by Michael "Thunder Dancer Sees The Ground" Cranford and Jeannie "E Nah Dah" Cranford, two members of the Cherokee nation, they will give demonstrations and presentations that draw on their rich history, their rituals and their music and dance during dedicated dates in October, November and December.

Each weekend includes:  
Native American Dress Presentation

Native American Dance and Music Presentation  
Show, Tell and Try Workshops

Morning Ritual "Going to Water" walks and storytelling

The October 25-27 session is called Frost Time and the symbols for this period are the west wind, the element of water, the snake, the thistle plant, amethyst and color purple. The demonstrations also include the use of

# Campbell

## Delegate

Jobs Here! Jobs Now!





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STATE BOARD *of* ELECTIONS

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Chairman

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Vice-Chair

• Donald L. Palmer  
Secretary

• Justin Riemer  
Deputy Secretary

---

## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka “Stand By Your Ad”)

---

**Defendant:** Democratic Party of Virginia

**Background:** On October 18, 2013, staff received a complaint concerning a political advertisement appearing on a billboard and allegedly paid for by the Democratic Party of Virginia, but did not contain the disclosure statement required by § 24.2-956.1.

**Relevant Statutory and Policy Provisions:** Section 24.2-955 states:

The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

Section 24.2-955.1 defines “print media” as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, and outdoor advertising facilities.”

Section 24.2-956.1 states (in part):

It shall be unlawful for any person or political committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by ....."

[Name of person or political committee]."

2. In an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by a candidate."

The State Board of Election's Political Party Committee Summary on Laws and Policies (Rev. January 2013) states on page 34, "A Disclosure Statement is NOT required on **Yard Signs** (The State Board is currently working on a regulation to define "yard sign")."

**Analysis:** The advertisement appearing in the picture provided meets the Board's standard for "express advocacy" as it clearly advocates for the election of three candidates to statewide office. The sign fails to state who paid for the advertisement and is therefore not compliant with the disclosure required in § 24.2-956(1) of the Code of Virginia; however, the Board's guidance document is unclear on yard signs. Due to budget reductions, staff resources to research the issue and provide recommended guidance to the Board have not been available.

**Staff Recommendation:** The Code of Virginia and State Board guidance is unclear on whether disclosures are required on yard signs. Therefore, staff recommendation is to not assess a penalty.

**Authority:** Section 24.2-955.3(D) states, "The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty." The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



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Deputy Secretary

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## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka “Stand By Your Ad”)

---

**Defendant:** Engle for Delegate

**Background:** On November 4, 2013, staff received a complaint concerning a political advertisement appearing in a public right of way and allegedly paid for by Engle for Delegate, but did not contain the disclosure statement required by § 24.2-956 of the Code of Virginia.

**Relevant Statutory and Policy Provisions:** Section 24.2-955 states:

The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

Section 24.2-955.1 defines “print media” as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, and outdoor advertising facilities.”

Section 24.2-956 states:

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by ..... [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by ..... [Name of sponsor]" may be replaced by the statement "Authorized by ..... [Name of sponsor]."

The State Board of Election's Candidate Campaign Committee Summary on Laws and Policies (Rev. January 2013) states on page 50, "A Disclosure Statement is NOT required on **Yard Signs** (The State Board is currently working on a regulation to define "yard sign")."

**Analysis:** The advertisement appearing in the picture provided meets the Board's standard for "express advocacy" as it clearly advocates for the election of Jeffrey Engles to the House of Delegates. The sign fails to state who paid for the advertisement and is therefore not compliant with the disclosure required in § 24.2-956(1) of the *Code of Virginia*. However, the Board's guidance document is unclear on yard signs. Due to budget reductions, staff resources to research the issue and provide recommended guidance to the Board have not been available.

**Staff Recommendation:** The *Code of Virginia* and State Board guidance is unclear on whether disclosures are required on yard signs. Therefore, staff recommendation is to not assess a penalty.

**Authority:** Section 24.2-955.3(D) states, "The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty." The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

Charles E. Judd  
Chairman

• Kimberly T. Bowers  
Vice-Chair

• Donald L. Palmer  
Secretary

• Justin Riemer  
Deputy Secretary

---

## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka "Stand By Your Ad")

---

**Defendant:** Independence USA PAC (FPAC-13-00535)

**Background:** On October 28, 2013, staff received a complaint concerning a political advertisement appearing on television and paid for by Independence USA PAC, but did not contain a spoken disclosure statement as required by § 24.2-957.2 of the Code of Virginia.

### Relevant Statutory and Policy Provisions:

Section 24.2-945.1 defines the following terms:

"Person" means any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity.

"Federal political action committee" means any political action committee registered with the Federal Election Commission that makes contributions to candidates or political committees registered in Virginia.

"Political committee" means and includes any political action committee, political party committee, referendum committee, or inaugural committee. The term shall not include: (i) a federal political action committee or out-of-state political committee; (ii) a campaign committee; (iii) a political party committee exempted pursuant to § [24.2-950.1](#); or (iv) a person who receives no contributions from any source and whose only expenditures are made solely from his own funds and are either contributions made by him which are reportable by the recipient pursuant to this chapter or independent expenditures which are reportable by him to the extent required by § [24.2-945.2](#), or a combination of such reportable contributions and independent expenditures.

Section 24.2-955 states:

The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

Section 24.2-955.1 defines “print media” as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, and outdoor advertising facilities.”

Section 24.2-955.1 defines “television” as “any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.”

Section 24.2-956 states:

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by ..... [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by ..... [Name of sponsor]" may be replaced by the statement "Authorized by ..... [Name of sponsor]."

Section 24.2-957.2 Requirements for television advertisements sponsored by a political committee states:

It shall be unlawful for a political committee to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by ..... [Name of political committee]."
2. A television advertisement supporting or opposing the nomination or election of one or more clearly identified candidates (i) shall include a disclosure statement, spoken by the chief executive officer or treasurer of the political committee,

containing at least the following words: "The [Name of political committee] sponsored this ad."

3. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the disclosing individual shall be one of those sponsors.

4. The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size.

5. The content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section.

6. The political committee may provide the oral disclosure statement required by this section at the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown.

7. The advertisement shall include throughout the disclosure statement an unobscured, full-screen picture containing the disclosing individual, either in photographic form or through the actual appearance of the disclosing individual on camera.

8. A political committee may place the disclosure statement required by this section at any point during the advertisement, except if the duration of the advertisement is more than five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement.

9. In its oral disclosure statement, a political committee may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

10. If the advertisement is jointly sponsored, the disclosure statement shall name all of the sponsors and the disclosing individual shall be one of those sponsors. This provision supersedes any contrary provisions of the Code of Virginia.

§ 24.2-957.3. Requirements for television advertisements sponsored by a person that is not a candidate campaign committee or political committee states:

A. It shall be unlawful for a person to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless the following requirements are met:

1. If the sponsor is an individual, a disclosure statement spoken by the individual containing at least the following words: "I am [individual's name], and I sponsored this ad."

2. If the sponsor is a corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity, a disclosure statement spoken by the chief executive officer containing at least the following words: "[Name of sponsor] paid for (or 'sponsored' or 'furnished') this ad."

B. In its oral disclosure statement, a person may choose to identify an advertisement as either supporting or opposing the nomination or election of one or more clearly identified candidates.

C. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors.

State Board of Election's Summary of the Laws and Policies: Candidate Campaign Committees, page 7, defines "express advocacy" as:

A direct or indirect contribution, in-kind contribution, independent expenditure or loan made to a candidate or political committee for the purpose of influencing the outcome of an election; an advertisement that refers to a party or candidate(s) by name and states "Vote for..."; "Support"; "Elect..."; "Smith for Congress"; "Send Him Home"; "Oppose", etc.

**Analysis:** The advertisement appeared on television, but is sponsored by a federal political action committee which is defined in § 24.2-945.1 of the Code of Virginia. The term is expressly exempt from the definition of "political committee" and is set aside so as to not be included in the definition of "person". Therefore, neither the provisions of § 24.2-957.2 nor § 24.2-957.3 apply to Federal Political Action Committees.

**Staff Recommendation:** The political advertisement is not in violation of the law because the advertisement was sponsored by a Federal Political Action Committee. No penalty should be assessed.

**Authority:** Section 24.2-955.3(D) states, "The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty." The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



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Secretary

Justin Riemer  
Deputy Secretary

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## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka “Stand By Your Ad”)

---

**Defendant:** Lamont Kizzie for Sheriff (City of Richmond)

**Background:** On September 18, 2013, staff received a complaint concerning the campaign advertising disclosures allegedly paid for by Lamont Kizzie for Sheriff. The complaint alleges the campaign paid for an advertisement in the *Richmond Voice* in which the disclaimer required by § 24.2-956 in the Code of Virginia is not included. The complaint includes an original print edition of the *Richmond Voice* and highlights the advertisement.

**Relevant Statutory and Policy Provisions:** Section 24.2-955 states:

The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

Section 24.2-955.1 defines “print media” as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, and outdoor advertising facilities.”

Section 24.2-956 states:

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by ..... [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by ..... [Name of sponsor]" may be replaced by the statement "Authorized by ..... [Name of sponsor]."

**Analysis:** The advertisement in the *Richmond Voice* meets the Board's standard for 'express advocacy' as it clearly states, "Elect Lamont Kizzie". No disclosure statement required by § 24.2-956 of the Code of Virginia is visible on the advertisement and it appears to be paid for by the campaign although further investigation would be required to make a final determination.

**Staff Recommendation:** The candidate's campaign committee has breached? Committee followed by committed is confusing to the tongue the requirements of Chapter 9.5 of Title 24.2, *Code of Virginia*, and should be assessed civil penalties totaling \$1,000 representing a fourth violation (the campaign was penalized three previous times on August 23, 2013 for violations to this law).

**Authority:** Section 24.2-955.3(D) states, "The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty." The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



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## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary  
**From:** Christopher Piper, Election Services Manager  
**Date:** January 8, 2014  
**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka "Stand By Your Ad")

---

**Defendant:** Lamont Kizzie for Sheriff (City of Richmond)

**Background:** On September 18, 2013, staff received a complaint concerning the campaign advertising disclosures allegedly paid for by Lamont Kizzie for Sheriff. The complaint alleges the campaign paid for an advertisement in the *Richmond Voice* in which the disclaimer required by § 24.2-956 in the *Code of Virginia* is not included. The complaint includes an original print edition of the *Richmond Voice* and highlights the advertisement.

**Relevant Statutory and Policy Provisions:** § 24.2-955 states,

"The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum."

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It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by ..... [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by ..... [Name of sponsor]" may be replaced by the statement "Authorized by ..... [Name of sponsor]."

**Analysis:** The advertisement in the *Richmond Voice* meets the Board's standard for 'express advocacy' as it clearly states, "Elect Lamont Kizzie". No disclosure statement required by § 24.2-956 is visible on the advertisement and it appears to be paid for by the campaign although further investigation would be required to make a final determination.

**Staff Recommendation:** The candidate's campaign committee has breached? Committee followed by committed is confusing to the tongue the requirements of Chapter 9.5 of Title 24.2, *Code of Virginia*, and should be assessed civil penalties totaling \$1,000 representing a fourth violation (the campaign was penalized three previous times on August 23, 2013 for violations to this law).

**Authority:** § 24.2-955.3(D) states, "The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty." The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



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Deputy Secretary

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December 26, 2013

Lamont Kizzie  
5531 Germain Road  
Richmond, VA 23224  
RE: Lamont Kizzie for Sheriff 2013, CC-13-01422

Dear Lamont Kizzie:

The State Board of Elections is in receipt of a complaint that claims your campaign committee is in violation of the political advertisement disclosures required by Chapter 9.5 in Title 24.2 of the *Code of Virginia* for which the maximum possible penalty is \$2,500.00. The State Board of Elections will consider whether or not to impose civil penalties on January 8, 2014 at 10:00am at a public meeting in House Room C, General Assembly Building. Your presence at this meeting is requested, but is not required.

Pursuant to § 24.2-955.3, the State Board of Elections is notifying you via certified mail at least 10 days prior to the hearing.

Please feel free to contact me at [chris.piper@sbe.virginia.gov](mailto:chris.piper@sbe.virginia.gov) or at (804) 864-8907 if you need directions to the hearing or have additional questions.

Sincerely,

Christopher E. Piper  
Manager, Elections Services Division

children passengers. That is why school districts across the state are reminding parents and caregivers to teach their children proper bus etiquette and proper behavior at the bus stop. Additionally, motorists must always be aware that there are children everywhere waiting for school buses. For example, flashing red lights and the stop bar, means motorists must stop and allow children to get on or off the bus.

Tips for students, courtesy of the Virginia Beach school district:

- School buses are one of the safest vehicles on the road. Although school buses don't have seat belts in them, they have a built-in occupant protection system known as "compartmentalization," which takes into account seat height, seat length and padding, among other requirements. Compartmentalization is like an egg carton protecting little passengers.

- Most school bus incidents happen off the bus, not on the bus.

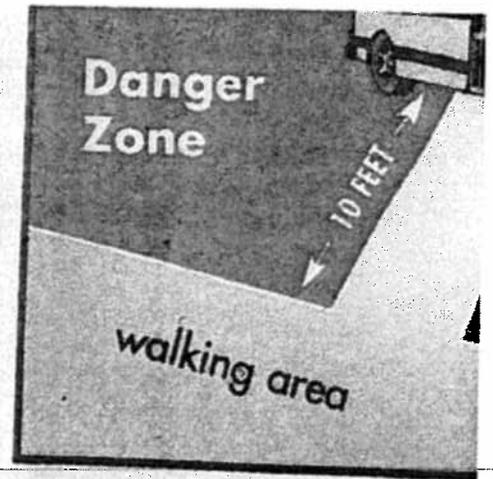
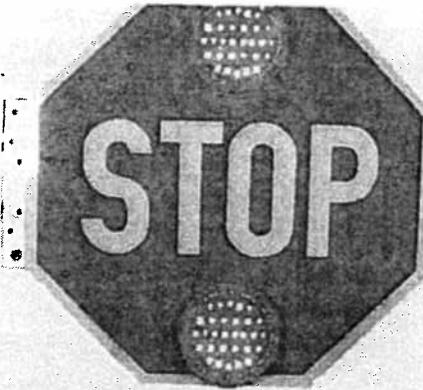
- If you have to cross the street in front of the bus, walk on the sidewalk or along the side of the road to a point at least five giant steps (10 feet), ahead of the bus before you cross. Be sure that the bus driver can see you, and you can see the bus driver.

- When the bus approaches, stand at least 10 feet away from the curb, and line up away from the street.

Parents and guardians can help ensure that students arrive to and from school safely each day by practicing the following school safety tips:

- Consider sharing "watch" responsibilities with a neighbor so children have an adult overseeing safety at their bus stops. If possible, use the buddy system and have children travel in a group or with fellow students.

- Be sure your child arrives at their bus stop at least five minutes before the bus is scheduled to arrive.



- When the bus approaches, remind children to stand at least five giant steps (10 feet) away from the curb and line up away from the bus.

- Children should be taught never to run after the school bus if it has already left the bus stop.

- Children should never run in front or behind the school bus to pick up something that he or she dropped or forgot.

- Remind children not to step onto the bus until it has completely stopped. After the bus stops and the door opens, remind your child to take firm hold of the handrail and get onto the bus.

- Never push another student while getting on or off the bus.

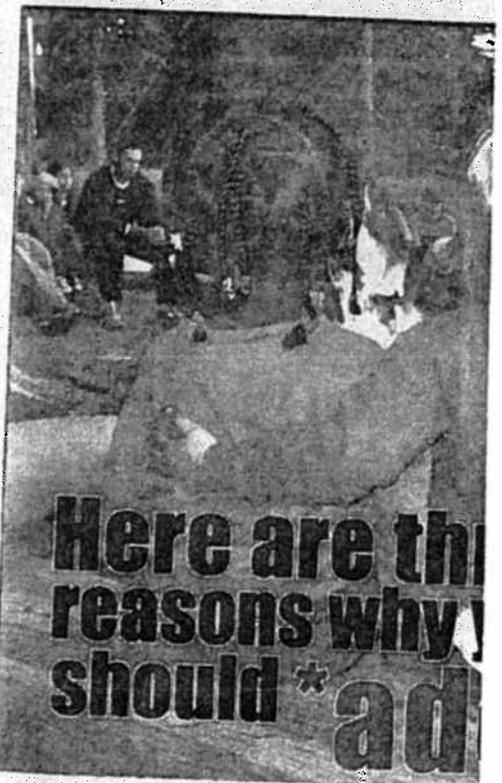
- All students riding the bus should go directly to a seat and sit quietly. This allows the bus driver to concentrate on driving safely.

- Students should never place any part of their body through the bus window.

- On school bus routes that are dedicated to mid-day kindergarteners and preschool students, there should always be a responsible person waiting at the bus stop when children are dropped off from school. If not, the child will be returned to school and the parent will be contacted.

- When outside of the bus, make sure your child is aware of the danger zones and is always within sight of the bus

driver. The Danger Zone is a 10-foot wide area on all sides of a school bus -- an area where children are in the most danger of being hit. Children should be taught to stay 10 feet away from a school bus (or as far away as they can) and never go behind it. They should be told to take five giant steps in front of the bus before crossing so the



- Help reduce the number of children in
- Children deserve a loving, nurturing a
- Bring home a companion for an on



Children's Advocacy Center  
Arkansas American Child

ELECT

**LAMONT  
KIZZIE**

RICHMOND CITY SHERIFF

"TIME FOR CHANGE" NOV. 5th, 2013

NUMBER: 804-901-1349

EMAIL: L.KIZZIE2013@GMAIL.COM

FACEBOOK: SHERIFF CANDIDATE LAMONT KIZZIE

WEBSITE: WWW.KIZZIEFORSHERIFF.COM



11

September 10, 2013

**United States Mail**

Mr. Charlie Judd, Chairman  
Virginia State Board of Elections  
Washington Building First Floor  
1100 Bank Street,  
Richmond, VA 23219

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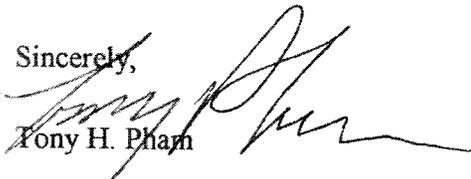
RE: Potential disclaimer violation

Dear Mr. Judd,

Please find enclosed an original copy of the Richmond Voice which contains a political advertisement from Mr. Lamont Kizzie, candidate for Sheriff. The ad in question appears on page 9. The print edition is from August 28 to September 3<sup>rd</sup> edition of the Voice and does not appear to contain the appropriate disclaimer as required by Section 24.2-955 of the Code of Virginia.

This ad follows the August 23, 2013 hearing where the State Board of Elections ("SBE") determined that Mr. Kizzie's prior advertisement and flier did not contain the proper disclosure. I am submitting the original newspaper with this correspondence and am asking the SBE to investigate this matter. Please let me know if you have any further questions. I can be contacted at either (804) 916-0691 or [pham\\_esquire@hotmail.com](mailto:pham_esquire@hotmail.com)

Sincerely,

  
Tony H. Pham

Enclosure



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

Charles E. Judd  
Chairman

• Kimberly T. Bowers  
Vice-Chair

• Donald L. Palmer  
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Deputy Secretary

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## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka “Stand By Your Ad”)

---

**Defendant:** Qarni for Delegate

**Background:** On October 26, 2013, staff received a complaint concerning a political advertisement appearing on the Facebook page for Qarni for Delegate, but did not contain a spoken disclosure statement.

**Relevant Statutory and Policy Provisions:** Section 24.2-955 of the Code of Virginia states:

The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

Section 24.2-955.1 defines “print media” as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, and outdoor advertising facilities.”

Section 24.2-955.1 defines “television” as “any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.”

Section 24.2-956 states:

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by ..... [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by ..... [Name of sponsor]" may be replaced by the statement "Authorized by ..... [Name of sponsor]."

Section 24.2-957.1 states, in part:

It shall be unlawful for any candidate or a candidate campaign committee to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by ..... [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting that candidate and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by ..... [Name of sponsor]" may be replaced by the statement "Authorized by ..... [Name of sponsor]."

The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section.

2. If the advertisement sponsored by the candidate or the candidate campaign committee makes reference to another clearly identified candidate, it must include a disclosure statement spoken by the sponsoring candidate containing at least the following words: "I am ..... (or "This is ..... [Name of candidate], candidate for [Name of] office, and I (or 'my campaign') sponsored this ad."

The candidate or the candidate campaign committee may provide the oral disclosure statement required by this section at the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown.

3. The advertisement shall include throughout the disclosure statement an unobscured, full-screen picture containing the candidate, either in photographic form or through the actual appearance of the candidate on camera.

4. The candidate or the campaign committee may place the disclosure statement required by this section at any point during the advertisement, except if the duration

of the advertisement is more than five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement.

**Analysis:** The advertisement appears on the Internet. There is no evidence it appeared on television. As such, the advertisement meets the definition of “print media” as defined in § 24.2-955.1 and is not subject to the spoken disclosure requirements found in § 24.2-957.1.

**Staff Recommendation:** The political advertisement is not in violation of the law because the advertisement includes the written disclosure statement as required in § 24.2-956.

**Authority:** Section 24.2-955.3(D) of the Code of Virginia states, “The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.” The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



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Deputy Secretary

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## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Possible Violation of Chapter 9.5 of Title 24.2, *Code of Virginia* (aka “Stand By Your Ad”)

---

**Defendant:** Slagle for Treasurer

**Background:** On October 15, 2013, staff received a complaint concerning a political advertisement mailed to constituents and allegedly paid for by Slagle for Treasurer, but did not contain the disclosure statement required by Code of Virginia § 24.2-956.

**Relevant Statutory and Policy Provisions:** Section 24.2-955 states:

The disclosure requirements of this chapter [Chapter 9.5] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

Section 24.2-955.1 defines “print media” as “billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail, and outdoor advertising facilities.”

Section 24.2-956 states:

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ [24.2-945](#) et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by ..... [Name of candidate or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by ..... [Name of sponsor]" may be replaced by the statement "Authorized by ..... [Name of sponsor]."

**Analysis:** The post card meets the Board's standard for "express advocacy" as it clearly advocates for the election of Joshua Slagle. The postcard fails to state who paid for the advertisement and is therefore not compliant with the disclosure required in § 24.2-956(1) of the Code of Virginia.

**Staff Recommendation:** The political advertisement is in violation of the law and a penalty of \$50 should be assessed.

**Authority:** Section 24.2-955.3(D) states, "The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty." The civil penalty schedule is found on page 55 of the **Summary of Laws and Policies for Candidate Campaign Committees**, rev. January 1, 2013.



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STATE BOARD *of* ELECTIONS

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# Campaign Finance Civil Penalty Waiver Requests

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BOARD WORKING PAPERS  
Presented by Chris Piper  
Elections Services Manager



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STATE BOARD *of* ELECTIONS

Charles E. Judd  
Chairman

Kimberly T. Bowers  
Vice-Chair

Donald L. Palmer  
Secretary

Justin Riemer  
Deputy Secretary

---

## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Request for Waiver of Assessed \$100 Civil Penalty

---

**Complainant:** Citizens for Daun Hester, CC-12-01410

**Background:** The committee was penalized on June 4, 2013 for not filing their campaign finance report due June 3, 2013 in a timely manner. The committee requests a waiver of the penalty due to a turnover in the committee's staff.

**Relevant Statutory and Policy Provisions:** §24.2-953.2 (B) states that a committee's failure to file a timely report ("late filing") will result in an assessed penalty not to exceed \$500. In July 2012, the Board adopted a penalty schedule to be assessed to all committees in the event of the late filing of a campaign finance report.

**Analysis:** The report was filed late and the committee admits to its late filing. Board policy 2001-003 states that, among other reasons, good cause allowing Board waiver of campaign finance civil penalties does not include staff turnover. The reason provided does not constitute "good cause" allowing the Board to waive the assessed penalty.

**Staff Recommendation:** The penalty should be upheld as the reason provided is in conflict with official Board policy.

**Authority:** §24.2-946.3 "Reporting of certain violations; penalties" – in this instance, §24.2-946.3 (G) – the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.



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Donald L. Palmer  
Secretary

Justin Riemer  
Deputy Secretary

December 26, 2013

Ms. Daun Hester  
1751 CHURCH ST  
Norfolk, VA 23504  
RE: CITIZENS FOR DAUN HESTER, CC-12-01410

Dear Ms. Hester:

The State Board of Elections will consider your request to waive or reduce civil penalties at a public meeting on January 8, 2014 in House Room C of the General Assembly Building at 10 AM for late or failing to file required campaign finance reports required by Chapter 9.3 in Title 24.2 of the Code of Virginia. Your presence at this meeting is requested, but not required.

Please feel free to contact me if you need directions or have additional questions at [chris.piper@sbe.virginia.gov](mailto:chris.piper@sbe.virginia.gov) or at (804) 864-8907.

Sincerely,

Christopher Piper  
Manager, Election Services

**Piper, Chris (SBE)**

---

**From:** amfitzgibbon@aol.com  
**Sent:** Tuesday, September 17, 2013 5:01 PM  
**To:** Piper, Chris (SBE)  
**Subject:** Request from Citizens for Daun Hester Campaign

Mr. Piper,

I respectfully request forgiveness and a waved penalty for the late submission of Ms. Hester's September Campaign Report. We are in the process of transferring the duties for filing the report to a new person and also switching to a SBE approved vendor for electronic filing.

Despite our best efforts, we had multiple glitches in filing the report yesterday and consequently the report reached the Comet system 14 minutes after the 5:00 p.m. deadline. I hope you will accept our apology and grant us a waiver this time.

May I add, your staff has been extremely helpful in making this transition. My gratitude and thanks go to them and you for their professional and beneficial assistance.

Warmest regards,

Ann Fitzgibbon  
Citizens for Daun Hester  
1251 Church Street  
Norfolk, VA 23504



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Deputy Secretary

---

## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Request for Waiver of Assessed \$100 Civil Penalty

---

**Complainant:** Friends of Patrice Winter, CC-13-00168

**Background:** The committee was penalized on June 4, 2013 for not filing their campaign finance report due June 3, 2013 in a timely manner. The committee requests a waiver of the penalty due to lack of knowledge in how long processing the report would take to complete.

**Relevant Statutory and Policy Provisions:** §24.2-953.2 (B) states that a committee's failure to file a timely report ("late filing") will result in an assessed penalty not to exceed \$500. In July 2012, the Board adopted a penalty schedule to be assessed to all committees in the event of the late filing of a campaign finance report.

**Analysis:** The report was filed late and the committee admits to its late filing. Board policy 2001-003 states that, among other reasons, good cause allowing Board waiver of campaign finance civil penalties does not include lack of knowledge on how to file the required reports. The reason provided does not constitute "good cause" allowing the Board to waive the assessed penalty.

**Staff Recommendation:** The penalty should be upheld as the reason provided is in conflict with official Board policy.

**Authority:** §24.2-946.3 "Reporting of certain violations; penalties" – in this instance, §24.2-946.3 (G) – the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.



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Chairman

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Vice-Chair

Donald L. Palmer  
Secretary

Justin Riemer  
Deputy Secretary

---

December 26, 2013

Dr. Patrice Winter  
3502 Old Post Road  
Fairfax, VA 22030  
RE: Friends of Patrice Winter, CC-13-00168

Dear Dr. Winter:

The State Board of Elections will consider your request to waive or reduce civil penalties at a public meeting on January 8, 2014 in House Room C of the General Assembly Building at 10 AM for late or failing to file required campaign finance reports required by Chapter 9.3 in Title 24.2 of the Code of Virginia,. Your presence at this meeting is requested, but not required.

Please feel free to contact me if you need directions or have additional questions at [chris.piper@sbe.virginia.gov](mailto:chris.piper@sbe.virginia.gov) or at (804) 864-8907.

Sincerely,

Christopher Piper  
Manager, Election Services

**Piper, Chris (SBE)**

---

**From:** Becky Stoeckel [epi@cavtel.net]  
**Sent:** Friday, June 21, 2013 11:16 AM  
**To:** Piper, Chris (SBE)  
**Subject:** Re: Notice of Penalty Due for Committee Friends of Patrice Winter, CC-13-00168  
CRM:0002994

Many thanks! I appreciate your extra efforts on this.  
Have a wonderful weekend!  
Becky

On Fri, Jun 21, 2013 at 11:08 AM, Piper, Chris (SBE) <[Chris.Piper@sbe.virginia.gov](mailto:Chris.Piper@sbe.virginia.gov)> wrote:

Becky,

I will add your request for a waiver to the Board agenda. They are scheduled to meet to consider waiver requests on July 24, 2013. We will send you an official letter in a couple of weeks.

Regards,

**Christopher Piper**

**Manager, Election Services**

**Virginia State Board of Elections**

**[chris.piper@sbe.virginia.gov](mailto:chris.piper@sbe.virginia.gov)**

**Office: [\(804\) 864-8907](tel:8048648907)**

**Cell: [\(804\) 350-8123](tel:8043508123)**

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**From:** Becky Stoeckel [mailto:[epi@cavtel.net](mailto:epi@cavtel.net)]  
**Sent:** Thursday, June 13, 2013 7:46 PM

**To:** Piper, Chris (SBE)

**Subject:** Re: Notice of Penalty Due for Committee Friends of Patrice Winter, CC-13-00168 CRM:0002994

Mr. Piper,

Thank you for your reply. In reading it, I feel like perhaps I wasn't clear about what happened. The report was indeed "submitted" timely, and had the software performed accordingly, it would've been received on time.

However the processing of the file failed for no apparent reason, as can be evidenced by the "fail notice" that was reported on the Comet website (that I previously provided a copy of). I don't know why it failed, it just did.

Had it failed quickly, I would've had time to resubmit it and have it be on time. However, since I didn't know how long to expect the processing to take, I didn't realize anything was wrong until the program froze, and I don't think it is fair to penalize me/the campaign for something that there was no control over.

As such, I respectfully request that you reconsider my request. If that is not possible, if you could please provide me with information on the procedure to appeal this decision, I would appreciate it.

Sincerely,

Becky Stoeckel

On Thu, Jun 13, 2013 at 11:09 AM, Piper, Chris (SBE) <[Chris.Piper@sbe.virginia.gov](mailto:Chris.Piper@sbe.virginia.gov)> wrote:

Ms. Stoeckel,

Thank you for your email. SBE did not have any errors occur with COMET on June 3, 2013. It is quite common for report processing to take some time to process, particularly on the last day of the filing period. I cannot waive the penalty for the reasons you provided.

Regards,

**Christopher Piper**

**Manager, Election Services**

**Virginia State Board of Elections**

[chris.piper@sbe.virginia.gov](mailto:chris.piper@sbe.virginia.gov)

Office: [\(804\) 864-8907](tel:804-864-8907)

Cell: [\(804\) 350-8123](tel:804-350-8123)

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**From:** Becky Stoeckel [mailto:[epi@cavtel.net](mailto:epi@cavtel.net)]  
**Sent:** Tuesday, June 04, 2013 2:43 PM  
**To:** Piper, Chris (SBE)  
**Subject:** Fwd: Notice of Penalty Due for Committee Friends of Patrice Winter, CC-13-00168 CRM:0002994

Dear Mr. Piper,

As instructed by Theresa of the SBE, I am writing to request reconsideration of the penalty assessed (see email below) for committee CC-13-00168.

My reasons for this request is that the filing would've been timely had it not been for a processing problem on the submission of the report. In support of this request, I submit the following information:

On Thursday, May 30th, I had entered the data and preliminarily prepared the June 3 campaign finance report via the SBE Comet system. Upon review, it appeared that I needed some additional information for a few individuals as well as recent bank charges. I saved the file (without submitting it) with the intention of obtaining the missing information and the May bank statement in order to finalize and submit an accurate report.

On Monday, June 3rd, having procured the information and bank statement, I went back to the Comet website to complete the report at approximately 4:30 PM. I made the updates and printed out a hardcopy for comparison and reconciliation with my records and the bank statement. At approximately 4:50-4:55 PM, I returned to the program and clicked the "Prepare Report for Review" button. The dialogue box appeared saying it was "processing [my] report", so I waited for it to complete. It seemed to be taking a while to process, but

since this was our first report with several entries and since it was close to the deadline, I thought that was normal.

At approximately 5:05 PM, I became concerned that the program had frozen, as the little bar in the "processing your report" dialogue box was no longer moving. I tried clicking the "Submit Report" button, to no avail. I then retried the "Prepare Report for Review" button, but it didn't work. I tried to go back to the previous screen, but that didn't work either. I then tried a refresh of the page and got kicked out of the program altogether. I tried to get back onto the Comet website again and couldn't. In a bit of a panic, I telephoned the SBE and got the recorded message that the offices were closed. Hoping that I could catch someone before they left, I called back to Pamela Blount (the only individual whose direct line I had quick access to at the time) to see if I could get some advice as to what I should do, or to find out if the upload was successful despite the crash of the program. Unfortunately, Ms. Blount was unavailable, so I left a voicemail for her regarding my situation.

I continued trying to regain access to Comet and, after several attempts, was successful. Upon regaining access, I went to the report listing and saw that my submission attempt had failed (see copy of scanned printout attached for reference). At that juncture, I wasn't sure what the best course of action was, but felt I should at least try to resubmit the filing. So I reprocessed the report -- it took about a minute or so to process -- and I was able to get it to go through at approximately 5:12 PM.

Of note, is that upon a subsequent review of the of the report, I noted that the updates I had made prior to my first attempt to submit the report were missing, so I will be amending the report to correct that. I can only assume that when the program crashed on my initial attempt at submitting it, the data was lost.

As you can see from the foregoing, the report would have been filed in a timely manner had the processing procedure proceeded normally. It is not my habit to wait until the last minute to do things, however, with the filing deadline so close to the end of the previous month, I needed the bank statement in order to be sure the report was accurate, and did not get it until Monday. Fortunately, because the remaining reports are due a little over two weeks after the end of the preceding reporting period, I won't run into this situation in the future.

In my conversation with Theresa this morning, where she instructed me to contact you to request reconsideration of this penalty, she mentioned that the system may have "overloaded" during the final minutes leading up to the deadline due to the number of people filing reports simultaneously. While technology is a wonderful thing, it is not always as reliable as we would all like it to be. And I hope that under the circumstances, we will not be penalized for the program crashing as it did.

In closing, I respectfully request that the SBE take the software malfunction, which caused the delay in the submission of this report, into consideration and rescind the late filing penalty that was assessed on this account.

Thank you for your time. If there is anything further you need from me, please don't hesitate to contact me at this email address or by phone at [703-352-1337](tel:703-352-1337) (this is my regular day job, as I am only a volunteer for the campaign, but it is o.k. for you to call me at work) or on my cell phone at [703-731-9029](tel:703-731-9029).

Sincerely,

Becky Stoeckel

Treasurer

Friends of Patrice Winter

CC-13-00168

----- Forwarded message -----

From: **SBE Campaign Finance Division** <[cfda@sbe.virginia.gov](mailto:cfda@sbe.virginia.gov)>

Date: Mon, Jun 3, 2013 at 5:16 PM

Subject: Notice of Penalty Due for Committee Friends of Patrice Winter, CC-13-00168 CRM:0002994

To: CC-13-00168-Primary <[pmwinter54@yahoo.com](mailto:pmwinter54@yahoo.com)>, Friends of Patrice Winter <[epi@cavtel.net](mailto:epi@cavtel.net)>

This is to notify Friends of Patrice Winter, CC-13-00168, that this committee has a total outstanding penalty due amount of \$100.00.

Please remit payment of the total penalty amount immediately, payable to the Treasurer of Virginia, referencing most recent (if there are multiple penalties) Invoice Number 100168-100.

State Board of Elections  
Campaign Finance Section  
1100 Bank Street  
Richmond, VA 23219  
[800-552-9745](tel:800-552-9745)  
[cfda@sbe.virginia.gov](mailto:cfda@sbe.virginia.gov)

--  
Becky Stoeckel

Executive Press, Inc.  
10412 Main Street  
Fairfax, VA 22030  
Tel. 703-352-1337  
Fax 703-352-3107



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Justin Riemer  
Deputy Secretary

---

## Memorandum

**To:** Charles Judd, Chairman; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary

**From:** Christopher Piper, Election Services Manager

**Date:** January 8, 2014

**Re:** Request for Waiver of Assessed \$100 Civil Penalty

---

**Complainant:** Vuyuru for Governor, CC-13-00470

**Background:** The committee was penalized on June 4, 2013 for not filing their campaign finance report due June 3, 2013 in a timely manner. The committee requests a waiver of the penalty due to lack of knowledge on how to prepare the reports.

**Relevant Statutory and Policy Provisions:** §24.2-953.2 (B) states that a committee's failure to file a timely report ("late filing") will result in an assessed penalty not to exceed \$500. In July 2012, the Board adopted a penalty schedule to be assessed to all committees in the event of the late filing of a campaign finance report.

**Analysis:** The report was filed late and the committee admits to its late filing. Board policy 2001-003 states that, among other reasons, good cause allowing Board waiver of campaign finance civil penalties does not include lack of knowledge on how to file the required reports. The reason provided does not constitute "good cause" allowing the Board to waive the assessed penalty.

**Staff Recommendation:** The penalty should be upheld as the reason provided is in conflict with official Board policy.

**Authority:** §24.2-946.3 "Reporting of certain violations; penalties" – in this instance, §24.2-946.3 (G) – the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.



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Deputy Secretary

---

December 26, 2013

Mr. Lokesh Vuyyuru  
12100 Ganesh Lane  
Chester, VA 23836  
RE: Vuyyuru for Governor, CC-13-00470

Dear Mr. Vuyyuru:

The State Board of Elections will consider your request to waive or reduce civil penalties at a public meeting on January 8, 2014 in House Room C of the General Assembly Building at 10 AM for late or failing to file required campaign finance reports required by Chapter 9.3 in Title 24.2 of the Code of Virginia,. Your presence at this meeting is requested, but not required.

Please feel free to contact me if you need directions or have additional questions at [chris.piper@sbe.virginia.gov](mailto:chris.piper@sbe.virginia.gov) or at (804) 864-8907.

Sincerely,

Christopher Piper  
Manager, Election Services

④

**Piper, Chris (SBE)**

---

**From:** lvuyyuru [lvuyyuru@comcast.net]  
**Sent:** Monday, October 14, 2013 11:44 AM  
**To:** Piper, Chris (SBE)  
**Cc:** 'Lokesh Vuyyuru'; Miller, Rise (SBE)  
**Subject:** RE: Request to waive the penalties imposed on my campaign.

12100 Ganesh Lane  
Chester, VA 23836

Mr. Piper,  
Thank you, I want to appeal to the board.  
Kindly set for a hearing.  
Thank you.  
Lokesh Vuyyuru, MD  
443 889 0101

---

**From:** Piper, Chris (SBE) [<mailto:Chris.Piper@sbe.virginia.gov>]  
**Sent:** Monday, October 14, 2013 10:14 AM  
**To:** lvuyyuru  
**Cc:** 'Lokesh Vuyyuru'; Miller, Rise (SBE)  
**Subject:** RE: Request to waive the penalties imposed on my campaign.

Mr. Vuyyuru,

I thank you for your email, but I am unable to waive penalties for these reasons. I suggest you file your final report immediately.

Regards,

**Christopher Piper**  
**Manager, Election Services**  
**Virginia State Board of Elections**  
[chris.piper@sbe.virginia.gov](mailto:chris.piper@sbe.virginia.gov)  
**Office: (804) 864-8907**  
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**From:** lvuyyuru [<mailto:lvuyyuru@comcast.net>]  
**Sent:** Friday, October 11, 2013 3:32 PM  
**To:** Piper, Chris (SBE)  
**Cc:** 'Lokesh Vuyyuru'; Miller, Rise (SBE)  
**Subject:** Request to waive the penalties imposed on my campaign.

Mr. Piper,

I came to know that you imposed the penalties on my campaign for late filings.

1. I ran for Governor with no political back ground for a moral cause and I achieved those two goals.
2. I try to fill the forms but misinformed me that I need a treasurer.
3. I was under the impression need a treasurer to handle the finances and need to file these forms.
4. I was keep on trying to recruit a treasurer and not able to pay enough money to hire one because I never sold myself to raise any funds.

5. Miss. Miller told me ultimately last month that I do not need a treasurer to file these forms. Because of this miscommunication I was delayed in filing these forms. Kindly forgive me this time.

Regards,  
Lokesh Vuyyuru, MD  
804 605 1650



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STATE BOARD *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections  
From: Susan R. Lee and Nikki Sheridan  
Date: January 8, 2014  
Subject: Voter Identification Implementation plan – Final Draft

---

**Suggested motion for a Board member to make:** I move that the Board approve the proposed plan to implement recently enacted Voter Identification legislation - SB 1256 (Obenshain).

**Applicable Code Sections:** Va. Code §§ 24.2-404, 24.2-411.1, 24.2-643, and 24.2-701.

### Board Materials:

- Copy of Voter ID Implementation Plan with marked up text indicating proposed changes to the plan.
- Copy of Voter ID Implementation Plan in Final format with changes accepted.

### Background:

On March 25, 2013, Governor McDonnell signed Senate Bill 1256, legislation aimed at continuing to increase the integrity and reliability of the voting process in Virginia. SB 1256 eliminates all forms of identification that do not contain a photograph of the voter from the list of forms of identification any of which a voter must present in order to be allowed to vote. Additionally, the bill further provides that the State Board shall provide free voter registration cards that contain a voter's photograph and signature (Picture Voter Identification Card) if the voter does not possess other satisfactory photo Identification. The bill has a delayed effective date of July 1, 2014 for implementation.

Furthermore, Governor McDonnell signed Executive Order No. 62 (2013), which directed SBE to take "all appropriate steps to implement this legislation without added inconvenience, confusion, or hardship to the Commonwealth's voters."

The implementation plan aims at accomplishing all of the goals of the Executive Order, as well as serves as an outline for SBE's objectives and strategies to implement SB 1256 effectively and smoothly. The plan is broken down into two parts, Producing Voter Identification Cards, and Voter Outreach Plan.

The implementation of the production of the picture voter identification cards has been divided into three distinct segments, established to ensure election officials throughout Virginia, are prepared to issue free voter identification cards that contain a voter's photograph and signature for voters that do not possess other satisfactory photo identification. The timeframes include May to December of 2013, January to March 2014, April to July 2014 and post implementation (July 1, 2014) when SB 1256 becomes effective law. These segments focus on; the production of voter identification cards; training of both election officials and staff on the intricacies of SB 1256 and the procedures associated with helping constituents receive an identification card; and the policy and guidance development aspects which are essential for uniform implementation throughout the Commonwealth.

Part II outlines SBE's voter education and outreach plan for the implementation of Senate Bill 1256. This plan is essential to educating all voters about the acceptable forms of identification needed to vote and methods of obtaining identification, should a voter need to do so. The Plan includes the outreach plan's goals and objectives and the timeframes associated with the campaigns.



## **Voter Identification Requirements; Photo ID** **Implementation of Senate Bill 1256**

### **I. Introduction**

On March 25, 2013, Governor McDonnell signed Senate Bill 1256 (**Appendix A**), legislation aimed at continuing to increase the integrity and reliability of the voting process in Virginia. This 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 adds a valid United States Passport to the list of acceptable forms of identification (IDs) and requires that a student identification card issued by an institution of higher education in the Commonwealth contain a photograph if being used for voting purposes. The legislation also provides a uniform standard of acceptable IDs for all elections. Previously there existed different identification requirements for certain first-time voters in federal elections (HAVA voters). These differences that were often confusing to voters and election officials have been eliminated. This does not change the requirement for voters that do not provide an acceptable form of identification, as they will still have the option of voting a provisional ballot and still must provide a copy of their identification to the electoral board by noon on the Friday after the election if their vote is to be counted. The bill further provides that the State Board shall provide free voter registration cards that contain a voter's photograph and signature if the voter does not possess other satisfactory photo ID. The bill has a delayed effective date of July 1, 2014 for implementation.

In an accompanying Executive Order (see attached in **Appendix B**), Governor McDonnell directed the State Board of Elections (SBE) to take "all appropriate steps to implement this legislation without adding inconvenience, confusion, or hardship to the Commonwealth's voters."

### **II. Production of Voter Identification Cards**

This plan outlines SBE's objectives, goals, and strategy for the production of voter identification cards. To assist with the implementation of this legislation, the project plan has been broken down into three segments:

#### **1. Producing Photographic Voter Registration Identification Cards**

The production of voter identification cards in an effective and timely manner is essential for a smooth implementation of SB1256 and the Governor's Executive Order No. 62.

#### **2. Training Plan**

Each phase of implementation of SB1256 will have a training element in which the Virginia State Board of Elections (SBE) and any selected vendor will work diligently with the Commonwealth's 133 localities and staff to ensure that each locality is knowledgeable about not only the intricacies of SB1256, but also confident with the policies and procedures associated with aiding constituents in need of a voter identification card.

### **3. Policy and Guidance to Election Officials**

SBE's policy team will work attentively throughout the implementation of SB1256 to develop proper agency and field-wide procedures and criteria to ensure that the implementation of SB1256 is uniform throughout the Commonwealth.

#### **Timeline for Implementation:**

##### **Phase One: May to December 2013:**

###### Producing Voter Registration Cards with Photo ID (Voter Identification Cards)

During this initial phase of the implementation of SB1256, the Virginia State Board of Elections (SBE) sought information from vendors regarding types of equipment and materials necessary for creation and distribution of voter identification cards. On April 30, 2013, SBE issued a Request for Information (RFI), soliciting information on possible solutions for producing voter identification cards. The responses to the RFI were due by June 3, 2013. The purpose of the RFI was to assist SBE by surveying the marketplace as it relates to the type(s) of services and suppliers currently available and capable to provide voter identification cards to voters in need effectively and efficiently. SBE thoroughly reviewed the information received from the April 30, 2013. Throughout the review process, SBE increased its awareness of necessary program or system development, production, training, distribution, and any other components, features, or activities integral to the administration of a statewide program or system for use in voter identification.

Furthermore, this information-gathering portion of implementation was not only critical for agency-wide education, but was integral to help SBE tailor its Request for Proposal (RFP) properly. After adequate review of the RFI, SBE sent out its RFP on September 11, 2013 for the equipment needed to capture the picture and signature of voters. The RFP sought vendor bids for the procurement of cameras, signature capture devices, necessary software needed, as well as proposals for the vendor printing and shipping the identification cards. The RFP requested that the camera equipment and signature capture devices be portable, for ease and flexibility of use in the field for outreach activities. Additionally, the RFP included the request for discount pricing on printers, depending on the volume capacity of each printer. Printers will be available in the case that the localities decide to print the identification cards in-office. The due date for responses is set for October 31, 2013. Following this date, SBE will review responses to the RFP and will continue to gather any information needed to enable the selection of a vendor solution used to create and distribute the voter identification cards.

During the initial phase, SBE senior management contacted the Department of Motor Vehicles to garner a better understanding of the processes used by DMV in issuing identification cards and to seek DMV assistance. SBE staff will continue to work with DMV by establishing a workgroup whose core responsibilities will be the exchange of information to ensure the best solutions for the issuance of the voter identification.

### Training Plan

The training plan during Phase One of implementing SB1256 will largely focus on training the 133 general registrars, electoral boards and their staff members on the pending changes relating to voter identification and how this will affect their offices and the conduct of elections. In order to do so, SBE will leverage regional meetings by both the Voter Registrars' Association of Virginia (VRAV) and the Virginia Electoral Board Association (VEBA), which are vital training opportunities for the elections community throughout the Commonwealth. Additionally, SBE will look into utilizing online training and webinars to educate the election community on these changes.

### Policy and Guidance to Election Officials

Phase One is a vital opportunity for SBE to develop policy and training for general registrars and electoral boards regarding SB1256. This training will focus on the timeline of when the law will go into effect and reinforce that the current voter identification laws will last through the November 2013 election and any elections taking place before July 1, 2014.

In order to accomplish this, SBE has established a workgroup made up of SBE staff and dedicated members of the election community located throughout the Commonwealth. This workgroup will serve as a conduit to help draft needed guidance for election officials. SBE staff and the work group will review and revise forms and guidance documents impacted by SB1256, as well as identify criteria required to obtain a voter identification card. The work group has met twice and has had productive discussions on the implementation of SB1256. Additionally, the group discussions have facilitated the drafting of a "Frequently Asked Questions" document, that will cover some of basic scenarios the localities will likely face when producing the identification cards. Moreover, throughout this time period, SBE staff will analyze and respond to any questions on the new voter identification law received from the election community as a whole. Additionally, SBE will draft regulations and present these regulations to the Board, to insure uniform practices throughout the Commonwealth.

### **Phase Two: January to March 2014:**

#### Producing Voter Identification Cards

During the secondary phase of implementation, pursuant to the Governor's Executive Order, SBE will procure the equipment utilizing the funds appropriated in the Fiscal Year 2014 budget.

After a vendor is selected, SBE will begin distribution of the equipment to each general registrar and provide training, so the general registrars can be prepared for constituents who need to obtain a free voter ID. After this distribution process, voters who need a free voter identification card can obtain one at their convenience to ensure proper identification at the polling place.

### Training

Between January and March of 2014, SBE and the selected vendor will focus its training largely on the utilization of the voter identification equipment. SBE will develop training for election officials, including step-by-step guides on the process and procedures for taking the voter identification cards. The vendor selected is expected to provide hands on training to all of the general registrars on the use and operation of the photo equipment. In February of 2014, VEBA will host its annual conference where General Registrars and Electoral Board members are scheduled to receive additional training on these procedures.

### Policy and Guidance to Election Officials

During Phase Two, the policy department of SBE will continue to analyze how the pending legislation will affect voter identification. In this process, SBE will develop necessary criteria for who is eligible to receive a voter identification card. SBE will ensure that this information is distributed in a timely fashion to all of the general registrars and staff responsible for taking the voter identification card photographs. If needed, SBE will refine any regulations previously promulgated to insure continued uniform practices throughout Virginia.

### **Phase Three: April to July 2014:**

#### Producing Voter Identification Cards

During this phase, SBE will actively ensure that all of the general registrars' offices are prepared and equipped with the infrastructure and guidance necessary to provide the voter identification cards to those voters that require them in a convenient, timely manner. This will ensure that the voters who need the cards can get one in ample time for election effected after July 1, 2014.

#### Training Plan

Phase Three's timeline is a key opportunity for SBE to work with the 133 localities to ensure a smooth transition from the current voter identification law to understanding the intricacies of SB1256 effective July 1. One way this transition will be accomplished during Phase Three is by disseminating sample voter outreach strategies and media materials to the localities. These strategies will help localities reach out to their voters on a more localized level regarding the implementation of SB1256. Media materials will ensure that media outlets receive comprehensive information from the localities on the new law, the processes for getting a voter identification card, and how it affects those at the local level. This training, with an emphasis on how the localities can engage their specific constituents in the community, will help to make the transition not only smooth but effective. SBE will also devote considerable time during its annual Election Uniformity Training to instruct localities on the changes.

### Policy and Guidance to Election Officials

Between April and July of 2014, SBE will update its internal guidance documents on voter identification to guarantee that all SBE staff is aware and educated on the changes in the law to best serve constituents who have questions or concerns. Additionally, SBE will prepare Question and Answer documents to provide easy reference points for commonly asked questions or concerns that arise.

### **Phase Four: Post-July 1, 2014 through November of 2014:**

#### Producing Voter Identification Cards

After July 1, 2014, SBE will begin its post-implementation evaluation of the of the voter identification card production component of the legislation. SBE will canvass the localities in order to evaluate the initial successes and shortcomings as the voter identification cards are produced to any voter that meets the criteria to receive one.

#### Training

As SBE canvasses the 133 localities to complete its post-implementation evaluation, SBE will use these results to develop a set of overall “best practices” to share with and disseminate to the field. These “best practice” standards will help tailor training after initial implementation to address any problems or concerns raised by the production of voter identification cards.

### Policy and Guidance to Election Officials

As the initial implementation of SB1256 draws to a close, SBE will refine policies and procedures as needed in producing the voter identification cards based on questions and/or scenarios that arise in the field. SBE will also continue to educate the localities on the various policy issues that will be encountered during the in-person absentee voting period and on Election Day. These issues may include policy judgments on relatively obscure forms of identification that may be presented, provisional voting issues, and other questions that tend to surface immediately prior to an election.

## **III. Voter Outreach Plan**

### **Review of House Bill 9 and Senate Bill1 enacted 7.1.2012**

In the summer of 2012, as part of the implementation plan for House Bill 9 and Senate Bill 1, SBE planned and began execution of a major voter education and outreach plan with the theme: “Are you Election Ready?” This plan began with information included in voter registration card mailings to all of Virginia’s voters in 2011 and 2012 as part of the redistricting process and continued through November’s election.

As part of the effort to reach all 134 localities and five million registered voters, Virginia launched the “Are You Election Ready?” campaign by dividing the state into five regions where various forms of media were distributed including print, radio, billboards, bus shelters, bus ads and television through the Virginia Association of Broadcasters. The voter outreach campaign educated voters about the changes to Virginia’s voter identification requirements and other important changes to the law impacting elections in Virginia, including provisional ballot procedures for voters who do not show an acceptable form of identification on Election Day.

The campaign included partnerships with various community, civic, advocacy and church organizations across the Commonwealth to reach the public through grassroots initiatives, participation in community events and festivals, sporting events, collegiate activities, professional and organizational meetings.

Social media was critical in reaching voters through Facebook and Twitter with over 100,000 weekly impressions. Message points included acceptable forms of identification, the voter registration deadline, absentee voting awareness and other election-related information. Public Service Announcements (PSAs) also appeared statewide via newspapers, radio, television and major sporting events including NASCAR races in Richmond and Martinsville which saw over 160,000 attendees. The campaign ads featured photos of everyday citizens of various backgrounds holding signs representing the type of voter identification they would take to the polls. An extended list of acceptable forms of identification, reminders of important deadlines, absentee voting information, and the SBE website and phone number were included in campaign advertisements.

In late September of 2012, SBE mailed new voter registration cards to all of Virginia’s approximately 4.7 million active registered voters. SBE communicated important election-related information to voters in that mailing, including identification requirements and important election deadlines.

In September 2012, SBE launched a new website with numerous improvements specifically geared towards educating voters for the November General Election. The new website presented a vastly simplified user interface with easily accessible links to the information most important to Virginians including a tool to allow a voter to check his or her registration status, a polling place finder, information on the absentee voting process, detailed information on the new voter identification requirements, a link to the voter’s sample ballot, and other information. The website also contained instructional videos on several topics including the new voter identification requirements, absentee voting, instructions for military personnel, voters with disabilities, and other topics.

SBE participated in two regional televised Phone-A-Thon events during which voters were encouraged to call into a toll-free number in order to check their registration status, polling place location, or to pose any questions related to the new voter identification requirements for the November General Election. General registrars from the participating regions staffed the phones during these events which were held in central and southwest Virginia.

SBE Secretary Don Palmer participated as a panelist at two voter education town hall events held at Norfolk State University and Virginia Union University. In addition, SBE staff members attended these events to distribute voter registration applications, absentee ballot applications, and updated information pertaining to Virginia's ID requirements for voting. SBE staff members and Board members presented at several additional public events informing the public on the voter identification changes.

SBE also took advantage of the considerable press interest received from the voter identification changes. SBE Board members and staff made appearances in print, radio and television.

Virginia also participated in National Military Voter Readiness Day on September 15, 2012 and was recognized Virginia was recognized as an All-Star state today by the Military Voter Protection (MVP) Project for taking significant efforts to promote and protect the voting rights of America's military service members and their families. SBE staff participated directly in voter education initiatives at Fort Lee, Joint Expeditionary Base Little Creek-Fort Story, and Naval Air Station Oceana.

It is the goal of SBE to continue this history of education and outreach success with the implementation of Senate Bill 1256. This plan outlines SBE's objectives, goals, and strategy at implementing Governor's Executive Order.

**Voter Outreach Plan Objectives:** To engage in a voter outreach campaign upon Board Approval of this plan through November 8, 2016 and to educate voters about the changes to Virginia's voter identification requirements and other important changes to the laws impacting elections in Virginia.

**Voter Outreach Plan Goals:** In implementing Senate Bill 1256 and Executive Order No. 62 (2013), the State Board of Elections' goals are the following:

1. To effectively communicate the specifics of the changes to Virginia's voter identification requirements in a straightforward and understandable manner to as many Virginians as possible. In particular, SBE shall focus on the four issues specifically identified by Governor McDonnell in his Executive Order.
2. To ensure a robust and uniform voter education campaign throughout the Commonwealth targeted at all of Virginia's 133 localities.
3. To effectively work with interested third-party groups, including the League of Woman Voters, the NAACP, the state's political parties, and other organizations to communicate the changes to Virginia's voter identification requirements and other important changes to the law impacting Virginia voters.
4. To ensure all Virginia voters without an acceptable form of photo identification are provided one free of charge.
5. To coordinate with and equip local general registrars and electoral board members with the necessary tools to conduct their own outreach efforts in their respective localities.
6. To reach voters through traditional media sources (newspapers, television and radio) by developing Public Service Announcements (PSAs), utilizing press releases and conducting interviews with members of the media.

7. To reach voters through new social media by utilizing Twitter, Facebook, SBE's website, and other means.
8. To utilize public notices, advertisements, and "ERIC" mailings to further educate voters on Virginia's voter identification requirements.
9. To communicate regularly with Governor McDonnell and his successor regarding the status of SBE's outreach efforts.

**Emphasis and Contents of Communications:** Pursuant to the Governor's Executive Order, the communications for SBE's voter outreach plan will focus on the following issues:

1. That photo identification is required at the polling place in elections after July 1, 2014, and that voters who do not bring identification to the polling place or who refuse to provide identification at the polling place will be required to vote a provisional ballot.
2. The list of photo identification documents that will be accepted at the polling place.
3. That a voter may obtain a free form of valid photo identification if the voter does not possess an acceptable form of identification.
4. Provide contact information of the State Board of Elections and local registrar offices for voters to receive answers to any additional questions.

**Resources:** SBE plans to allocate significant resources toward achieving these goals and objectives. SBE will devote staff, including the attorneys in the Election Uniformity Division, towards our voter outreach efforts. SBE estimates a fiscal impact of \$200,000 per year from FY 2015 to FY 2017 for the outreach costs. This will ensure that SBE can perform a long-term and sustained outreach campaign building up to the 2016 Presidential Election. Educating voters about the new identification requirements during each of the lower turnout elections in 2014 and 2015 will help ensure most voters are aware of the changes by the November 2016 General Election. SBE staff participating in the project will work closely with SBE Business Manager Sharon Woo to ensure economical use of SBE funds. SBE will also seek assistance from other state agencies per Governor McDonnell's directive in his Executive Order.

## **II. Coordination with Interested Third Party Groups**

### **A. Private Groups**

SBE's outreach and coordination with interested third parties is essential towards a successful voter outreach campaign. Governor McDonnell recognized this when directing SBE to "coordinate with ... interested third-party groups, including but not limited to, the League of Woman Voters, the NAACP, Virginia's political parties, and other organizations. . . ." SBE's specific plan to achieve this directive is the following:

1. Compile a list of interested third-party groups including the League of Woman Voters (LWV), the NAACP, the major and minor political parties of Virginia, other state and local government entities, non-profits, churches, local community organizations (e.g. Rotary), colleges and universities, major Virginia employers and others.

2. Reach out to organizations one-by-one to invite them to participate in our efforts, determine their interest in participating, and identify the appropriate point of contact at each organization.
3. Initiate conference calls with all interested third-party groups to explain SBE's efforts, solicit their input, and welcome them to join our outreach efforts.
4. Meet with different stakeholders and voter advocacy groups to receive input and comments on implementing the voter outreach plan. SBE has begun hosting these meetings: in October, SBE met with the League of Women Voters to discuss the voter implementation plan and receive feedback on how best to insure a smooth and productive implementation of SB 1256.
5. Provide regular updates, additional documentation, etc., via email list.
6. Offer SBE staff, local registrars, and others as speakers to address group membership upon request.
7. Ensuring local general registrars and electoral boards are involved with these efforts at the local level.

## **B. Other State Agencies**

In his Executive Order, Governor McDonnell directed other state agencies to cooperate with SBE and the local general registrars in their outreach efforts. Governor McDonnell directed agencies including but not limited to the Department of Social Services, Department of Motor Vehicles, Department of Education and agencies within the Health and Human Resources Secretariat to cooperate with SBE. These and other state agencies have significant experience and expertise in communicating important issues of public concern to Virginia's citizens. SBE will coordinate with these other state agencies so they act as force multipliers in posting SBE's promotional materials in their service centers, websites, and other aspects of where they interact with the public.

## **III. Media Strategy, Including Social Media**

SBE plans a comprehensive media strategy to communicate to voters the changes in voting identification requirements and other laws related to voting. In addition, SBE will communicate important deadlines through the media and debunk any rumors or misinformation that may surface in the weeks leading up to General Elections.

### **A. Building Comprehensive Media Contact List**

During the 2012 election cycle, SBE conducted a major effort to expand its media contact list. In particular, SBE's efforts have been directed at gathering media contacts for all of Virginia's 133 localities to ensure that SBE is reaching both the remote and rural areas and the urban population centers. These efforts include gathering contact information for local newspapers, radio stations, and even online news services like Patch.com, an online based community-specific news service that provides local coverage for individual towns and communities. SBE's efforts also include

gathering contact information from independent news sources that target groups including, but not limited to, the African-American, Hispanic, and Asian communities of Virginia.

Additionally, SBE will continue to work with general registrars who are knowledgeable of local media, to ensure the agency builds a comprehensive list of media contacts for paper, radio, television, and new media mediums.

### **B. Regular Voter Outreach Through Media Contact List**

Initially, SBE will send regular press releases to the media contact list to provide important information regarding the voter identification legislation implementation, including Board actions related to implementing this legislation and updates regarding other important changes to the law. SBE will also utilize this list to send press releases setting the record straight on rumors and misinformation related to Virginia's voter identification requirements, especially in the days and weeks immediately leading up to the general elections.

SBE's media outreach efforts related to the voter identification requirement changes will be accompanied by press releases relating to important registration and absentee ballot deadlines, scheduling of outreach events across the Commonwealth and other important information normally communicated to the press in advance of an election. SBE will provide sample press releases to local general registrars to exponentially increase the outreach across the Commonwealth.

### **C. SBE Board Member and Staff Press Availability**

SBE will communicate to the press SBE staff availability to conduct interviews and provide sound bites when requested. If the State Board members desire, SBE can inform the press of Board member availability to conduct interviews or provide updates. SBE staff will ensure Board members are briefed regularly on the specifics relating to legislative changes and other important information.

SBE will utilize our media list to announce and invite media to attend any press briefings conducted via conference call or in-person. SBE will ensure that staff members are trained on the proper methods of communicating with the media.

SBE will host press conferences on the start of major initiatives on voter readiness.

### **D. Utilizing Print and Social Media, Including SBE's Website**

SBE will budget appropriately to ensure that the agency is able to add important voter identification information to the required newspaper constitutional amendment advertising required due to any constitutional amendments on the ballot for General Elections through November 8, 2016. Such public notice is required in all newspapers with circulation of over 50,000. However, provided funds are available, SBE will publish the constitutional amendment advertising in additional newspapers, including periodicals serving minority populations.

SBE will utilize social media to increase public awareness about the changes in Virginia's voter identification laws and other important information, especially among young voters.

#### **IV. Procurement of Outreach Services**

##### **Overview**

The State Board of Elections will seek a contractor to serve as an integrated marketing and advertising vendor to work with SBE's executive staff to plan, execute and measure an effective and efficient public relations campaign that will reach statewide voters. The contractor shall develop communications concepts based on SBE's public relations initiatives and goals and produce advertisements and public service announcements for recommended media. The contractor shall efficiently and effectively execute all appropriate elements of a public relations campaign and assist in the evaluation of its effectiveness, striving for the maximum return on investments

SBE will also utilize YouTube, Facebook, and its website to link video PSAs.

##### **Phase One: November – January**

1. Issue the RFP in conjunction with the Department of General Services. This RFP is scheduled to go out November 5, 2013. Responses are due back by December 19, 2013.
2. Receive and review responses.
3. Evaluate the proposals and award a contract.

##### **Phase Two: January – May**

1. Develop the scope of the campaign with the selected vendor.
2. Advisement of draft plan with the vested stakeholders.
3. Develop project milestones to analyze and track evaluation measures.

##### **Phase Three: June – ongoing**

1. Implementation of the plan.
2. Monitoring of milestones to ensure timely accomplishment of goals.
3. Monitoring of expenditures to ensure project remains within budget.

#### **V. Partnership with General Registrars and Electoral Boards and "Phone-A-Thon"**

In his Executive Order, Governor McDonnell encouraged the general registrars and electoral board members to conduct their own outreach efforts in coordination with the State Board of Elections. SBE is extremely fortunate to have a strong working relationship with Virginia's general registrars and electoral boards as well as their professional associations, the Voter

Registrars' Association of Virginia (VRAV) and the Virginia Electoral Board Association (VEBA). In furtherance of the Governor's message, SBE is committed to working with the registrars and electoral boards in ensuring the smooth implementation of the voter identification legislation at the local level. An effective partnership with the local registrars and electoral boards should act as a catalyst and will allow SBE's message to be amplified at the local level.

SBE will work closely with the statewide leadership of VRAV and VEBA to ensure that both SBE and the localities' speak with one voice on issues associated with the voter identification requirement changes. Working with VRAV and VEBA leadership in crafting a consistent and coherent communications message will be a main priority of the agency and coordination will take place regularly through SBE's weekly conference call with the leadership. In addition, SBE will work directly with the regional leadership of VRAV and VEBA to ensure that outreach is being conducted in each region of the Commonwealth.

SBE will ensure that the general registrars are given a copy of all SBE press releases for further dissemination into their communities and so that the election community speaks with one voice on important issues leading up to the election.

SBE's plan of coordination will be a topic addressed and reinforced at the annual training conference of registrars and electoral board members attended by all localities in July 2014 in Midlothian, Virginia. SBE anticipates over 500 local election officials to attend the training. In addition, VRAV's and VEBA's annual meetings will be held in early 2014. Both of these forums of election officials will provide an ideal forum to assess ongoing coordination and outreach efforts.

Finally, SBE hopes to work with the local general registrars in planning a statewide "Phone-A-Thon" that will take place prior to the November 2016 presidential election. SBE anticipates dozens of registrars and volunteers to participate in this event that will allow voters to call in with questions regarding the voting process, including questions related to the new voter identification requirements. Voters will be informed of the event through a scrolling message broadcasted on the bottom of the television screen during normal programming. This event was held regionally in 2008 and 2012, and was a major success.

## **VI. Regular Communication with Governor McDonnell**

In this Executive Order, the State Board of Elections was directed to regularly report on the status of the outreach efforts described in the Executive Order.

SBE will ensure that the agency provides regular updates to the Governor, Secretary of Administration and other members of the administration on the status of the outreach efforts. SBE will provide updates in its weekly report to the Secretary of Administration as well as more thorough briefings when needed and/or upon request. SBE will brief the new Governor following the start of the new Governor's term in January, 2014.

#### **IV. Conclusion**

The State Board of Elections staff is committed to taking the actions described in this plan to ensure the legislation is implemented “without adding inconvenience, confusion, or hardship to the Commonwealth’s voters.” SBE staff will work diligently to implement the plans described in this initiative in a timely and effective manner to ensure successful implementation of SB1256.

**Appendix A – SB 1256**

**CHAPTER 725**

*An Act to amend and reenact §§ 24.2-404, 24.2-411.1, 24.2-643, and 24.2-701 of the Code of Virginia, relating to voter identification requirements; photo ID.*

[S 1256]

Approved March 25, 2013

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-411.1, 24.2-643, and 24.2-701 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. Duties of State Board.

A. The State Board shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Board shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.
3. Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places *and voter registration cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Board shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a registration card containing the voter's photograph and signature. The Board shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Board. The Board may contract with an outside vendor for the production and distribution of voter registration cards containing the voter's photograph and signature.*

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Board. The Board shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.
5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.
6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.
7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the State Board shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.
8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.
9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The State Board may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.
10. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the State Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The State Board shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia Voter Registration System by any appropriate means including, but not limited to, paper and electronic means.

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department to:

1. Apply for, replace, or renew a driver's license;
2. Apply for, replace, or renew a special identification card; or
3. Change an address on an existing driver's license or special identification card.

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered

voter. The notification and the registered voter's registration record shall be transmitted as directed by the State Board of Elections to the appropriate general registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424. The Department and State Board shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

C. The completed voter registration portion of the application shall be transmitted as directed by the State Board not later than five business days after the date of receipt. The Department and State Board shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

D. The State Board of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

*F. The Department of Motor Vehicles shall provide assistance as required in providing voter registration cards containing the voter's photograph and signature as provided in subdivision A 3 of § 24.2-404.*

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: ~~his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, his concealed handgun permit issued pursuant to § 18.2-308~~ *valid United States passport*, or any other *photo identification card* issued by a ~~government agency~~ of the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card *containing a photograph of the voter and* issued by any institution of higher education located in the Commonwealth of Virginia; *or* any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; ~~or a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter.~~

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

~~E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state. At such election, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.~~

§ 24.2-701. Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections held in towns, and on the Saturday immediately preceding any primary election, May general election held in a town, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar or a member of the electoral board. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

~~For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time that voter votes in a federal election in the state. After completing an application for an absentee ballot in person, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subdivision shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B of § 24.2-643, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.~~

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election;
2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;
3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs, and his or the spouse's rank, grade, or rate, and service ID number; or
  5. In the case of a student, or the spouse of a student, who is attending a school or institution of learning, the name and address of the school or institution of learning; or
  6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, the nature of the disability, illness, or pregnancy; or
  7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name and address of the institution of confinement; or
  8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or
  9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or
  10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, the name of the family member and the nature of his illness or disability; or
  11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, his religion and the nature of the obligation; or
  12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer, address of his place of work, and hours he will be at the workplace and commuting on election day; or
  13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or
  14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated and the name of the party chairman or candidate who designated him.
2. That the provisions of this act shall become effective on July 1, 2014.

3. That the provisions of this act shall not become effective unless an appropriation of general funds effectuating the purposes of this act is included in a general appropriation act passed by the 2013 Session of the General Assembly, which becomes law.

## **Appendix B: Executive Order No. 62 (2013)**

# **Implementation of Senate Bill 1256 Relating to Identification Requirements for Voters at the Polling Place on Election Day**

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### **Importance of the Initiative**

The Commonwealth of Virginia and its people have a strong interest in ensuring that their elections have integrity and reliability. For the citizens of Virginia to have faith in their government, they must have faith and confidence in the conduct and outcome of their elections. This means that government must provide open, honest, and secure elections. As such, Virginia has an abiding interest in deterring and detecting any potential voter fraud. Documented cases of voter fraud have occurred both in Virginia and in other parts of the United States. Virginia's history of some very close elections demonstrates that any voter fraud could negatively affect an election decided by a very small number of votes.

While conducting safe elections, we must absolutely ensure that our voting laws have no discriminatory effect and that eligible voters are able to vote without any unnecessary or burdensome hurdles. All eligible voters regardless of income, race, age, and other factors should be able to have equal access to the electoral process. The great principle of one man, one vote is essential to American democracy, and must be protected. Embracing a vibrant democracy through encouraging young and new voters to participate, and in restoring rights rapidly to qualifying felons has been an important part of this Administration. Now, all voters must be fully informed of any changes in the law that may impact their ability to vote.

### **Enactment of Senate Bill 1256**

Virginia has long required voters to bring valid identification to the polling place on Election Day in order to cast a vote. Likewise, federal law has required identification for certain first-time voters in federal elections since the implementation of the Help America Vote Act (HAVA) almost a decade ago. These efforts have made our electoral system less subject to fraud, but we must continue to look for ways to further address any vulnerability in our system. Senate Bill 1256 continues that mission, providing a process for individuals to obtain free photo identification cards and requiring that acceptable identification with a photo of the voter be provided on Election Day in order to vote. We must maintain the provisional ballot safeguard for individuals who fail to present proper documentation at the polling place. Maintaining the provisional ballot provides an opportunity to present identification to local electoral boards by multiple means of transmission after the election. While this new act is not effective until election conducted after July 1, 2014, the time for preparation and education is now.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § § 2.2-103 and 2.2-104 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the State Board of Elections, and request that local election officials, take several steps described in this Executive Order.

Specifically, this Executive Order directs the State Board of Elections to take necessary steps to ensure that all eligible Virginia voters are made aware of the provisions of this new law and are given the necessary information in order to provide an appropriate form of identification when voting in the 2014 elections, and provide details on how to attain a free photo identification, if needed. This Executive Order requests that local election officials cooperate in these efforts. I also direct the State Board of Elections, using the funds appropriated in the Fiscal Year 2014 budget, to expeditiously acquire and distribute to local registrars the necessary equipment and materials to allow for creation and distribution of photo voter registration cards.

## **Voter Outreach Campaign**

I direct the State Board of Elections to engage in a robust voter outreach campaign to educate voters about the changes to Virginia's voter identification requirements. This outreach campaign will educate the Commonwealth's voters on the following:

1. That photo identification is required at the polling place requiring in elections after July 1, 2014, and that voters who do not bring identification to the polling place or who refuse to provide identification at the polling place will be required to vote a provisional ballot;
2. The list of photo identification documents that will be accepted at the polling place;
3. That a voter may obtain a free form of valid photo identification if the voter does not have an acceptable form of identification; and
4. Provide contact information of the State Board of Elections and local registrar offices for voters to receive answers to any additional questions.

I direct the State Board of Elections to utilize newspaper advertisements, the internet, social media, television and radio (including Public Service Announcements), public town hall meetings, direct mail, public notices in state and local buildings, voter registration offices, and polling places and other means to communicate the information described above to Virginia voters, to the maximum extent that sufficient funds exist for such purposes.

I direct the State Board of Elections to coordinate with local election officials, interested third-party groups including, but not limited to, the League of Woman Voters, the NAACP, Virginia's political parties, media entities, and other organizations to help educate voters about Virginia's voter identification requirements.

I direct the State Board of Elections to ensure that its voter outreach efforts are directed at all regions of the Commonwealth and in all of its localities.

I encourage local general registrars and electoral board members to conduct their own outreach efforts in coordination with the State Board of Elections. General registrar and electoral board outreach at the local level should target local voters through local media, including radio and television, and print, making efforts to educate voters through outreach to various local community groups.

I direct other state agencies to assist and cooperate with the State Board of Elections and local general registrars in their outreach efforts, including the Department of Social Services, Department of Motor Vehicles, Department of Education, and agencies within the Health and Human Resources Secretariat.

I direct the State Board of Elections to adopt any rules, regulations or guidelines necessary to implement any particulars of this legislation, including the procedures for a voter to apply for and obtain a free photo identification card, or for the implementation of voter outreach efforts.

I direct the State Board of Elections to regularly report to me on the status of the outreach efforts from the date of implementation, July, 1, 2014, through the 2014 General Election.

### **Effective Date of this Executive Order**

This Executive Order shall become effective upon its signing and shall remain in full force and effect until December 1, 2014, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this the 26th day of March, 2013.

**/s/ Robert F. McDonnell, Governor**

**Attest: /s/Janet V. Kelly, Secretary of the Commonwealth**



## **Voter Identification Requirements; Photo ID** **Implementation of Senate Bill 1256**

### **I. Introduction**

On March 25, 2013, Governor McDonnell signed Senate Bill 1256 (**Appendix A**), legislation aimed at continuing to increase the integrity and reliability of the voting process in Virginia. This 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 adds a valid United States Passport to the list of acceptable forms of identification (IDs) and requires that a student identification card issued by an institution of higher education in the Commonwealth contain a photograph if being used for voting purposes. The legislation also provides a uniform standard of acceptable IDs for all elections. Previously there existed different identification requirements for certain first-time voters in federal elections (HAVA voters). These differences that were often confusing to voters and election officials have been eliminated. This does not change the requirement for voters that do not provide an acceptable form of identification, as they will still have the option of voting a provisional ballot and still must provide a copy of their identification to the electoral board by noon on the Friday after the election if their vote is to be counted. The bill further provides that the State Board shall provide free voter registration cards that contain a voter's photograph and signature if the voter does not possess other satisfactory photo ID. The bill has a delayed effective date of July 1, 2014 for implementation.

In an accompanying Executive Order (see attached in **Appendix B**), Governor McDonnell directed the State Board of Elections (SBE) to take "all appropriate steps to implement this legislation without adding inconvenience, confusion, or hardship to the Commonwealth's voters."

### **II. Production of Voter Identification Cards**

This plan outlines SBE's objectives, goals, and strategy for the production of voter identification cards. To assist with the implementation of this legislation, the project plan has been broken down into three segments:

#### **1. Producing Photographic Voter Registration Identification Cards**

The production of voter identification cards in an effective and timely manner is essential for a smooth implementation of SB1256 and the Governor's Executive Order No. 62.

#### **2. Training Plan**

Each phase of implementation of SB1256 will have a training element in which the Virginia State Board of Elections (SBE) and any selected vendor will work diligently with the Commonwealth's 133 localities and staff to ensure that each locality is knowledgeable about not only the intricacies of SB1256, but also confident with the policies and procedures associated with aiding constituents in need of a voter identification card.

### **3. Policy and Guidance to Election Officials**

SBE's policy team will work attentively throughout the implementation of SB1256 to develop proper agency and field-wide procedures and criteria to ensure that the implementation of SB1256 is uniform throughout the Commonwealth.

#### **Timeline for Implementation:**

##### **Phase One: May to December 2013:**

###### Producing Voter Registration Cards with Photo ID (Voter Identification Cards)

During this initial phase of the implementation of SB1256, the Virginia State Board of Elections (SBE) sought information from vendors regarding types of equipment and materials necessary for creation and distribution of voter identification cards. On April 30, 2013, SBE issued a Request for Information (RFI), soliciting information on possible solutions for producing voter identification cards. The responses to the RFI were due by June 3, 2013. The purpose of the RFI was to assist SBE by surveying the marketplace as it relates to the type(s) of services and suppliers currently available and capable to provide voter identification cards to voters in need effectively and efficiently. SBE thoroughly reviewed the information received from the April 30, 2013. Throughout the review process, SBE increased its awareness of necessary program or system development, production, training, distribution, and any other components, features, or activities integral to the administration of a statewide program or system for use in voter identification.

Furthermore, this information-gathering portion of implementation was not only critical for agency-wide education, but was integral to help SBE tailor its Request for Proposal (RFP) properly. After adequate review of the RFI, SBE sent out its RFP on September 11, 2013 for the equipment needed to capture the picture and signature of voters. The RFP sought vendor bids for the procurement of cameras, signature capture devices, necessary software needed, as well as proposals for the vendor printing and shipping the identification cards. The RFP requested that the camera equipment and signature capture devices be portable, for ease and flexibility of use in the field for outreach activities. Additionally, the RFP included the request for discount pricing on printers, depending on the volume capacity of each printer. Printers will be available in the case that the localities decide to print the identification cards in-office. The due date for responses is set for October 31, 2013. Following this date, SBE will review responses to the RFP and will continue to gather any information needed to enable the selection of a vendor solution used to create and distribute the voter identification cards.

During the initial phase, SBE senior management contacted the Department of Motor Vehicles to garner a better understanding of the processes used by DMV in issuing identification cards and to seek DMV assistance. SBE staff will continue to work with DMV by establishing a workgroup whose core responsibilities will be the exchange of information to ensure the best solutions for the issuance of the voter identification.

### Training Plan

The training plan during Phase One of implementing SB1256 will largely focus on training the 133 general registrars, electoral boards and their staff members on the pending changes relating to voter identification and how this will affect their offices and the conduct of elections. In order to do so, SBE will leverage regional meetings by both the Voter Registrars' Association of Virginia (VRAV) and the Virginia Electoral Board Association (VEBA), which are vital training opportunities for the elections community throughout the Commonwealth. Additionally, SBE will look into utilizing online training and webinars to educate the election community on these changes.

### Policy and Guidance to Election Officials

Phase One is a vital opportunity for SBE to develop policy and training for general registrars and electoral boards regarding SB1256. This training will focus on the timeline of when the law will go into effect and reinforce that the current voter identification laws will last through the November 2013 election and any elections taking place before July 1, 2014.

In order to accomplish this, SBE has established a workgroup made up of SBE staff and dedicated members of the election community located throughout the Commonwealth. This workgroup will serve as a conduit to help draft needed guidance for election officials. SBE staff and the work group will review and revise forms and guidance documents impacted by SB1256, as well as identify criteria required to obtain a voter identification card. The work group has met twice and has had productive discussions on the implementation of SB1256. Additionally, the group discussions have facilitated the drafting of a "Frequently Asked Questions" document, that will cover some of basic scenarios the localities will likely face when producing the identification cards. Moreover, throughout this time period, SBE staff will analyze and respond to any questions on the new voter identification law received from the election community as a whole. Additionally, SBE will draft regulations and present these regulations to the Board, to insure uniform practices throughout the Commonwealth.

### **Phase Two: January to March 2014:**

#### Producing Voter Identification Cards

During the secondary phase of implementation, pursuant to the Governor's Executive Order, SBE will procure the equipment utilizing the funds appropriated in the Fiscal Year 2014 budget.

After a vendor is selected, SBE will begin distribution of the equipment to each general registrar and provide training, so the general registrars can be prepared for constituents who need to obtain a free voter ID. After this distribution process, voters who need a free voter identification card can obtain one at their convenience to ensure proper identification at the polling place.

### Training

Between January and March of 2014, SBE and the selected vendor will focus its training largely on the utilization of the voter identification equipment. SBE will develop training for election officials, including step-by-step guides on the process and procedures for taking the voter identification cards. The vendor selected is expected to provide hands on training to all of the general registrars on the use and operation of the photo equipment. In February of 2014, VEBA will host its annual conference where General Registrars and Electoral Board members are scheduled to receive additional training on these procedures.

### Policy and Guidance to Election Officials

During Phase Two, the policy department of SBE will continue to analyze how the pending legislation will affect voter identification. In this process, SBE will develop necessary criteria for who is eligible to receive a voter identification card. SBE will ensure that this information is distributed in a timely fashion to all of the general registrars and staff responsible for taking the voter identification card photographs. If needed, SBE will refine any regulations previously promulgated to insure continued uniform practices throughout Virginia.

### **Phase Three: April to July 2014:**

#### Producing Voter Identification Cards

During this phase, SBE will actively ensure that all of the general registrars' offices are prepared and equipped with the infrastructure and guidance necessary to provide the voter identification cards to those voters that require them in a convenient, timely manner. This will ensure that the voters who need the cards can get one in ample time for election effected after July 1, 2014.

#### Training Plan

Phase Three's timeline is a key opportunity for SBE to work with the 133 localities to ensure a smooth transition from the current voter identification law to understanding the intricacies of SB1256 effective July 1. One way this transition will be accomplished during Phase Three is by disseminating sample voter outreach strategies and media materials to the localities. These strategies will help localities reach out to their voters on a more localized level regarding the implementation of SB1256. Media materials will ensure that media outlets receive comprehensive information from the localities on the new law, the processes for getting a voter identification card, and how it affects those at the local level. This training, with an emphasis on how the localities can engage their specific constituents in the community, will help to make the transition not only smooth but effective. SBE will also devote considerable time during its annual Election Uniformity Training to instruct localities on the changes.

## Policy and Guidance to Election Officials

Between April and July of 2014, SBE will update its internal guidance documents on voter identification to guarantee that all SBE staff is aware and educated on the changes in the law to best serve constituents who have questions or concerns. Additionally, SBE will prepare Question and Answer documents to provide easy reference points for commonly asked questions or concerns that arise.

### **Phase Four: Post-July 1, 2014 through November of 2014:**

#### Producing Voter Identification Cards

After July 1, 2014, SBE will begin its post-implementation evaluation of the of the voter identification card production component of the legislation. SBE will canvass the localities in order to evaluate the initial successes and shortcomings as the voter identification cards are produced to any voter that meets the criteria to receive one.

#### Training

As SBE canvasses the 133 localities to complete its post-implementation evaluation, SBE will use these results to develop a set of overall “best practices” to share with and disseminate to the field. These “best practice” standards will help tailor training after initial implementation to address any problems or concerns raised by the production of voter identification cards.

#### Policy and Guidance to Election Officials

As the initial implementation of SB1256 draws to a close, SBE will refine policies and procedures as needed in producing the voter identification cards based on questions and/or scenarios that arise in the field. SBE will also continue to educate the localities on the various policy issues that will be encountered during the in-person absentee voting period and on Election Day. These issues may include policy judgments on relatively obscure forms of identification that may be presented, provisional voting issues, and other questions that tend to surface immediately prior to an election.

### **III. Voter Outreach Plan**

#### **Review of House Bill 9 and Senate Bill1 enacted 7.1.2012**

In the summer of 2012, as part of the implementation plan for House Bill 9 and Senate Bill 1, SBE planned and began execution of a major voter education and outreach plan with the theme: “Are you Election Ready?” This plan began with information included in voter registration card mailings to all of Virginia’s voters in 2011 and 2012 as part of the redistricting process and continued through November’s election.

As part of the effort to reach all 134 localities and five million registered voters, Virginia launched the “Are You Election Ready?” campaign by dividing the state into five regions where various forms of media were distributed including print, radio, billboards, bus shelters, bus ads and television through the Virginia Association of Broadcasters. The voter outreach campaign educated voters about the changes to Virginia’s voter identification requirements and other important changes to the law impacting elections in Virginia, including provisional ballot procedures for voters who do not show an acceptable form of identification on Election Day.

The campaign included partnerships with various community, civic, advocacy and church organizations across the Commonwealth to reach the public through grassroots initiatives, participation in community events and festivals, sporting events, collegiate activities, professional and organizational meetings.

Social media was critical in reaching voters through Facebook and Twitter with over 100,000 weekly impressions. Message points included acceptable forms of identification, the voter registration deadline, absentee voting awareness and other election-related information. Public Service Announcements (PSAs) also appeared statewide via newspapers, radio, television and major sporting events including NASCAR races in Richmond and Martinsville which saw over 160,000 attendees. The campaign ads featured photos of everyday citizens of various backgrounds holding signs representing the type of voter identification they would take to the polls. An extended list of acceptable forms of identification, reminders of important deadlines, absentee voting information, and the SBE website and phone number were included in campaign advertisements.

In late September of 2012, SBE mailed new voter registration cards to all of Virginia’s approximately 4.7 million active registered voters. SBE communicated important election-related information to voters in that mailing, including identification requirements and important election deadlines.

In September 2012, SBE launched a new website with numerous improvements specifically geared towards educating voters for the November General Election. The new website presented a vastly simplified user interface with easily accessible links to the information most important to Virginians including a tool to allow a voter to check his or her registration status, a polling place finder, information on the absentee voting process, detailed information on the new voter identification requirements, a link to the voter’s sample ballot, and other information. The website also contained instructional videos on several topics including the new voter identification requirements, absentee voting, instructions for military personnel, voters with disabilities, and other topics.

SBE participated in two regional televised Phone-A-Thon events during which voters were encouraged to call into a toll-free number in order to check their registration status, polling place location, or to pose any questions related to the new voter identification requirements for the November General Election. General registrars from the participating regions staffed the phones during these events which were held in central and southwest Virginia.

SBE Secretary Don Palmer participated as a panelist at two voter education town hall events held at Norfolk State University and Virginia Union University. In addition, SBE staff members attended these events to distribute voter registration applications, absentee ballot applications, and updated information pertaining to Virginia's ID requirements for voting. SBE staff members and Board members presented at several additional public events informing the public on the voter identification changes.

SBE also took advantage of the considerable press interest received from the voter identification changes. SBE Board members and staff made appearances in print, radio and television.

Virginia also participated in National Military Voter Readiness Day on September 15, 2012 and was recognized Virginia was recognized as an All-Star state today by the Military Voter Protection (MVP) Project for taking significant efforts to promote and protect the voting rights of America's military service members and their families. SBE staff participated directly in voter education initiatives at Fort Lee, Joint Expeditionary Base Little Creek-Fort Story, and Naval Air Station Oceana.

It is the goal of SBE to continue this history of education and outreach success with the implementation of Senate Bill 1256. This plan outlines SBE's objectives, goals, and strategy at implementing Governor's Executive Order.

**Voter Outreach Plan Objectives:** To engage in a voter outreach campaign upon Board Approval of this plan through November 8, 2016 and to educate voters about the changes to Virginia's voter identification requirements and other important changes to the laws impacting elections in Virginia.

**Voter Outreach Plan Goals:** In implementing Senate Bill 1256 and Executive Order No. 62 (2013), the State Board of Elections' goals are the following:

1. To effectively communicate the specifics of the changes to Virginia's voter identification requirements in a straightforward and understandable manner to as many Virginians as possible. In particular, SBE shall focus on the four issues specifically identified by Governor McDonnell in his Executive Order.
2. To ensure a robust and uniform voter education campaign throughout the Commonwealth targeted at all of Virginia's 133 localities.
3. To effectively work with interested third-party groups, including the League of Woman Voters, the NAACP, the state's political parties, and other organizations to communicate the changes to Virginia's voter identification requirements and other important changes to the law impacting Virginia voters.
4. To ensure all Virginia voters without an acceptable form of photo identification are provided one free of charge.
5. To coordinate with and equip local general registrars and electoral board members with the necessary tools to conduct their own outreach efforts in their respective localities.
6. To reach voters through traditional media sources (newspapers, television and radio) by developing Public Service Announcements (PSAs), utilizing press releases and conducting interviews with members of the media.

7. To reach voters through new social media by utilizing Twitter, Facebook, SBE's website, and other means.
8. To utilize public notices, advertisements, and "ERIC" mailings to further educate voters on Virginia's voter identification requirements.
9. To communicate regularly with Governor McDonnell and his successor regarding the status of SBE's outreach efforts.

**Emphasis and Contents of Communications:** Pursuant to the Governor's Executive Order, the communications for SBE's voter outreach plan will focus on the following issues:

1. That photo identification is required at the polling place in elections after July 1, 2014, and that voters who do not bring identification to the polling place or who refuse to provide identification at the polling place will be required to vote a provisional ballot.
2. The list of photo identification documents that will be accepted at the polling place.
3. That a voter may obtain a free form of valid photo identification if the voter does not possess an acceptable form of identification.
4. Provide contact information of the State Board of Elections and local registrar offices for voters to receive answers to any additional questions.

**Resources:** SBE plans to allocate significant resources toward achieving these goals and objectives. SBE will devote staff, including the attorneys in the Election Uniformity Division, towards our voter outreach efforts. SBE estimates a fiscal impact of \$200,000 per year from FY 2015 to FY 2017 for the outreach costs. This will ensure that SBE can perform a long-term and sustained outreach campaign building up to the 2016 Presidential Election. Educating voters about the new identification requirements during each of the lower turnout elections in 2014 and 2015 will help ensure most voters are aware of the changes by the November 2016 General Election. SBE staff participating in the project will work closely with SBE Business Manager Sharon Woo to ensure economical use of SBE funds. SBE will also seek assistance from other state agencies per Governor McDonnell's directive in his Executive Order.

## **II. Coordination with Interested Third Party Groups**

### **A. Private Groups**

SBE's outreach and coordination with interested third parties is essential towards a successful voter outreach campaign. Governor McDonnell recognized this when directing SBE to "coordinate with ... interested third-party groups, including but not limited to, the League of Woman Voters, the NAACP, Virginia's political parties, and other organizations. . . ." SBE's specific plan to achieve this directive is the following:

1. Compile a list of interested third-party groups including the League of Woman Voters (LWV), the NAACP, the major and minor political parties of Virginia, other state and local government entities, non-profits, churches, local community organizations (e.g. Rotary), colleges and universities, major Virginia employers and others.

2. Reach out to organizations one-by-one to invite them to participate in our efforts, determine their interest in participating, and identify the appropriate point of contact at each organization.
3. Initiate conference calls with all interested third-party groups to explain SBE's efforts, solicit their input, and welcome them to join our outreach efforts.
4. Meet with different stakeholders and voter advocacy groups to receive input and comments on implementing the voter outreach plan. SBE has begun hosting these meetings: in October, SBE met with the League of Women Voters to discuss the voter implementation plan and receive feedback on how best to insure a smooth and productive implementation of SB 1256.
5. Provide regular updates, additional documentation, etc., via email list.
6. Offer SBE staff, local registrars, and others as speakers to address group membership upon request.
7. Ensuring local general registrars and electoral boards are involved with these efforts at the local level.

## **B. Other State Agencies**

In his Executive Order, Governor McDonnell directed other state agencies to cooperate with SBE and the local general registrars in their outreach efforts. Governor McDonnell directed agencies including but not limited to the Department of Social Services, Department of Motor Vehicles, Department of Education and agencies within the Health and Human Resources Secretariat to cooperate with SBE. These and other state agencies have significant experience and expertise in communicating important issues of public concern to Virginia's citizens. SBE will coordinate with these other state agencies so they act as force multipliers in posting SBE's promotional materials in their service centers, websites, and other aspects of where they interact with the public.

## **III. Media Strategy, Including Social Media**

SBE plans a comprehensive media strategy to communicate to voters the changes in voting identification requirements and other laws related to voting. In addition, SBE will communicate important deadlines through the media and debunk any rumors or misinformation that may surface in the weeks leading up to General Elections.

### **A. Building Comprehensive Media Contact List**

During the 2012 election cycle, SBE conducted a major effort to expand its media contact list. In particular, SBE's efforts have been directed at gathering media contacts for all of Virginia's 133 localities to ensure that SBE is reaching both the remote and rural areas and the urban population centers. These efforts include gathering contact information for local newspapers, radio stations, and even online news services like Patch.com, an online based community-specific news service that provides local coverage for individual towns and communities. SBE's efforts also include

gathering contact information from independent news sources that target groups including, but not limited to, the African-American, Hispanic, and Asian communities of Virginia.

Additionally, SBE will continue to work with general registrars who are knowledgeable of local media, to ensure the agency builds a comprehensive list of media contacts for paper, radio, television, and new media mediums.

### **B. Regular Voter Outreach Through Media Contact List**

Initially, SBE will send regular press releases to the media contact list to provide important information regarding the voter identification legislation implementation, including Board actions related to implementing this legislation and updates regarding other important changes to the law. SBE will also utilize this list to send press releases setting the record straight on rumors and misinformation related to Virginia's voter identification requirements, especially in the days and weeks immediately leading up to the general elections.

SBE's media outreach efforts related to the voter identification requirement changes will be accompanied by press releases relating to important registration and absentee ballot deadlines, scheduling of outreach events across the Commonwealth and other important information normally communicated to the press in advance of an election. SBE will provide sample press releases to local general registrars to exponentially increase the outreach across the Commonwealth.

### **C. SBE Board Member and Staff Press Availability**

SBE will communicate to the press SBE staff availability to conduct interviews and provide sound bites when requested. If the State Board members desire, SBE can inform the press of Board member availability to conduct interviews or provide updates. SBE staff will ensure Board members are briefed regularly on the specifics relating to legislative changes and other important information.

SBE will utilize our media list to announce and invite media to attend any press briefings conducted via conference call or in-person. SBE will ensure that staff members are trained on the proper methods of communicating with the media.

SBE will host press conferences on the start of major initiatives on voter readiness.

### **D. Utilizing Print and Social Media, Including SBE's Website**

SBE will budget appropriately to ensure that the agency is able to add important voter identification information to the required newspaper constitutional amendment advertising required due to any constitutional amendments on the ballot for General Elections through November 8, 2016. Such public notice is required in all newspapers with circulation of over 50,000. However, provided funds are available, SBE will publish the constitutional amendment advertising in additional newspapers, including periodicals serving minority populations.

SBE will utilize social media to increase public awareness about the changes in Virginia's voter identification laws and other important information, especially among young voters.

#### **IV. Procurement of Outreach Services**

##### **Overview**

The State Board of Elections will seek a contractor to serve as an integrated marketing and advertising vendor to work with SBE's executive staff to plan, execute and measure an effective and efficient public relations campaign that will reach statewide voters. The contractor shall develop communications concepts based on SBE's public relations initiatives and goals and produce advertisements and public service announcements for recommended media. The contractor shall efficiently and effectively execute all appropriate elements of a public relations campaign and assist in the evaluation of its effectiveness, striving for the maximum return on investments

SBE will also utilize YouTube, Facebook, and its website to link video PSAs.

##### **Phase One: November – January**

1. Issue the RFP in conjunction with the Department of General Services. This RFP is scheduled to go out November 5, 2013. Responses are due back by December 19<sup>2</sup>, 2013.
2. Receive and review responses.
3. Evaluate the proposals and award a contract.

##### **Phase Two: January – May**

1. Develop the scope of the campaign with the selected vendor.
2. Advisement of draft plan with the vested stakeholders.
3. Develop project milestones to analyze and track evaluation measures.

##### **Phase Three: June – ongoing**

1. Implementation of the plan.
2. Monitoring of milestones to ensure timely accomplishment of goals.
3. Monitoring of expenditures to ensure project remains within budget.

#### **V. Partnership with General Registrars and Electoral Boards and "Phone-A-Thon"**

In his Executive Order, Governor McDonnell encouraged the general registrars and electoral board members to conduct their own outreach efforts in coordination with the State Board of Elections. SBE is extremely fortunate to have a strong working relationship with Virginia's general registrars and electoral boards as well as their professional associations, the Voter

Registrars' Association of Virginia (VRAV) and the Virginia Electoral Board Association (VEBA). In furtherance of the Governor's message, SBE is committed to working with the registrars and electoral boards in ensuring the smooth implementation of the voter identification legislation at the local level. An effective partnership with the local registrars and electoral boards should act as a catalyst and will allow SBE's message to be amplified at the local level.

SBE will work closely with the statewide leadership of VRAV and VEBA to ensure that both SBE and the localities' speak with one voice on issues associated with the voter identification requirement changes. Working with VRAV and VEBA leadership in crafting a consistent and coherent communications message will be a main priority of the agency and coordination will take place regularly through SBE's weekly conference call with the leadership. In addition, SBE will work directly with the regional leadership of VRAV and VEBA to ensure that outreach is being conducted in each region of the Commonwealth.

SBE will ensure that the general registrars are given a copy of all SBE press releases for further dissemination into their communities and so that the election community speaks with one voice on important issues leading up to the election.

SBE's plan of coordination will be a topic addressed and reinforced at the annual training conference of registrars and electoral board members attended by all localities in July 2014 in Midlothian, Virginia. SBE anticipates over 500 local election officials to attend the training. In addition, VRAV's and VEBA's annual meetings will be held in early 2014. Both of these forums of election officials will provide an ideal forum to assess ongoing coordination and outreach efforts.

Finally, SBE hopes to work with the local general registrars in planning a statewide "Phone-A-Thon" that will take place prior to the November 2016 presidential election. SBE anticipates dozens of registrars and volunteers to participate in this event that will allow voters to call in with questions regarding the voting process, including questions related to the new voter identification requirements. Voters will be informed of the event through a scrolling message broadcasted on the bottom of the television screen during normal programming. This event was held regionally in 2008 and 2012, and was a major success.

## **VI. Regular Communication with Governor McDonnell**

In this Executive Order, ~~Governor McDonnell directed~~ the State Board of Elections was directed to regularly report ~~to him~~ on the status of the outreach efforts described in the Executive Order.

SBE will ensure that the agency provides regular updates to the Governor, ~~McDonnell~~, Secretary of Administration ~~Lisa Hicks Thomas and others~~ members of the administration on ~~on~~ the status of the outreach efforts. SBE will provide updates in its weekly report to the Secretary of Administration ~~Hicks Thomas~~ as well as more thorough briefings when needed and/or upon request. SBE will brief the new Governor following the start of the new Governor's term in January, ~~or~~ 2014.

## **IV. Conclusion**

The State Board of Elections staff is committed to taking the actions described in this plan to ensure the legislation is implemented “without adding inconvenience, confusion, or hardship to the Commonwealth’s voters.” SBE staff will work diligently to implement the plans described in this initiative in a timely and effective manner to ensure successful implementation of SB1256.

**Appendix A – SB 1256**

**CHAPTER 725**

*An Act to amend and reenact §§ 24.2-404, 24.2-411.1, 24.2-643, and 24.2-701 of the Code of Virginia, relating to voter identification requirements; photo ID.*

[S 1256]

Approved March 25, 2013

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-411.1, 24.2-643, and 24.2-701 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. Duties of State Board.

A. The State Board shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Board shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.
3. Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places *and voter registration cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Board shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a registration card containing the voter's photograph and signature. The Board shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Board. The Board may contract with an outside vendor for the production and distribution of voter registration cards containing the voter's photograph and signature.*

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Board. The Board shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.
5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.
6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.
7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the State Board shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.
8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.
9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The State Board may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.
10. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the State Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The State Board shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia Voter Registration System by any appropriate means including, but not limited to, paper and electronic means.

C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department to:

1. Apply for, replace, or renew a driver's license;
2. Apply for, replace, or renew a special identification card; or
3. Change an address on an existing driver's license or special identification card.

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered

voter. The notification and the registered voter's registration record shall be transmitted as directed by the State Board of Elections to the appropriate general registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424. The Department and State Board shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

C. The completed voter registration portion of the application shall be transmitted as directed by the State Board not later than five business days after the date of receipt. The Department and State Board shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

D. The State Board of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

*F. The Department of Motor Vehicles shall provide assistance as required in providing voter registration cards containing the voter's photograph and signature as provided in subdivision A 3 of § 24.2-404.*

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: ~~his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, his concealed handgun permit issued pursuant to § 18.2-308~~ *valid United States passport*, or any other *photo identification card* issued by a ~~government agency~~ of the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card *containing a photograph of the voter and* issued by any institution of higher education located in the Commonwealth of Virginia; *or* any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; ~~or a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter.~~

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

~~E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state. At such election, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.~~

§ 24.2-701. Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections held in towns, and on the Saturday immediately preceding any primary election, May general election held in a town, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar or a member of the electoral board. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

~~For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time that voter votes in a federal election in the state. After completing an application for an absentee ballot in person, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subdivision shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B of § 24.2-643, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.~~

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election;
2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;
3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs, and his or the spouse's rank, grade, or rate, and service ID number; or
  5. In the case of a student, or the spouse of a student, who is attending a school or institution of learning, the name and address of the school or institution of learning; or
  6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, the nature of the disability, illness, or pregnancy; or
  7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name and address of the institution of confinement; or
  8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or
  9. In the case of a person who will be absent on election day for personal business or vacation reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or
  10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, the name of the family member and the nature of his illness or disability; or
  11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, his religion and the nature of the obligation; or
  12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer, address of his place of work, and hours he will be at the workplace and commuting on election day; or
  13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or
  14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated and the name of the party chairman or candidate who designated him.
2. That the provisions of this act shall become effective on July 1, 2014.

3. That the provisions of this act shall not become effective unless an appropriation of general funds effectuating the purposes of this act is included in a general appropriation act passed by the 2013 Session of the General Assembly, which becomes law.

## **Appendix B: Executive Order No. 62 (2013)**

# **Implementation of Senate Bill 1256 Relating to Identification Requirements for Voters at the Polling Place on Election Day**

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### **Importance of the Initiative**

The Commonwealth of Virginia and its people have a strong interest in ensuring that their elections have integrity and reliability. For the citizens of Virginia to have faith in their government, they must have faith and confidence in the conduct and outcome of their elections. This means that government must provide open, honest, and secure elections. As such, Virginia has an abiding interest in deterring and detecting any potential voter fraud. Documented cases of voter fraud have occurred both in Virginia and in other parts of the United States. Virginia's history of some very close elections demonstrates that any voter fraud could negatively affect an election decided by a very small number of votes.

While conducting safe elections, we must absolutely ensure that our voting laws have no discriminatory effect and that eligible voters are able to vote without any unnecessary or burdensome hurdles. All eligible voters regardless of income, race, age, and other factors should be able to have equal access to the electoral process. The great principle of one man, one vote is essential to American democracy, and must be protected. Embracing a vibrant democracy through encouraging young and new voters to participate, and in restoring rights rapidly to qualifying felons has been an important part of this Administration. Now, all voters must be fully informed of any changes in the law that may impact their ability to vote.

### **Enactment of Senate Bill 1256**

Virginia has long required voters to bring valid identification to the polling place on Election Day in order to cast a vote. Likewise, federal law has required identification for certain first-time voters in federal elections since the implementation of the Help America Vote Act (HAVA) almost a decade ago. These efforts have made our electoral system less subject to fraud, but we must continue to look for ways to further address any vulnerability in our system. Senate Bill 1256 continues that mission, providing a process for individuals to obtain free photo identification cards and requiring that acceptable identification with a photo of the voter be provided on Election Day in order to vote. We must maintain the provisional ballot safeguard for individuals who fail to present proper documentation at the polling place. Maintaining the provisional ballot provides an opportunity to present identification to local electoral boards by multiple means of transmission after the election. While this new act is not effective until election conducted after July 1, 2014, the time for preparation and education is now.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § § 2.2-103 and 2.2-104 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the State Board of Elections, and request that local election officials, take several steps described in this Executive Order.

Specifically, this Executive Order directs the State Board of Elections to take necessary steps to ensure that all eligible Virginia voters are made aware of the provisions of this new law and are given the necessary information in order to provide an appropriate form of identification when voting in the 2014 elections, and provide details on how to attain a free photo identification, if needed. This Executive Order requests that local election officials cooperate in these efforts. I also direct the State Board of Elections, using the funds appropriated in the Fiscal Year 2014 budget, to expeditiously acquire and distribute to local registrars the necessary equipment and materials to allow for creation and distribution of photo voter registration cards.

## **Voter Outreach Campaign**

I direct the State Board of Elections to engage in a robust voter outreach campaign to educate voters about the changes to Virginia's voter identification requirements. This outreach campaign will educate the Commonwealth's voters on the following:

1. That photo identification is required at the polling place requiring in elections after July 1, 2014, and that voters who do not bring identification to the polling place or who refuse to provide identification at the polling place will be required to vote a provisional ballot;
2. The list of photo identification documents that will be accepted at the polling place;
3. That a voter may obtain a free form of valid photo identification if the voter does not have an acceptable form of identification; and
4. Provide contact information of the State Board of Elections and local registrar offices for voters to receive answers to any additional questions.

I direct the State Board of Elections to utilize newspaper advertisements, the internet, social media, television and radio (including Public Service Announcements), public town hall meetings, direct mail, public notices in state and local buildings, voter registration offices, and polling places and other means to communicate the information described above to Virginia voters, to the maximum extent that sufficient funds exist for such purposes.

I direct the State Board of Elections to coordinate with local election officials, interested third-party groups including, but not limited to, the League of Woman Voters, the NAACP, Virginia's political parties, media entities, and other organizations to help educate voters about Virginia's voter identification requirements.

I direct the State Board of Elections to ensure that its voter outreach efforts are directed at all regions of the Commonwealth and in all of its localities.

I encourage local general registrars and electoral board members to conduct their own outreach efforts in coordination with the State Board of Elections. General registrar and electoral board outreach at the local level should target local voters through local media, including radio and television, and print, making efforts to educate voters through outreach to various local community groups.

I direct other state agencies to assist and cooperate with the State Board of Elections and local general registrars in their outreach efforts, including the Department of Social Services, Department of Motor Vehicles, Department of Education, and agencies within the Health and Human Resources Secretariat.

I direct the State Board of Elections to adopt any rules, regulations or guidelines necessary to implement any particulars of this legislation, including the procedures for a voter to apply for and obtain a free photo identification card, or for the implementation of voter outreach efforts.

I direct the State Board of Elections to regularly report to me on the status of the outreach efforts from the date of implementation, July, 1, 2014, through the 2014 General Election.

### **Effective Date of this Executive Order**

This Executive Order shall become effective upon its signing and shall remain in full force and effect until December 1, 2014, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this the 26th day of March, 2013.

**/s/ Robert F. McDonnell, Governor**

**Attest: /s/Janet V. Kelly, Secretary of the Commonwealth**



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# Other Business & Public Comment

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# Adjournment

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# BOARD MEETING

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Wednesday, January 8, 2014  
General Assembly Building  
Room C  
10:00 AM

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BOARD WORKING PAPERS  
Master Copy  
Prepared by Rose Mansfield  
Executive Assistant to the Board