



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Wednesday, August 27, 2014
General Assembly Building
Room C
10:00 AM

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

*DATE: August 27, 2014
LOCATION: General Assembly Building, Room C
TIME: 10:00 a.m.*

I. CALL TO ORDER

*Charles E. Judd
SBE Chair*

**II. APPROVAL OF MINUTES
August 6, 2014**

SBE Board Members

III. COMMISSIONER'S REPORT

*Edgardo Cortés
ELECT Commissioner*

IV. REPORT FROM LEGAL COUNSEL

*Kristina Perry Stoney
SBE Legal Counsel*

V. NEW BUSINESS

A. Certification of Special Election – August 19, 2014

*Matt Abell
ELECT Election Services Lead*

B. Optical Scan Trial-Clark County

*Gary Fox
ELECT
Voting Technology Specialist*

C. FOIA Meetings Policy

*Martha Brissette
ELECT Policy Analyst*

**D. 7th District Special Election
Hand-out & AB Insert**

Martha Brissette

E. Absentee Material Omissions

Martha Brissette

VI. OTHER BUSINESS & PUBLIC COMMENT

VII. EXECUTIVE SESSION

Discussion of Pending Litigation Matters

VIII. GOOD OF THE ORDER

NOTE: During the discussion of each topic there will be an opportunity for public comment. Anyone wishing to discuss an issue not on the agenda will be allowed to comment at the end of the new business section.

All materials provided to the Board are available for public inspection under the Virginia Freedom of Information Act upon request.



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Call to Order

BOARD WORKING PAPERS



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Approval of Minutes

BOARD WORKING PAPERS
SBE Board Members



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STATE BOARD *of* ELECTIONS

Approval of Minutes August 6, 2014

BOARD WORKING PAPERS
SBE Board Members

1 MINUTES

2

3 The State Board of Elections Board Meeting was held on Wednesday, August 6,
4 2014. The meeting was held in the General Assembly Building – Room C, Richmond,
5 Virginia. In attendance, representing the State Board of Elections (SBE) was Charles
6 Judd, Chair; Don Palmer, Secretary; Kristina Perry Stoney, Senior Assistant Attorney
7 General and SBE Counsel and Anna Birkenheier, Assistant Attorney General. In
8 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,
9 Commissioner; Susan Lee, Elections Uniformity Manager; Chris Piper, Elections
10 Services Manager; Myron McClees, ELECT Policy Analyst and Rose Mansfield,
11 Executive Assistant. Chairman Judd called the meeting to order at 1:00PM.

12 The first order of business was the approval of the Minutes from the State Board
13 of Elections Board Meeting held on June 24, 2014. Chairman Judd asked if Board
14 Members had any additions or corrections to the June 24, 2014 Board Minutes and there
15 were none. Secretary Palmer moved *to adopt the Minutes for the June 24, 2014, Board*
16 *Meeting*. Chairman Judd seconded the motion and the Board unanimously approved the
17 Minutes. Chairman Judd asked if Board Members had any additions or corrections to the
18 July 15, 2014 Board Minutes and there were none. Chairman Judd moved *to adopt the*
19 *Minutes for the July 15, 2014, Board Meeting*. Secretary Palmer seconded the motion and
20 the Board unanimously approved the Minutes. Chairman Judd asked if Board Members
21 had any additions or corrections to the July 22, 2014 Board Minutes and there were none.
22 Secretary Palmer moved *to adopt the Minutes for the July 22, 2014, Board Meeting*.
23 Chairman Judd seconded the motion and the Board unanimously approved the Minutes.

24 The second order of business was the Commissioner’s Report delivered by
25 Commissioner Cortés. Commissioner Cortés reported that a mailing was delivered to
26 voters in the commonwealth erroneously. The Department of Elections has been in the
27 process of sending mailings to voters to confirm information when crosscheck with
28 information received from other states. The mailing process “What’s your status?” was
29 meant to be delivered to individuals who ELECT believed moved out-of-state based on
30 information received from other states participating in the Crosscheck program and in the
31 Electronic Registration Information Center (ERIC) program. There were 113,000 voters

32 who were sent, in addition to the confirmation mailing, out-of-state mailers. The problem
33 was identified on July 29, 2014, and the ELECT team initiated a plan of action. On
34 August 5, 2014, all 113,000 voters were sent letters containing an apology from ELECT
35 for the error. Commissioner Cortés stated that those voters were not cancelled or
36 removed from the rolls of the commonwealth.

37 Commissioner Cortés stated that the annual training concluded successfully with
38 over 500 election officials from across the commonwealth attending. Commissioner
39 Cortés reported that the voter photo identification system has the capability to be utilized
40 in a mobile environment in a secure on-line manner. General Registrar's throughout the
41 commonwealth have conducted community events or have planned community events
42 with the voter photo identification equipment. ELECT is in the final stages of planning
43 the off-line software that supports the voter photo identification program. ELECT has
44 recently signed a contract with an agency that will assist in community outreach and will
45 provide materials for the program. ELECT has hired a community outreach coordinator.
46 Commissioner Cortés reported that 320 identifications have been issued since July 1,
47 2014.

48 The next order of business was the Legal Report presented by Kristina Perry
49 Stoney, Senior Assistant Attorney General. Ms. Stoney reported that ELECT was sent a
50 memorandum in response to the proposed amendment to define the meaning of "valid".
51 Ms. Stoney stated that the letter is not an assessment of the legality of the voter
52 identification law rather an assessment of the proposed amendment. Chairman Judd
53 stated: "I see this assessment as a position paper not an opinion." Ms. Stoney stated: "I do
54 not; this paper was provided under the normal course of review of proposed regulations
55 to ensure they are in compliance with applicable laws. At the June 24, 2014, Board
56 Meeting there was a request to review regulations." Chairman Judd stated: "The Board
57 (SBE) requested the review but you responded to the Commissioner of ELECT. Can the
58 Board expect that the answers be provided to the Board?" Ms. Stoney stated: "Previously,
59 memorandums have been addressed to the agency head." Chairman Judd stated: "In the
60 future, SBE members should receive their requested reports and the commissioner should
61 receive their requested reports."

62 The next order of business was an update on the workgroup that will be reviewing
63 the duties and responsibilities of electoral boards and general registrars presented by
64 Commissioner Cortés. Commissioner Cortés stated that the working group would be an
65 official group comprised of electoral board members and general registrars reporting the
66 results of their study to SBE. Commissioner Cortés stated that the Virginia Electoral
67 Boards Association (VEBA) and Voter Registrars Association of Virginia (VRAV) have
68 reviewed the membership nominations and the basic outline of the workgroup parameters
69 as submitted. There will be two ELECT staff members available to assist with technical
70 and administrative tasking. SBE will request agencies of the commonwealth to provide
71 assistance to the workgroup for this study, as needed. The workgroup will meet at least
72 three times and submit a report to SBE on or before December 31, 2014. Secretary
73 Palmer moved *that SBE adopt the recommended plan and accept members of the*
74 *workgroup as presented involving the review of duties and responsibilities of electoral*
75 *boards and general registrars.* Chairman Judd seconded the motion and asked if there
76 were comments and there were none. The Board unanimously approved the motion.

77 The next order of business was the Voter Photo ID Regulation-Valid Definition
78 presented by Myron McClees, ELECT Policy Analyst. Mr. McClees stated that at the
79 June 10, 2014 Board Meeting two regulations were presented for consideration.
80 Consideration of 1VAC 20-40-10 regarding the definition of “valid” was adopted during
81 that meeting. The Board voted to amend the definition and place the language on
82 Townhall for public comment which began on July 7, 2014 and ended on August 4, 2014.
83 There were 588 comments submitted through Townhall and ELECT received additional
84 comments via email and other sources which were made available for Board Members to
85 review.

86 Secretary Palmer stated that he had reviewed the comments and drafted proposed
87 language to define the meaning of “valid”. Secretary Palmer presented several versions of
88 suggested language regarding the meaning of “valid”. Secretary Palmer stated: “I feel
89 that 12 months is the proper grace period for the expiration of identification. The case of
90 *Shreve v. Virginia* supports this suggested grace period of 12 months as well as the
91 actions of other states, federal and state agencies. I do not believe the law is
92 unconstitutional; however, this is a clearer definition for the reasons I have suggested.

93 Additionally, I suggest adding a sentence that says: “The officer of elections shall
94 determine whether the document is officially acceptable based on its face.””

95 Chairman Judd stated: “The reason that photo identification is required in the
96 polling place is so that the officer of election can determine if that is the person telling us
97 who they say they are. We want this to be uniform across the commonwealth. In our
98 culture, identification is required for everything from purchasing some over the counter
99 medications to boarding a plane and ... to showing up for a medical appointment. Most
100 individuals have photo identification. You have to have photo identification to get
101 benefits from the government and ... I contend and will continue to contend that most of
102 the citizens of the commonwealth have photo identification. SBE has the desire that
103 everyone who is eligible to vote, vote! We need to protect the integrity of the voter list. ”.

104 Chairman Judd stated: “I would remove the word “valid” from the list of
105 definitions in the regulations.” Mr. McClees stated: “I would suggest, that guidance was
106 requested from the attorneys general office and what authority the Board possesses to
107 complete this action would need further research.” Chairman Judd directed the clerk,
108 Rose Mansfield, to introduce and read the statement letter from Vice Chair Bowers
109 regarding the issue and definition of “valid”.

110 Secretary Palmer moved *that “Valid” for purposes related to voter identification*
111 *shall mean: (i) the document appears to be genuinely issued by the agency or issuing*
112 *entity appearing upon the document, (ii) the beater of the document reasonably appears*
113 *to be the person whose photograph is contained thereon, and (iii) the document shall be*
114 *current or have expired within the preceding twelve (12) months. The officer of election*
115 *shall determine whether the document is officially acceptable based on its face.* Chairman
116 Judd seconded the motion and asked if there were any public comments.

117 Public comments were provided by Delegate Vivian Watts, D-39th District;
118 Therese Martin, Virginia League of Women Voters; Tram Nguyen, Director Virginia
119 New Majority, Donna Miller Rostant, Chair Fairfax County Democrats; Maggi Luca,
120 Past Electoral Board Secretary Fairfax County; Courtney Mills, Fair Elections Legal
121 Network and Hope Amezquita, ACLU of Virginia provided comment.

122 Chairman Judd asked Secretary Palmer to repeat the motion. Secretary Palmer
123 stated: “Valid” for purposes related to voter identification shall mean: (i) the document

124 appears to be genuinely issued by the agency or issuing entity appearing upon the
125 document, (ii) the beater of the document reasonably appears to be the person whose
126 photograph is contained thereon, and (iii) the document shall be current or have expired
127 within the preceding twelve (12) months. The officer of election shall determine whether
128 the document is officially acceptable based on its face. Chairman Judd asked for a final
129 vote. The motion carried 2-0 in favor of the presented motion.

130 The next order of business was the ballot Standards presented by Cris Piper,
131 Elections Services Manager. Mr. Piper stated the changes presented in the revised version
132 of the “Ballot Standards and Verification Procedures” document are necessary to
133 properly reflect the law changes that went into effect on July 1, 2014. Board Members
134 were provided the updated procedures. In particular noting the changes; “Vote for not
135 more than one” to “Vote for only one” and change “State Board of Elections/SBE” to
136 Department of Elections/ELECT”. Secretary Palmer moved *that the Board approve*
137 *staff’s suggested changes to the “Ballot Standards and Verification Procedures”*
138 *document*. Chairman Judd seconded the motion and asked if there were public comments
139 and there were none. The Board unanimously passed the motion.

140 Chairman Judd opened the floor to other business and public comment. Maggi
141 Luca, Past Electoral Board Secretary Fairfax County approached the podium. Ms. Luca
142 asked if the motion passed on the voter identification needed to be placed on Townhall
143 for public comment. Secretary Palmer stated: “The only change that occurred was
144 moving the time frame from 30 days to a year and this is not significant enough to place
145 back on Townhall for comment. I based the changes on the comments provided.”

146 Hope Amezquita, ACLU of Virginia approached the podium. Ms. Amezquita
147 stated that a letter was submitted to the Department of Elections that contained four
148 specific requests for response on the voter identification law. Ms. Amezquita asked for a
149 response from the Board.

150 Donna Miller Rostant, Fairfax County Democrats approached the podium. Ms.
151 Rostant asked which particular comments posted to Townhall aided in the decision made
152 at this Board Meeting by Board Members regarding the voter identification interpretation
153 of “valid”. Chairman Judd stated that if an item is posted on Townhall it is because the

154 Board Members motion and approve the item for public comment. The decision made by
155 Board Members was based on those previously submitted comments.

156 Robin Lind, Goochland County Electoral Board Secretary approached the
157 podium. Mr. Lind asked for guidance on the November, 2014 election regarding multiple
158 ballots. Commissioner Cortés stated that ELECT is working on this issue and as a result
159 the single ballot will contain two separate races. Chairman Judd asked if there were
160 additional public comments and there were none.

161 Chairman Judd asked if there were comments for the Good of the Order.
162 Chairman Judd stated that legal counsel has notified SBE that the executive session listed
163 on the agenda would not be required. Chairman Judd stated: “The spirit of what SBE is
164 trying to do with photo identification is: “We have the authority or we do not have the
165 authority to define valid.” The action SBE took at this Board Meeting clears it for now,
166 and our purpose is to protect the integrity of the process and as part of this SBE wants
167 everybody to have access to their ballot so that they may cast their vote. I intend to clarify
168 in the future what is SBE authority when comes to defining regulations. For us, our
169 purpose is to determine is that person out there the person they present as and the
170 expiration date really doesn’t matter but, when it comes to defining “valid” it does. We
171 were asked to define “valid” and SBE did just that.”

172 Chairman Judd moved *that the Board adjourn*. Secretary Palmer seconded the
173 motion and without further comment the Board voted to adjourn. The meeting was
174 adjourned at approximately 2:55PM.

175 The Board shall reconvene on August 27, 2014 at 10:00AM in the General
176 Assembly Building – Room C, Richmond, Virginia.

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179 _____
Secretary

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182 _____
Chair

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Vice Chair

DRAFT



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Commissioner's Report

BOARD WORKING PAPERS
Edgardo Cortés
Commissioner
Department of Elections



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Legal Report

BOARD WORKING PAPERS
Kristina Perry Stoney
Senior Assistant Attorney General



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New Business

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Certification
of
Special Election
August 19, 2014

BOARD WORKING PAPERS
Matt Abell
ELECT Election Services Lead



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Optical Scan Trial Clark County

BOARD WORKING PAPERS
Gary Fox
ELECT Voting Technology Specialist



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DEPARTMENT *of* ELECTIONS

Memorandum

To: Members of the State Board of Elections
From: Gary W. Fox, Voting Technology Specialist
Date: August 12, 2014
Re: Experimental Use of Approved Voting Systems in Clarke County

Suggested motion for a Board member to make:

I move that the Board approve the experimental use of certified optical scan voting equipment in Clarke County for the November 4, 2014 general election.

Applicable Code Sections: § 24.2-630.

Attachments:

Your Board materials include the following:

- Request from Clarke County to trial two optical scan voting systems.

Background:

Virginia election law provides for the experimental use of certified voting systems at an election, with the approval of the State Board. Clarke County is seeking permission to trial certified voting systems in two precincts during the November 4, 2014 general election. They plan to use the ES&S DS200 optical scan machine and the ExpressVote ADA device in the Buckmarsh precinct with 2013 active voters and the Unisyn OVO optical scan machine and the OVI or OVI-VC ADA device in the Russell precinct with 1385 active voters. Clarke County has 10,007 active voters total. Each vendor has agreed to print the ballots, program the machines, and provide training and support. This trial will be used to evaluate the purchase of optical scan equipment for Clarke County.



Clarke County Office of Elections

Voter Registration and Electoral Board

101 Chalmers Ct. ☎ P. O. Box 555 ☎ Berryville, Virginia 22611
(P) 540-955-5168 (F) 540-955-5169 (email) vote@clarkecounty.gov

August 1, 2014

Mr. Gary Fox, Voting Technology Specialist
Virginia Department of Elections
1100 Bank Street
Richmond, VA 23219

Dear Gary,

The Clarke County Electoral Board is actively pursuing transitioning to a digital scan voting system from our current DRE voting equipment. Our goal is to implement the transition at the November 2015 general election. At their July 28, 2014 meeting, the electoral board unanimously agreed to seek approval to test two voting systems at the November 4, 2014 General Election, in accordance with §24.2-630 of the Code of Virginia.

§24.2-630. With the approval of the State Board, the governing body of any county, city or town may provide for the experimental use at an election in one or more election districts or precincts for a voting or counting system which it might legally adopt...

The Clarke County Electoral Board is requesting approval to test two voting systems, one in each of two precincts, during the November 4, 2014 General Election. ES&S/PrintElect and Unisyn/ESO have agreed, pending SBE approval, to allow for the testing of their digital scan voting systems to include their ballot marking devices for voters with disabilities. Each vendor has agreed to program, make delivery of their equipment, and to train staff and officers of election prior to the election and to provide support at the precincts on election day.

The precincts and voting systems for consideration are:

Russell Precinct with 2013 active voters – Unisyn: OVO and OVI or OVI-VC

Buckmarsh Precinct with 1385 active voters – ES&S: DS200 and ExpressVote

Regards,

Barbara B. Bosserman, VREO
General Registrar



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FOIA Meetings Policy

BOARD WORKING PAPERS
Martha Brissette
ELECT Policy Analyst



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DEPARTMENT *of* ELECTIONS

Memorandum

To: Members of the State Board of Elections
From: Martha Brissette, Policy Analyst
Date: August 27, 2014
Subject: FOIA: Suggested Policy for Electronic Participation in Meetings

Suggested motion for a Board member to make: I move that the Board approve the proposed policy to allow members of the State Board of Elections to participate electronically in meetings effective immediately.

Affected Regulations: 1 VAC 20-20-30(H) (no change required)

Applicable Code Sections: Va. Code §§ 2.2-3707, 2.2-3708, 2.2-3708.1, 2.2-3711, 2.2-3712

Board Materials: Suggested Policy Draft

Background:

As permitted by Va. Code § 2.2-3708.1, amended effective July 1, 2014, the Department of Elections staff is recommending that the Board adopt a written policy to allow for electronic participation in meetings in the case of an emergency or personal matter of a member.

The Virginia FOIA Advisory Council provides this summary of the 2014 legislative change:

Removes the requirement that a public body approve by a majority vote of the members present at a meeting the remote participation in the meeting by one of its members. The bill instead requires the public body to have adopted a written policy allowing for and governing participation, including an approval process for such participation of its members by electronic communication means. Once adopted, the public body shall apply this policy strictly and uniformly, without exception, to its entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. HB 193 (2014 Acts of Assembly, c. 492) and SB 161 (2014 Acts of Assembly, c. 524).

<http://foiacouncil.dls.virginia.gov/2014updt.pdf>

Suggested Policy for Electronic Participation in Meetings

PURPOSE: To establish a policy that provides for the State Board of Elections to properly conduct meetings with the electronic participation of its members.

REFERENCES: Va. Code §§ 2.2-3707, 2.2-3708, 2.2-3708.1, 2.2-3711, 2.2-3712

GENERAL REQUIREMENTS AND POLICY ESTABLISHMENT

Board members may participate by electronic means in a meeting of the Board under the following conditions:

- The means of electronic participation permits simultaneous communication;
- The meeting complies with all other requirements of the Virginia Freedom of Information Act; and
- Subsequent to its adoption by the majority of the Board, this policy is posted on the website normally used for notice of public meetings.

ACTION DURING THE MEETING

When a meeting with electronic communication is conducted, the Board must comply with the following guidelines:

- A quorum of two members of the Board must be physically present at the meeting place; and
- Any disapproval of a member's participation from a remote location shall be recorded in the minutes with specificity. Votes must be taken by roll call.

MEMBER ATTENDANCE REQUIREMENT

- Annually, each member of the Board may participate remotely in 25% of the meetings of the electoral board or two meetings if the board meets more than eight (8) times. Each member must physically attend at least 75% of meetings annually.

DOES NOT AFFECT EXECUTIVE SESSIONS

- This policy does not affect the Board's right to exclude the public from an executive session in which a member participates by electronic communication.

DECLARED EMERGENCIES

The Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, provided

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this section, the Board shall

- give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Board;
- make arrangements for public access to the meeting;

- make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board and that have been made available to the Department of Elections staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;
- recorded minutes of the meeting; and
- record in the minutes votes taken by name in roll-call fashion.

The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes of the meeting.

If the Board meets by electronic means as provided in this section, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year:

- the total number of electronic communication meetings held that year;
 - the dates and purposes of the meetings;
 - the number of sites for each meeting;
 - the types of electronic communication means by which the meetings were held;
 - the number of participants, including members of the public, at each meeting location;
 - the identity of the members of the Board recorded as absent and those recorded as present at each meeting location;
 - a summary of any public comment received about the electronic communication meetings;
- and
- a summary of the Board's experience using electronic communication meetings, including its logistical and technical experience.

Effective Date: September 1, 2014



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7th District Special
Election
Hand-out & AB Insert

BOARD WORKING PAPERS
Martha Brissette
ELECT Policy Analyst



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DEPARTMENT *of* ELECTIONS

Memorandum

To: Members of the State Board of Elections
From:
Date: August 27, 2014
Subject: Special Election Congressional Seventh District—Information for Voters

Suggested motion for a Board member to make: I move that the Board approve the explanatory poster the Department of Elections staff has developed with the participating localities for use in polling places and absentee balloting.

Affected Regulations: 1 VAC 20-20-60(A) (agency delegations detailed at http://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\132\GDoc_SBE_4245_v4.pdf)

Applicable Code Sections: Va. Code §§ 24.2-105, 24.2-706

Board Materials: Explanatory Poster

Background:

As with the proposed pledge materials in 2012, agency staff is seeking Board approval to handle instructions and forms for a unique situation not clearly addressed by our statutes and regulations. See 1.13.2012 Board minutes lines 41-52. As a general rule, the Board must approve changes to forms and records for conducting elections and the envelopes and instructions for absentee ballots. It is unclear the extent to which the agency may adapt approved structures to fit particular needs such as this federal special election to be included on the ballot with the election for the regular term. This race has garnered significant attention nationally supporting that any doubt be resolved in favor of requesting Board approval as well as authority to handle any adaptations that may become necessary as determined by the Department in consultation with the participating localities.

ATTENTION SEVENTH CONGRESSIONAL DISTRICT VOTERS ONLY

The office of United States House of Representatives, 7th District, will appear in two places on the ballot in the November 4, 2014 election.

The first appearance is for the office's full two year term. The general election winner will take office on January 3, 2015 and will serve through January 3, 2017. The office header for the general election will read:

Member
House of Representatives
7th District
(Vote for only one)

The second appearance is a special election for the unexpired term of former congressman Eric I. Cantor. The special election winner will take office upon qualification and will serve through January 3, 2015. The office header for the special election will read:

Member
House of Representatives
7th District
For unexpired term to end
January 3, 2015
(Vote for only one)

Please be aware that each election winner will serve a different term in office.

**ATTENTION SEVENTH
CONGRESSIONAL DISTRICT
VOTERS ONLY**

The office of United States House of Representatives, 7th District, will appear in two places on the ballot in the November 4, 2014 election.

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House of Representatives
7th District
For unexpired term to end
January 3, 2015
(Vote for only one)

Please be aware that each election winner will serve a different term in office.



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Absentee Material Omissions

BOARD WORKING PAPERS
Martha Brissette
ELECT Policy Analyst



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DEPARTMENT *of* ELECTIONS

Memorandum

To: Members of the State Board of Elections
From: Martha Brissette, Policy Analyst
Date: August 27, 2014
Subject: Material Omissions from Absentee Ballots

Suggested motion for a Board member to make: I move that the Board approve the staff proposed changes to its regulations related to material omissions from absentee ballots to be effective on filing with the Register of Regulations.

Affected Regulations: 1 VAC 20-45-40, 20-70-20.

Applicable Code Sections: Va. Code §§ 24.2-467, 24.2-702.1, 24.2-706

Board Materials:

Proposed Regulations from Town Hall
Comments received
Draft regulations

Background:

These amendments conform existing regulations to 2014 legislative changes regarding the sealing of envelopes and completion of the required statutory statement for mailed absentee ballots under Va. Code § 24.2-706 and federal write-in absentee ballots under §§ 24.2-461 and 24.2-702.1 . The legislative amendments allow counting the ballot if the outer envelope is sealed and specify that neither omission of the date nor middle name or initial require rejecting the ballot if first and last names are provided. Amendments also are proposed dealing with generational suffix and street identifiers.

The Board approved posting these changes for public comment at its meeting on June 10, 2014. The public comment period opened June 30, 2014, and closed July 21, 2014. A total of 87 comments were received. Most of the comments oppose treating generational suffix and street identifier as material. Based on the comments received, staff recommends the draft without these two changes.



Proposed Text

Action: 2014 Absentee Material Omissions

Stage: Proposed

6/16/14 2:42 PM [latest] ▼

1VAC20-45-40

1VAC20-45-40. Material omissions from Federal Write-In Absentee Ballots.

A. Pursuant to the requirements of §§ 24.2-467, 24.2-702.1, and 24.2-706 of the Code of Virginia, a timely received write-in absentee ballot on a Federal Write-In Absentee Ballot (FWAB) (Form SF-186) should not be rendered invalid if it contains an error or omission not material to determining the eligibility of the applicant to vote in the election in which he offers to vote.

B. If the applicant is not registered, the FWAB may not be accepted as timely for registration unless the applicant has met the applicable registration deadline. Section 24.2-419 of the Code of Virginia extends the mail registration deadline for certain military applicants. All applications requesting mailed ballots are subject to the mail absentee application deadline in §§ 24.2-459 and 24.2-701 of the Code of Virginia.

C. The following omissions are always material and any FWAB containing such omissions should be rendered invalid if on the declaration/affirmation any of the following, or combination thereof, exists:

1. The applicant has omitted the signature of the voter or the notation of an assistant in the voter signature box that the voter is unable to sign;
2. The applicant has omitted the signature of the witness; or
3. The applicant did not include the declaration/affirmation page; or
4. The applicant omitted from the declaration/affirmation information required by § 24.2-702.1 of the Code of Virginia needed to determine identity or eligibility including, but not limited to, (i) current military or overseas address; (ii) the street identifier, such as the term "road" or "street" when filling in the legal residence; or (iii) his generational suffix when more than one individual with the same name are registered at the same address, and it is impossible to determine the identity of the voter from the voter declaration/affirmation page.

D. The ballot should not be rendered invalid if on the FWAB any of the following, or combination thereof, exists:

1. The applicant has not listed the names specifically in the order of last, first, and middle name;
2. The applicant has listed a middle initial or maiden name, instead of the full middle name;
3. ~~The applicant has omitted the street identifier, such as the term "road" or "street," when filling in the legal residence;~~
4. 3. The applicant has omitted the county or city of registration if the county or city is clearly identifiable by the residence address information provided;
5. 4. The applicant has omitted the zip code;

6: 5. The applicant has omitted the date of the signature of the voter;

7: 6. The applicant has omitted the address of the witness;

8: 7. The applicant has omitted the date of signature of the witness;

9: ~~8.~~ The applicant did not seal the ballot within the security envelope, ~~provided there is substantial compliance with the requirement that the ballot be accompanied by the required voter statement so long as the outside envelope containing the ballot and the voter's declaration/affirmation page arrived sealed;~~ or

~~10: 9.~~ The applicant has submitted a ballot containing offices or issues for which he is not eligible.

1VAC20-70-20

1VAC20-70-20. Material omissions from absentee ballots.

A. Pursuant to the requirements of § 24.2-706 of the Code of Virginia, a timely received absentee ballot contained in an Envelope B shall not be rendered invalid if it contains an error or omission not material to its proper processing.

B. The following omissions are always material and any Envelope B containing such omissions shall be rendered invalid if any of the following exists:

1. Except as provided in subdivisions C 2 and 3 of this section, the voter did not include his full first name;

2. The voter did not provide his last name;

3. ~~If the voter has a legal middle name, the voter did not provide at least a middle initial~~ The voter omitted his generational suffix when one or more individuals with the same name are registered at the same address, and it is impossible to determine the identity of the voter from Envelope B;

4. The voter did not provide his house number and street name with his residential street identifier (e.g., "street," drive," etc.) or his rural route address;

5. The voter did not provide either his city or zip code;

6. The voter did not sign Envelope B; or

~~7. The voter did not provide the date on which he signed Envelope B; or~~

8: 7. The voter's witness did not sign Envelope B.

C. The ballot shall not be rendered invalid if on the Envelope B:

1. The voter included his full name in an order other than "last, first, middle";

2. The voter used his first initial instead of his first full name, so long as the voter provided his full middle name;

3. The voter provided a derivative of his legal name as his first or middle name (e.g., "Bob" instead of "Robert");

4. ~~The voter did not provide his generational suffix~~ If the voter provided his first name and last name, the voter did not provide a middle name or a middle initial;

5. ~~The voter did not provide his residential street identifier (Street, Drive, etc.);~~

6: 5. The voter did not provide a zip code, so long as the voter provided his city;

7: 6. The voter did not provide his city, so long as the voter provided his zip code;

8: 7. The voter omitted ~~the year in the date, or provided an incorrect or incomplete date~~ on which he signed Envelope B; or

~~9. The voter provided the incorrect date on which he signed Envelope B; or~~

~~10. 8. The ballot is imperfectly sealed within Envelope B, provided that the ballot is contained within Envelope B, there is evidence that a good faith effort was made to seal the envelope; the outer envelope with Envelope B and the ballot arrived sealed, and the circumstances create no reason to suspect fraud.~~

9. The illegibility of a voter's or witness' signature on an Envelope B shall not be considered an omission or error.

D. For the purposes of this regulation, "city" may include the voter's locality, town, or any acceptable mailing name for the five-digit zip code of the voter's residence.

~~E. The illegibility of a voter's or witness' signature on an Envelope B shall not be considered an omission or error.~~

F. E. Whether an error or omission on an Envelope B not specifically addressed by this regulation is material and shall render the absentee ballot invalid shall be determined by a majority of the officers of the election present.

	Commenter	Regulation	Category	Comment
1	Arusha Gordon, Lawyers Committee for Civil Rights	20-45-40	Material Omissions from Federal Write-in Absentee Ballot	<p>The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") writes to offer comments regarding the proposed changes to Va. Code § 24.2-706 concerning material omissions from federal write-in absentee ballots.</p> <p>The Lawyers' Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. The principal mission of the Lawyers' Committee is to secure equal justice under law, particularly in voting rights, criminal justice, community development, employment, educational opportunities, fair housing and fair lending, and immigration.</p> <p>The Lawyers' Committee for Civil Rights Under Law agrees with prior comments stating that proposed changes are unnecessary. As previously noted, as long as the Board of Elections is able to determine the identity of the voter, the omission of a street identifier or generational suffix should not constitute a "material omission" that renders the ballot invalid. The comments from Virginia election officials are particularly persuasive in suggesting that the stricter policy toward omissions would unfairly invalidate a substantial number of absentee ballots. We present four additional points.</p> <p>First, the U.S. Code states, "[n]o person acting under color of law shall . . . deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election." 42 USC 1971(a)(2)(B). In a consent decree settling a case between the U.S. Department of Justice and Waller County, Texas the U.S. District Court for the Southern District of Texas found that the omission of a zip code on a voter registration form was "not material to determining whether the applicants are qualified under Texas law to vote, and Waller County's rejection of applications on these grounds violates 42 U.S.C. 1971(a)(2)(B)." (Consent Decree, <i>United States v. Waller County</i>, No. 4:08-cv-03022 (S.D. Tex. 2008), available at http://www.campaignlegalcenter.org/attachments/Court_Cases_Of_Interest/1927.pdf). Although the proposed changes to the Virginia regulations do not make omission of a zip code material, the omission of a street indicator or generational suffix is even more tangential to identifying a voter. The Waller County case indicates that the Department of Justice would similarly consider Virginia's proposal to make omission of a street indicator or generational suffix material a violation of 42 U.S.C. 1971(a)(2)(B).</p> <p>Second, the U.S. Postal Service (USPS) does not require customers to provide the specific street identifier for most mail. If USPS finds it unnecessary to require a street identifier or generational suffix to accurately identify mail recipients and deliver mail, there is little reason that Virginia election officials should require them to identify voters, especially when other methods of voter verification are readily available.</p> <p>Third, the proposed changes would likely lead to voter confusion regarding what information is necessary to ensure their ballot is counted. Ensuring that all voters understand any changes from the primary election procedures would prove especially difficult only a few months before the general election.</p> <p>Finally, as other commenters have pointed out, the identity of a voter can often be determined even when the generational suffix is omitted. It is unnecessary to always consider this a "material omission."</p>

				<p>As the General Registrar for Loudoun County noted, if there is any confusion between “Junior” and “Senior,” election officials can also compare the signatures provided on the absentee ballot. Along with other methods of verification, this is usually sufficient to confirm a voter’s identity.</p> <p>Virginia should seek to expand opportunities to vote and ensure votes are counted. The proposed changes are not only unnecessary to protect the integrity of elections, but instead serve only to potentially disenfranchise eligible voters who may be confused by these unnecessary restrictions.</p>
2	Carol Noggle	20-70-20	Generational suffix; street identifier	<p>Proposed material omissions should not be supported</p> <p>It is quite clear from the comments of professionals who regularly process mailed absentee ballots that the omission of a street identifier or generational suffix is not material but actually trivial. The information supplied by the voter who has requested and returned the absentee ballot still makes it possible for the registrar and electoral board to accept the ballot. Please do not accept these proposed regulations that could hinder accepting these mailed ballots. The Registrars know how to process these ballots and envelopes that may have these minor omissions.</p>
3	Marilyn Karp		Generational suffix; street identifier	<p>Restrictive voting regulations affecting Absentee Ballots</p> <p>Voters using absentee ballots are required to provide certain information when completing the ballot. Some of the information is considered “material” and a voter’s failure to include certain “material” information will result in the absentee ballot being invalidated. The SBE has proposed two unnecessary and restrictive regulations involving a generational suffix (Jr., Sr., I, II, etc.) and a street identifier.</p> <p>I object to these changes because the information distinguishing the voter from another is already on the return mailer, and the frequency of multiple generations residing at same address voting by absentee ballot cannot be significant. Moreover, the likelihood of two voters sharing the same name and same street name will be slight, yet the regulations would have the effect of disenfranchising many voters who forget to add an identifier such as “Place” or “Road” after their street name. The regulations are not narrowly tailored. A voter’s failure to include a generational or street identifier should not be considered “material omissions” especially when these sources of confusion can and should be clarified during the General Registrar’s review of absentee ballot application</p>
4	Chris Randon		Generational suffix; street identifier	<p>SBE Proposed Regulations regarding Absentee Ballot - restrictive and unnecessary!</p> <p>A voter’s failure to include a street identifier or a generational suffix on his absentee ballot is not a sufficient reason to deny his vote. These proposals certainly seem to be a thinly veiled attempt to throw out otherwise valid ballots. A voter should not be disenfranchised because of such a minor oversight. These proposed regulations are too restrictive and very unnecessary!</p>
5	Olga Hernandez		Generational suffix; middle/maiden name	<p>Absentee voting</p> <p>When people register they use their name, perhaps with a Middle name or initial. Over time they may forget if they used their given middle name or maiden name yet it is still them or if they included the suffix Jr, II or whatever. Being nitpicky about such particulars, when it is already easy to identify that it is the registered person is disenfranchising and blatantly unfair. Someone may forget to include the “street” or “avenue” designation, does that really change the validity of the vote? It is important the</p>

				every eligible, identifiable vote get properly counted and the Office of Elections needs to make sure these insignificant errors do not cause a vote to be discarded.
6	Margaret Jean Copernoll, Fairfax County Democratic Committee		Generational suffix; street identifier	<p>A "Solution" In Search of a Problem?</p> <p>Having read about the proposed changes to the absentee ballot application process, I don't understand the problem. Is it possible that the Registrar's review of the application is confused by same or similar names when it has the last four numbers of the SSN as well as the birth year? Also the telephone number, in case the solution isn't obvious?</p> <p>Taking the draconian step of invalidating an absentee ballott app because of non-material issues which could easily be resolved is unconstitutional.</p> <p>Also, is there data/evidence which supports the theory that there is a problem here? The real problem is low voter turnout.</p>
7	Courtney Mills, Fair Elections Network	20-45-40	Generational suffix; street identifier	<p>Thank you for the opportunity to submit written testimony on the proposed changes to 1VAC20-45-40. I write today on behalf of my organization, the Fair Elections Legal Network.</p> <p>The Fair Elections Legal Network (FELN) is a nonpartisan organization based in Washington, DC, with a focus on election administration policy and practice. Since our founding in 2006, we have provided information and materials to voter registration and civic engagement groups across the county and have advocated for policy and practices that make the ballot box accessible for all eligible voters. We work with registrars in Virginia and have met with the Board of Elections on numerous occasions to address election administration issues. Additionally, I am a Virginia licensed attorney and serve as an election officer in Fairfax County.</p> <p>The Fair Elections Legal Network writes in opposition to the proposed changes to 1VAC20-45-40. The proposed amendments reclassifying the lack of a street identifier or a generation suffix from nonmaterial to material omissions in the absentee balloting process serves only to disenfranchise otherwise eligible votes. As such, we urge the State Board of Elections to vote against this proposed change.</p> <p>The discussed reasoning for the change in requirements on absentee materials is the ability of electoral boards to identify the voter who has completed the submitted ballot. Under this explanation, a voter's ballot is incapable of being counted unless a street identifier or a generational suffix is included. This is in spite of the fact that an official VERIS label is included on absentee return envelopes which clearly includes identifying information for the absentee voter. Under the current standard for absentee ballots, this information is of little to no assistance in verifying the identity of an absentee voter as that information has already been provided.</p> <p>It is important to note that not all voters have or regularly use generational suffixes in everyday business. Often those who do have suffixes switch between using the suffix and not listing it on official documents or forms. Testimony from SBE member Don Palmer at the SBE meeting which debated this proposal indicated that he is not always aware of whether he has included his own generational suffix on official documents. If those who serve on the SBE are unsure of whether their records include their generational suffix, how should we expect all voters across the Commonwealth to remember this information?</p> <p>Applications for absentee ballots are already examined before an absentee ballot is issued with a list of</p>

				<p>information already required for the returned ballot to be counted. Each mail absentee ballot comes with VERIS information on the return envelope. As such, these proposed changes serve to do nothing more than possibly disenfranchise eligible votes.</p> <p>The General Assembly recently removed the absence of a middle initial from the list of material omissions on an absentee ballot, indicating that it was nonessential in determining the identity of an absentee voter. The information fields debated today are of a similar quality as those recently removed from the material omissions list. FELN therefore urges the SBE to vote against the proposed change and leave street identifiers and generational suffixes as nonmaterial omissions.</p>
8	Marian K. Schneider, Advancement Project	20-45-40 AND 20-70-20	Generational suffix; street identifier	<p>This comment is submitted on behalf of Advancement Project, a national, non-partisan, non-profit racial justice organization that advocates on behalf of voters of color.</p> <p>Advancement Project agrees with other commenters who noted that the proposed changes are unnecessary. The omission of a generational suffix and a street identifier are both inconsequential and may result in the rejection of an otherwise valid absentee ballot. In light of the existence of a list of voters who have requested absentee ballots against which a returned ballot can be matched, and a VERIS generated label with the voter's name and address affixed to the return envelope, these two errors on the handwritten envelope are not material.</p> <p>Advancement Project notes that the proposed regulation would create two different classes of voters. Voters who are registered with a generational suffix, but do not live in a household with voters of the same name, would not risk having their ballot rejected if they omit the suffix. Other voters who registered with a generational suffix who do live in a household with voters of the same name would risk being disenfranchised because of the same omission.</p> <p>Similarly, homeless voters, as permitted by Virginia law, may have registered using the address of a shelter, a church, an agency, or an address used in the last sixty (60) days. Thus, homeless voters are more likely to inadvertently omit the street identifier or record it incorrectly because they may be less familiar with the purportedly correct street identifier.</p> <p>Because the electoral board has other methods to verify the identity of the voter who submitted the absentee ballot, the risk of disenfranchisement outweighs any need either for the generational suffix or the street identifier. The proposed changes would condition the counting of absentee ballots on arbitrary standards that unduly risk disenfranchising voters. Advancement Project urges the Board not to adopt the proposed language regarding generational suffixes and street identifiers.</p>
9	Karen L. Gatz		Generational suffix; street identifier	<p>2014 Absentee Material Omissions</p> <p>Voting is a constitutional right that should be safeguarded and promoted to the fullest extent possible, not restricted by nonsubstantive regulations that invalidate ballots. The requirements under consideration -- street designation and name suffix -- are unnecessary and would serve to silence the public's voice expressed at the ballot box.</p>
10	Michael Mawby		Generational suffix; street	<p>Absentee Voting</p>

			identifier	Rules for absentee voting should be designed to help enable qualified voters to vote. The proposed rules regarding the requirement of identifying street 'types' or name suffixes do just the opposite. Why are we adding onerous, vote discouraging regulations in this era of "anti-regulation"?
11	Ben Zuhl, CAAB Fairfax County			*36 This type of change is antithetical to at least the last 50 years of Virginia and US custom and law on voting. Beyond that it is a 'remedy' that is likely to disenfranchise more eligible voters than to ensure accuracy in the voter rolls. Please do NOT adopt this regulation change.
12	Betsy L. Hendrix		Generational suffix	Don't fix non-problems These proposed changes are ridiculous & clearly designed to disenfranchise voters! How many people with identical names live at the same address? How many cases of abuse of this sort have ever been reported? I suspect none! The present law has worked well so why change it except to frifghten off potential voters? Please vote against this change
13	Adam Ebbin, Senate of Virginia		Generational suffix; street identifier	Comment from Senator Adam Ebbin on proposed changes to absentee ballot requirements I am alarmed at the proposed language that would require an absentee ballot to be rejected if it the voter has not included the street identifier or generational suffix on the inner envelope containing the ballot. A street identifier is not a sufficiently material omission to justify rejecting one's ballot. I passed legislation (SB333) this year to eliminate the requirement that voters include a middle name or initial on the inner envelope when returning their absentee ballots, and am discouraged to see other similarly irrelevant criteria being proposed to reject citizens' ballots when the rest of the information on the ballots and return envelopes are submitted correctly. The street and street number are sufficient to match the voter with his/her address. What is the goal of disenfranchising voters in this way?
14	Sue Worden			absentee material omissions DO not make these changes. They are nitpicking and make no logical sense. they would only serve to impede legitimate voters from having their votes count. The label on the interior envelope is already verified through VERIS and registrars do not have difficulty verifying voters whose absentee ballots are mailed in. These changes are unneeded and do nothing but impede voters from voting. Please do not implement these changes.
15	Electoral Board, City of Lynchburg			Non-material omissions on absentee ballots As a retired Registrar and now electoral board member, I believe that the current rules on non-material omissions are fair and sufficient. These new regulations are trying to remedy a problem that does not exist. Please please focus on the "whereas" statement introducing these regulations: the absentee ballot shall not be rendered invalid if it contains an error or omission <u>not material to its proper processing.</u>
16	Les and Laura Sonnenmark			2014 Absentee Ballot NON-Material Omissions

				<p>We are strongly opposed to these unnecessary new restrictions. They are, in our view, simple and absolutely NON-material mistakes or omissions that should not disenfranchise voters. If there truly is a case where identity confusion results from a voter omitting this information, the registrar has other ways to confirm the identity--full address or signature, for example.</p> <p>As Virginians living a stone's throw away from the home of George Washington, we have always been proud of our beloved commonwealth's role in establishing democracy in this country. But these proposed restrictions amount to something uncomfortably close to entrapment, and address a problem that does not even exist. Furthermore, most of the voters affected would be the elderly, the infirm, and college students; we should be encouraging and helping these voters, not penalizing them for nitpicking errors.</p>
17	Christopher Schaffer, citizen		Generational suffix; street identifier	<p>Too many unnecessary rules</p> <p>The only absentee ballots that should not be counted are if the signature is missing or the Registrar cannot determine the voter. Creating a rule disqualifying all ballots without street identifiers or generational suffixes is absurd on several levels. We are talking about absentee ballots for which people have submitted an application in advance. The Registrar KNOWS who applied for absentee ballots--there should be no question. Furthermore, the full name (with generational qualifier) and full address (with street identifier) is pre-printed on the return envelope. Why should this need to be duplicated by the voter? Finally, if the omission of certain information truly renders the Registrar unable to identify a particular voter, then that particular ballot can be disqualified. There is no reason to disqualify ALL ballots missing certain information just because some circumstance may require it.</p>
18	Janet Carver, Fairfax Co. Democratic Committee; 11 th Dist. Democratic Comm.		Street identifier	<p>The Road to Disenfranchisement</p> <p>To disqualify a vote for the omission of "street" or "avenue" and the other proposed minutiae requirements is ludicrous. When I first registered to vote in Virginia, one had to fill out a blank piece of paper with one's registration information in correct order to register . There was no prompting as to what the required information or order actually was, unless you were the "right" type of voter). We've come a long way, but these proposed changes set us back on the road to disenfranchisement and low, low turnout That's an American disgrace, and a Virginia "tradition" this country can't afford..</p>
19	Elaine Wainwright		Street identifier	<p>Absent ballot restrictions</p> <p>We need to encourage citizens to to vote, not put ridiculous rules in place that will discount votes for something as minor as leaving off street, or court from one's address.</p>
20	Claire Grossi		Generational suffix	<p>Name and street qualifier</p> <p>The passage of this action would disenfranchise people who are trying to follow the rules. My husband is a "Junior". His father passed away 25 years ago. Sometimes his name comes up "JR" on records, sometimes does not. Will writing or not writing "JR" on his ballot be a reason to throw it out?</p>
21	Erin K Monaghan		Generational suffix; street identifier	<p>generational suffix, street identifier are NOT required changes to regulation</p> <p>Unlike the other changes made in the proposed regulations, the effort to make these two items (omission of a generational suffix, or failure to provide a residential street identifier) material omissions is</p>

				<p>NOT included in the four chapters of the 2014 Acts of Assembly that specify the other, required changes. With registrars, officers of election, and citizens from around the Commonwealth agreeing that neither the omission of a generational suffix nor the lack of a street identified is an obstacle to matching the returned ballot to the voter who requested that ballot based on lists and records in the registrar's office, there is simply no institutional need for either of these changes to ensure the security of an absentee ballot or the integrity of the electoral process. All these two changes will do is disqualify votes that do not need to be disqualified, thereby limiting the franchise. This is not what Virginia should do.</p>
22	Carol Lindstrom, citizen and voter			<p>Overkill on regulations</p> <p>These changes are obstructionistic and do nothing to encourage people to participate in government by exercising their right to vote.</p> <p>When people make a fair and honest effort to vote, their vote should count. These little details are not required to insure the identity of the voter and should not be included as part of the process.</p> <p>Please do not take these steps that would serve to hinder a person's right to vote.</p>
23	Richard Woodruff		Voter ID	<p>Revision of id requirements</p> <p>Changing the law to not allow expired documents is contrary to its intended purpose. If it is for identification of the individual, it does not matter if they no longer actively drive; their expired license still shows their name and photograph. This proposed change should not be allowed.</p>
24	Michael Matheson		Street Identifier	<p>Proposed absentee voter regulations</p> <p>I agree entirely with those who have objected to the new requirements for absentee ballots. The most significant, I suspect, is the invalidation of ballots that fail to include the street identifier. This is a trivial error that is highly unlikely to mask voter fraud but may well invalidate genuine ballots, for example, by elderly persons.</p>
25	Patricia S. Matheson			<p>2014 absentee ballot restrictions</p> <p>We should be encouraging eligible voters to vote, not making it even more burdensome, or as these proposed changes do, entrapping them into simple and non-material errors (despite the effort to call the changes material) which will invalidate their votes. Who votes absentee by mail? Mostly people who have physical difficulty actually getting to the polls, so these proposals target the elderly and infirm. Those who are merely going out of town tend to go to the absentee in person locations.</p> <p>I strongly oppose these changes.</p>
26	Bruce Neilson, Member of the Fairfax County Democratic Committee		Generational suffix; street identifier	<p>Comment on new restrictions on valid absentee votes</p> <p>It is amazing the attempts some will make to restrict voting. Absentee voters must already pass several tests to have their legitimate votes counted, and the Electoral Board proposes with this rule making process to add even more restrictions.</p> <p>The proposed rules for voiding an otherwise valid absentee ballot add even more layers to a bureaucratic process that is already more complicated than necessary to allow someone's absentee</p>

				<p>vote to be counted.</p> <p>Virginia suppresses voter participation with its restrictive rules on who may cast an absentee ballot. Voting absentee requires the voter to obtain the government's advance approval before an absentee ballot can even be issued. The reason must be stated on the absentee ballot application, and the reason must be justified in many cases with additional information such as an out of town location or the name and address of one's employer. In states where no reason is required to vote absentee, voter participation rates are substantially higher than they are in Virginia.</p> <p>Our democracy would benefit from greater voter participation. The proposed new rules will reduce voter participation and increase the universe of otherwise valid absentee ballots which will be ruled invalid by these new rules.</p> <p>There is simply no reason why an incomplete address line should invalidate a voter's absentee vote. Upon approval of the application to vote absentee, the government verified the voter's address and mailed the absentee ballot to the voter's address, the government delivered the ballot to the voter at the address of record, and the voter properly marked the ballot to cast their vote. Omitting "Drive" or "Lane" or "Street" on the address line of the return envelope has nothing to do with voting and should not be used against the voter to reject an otherwise properly marked absentee ballot from being counted in the election.</p> <p>Similarly, leaving off "Junior" or "III" or "IV" after one's name, if another voter with the same name perhaps from the previous generation lives at the same address, is an attempt to make rules where none are needed for effective election administration. The Registrar's office receives a signed application for an absentee ballot, and the voter's signature is verified against the voter's signature on file. To be counted, the returned absentee ballot is sealed in an envelope which requires not only the voter's signature but that of a witness. The signature matching process is adequate proof that the voter, and not his father, grandfather, or other relative living at the same address, marked the ballot.</p> <p>Proposing new ways to invalidate otherwise valid absentee votes is infringing on the constitutional right to vote, one of the most sacred rights conveyed to the citizens of the United States, including the citizens of Virginia. The right to vote is not earned, it is not a privilege for only the few, it is the right of every citizen, and artificial barriers to the free exercise of that right destroy our democracy. Our Electoral Board should be concerned with expanding voter participation and not with finding ever more creative ways to deny voting rights to citizens of the Commonwealth with increasingly bureaucratic strictures which do nothing to improve on effective conduct of elections.</p>
27	Ron Page			<p>Absentee Ballots</p> <p>I agree with previous commentators, especially those responsible for managing Virginia's elections, who noted that the additions to material omissions which would invalidate a ballot are unnecessary and would limit a person's right to vote. Truthfully, they come across as needless nitpicking and likely fodder for TV commentary on Virginia's laws and regulations.</p>
28	Constance R. Church, chief election officer for over ten		Generational suffix; street identifier	<p>2014 Absentee Material Omissions</p> <p>We should be looking for ways to make voting easier, not harder.</p>

	years			<p>When a person requests an absentee ballot, he or she have to provide name, address, and at least a partial social security number. The electoral board therefore has this information before it sends out the absentee ballot. When the voted ballot is received, the electoral board matches it against its list of people requesting ballots. I know this is true because as a chief, I always get a list of absentee voters and the status of their ballots: voted absentee in person, ballot requested but not returned, ballot received. If the word "lane" or "road" is missing from the Envelope B, the electoral board will know whose ballot is received because the name matches to someone who requested a ballot. As for the generational suffix requirement, in ten years as an election officer, most of them as chief or assistant chief, I have never seen requests for absentee ballots by two people with the same name and address. There will be no doubt as to whose ballot was received.</p> <p>Let us not make regulations which serve no useful purpose but whose actual effect will be to disenfranchise voters because of meaningless errors.</p>
29	Martha E. Fowler, Private Citizen and member of Fairfax Democrats			<p>2014 Absentee Material Omissions</p> <p>The proposal to reject absentee ballots is simply another way to strip the franchise from qualifying individuals. It should be the REGISTRAR's responsibility to confirm the information -- not the absentee ballot voter. The required information is ALREADY ON THE MAILING LABEL to the voter -- it is ALREADY AVAILABLE.</p> <p>Please reject these proposals. We need to make it EASIER to vote, not HARDER. Thank you. Martha Fowler</p> <p>XW</p>
30	Mary I. Jablonski			<p>Absentee Ballots and increased restrictions</p> <p>There should be no restrictions when the identity of the voter is easily apparent and no other voter of the same name has submitted an absentee ballot or attempted to vote on election day. We should be finding ways to increase the percentage of population voting rather than attempting to prevent their voting. A democracy is strongest when the highest number of citizens participate and feel they have some input to the decisions of the society as a whole.</p>
31	Anne Leibig		Generational suffix; street identifier	<p>Absentee Ballots and added restrictions</p> <p>Please do not add more restrictions to the voting process. I do not think this action to disqualify voters who may not put a generational identifier or the correct street title is necessary or promoting participation in the voting process. This limiting of people's participation goes against the intention of a democracy.</p>
32	Joyce Myrick Brooks			<p>JUST SAY NOT to Restrictive Voting Regulations</p> <p>Let's be clear: ALL restrictive voting regulations are designed for one purpose ONLY. Code speak and nebulous language does not change that fact.</p>

				<p>As an African American steeped in the history of this nation and the restrictive measures that have historically been imposed on minorities, I am offended by these new proposed regulations.</p> <p>Please vote NO; we do need not to re-visit the past in regard to the consituitional right tovote.</p>
33	Kristine Claire Gregory, Fairfax County Democratic Committee		Unsealed inner envelope	<p>Please Adopt the Proposed Changes and Amendments for Handling Absentee Ballots</p> <p>I strongly support the proposed change to allow Absentee Ballots to be counted even if the inner envelope enclosing the ballot is not sealed WHEN the outer mailing envelope is sealed on delivery to the appropriate registrar's office for all special and general elections. I do regular voter registration drives at Chesterbrook Residences, an assisted living facility in my neighborhood specifically to assist those seniors who can't easily vote curbside to complete their absentee ballot application forms correctly. They mail their completed ballots on their own and I can't be there to ensure that they seal both envelopes. And please accept use of an initial in place of the full middle or maiden name when the first and last name and address information are correct. Some of our fellow citizens of Asian or African heritage do not have a middle name so I ask them to write "N/A" on their voter registration or absentee ballot forms. However, they may not remember to do so on their ballot envelope. The requirement that street names must be written in full is contrary to general accepted practice by the US post office for mailing addresses and most business both offline and online. If a voter writes "Westmoreland St" it is just as clearly recognized as "Westmoreland Street". And the requirement to check the "None" box on the voter registration application form if a voter doesn't have a suffix should be dropped. Again, not every child given the same name as a parent or family member has a suffix listed on their birth certificate and Social Security card. The suffix imay be used only as a courtesy and is not included on official records. For example, citizens of Scandinavian heritage may choose to follow the tradition of creating a last name incorporating a father's first name with the gender of the child (i.e. Johnson) and have a tradition of not using suffixes. In the case of a multigenerational family in the same residence the birthdate information is included on the VA Voter I.D. card, VA driver's license, or VA State I.D. card for reference if election officer is not sure which member of the family is checking into vote on election day.</p>
34	Paula Gori		Generational suffix; street identifier	<p>Change in Requirements for Abstentee Voting</p> <p>The changes in the requirements for abstentee voting is just another way to restrict the number of voters exercising their constitutional right to vote. By requiring the voter to identify the type of street that they live on and whether or not they ar jr., etc. Is unnecessary and is being proposed in order, not to protect the vote, but to reduce the number of voters. These changes should be rejected.</p>
35	Judy Moats			<p>Do not enact these restrictions</p> <p>We should be making it easier/less complicated to vote, not creating more restrictions. This is a solution for a non-problem.</p>
36	Linda Byrne	20-70-20	Street identifier	<p>Please don't impose unnecessray restrictions for absentee ballots</p> <p>I agree with the comment given below by Frank Leon -</p> <p>"Don't impose unnecessary restrictions for absentee ballots</p> <p>As I understand it, the SBE has proposed that additional information as be considered as "material" and</p>

				<p>required for absentee ballots to be counted, specifically, a "generational suffix," 1 VAC 20-70-20.B.3, and "residential street identifier," identifier. 1 VAC 20-70-20.B.4.</p> <p>These changes are unnecessary and will result in the failure to count legitimate votes. Although, for example, Arlington has a 5th street and a 5th road, it is unlikely that there are voters named John Smith who reside on each of those streets and have requested an absentee ballot. In fact, the absentee ballot return envelope includes the full name and address. In the few cases where there are questions, the registrar can resolve them and make sure that people can exercise their right to vote, without overly-detailed and non-substantive restrictions."</p> <p>Also Sue Rosenberg makes a good point about the last four digits of our social security numbers being currently available to avoid confusion between like names.</p>
37	Grace White			<p>Oppose changes to Absentee Ballot</p> <p>I believe the proposed changes are unnecessary, and will result in invalidating many absentee ballots, thus denying many citizens their voice without good cause. We should be looking for way to expand the franchise and encourage citizens to participate in the electoral process - not finding yet more ways to eliminate otherwise valid votes.</p>
38	Margaret Thomson		Generational suffix; street identifier	<p>Street and generational identifiers hold voters to higher standards than governments and families</p> <p>The social security number -- or other unique numerical identifier provided by government -- is more than adequate for identification of an absentee voter, here in Virginia or overseas.</p> <p>As a parent, I have facilitated the absentee voting of my college age children in Virginia for 9 years. As an election volunteer, I have worked side by side with many of the other commentators with more experience in absentee balloting and partisan monitoring of elections, both on election day and during the caucus. Currently I work as a bipartisan volunteer, each election day. obtaining answers to voters' questions on election procedures, and helping voters to fill out provisional ballots.</p> <p>With respect to place name identifiers, I note that Fairfax County refers to my street as an "RD" -- if I fail to capitalize these letters, or fail to remember not to type in either "ROAD" or "Road" or even "road" my search for the comparative real property assessments of my neighbors fails. Even if I did not include the type of street, my search fails for there is another street with the same name, but ending in "Court" or "CT".</p> <p>Also, within my family, I note that there is a disagreement about who should or should not use the numerical numbers after their names -- my father voted in my precinct for two years. Some in our family argued that he was a IV, and his great nephew a VI? Some say he was a III. And does it matter that the spelling of his name changed over just 100 years -- some spelled "Mac" and others "Mc". I am thankful that he did not choose to add a numerical suffix to his name when voting absentee from his assisted living.</p> <p>Also, had he chosen to use his professional title, "Dr.", to distinguish him from others in his teaching profession who did not hold this degree, would he have been held to that usage as well when</p>

			<p>voting? After he moved to Virginia, away from his university home town, he chose not use "Dr" because he could be confused with others who hold medical degrees. Other professions, like law, use different forms of address with each other than they expect outside of their professional sphere, for example, when voting. However, some acquire these prefixes during government service, and do not lose these names when leaving the position for which the title was conferred. Should everyone who has ever been required to use the prefix "The Honorable" be expected to use this when voting? That would be a long list, indeed.</p> <p>Perhaps it would be interesting to compare voting requirements in other countries where the right to vote arose, and may still arise from inherited political rank and land ownership, matters of heritage and lineage respectively. Although my relatives arrived from 1639 to 2008, I believe that the even the most recent arrivals, some of whom are still earning their right to vote, may be just as offended as I am by requirements to vote that relate to land rights and lineage. Blood and tea were spilled to avoid these limitations on full participation in one's governance.</p> <p>There is no dispute that lines need to be drawn, and that these standards need to be fully and frequently communicated to election officials, candidates, and even volunteers like me and all of the others who have commented. However, our responsibilities to vote, and our volunteer opportunities to assist others in voting, need to be facilitated by regulation, not made more difficult by unnecessary and ambiguous standards of voter identification that relate to the past and not the present.</p> <p>On election day, imagine explaining to someone who is trying to vote that they don't know the name of the street on which they live -- lived, or will be living -- correct me if I am wrong but I recall that all three are acceptable addresses if their is a valid contract. And I do not want to be the one to tell a voter and namesake of any age that they should change their name because it is confusing to the election board, particularly after the loss of a loved one, or the birth or even death of a child.</p> <p>Please recall the naming customs of our forebears, in this country and others, for centuries, who often used the same names more than once for children in the same family -- often names were used multiple times to show kinship with fathers, grandfathers, stepfathers, uncles, etc. [male references are used to reflect the time before universal suffrage]. This was also a time when children died young, and parents who survived, would marry a relative. Cousins named for the same grandfather would become step-siblings. Even in our own times, an uncle/aunt could be younger than a nephew/niece with the same name, and living in the same household. When does the nickname "Jr." become part of a legal name, and not an "inside" joke? A sartastic retort along the lines of "Buddy Three-sticks".</p> <p>I am not speaking to the naming traditions of cultures, other than my own, but there may be even better examples of how generations may be confused, and the same person may be asked to vote more than once, or denied the right to vote, because of similar names and/or similar addresses. The correct response is not for the election board to ask the voters to change their names, or their addresses, but for the election board to rely on a different identifier, one supplied by government, and not the family or individual.</p> <p>In summary, the electoral process needs constant attention in response to societal changes, but the board is not using technology to its full advantage in addressing the problem identified -- voter identification. Our governments already provide the technology necessary to align voters with their addresses and their voting records -- we do not need additional voter details related to historically</p>
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				<p>defeated principles of lineage and heritage to ensure the validity of the vote in the 21st century.</p> <p>I would prefer that the time of the board be spent in other matters -- it took two years for one of my adult children to be removed from the rolls after leaving Virginia and registering in another state. It took another two years for me to remove a fictitious name from the AB list -- a name that was a combination of a family name, and a surname of the adult male in the household. I am often required to respond to this name, and could have changed my legal name to this one, without any challenge from anyone including the courts, that I was doing so with any fraudulent intent.</p> <p>When invited to file an absentee ballot in this name, however, I called the election board to ensure that there had been no confusion with another person by the same name who actually did live in the County, a fact that I quickly determined with the internet. However, this fictitious person lived on (at my address) in political databases. Because she did not have a voting record, or an email address, I received a lot of phone calls. What was at first amusing became a matter of concern because of the actions of the board. I could still vote under my legal name, but would the real person have been denied the right to vote because she had the "wrong " address -- or would the SSN be used to determine who should vote where. How long would it have taken -- two years? Would we each have been allowed to vote during this time period?</p> <p>The SSN -- or other unique, numerical government identifier -- is necessary, and more importantly, it is sufficient.</p>
39	Mary Deitweiler		Generational suffix; street identifier	<p>Moral issue unnecessarily created</p> <p>Requiring election/registration officials to verify generational and place-name identifiers on a returned absentee ballot could create a moral issue. What if it is clear beyond any doubt -- especially since the envelope supplied with the actual absentee paper ballot re-confirms identity -- that the voter is indeed the person he/she claims to be. Yet the generational or place-name identifier hasn't been added. Would you, as election/registration official, deny that vote, knowing that the correctly-identified person is voting? For a nit-picking and non-sensical reason, a vote would have been unjustly denied.</p>
40	Martha Jo Nichols			<p>Changes to Voter ID Regulation</p> <p>We are doing just fine with the current voting regulations. Stop adding regulations that increase the requirements to a citizen's right to vote.</p>
41	Carol Lewis			<p>Absentee Voting</p> <p>Oppose absentee voting changes</p>
42	Maggie Godbold			<p>Reject these limits on Voting</p> <p>The proposal to reject absentee ballots is simply another way to strip the franchise from qualifying individuals. It should be the REGISTRAR's responsibility to confirm the information -- not the absentee ballot voter. The required information is ALREADY ON THE MAILING LABEL to the voter -- it is ALREADY AVAILABLE. Please reject these proposals. We need to make it EASIER to vote, not HARDER. Thank you.</p>

43	Janice Brangman		Generational suffix; street identifier	<p>No impediments to Voting</p> <p>Who would have ever thought when naming a child or living in your home would be an impediment to voting? Any means to restrict voters is a defeatist approach. The responsibility should be on the system (people and technology) to go over and beyond to embrace the public for doing their civic duty by voting.</p>
44	Richard and Eleanor Bochner		Generational suffix; street identifier	<p>Reject These Unnecessary Proposals</p> <p style="text-align: right;">July 20, 2014</p> <p>The SBE has proposed two unnecessary and restrictive regulations involving a generational suffix (Jr., Sr., I, II, etc.) and a street identifier.</p> <p>A generational suffix is not currently required, but would be required if the voter of the same names are registered at the same residence and the identity of the voter cannot be determined. The proposed regulations also require the street identifier. Failure to include an identifier such as "Lane" or "Drive" will invalidate the ballot.</p> <p>We strongly object to these changes because the information distinguishing the voter from another <u>is already on the return mailer</u>, which should be sufficient.</p> <p>A voter's failure to include a generational or street identifier should not be considered "material omissions" especially when these sources of confusion can and <u>should be clarified during the General Registrar's review of absentee ballot application</u>. Failure to determine the generational suffix or the street name type during the application review process <u>should be considered the fault of the General Registrar, not the voter</u>.</p> <p>These two proposed regulations should be rejected.</p> <p>Sincerely</p> <p>Richrd J.Bochner Eleanor B. Bochner 9402 Colonade Drive Vienna, VA 22181 (Registered Voters in the Commonwealth of Virginia)</p>
45	Norma Jean Young		Generational suffix; street identifier	<p>Don't restrict the right to vote!</p> <p>Details such as street name or a suffix should not invalidate a vote. It takes a bit of trouble to get an absentee ballot, so the person obviously wants to vote. We should be facilitating the process, not</p>

				hindering it. Fraud has not been an issue in the past; witness the many recounts of contested elections that have not turned up fraud. Thus the purpose of the restrictions seems to be to limit the right to vote.
46	Christopher Ambrose		Generational suffix; street identifier	<p>There should not be arbitrary criteria for invalidating votes</p> <p>The criteria should always be that as long as the ballot can be attributed to a voter it should be counted. In probably over 99% of cases where a street suffix or a generational identifier has been omitted, the voter can be identified through other means.</p> <p>If there are two people with the same name in a household and they both requested ballots and one did not put the suffix on it, but the other did. It is obvious which is which. If neither did, and they both return, it is irrelevant. In the really unlikely case that two people with the same name apply for ballots and only one returns it and that person omits the generational identifier and it cannot be ascertained through an identifier on the return label code, the registrar can compare the signatures.</p> <p>Similarly, the chance that two people with identical names on two streets with the same name, return their ballots and both omit the street suffix and the county does not have the ability to identify them through return labels and signatures is so remote as to be irrelevant.</p> <p>As long as a ballot can be traced back to the original voter in some way it should be counted rather than rejected based on sweeping, arbitrary rules.</p>
47	Sally Gibbs			<p>Changes to Voting Regulations</p> <p>I find the recent proposed actions of VA Elections officials to be unAmerican and destructive to democratic freedom. My family and I believe these changes are intended to prevent fair elections; these changes represent political desperation to deliberately hold back the representation of diverse groups.</p> <p>There is clear research data to show that fraudulent voting is almost non-existent, thus this and other recent voting changes are partisan causes. I am insulted by limits imposed to reduce the number of voting days! Likewise requirements to document residencies or even birth certificates are evil techniques that pollute the elections.</p> <p>Arrests should be made upon election officials and self-appointed challengers who deter and complicate the exercise of free elections. State representatives who participate in these changes should be fired. This is an evil cause!</p>
48	Susan Barth		Generational suffix; street identifier	<p>Objection to Proposed Restrictions on Absentee Voting</p> <p>I object to the proposed restrictions on absentee voting in Virginia. Generational or street identifiers should not be considered "material omissions" especially when these can be verified by the General Registrar's review of the absentee ballot application.</p>
49	Thomas Ulan		Generational suffix	<p>Absentee voter requirements</p> <p>Generational Identifiers are unnecessary and increase the chances that a typing error will invalidate a vote. This is completely unfair and unnecessary.</p>
50	Eleanor			<p>Excuses to Invalidate Abstentee Votes</p>

	Dymont			<p>Don't make these ridiculous changes to absentee votes. If people don't fill in the extra boxes, their votes won't count. This is government interference at its worst, and won't prevent voter fraud. Especially since there isn't any.</p> <p>This is a Republican excuse to invalidate legal absentee votes. The poor vote absentee very often, and they don't want Democratic votes to count.</p> <p>Shame on you.</p>
51	Janice Reeves, League of Women Voters		Generational suffix; street identifier	<p>Absentee voting ballot</p> <p>Requirements for generational identifier and place name identifier on absentee ballots are unnecessary and just another needless requirement placed on absentee ballots. The name and address are on the return envelope. It appears the SBE is now seeking ways to exclude ballots rather than finding ways to include them, just like the most recent ruling on voter photo ID in which the Board caved in to Obenshain rather than doing what was right and sticking by its original decision. I think it is time to ask yourself as a Board member who you serve, the voters of Virginia or partisan politicians.</p>
52	Margaret Luca, former Secretary, Electoral Board, Fairfax County		Generational Suffix	<p>AB voting</p> <p>This has been a bogus issue for many years. Every person who receives an absentee ballot has applied for it! The information on the inside and outside envelope is the accurate information of the voter. GR's: Are your records incorrect? If so, why? Certainly not the voters' faults. If you can't keep track of Mrs, Mr, I, II or III, it is your fault. I simply cannot believe how many times I see that as an excuse for denying AB voters.</p> <p>The MAJOR QUESTION IS: Why should the standards for overseas absentee voting and in-country absentee be different? One time you vote absentee because you are away from home, but not overseas. You must include all kinds of information on the inside envelope which, by the way, is on the label, for your vote to be counted. The Next year you are overseas! You apply for an absentee ballot and when you send it back all that is needed is your signature and the signature of a witness. The label on the inside and outside envelope is the same as last year!! Just amazing. Please give me an argument to that.</p>
53	Patricia Anne Liske		Street identifier	<p>Restrictions to absentee voting</p> <p>I must report that the US Post Office and Fairfax county, Virginia do not agree on my street address! The post office says it is Trinidad Street; the county says it is N. Trinidad (not north, just N.)</p> <p>so which will be my correct address for voting?!</p> <p>will my absentee ballot be invalidated if I use one and not the other?!</p> <p>this proposed restriction on street name is just outrageous!</p>
54	Susan Clark		Generational suffix; street identifier	<p>Right to vote should not be restricted</p> <p>Details such as street name or a suffix should not invalidate a vote. It takes a bit of trouble to get an absentee ballot, so the person obviously wants to vote. We should be facilitating the process, not</p>

				hindering it. Fraud has not been an issue in the past; witness the many recounts of contested elections that have not turned up fraud. Thus the purpose of the restrictions seems to be to limit the right to vote.
55	Janice Yohai		Generational suffix; street identifier	<p>Name and address are on the mailing label</p> <p>Not including the generational suffix or the street identifier should not be considered "material". The ballot was mailed to a particular person because he/she filled out an application. It was an approved application, or they would not have received a ballot. To then require the recipient of the ballot to repeat what has already been noted is unnecessary because it has already been found to be accurate. These votes should be counted.</p> <p>My particular street name is too long to fit on any form with boxes. It is 20 characters long without putting DRIVE after it. I am accustomed to writing my street name WITHOUT the street identifier.</p> <p>Also, many if not most roads only have one identifier with that street name. And for those which have 2 identifiers with the same name, the resident knows this and would include it on the ballot. They know this. For those who know that there are no other streets with the same name, it would be unnecessary to include this identifier. The voter who knows he need to include it will do so; for others it is immaterial. In either case, the person's identity is clear.</p> <p>I receive mail at my address without the identifier. The letter carrier knows where my street is. No one who writes to me has to include DRIVE behind the name of my street. Neither should I have to include it in my address on the mailed-in ballot.</p> <p>Here are some alternatives:</p> <ol style="list-style-type: none"> 1. Why don't you create the outgoing address as one which can be peeled off and affixed to the ballot, 2. Or why don't you include a second label inside the envelope for use on the ballot 3. Or why don't you preprint the persons name and address on the ballot for the voter to use. <p>This issue can so easily be resolved with better mailing practices.</p>
56	Fariborz S. Fatemi			<p>proposed absentee ballot changes</p> <p>Stop this proposed unnecessary and restrictive regulations that interferes with the right to vote.</p>
57	Ray Foreman, Registered Voter		Generational suffix; street identifier	<p>Oppose Change to Make Generational Suffix/Residential Street Identifier Material</p> <p>I oppose any changes to make it harder for absentee voters to have their votes counted. These two changes have the result of making it harder for legitimate registered voters to have their absentee ballots counted.</p> <p>Please do not make generational suffix or residential street identifier omission or inaccuracies material. There are other ways to validate an absentee ballot so it passes the reasonableness test as communicated by registrars and registered voters with election officer experience (see other</p>

				<p>comments on this online town hall for more information).</p> <p>The State Board of Elections should be seeking ways to encourage more citizens to register to vote, vote, and have their votes counted. The basic right of our democracy is for all citizens to exercise their right to vote. This board should do all it can to encourage voter turnout, and the absentee ballot is a key way to increase voter turnout, especially for the college students, military and elderly.</p>
58	Sean Coleman		Generational suffix; street identifier	<p>I object to the proposed rule regarding both the generational data and the inclusion of street identifiers, such as Avenue, Drive, Road, ... in the rule.</p> <p>Generational data is not required as the probability of two people of the same name living at the same address and both of them voting by absentee ballot in the same election is rare. It would be even rarer if there were more than two of the same name in the household. If both voted by absentee then the generational designation is not relevant.</p> <p>The proposed requirement for making the inclusion of Avenue, Road, or Drive on the ballot is merely an attempt to disqualify a ballot for failure of completing a ministerial task. The name and address of the person who has applied to vote absentee is already in the database.</p> <p>Voting is a Constitutional right. Government should be taking steps to increase voter turnout, not discouraging and attempting to disenfranchise people who have made an effort to fulfill their citizen responsibilities. Study after study after study shows that voter fraud is exceedingly rare, to the point that it is almost non-existent. These attempts to take a legitimate vote away from a person exercising a constitutional right is shocking to the citizenry.</p>
59	Mrs. Dorothy Pech		Generational suffix; street identifier	<p>voter ID</p> <p>Sorry, but I see nothing wrong in requiring this information. A person should be identified as jr., sr., whatever. Exact address is important.</p>
60	Anne Alston		Street identifier	<p>Change to absentee ballot requirements</p> <p>Whether the voter enters "street", "avenue", etc. should not be used to invalidate their absentee ballot. What has changed to make that a requirement? I am against the changes to Absentee Voter Ballot requirements.</p>
61	Thomas Fina, former Fairfax County Chief Election Officer		Generational suffix; street identifier	<p>Absentee voter restrictions</p> <p>I worked for many years as an Elections Officer in Fairfax County and never encountered any problem about a street identifier or confusion about the proper identification of which generation in a household was voting.</p> <p>I believe that adding such obstacles to voting is unnecessary and further restricts the franchise.</p> <p>I have also worked for some 17 years helping Americans living abroad to vote absentee. This is a considerable electorate and adding the street identifier and generational identification requirement would make access to the ballot box by overseas voters even more difficult than it is already.</p> <p>The State Board of Elections should be searching for ways to expand the franchise to strengthen our</p>

				democracy rather than impose obstacles to citizen participation in our governance.
62	Thomas Blackburn		Generational suffix; street identifier	<p>Material omissions from absentee ballot</p> <p>I strongly oppose the proposal to invalidate absentee ballots that do not include a generational identifier or a street designation. The generational identifier is available elsewhere on the form or envelope. And the street identifier is only significant if there are two or more street names and addresses with different identifiers (e.g., 2000 North Avenue and 2000 North Street) within the same zip code, which is extraordinarily unlikely; and even if that were to happen, the name of the voter would clarify which person is voting. I consider these proposed restrictions to be additional efforts to disenfranchise voters. While they have less impact than the literacy tests and poll taxes of years gone by, they are motivated by the same false premise of "protecting the integrity of the voting process" that "justified" those restrictions. The Board of Elections should focus on issues that actually have an adverse effect on the integrity of the voting process rather than trying to take steps such as these.</p>
63	Charlie McKeon		Street identifier	<p>unnecessary and will result in the failure to count legitimate votes</p> <p>These changes are unnecessary and will result in the failure to count legitimate votes. Although, for example, Arlington has a 5th street and a 5th road, it is unlikely that there are voters named John Smith who reside on each of those streets and have each requested an absentee ballot. In fact, the absentee ballot return envelope includes the full name and address. In the few cases where there are questions, the registrar can resolve them and make sure that people can exercise their right to vote, without overly-detailed and non-substantive restrictions.</p>
64	Mary Cortina, Registered Voter		Generational suffix; street identifier	<p>Oppose proposed changes for absentee ballots</p> <p>I oppose the State Board of Elections proposal to invalidate an absentee ballot that does not contain the street identifier or a name suffix. Personally, I do not use a suffix on a routine basis (Ms., Mrs., etc.) and am shocked that my absentee vote could be considered invalid if I omitted this information under certain circumstances. In addition, from personal experience in Fairfax County, the street identifier is inconsistently recorded in real estate databases. In some cases, my road will be listed as Street, ST, Lane, or LN - which makes me wonder how this information will be verified and whether this could invalidate my vote.</p> <p>The changes to the voter identification and absentee ballot rules in recent years disproportionately affect young voters and low-income voters. While these changes may appear to be "minor," Virginians should be mindful of our Commonwealth's history in the 20th century and refrain from passing laws and rules that disproportionately invalidate votes from certain groups of voters.</p>
65	David B. Bjerke, General Registrar of Voters for the City of Falls Church		Generational suffix; street identifier	<p>A voter's signature should be the only material omission on an absentee ballot.</p> <p>The only omission that should be material on an absentee ballot is a voter's signature. The signature alone is matched against the voter's registration application form for verification. Otherwise, any information the election officers can use to match the ballot to a voter should be used by the election officers to help that voter's ballot count. Please keep in mind that a voter had to submit a signed absentee ballot application already to receive an absentee ballot. Therefore election officers already have a list of potential absentee voters with signatures to match to returned absentee ballots. As election officials our job should be to enfranchise voters. It is my opinion that my job is not to look for</p>

				<p>reasons to disenfranchise voters.</p> <p>Please do not modify the code to make the lack of or a wrong street identifier a material omission.</p> <p>Please do not modify the code to make the lack of a generational suffix a material omission.</p> <p>In fact, it can go further than the proposals:</p> <p>Please remove the need for a signature of a witness. It is unnecessary. Lack of a witness signature should not be a material omission.</p> <p>The lack of a full first or last name should not be a material omission</p> <p>The lack of a house number and/or street name should not be a material omission</p> <p>The lack of a city and/or zip code should not be a material omission</p>
66	Judy Brown, General Registrar- Loudoun County		Generational suffix; street identifier	<p>Absentee Street Type and Name Suffix</p> <p>Simply to reject a returned absentee ballot due to lack of the street type (identifier) or a name suffix is truly unfair. We have confirmed, prior to mailing the ballot, that the person is in fact a registered voter and eligible to receive the ballot. We place a computer generated label on the envelope for return of the ballot. By scanning this into the computer, we have determined from whom the ballot was received.</p> <p>As has been stated, sometimes the post office uses a different street type than the county GIS (mapping office). When this happens a decision must be made by the local voter registration office as to which one is correct and should be entered into the street file.</p> <p>When we have two people from the same household (one Jr. and one Sr), there is a slim chance both have applied for absentee ballots. If this happens, a simple signature comparison can be done quickly if there is a question. If both applied, most likely both will be returned as well.</p> <p>I am in agreement with other comments, lack of a street type (identifier) or a name suffix should not be a material omission on Envelope B for absentee ballots. We have finally removed some of the other common oversights voters make when completing Envelope B to ensure we are counting ballots, not rejecting them.</p>
67	Richard Langford, Vice Chair Montgomery County Electoral Board		Street identifier	<p>Street Identifier should not be "material"</p> <p>Making the street identifier a material omission is not necessary and will cause some AB to be rejected even if there is no confusion about the street. I see no reason why this should be a material omission and it will just cause unnecessary confusion and lead to the invalidating otherwise acceptable ballots. There is enough other information to determine the validity of the voter without including this "gotcha".</p>
68	Sue Rosenberg		Generational suffix; street identifier	<p>No need to require a street type or generational identifier on AB applications</p> <p>There is no need for the generational identifier or street type, especially if the absentee ballot application includes the last four digits of the applicant's social security number. Those four digits will distinguish</p>

				one person from another at the same address and will also serve to distinguish between applicants who happen to have the same name but live on xxx street or xxxx court or xxx road.
69	Therese Martin, League of Women Voters of Va Voter Advocacy Coordinator		Generational suffix; street identifier	<p>Material omissions on materials used when mailing in absentee ballots</p> <p>The League of Women Voters agrees with previous commentators, especially those responsible for managing Virginia's elections, who noted that the additions to material omissions which would invalidate a ballot are unnecessary and would limit a persons right to vote. Truthfully, they come across as needless nitpicking and likely fodder for TV commentary on Virginia's laws and regulations.</p> <p>On a practical level, many generational indicators are not really a part of a persons name, and in any case, are not used in the course of everyday living. One group that could be especially affected by this are college students who form a large segment of absentee by mail voters. The same situation is true of street indicators. While using "street," "place," "court," etc. might be useful in calling a taxi, it is not necessary to decide whether to accept a ballot. Many persons don't know what their street indicator is because it is never used. Further, a voter's eligibility is ascertained when her application for an absentee ballot is received and again when the returned ballot is received by the elections office. A missing "Ave. or Pl." shouldn't be cause to reject a voter's ballot.</p> <p>It is time that more attention be paid to ways to extend the franchise, inform the voters, and increase voter turnout than to find ways to keep eligible citizens from having their votes counted.</p>
70	Sharon Holmes		Generational suffix; street identifier	<p>Non-Material Omission – Address with Street Identifier</p> <p>The voter name (to include generational suffix when registered at the same address), voter signature, witness signature, and date on Envelope B should always be considered material.</p> <p>The voter has previously signed a voter declaration/affirmation that includes a registration address when the voter applied to vote absentee. Since the voter has already provided a full registration address on the Virginia Absentee Ballot Application and 99% of the domestic ballots are returned in an envelope affixed with a Virginia Election Registration Information System-generated address label, the repeat of the address on Envelope B should not be considered material. Eliminate the street address with street identifier as a material omission.</p>
71	Mary Kathleen-Diehl Reichert			<p>Absentee materials omission.</p> <p>I believe this bill is so unnecessary and adds an undue burden on voters. The law and rules have already been published July 1st. This will only confuse voters and may deny people their right to vote. Please don't allow these unnecessary rules to go forward. Thank you, Mary K. D. Reichert</p>
72	Anna Scholl, ProgressVA		Generational suffix; street identifier	<p>Changes are unnecessary</p> <p>These changes are unnecessary and only serve to potentially prevent legitimate votes from being counted. The lack of a suffix or street identifier on the return envelope should have no bearing on the registrar's ability to determine the identity of the voter, especially since every return envelope includes a VERIS generated label with the voter's identifying information.</p>

73	Cheryl Zando		Street identifier	<p>Don't put unnecessary restrictions on absentee voting</p> <p>These changes are unnecessary and will result in the failure to count legitimate votes. Although, for example, Henrico has a Fulham Drive, Fulham Circle and Fulham Court, it is unlikely that there are voters named John Smith who reside on each of those streets and have each requested an absentee ballot. In addition, the absentee ballot return envelope includes the full name and address. In the few cases where there are questions, the registrar can resolve them and make sure that people can exercise their right to vote, without overly-detailed and non-substantive restrictions.</p>
74	Lawrence Haake, GR Chesterfield County		Generational suffix; street identifier	<p>Street ID / Name Suffix</p> <p>I join the other comments that omission of a street identifier or a name suffix should NOT be considered a material omission. From nearly 20 years experience in dealing with absentee ballots, I can say that neither of these details being omitted has ever caused a voter identification issue.</p> <p>Thanks.</p>
75	Tram Nguyen, VA New Majority		Generational suffix; street identifier	<p>Material omission changes unnecessary</p> <p>The lack of a suffix or a correct street identifier on the self-completed envelope should have no bearing on the electoral board's ability to identify the voter, especially since every return envelope includes a VERIS generated label with the voter's identifying information.</p> <p>The 2014 General Assembly passed legislation that was signed into law that excluded middle names or initials from being considered material omissions based on the premise that they were not critical in the ability of an electoral board to determine the voter's identity. The electoral board can match the voter information on the returned envelope with the list of voters who requested an absentee ballot to confirm the identify of the voter who mailed back the absentee ballot.</p> <p>The items considered under this proposed regulation change are no different - these changes are unnecessary and could result in the failure to count legitimate votes. As long as the electoral board can identify the voter who is submitting the absentee ballot, that vote should be counted.</p>
76	W.T. Latham		Generational suffix; street identifier	<p>Comment concerning 1 VAC 20-70-20</p> <p>Thank you for the opportunity to comment on the proposed change to 1 VAC 20-70-20, which pertains to material omissions from absentee ballots.</p> <p>I am providing commentary about two items: (1) the proposal to make it a material omission if the street identifier has been left off of the document, and (2) the proposal to make it a material omission (subject to certain limitations) if the generational suffix is left off.</p> <p>Street Identifier on an Absentee Ballot</p> <p>The street identifier on an absentee ballot should not be a material omission requiring that the ballot not be counted. The reason for this is that, provided that the voter is already registered to vote, we are able to determine---beyond any reasonable doubt---who that voter is based on the other information provided on that envelope.</p>

				<p>Not only is there (usually) a label that the statewide voter registration system has produced that includes the voter's name, address, and voter registration number. Even when this label is not returned with the ballot, a non-UOCAVA voter has also provided his or her name and residential address information that provides evidence, beyond any shadow of a doubt, information to local election officials who the voter is. To reject a ballot solely because of the lack of a street identifier would lead to the totally unnecessary rejection of absentee ballots.</p> <p>Generational Suffix</p> <p>The lack of a generational suffix can, standing alone, be confusing if there are people with the same name residing in the same household. However, a different way to determine this is that the CAP officers or the Registrar's Office could examine the original voter registration application or absentee ballot application to determine, with reasonable certainty, who the returned ballot belongs to. While none of these officials are experts in handwriting analysis, a standard such as preponderance of the evidence would ensure that the ballot is attributed to the correct person.</p> <p>Finally, with regard to the generational suffix, it is important to bear in mind that those who have registered with the suffix "Sr." were not born with that name. There could just as easily be a regulatory assumption that, (1) where the suffix has been left off, (2) there are two voters with the same name registered at the same address, (3) who applied to vote absentee, and (4) only one of them returned his ballot without the suffix, then the ballot should be attributed to the person registered with the suffix "Sr.," as the suffix is really not a part of his legal name.</p> <p>I hope this comment helps. Thank you, again, for the opportunity to comment on this proposed regulation.</p> <p>W.T. Latham</p>
77	W.T. Latham		FWAB; Generational suffix; street identifier	<p>Comment concerning 1 VAC 20-45-40</p> <p>Thank you for the opportunity to comment on the proposed change to 1 VAC 20-45-40, which pertains to the Federal Write-in Absentee Ballot (FWAB).</p> <p>I am providing commentary about two items: (1) the proposal to make it a material omission if the street identifier has been left off of the document, and (2) the proposal to make it a material omission (subject to certain limitations) if the generational suffix is left off.</p> <p>Street Identifier on the FWAB</p> <p>The street identifier on the FWAB should not be a material omission requiring that the ballot not be counted. The reason for this is that, provided that the voter is already registered to vote, we are able to determine---beyond any reasonable doubt---who that voter is based on the other information provided on that envelope. To require the street identifier even though we are able to determine who the voter is would be a violation of Va. Code 24.2-467. Because the State Board of Elections cannot adopt rules that go beyond the legislative scheme provided for the return of absentee ballots, requiring that street identifiers be, standing alone, a material omission would exceed the regulatory authority of the State Board of Elections.</p> <p>There is, however, one exception to my comment above: if a FWAB applicant is not registered to vote,</p>

				<p>and the address provided by that applicant uses a street name that is the exact same as another street in the locality, and the ranges of addresses on that street cannot provide illumination as to which street the applicant should be registered on, then, in that case, the street identifier may be material. However, in this instance, it is an omission from the information required to register to vote, and that fundamental flaw would invalidate the absentee ballot by necessity.</p> <p>Generational Suffix</p> <p>The lack of a generational suffix can, standing alone, be confusing if there are people with the same name residing in the same household. However, a different way to determine this is that the CAP officers or the Registrar's Office could examine the original voter registration application or absentee ballot application to determine, with reasonable certainty, who the returned ballot belongs to. While none of these officials are experts in handwriting analysis, a standard such as preponderance of the evidence would ensure that the ballot is attributed to the correct person.</p> <p>Finally, with regard to the generational suffix, it is important to bear in mind that those who have registered with the suffix "Sr." were not born with that name. There could just as easily be a regulatory assumption that, (1) where the suffix has been left off, (2) there are two voters with the same name registered at the same address, (3) who applied to vote absentee, and (4) only one of them returned his ballot without the suffix, then the ballot should be attributed to the person registered with the suffix "Sr.," as the suffix is really not a part of his legal name.</p> <p>I hope this comment helps. Thank you, again, for the opportunity to comment on this proposed regulation.</p> <p>W.T. Latham</p>
78	Frank Leone, Arlington		Generational suffix; street identifier	<p>Don't impose unnecessary restrictions for absentee ballots</p> <p>As I understand it, the SBE has proposed that additional information as be considered as "material" and required for absentee ballots to be counted, specifically, a "generational suffix," 1 VAC 20-70-20.B.3, and "residential street identifier," identifier. 1 VAC 20-70-20.B.4.</p> <p>These changes are unnecessary and will result in the failure to count legitimate votes. Although, for example, Arlington has a 5th street and a 5th road, it is unlikely that there are voters named John Smith who reside on each of those streets and have requested an absentee ballot. In fact, the absentee ballot return envelope includes the full name and address. In the few cases where there are questions, the registrar can resolve them and make sure that people can exercise their right to vote, without overly-detailed and non-substantive restrictions.</p>
79	Cynthia S. Martinez-Prince William County, Senior Assist. Reg.-AB Voting		Generational suffix; street identifier	<p>Street identifiers</p> <p>Street identifiers and generational identifiers do not need to be material. Voters have already given all the detailed information on their address and name identifiers when they qualified to receive the ballot. This is then printed on a return label which the majority uses to return the ballot. So why nit-pick the information when we receive the returned ballot. The Federal Statement of Affirmation for military/overseas voters only requires the voter signature, witness and date. In my personal opinion, the information has already been given to qualify for the ballot, so to return it, this (signature, witness and</p>

				date) should be sufficient. Street identifiers and generational identifiers should not be material.
80	Mary Alison Galway		Generational suffix; street identifier	<p>Addition of disqualifiers for absentee voting</p> <p>The right to vote should not depend on nit-picking, typo, or other rules unrelated to the honest identification of the voter. Requirements for street identifiers, initials, generational markers, full legal names etc. should not be used to disenfranchise a citizen of this country. Several highly qualified, in-the-trenches commentators have mentioned that individuals request absentee ballots and military voters may have special circumstances. These questions are easily resolved by a registrar and agents who are committed to allowing all valid voters to vote. These questions are also easily left unresolved if the purpose is to streamline a process committed to disenfranchise voters, or values efficiency over effectiveness.</p> <p>Voting is a basic right in our democracy. It should not be denied for other than substantive reasons.</p>
81	Cheryl Scannell, Absentee Voting Manager, Arlington County		Generational suffix; street identifier; FWAB	<p>Material Omissions - Generational Suffix and Street Identifier</p> <p>Agree with prior comment regarding use of Final Absentee List to help identify name or street identifier if needed. The ballot packet includes a VERIS generated label on the return envelope. While some voters may not return their ballot in the envelope provided, the majority do. This label can also act as a tool for identifying the voter.</p> <p>FWAB material omissions: Many of our military or overseas voters have been residing overseas for <i>many</i> years. It is hard enough for them to remember their U.S. residence address less much the correct street identifier. Additionally, military members will often have only minutes to complete a FWAB before being deployed. Not enough time to cross every "T" or dot every "I" or in this case, make sure they've put their street identifier. It just doesn't seem right for these voter's ballots to be rejected due to lack of or incorrect street identifier.</p>
82	Renee Bergmann Andrews, Falls Church Electoral Board		Generational suffix; street identifier	<p>Specifics of Names and Street Identifiers</p> <p>These are ballots being returned by voters who requested them. The absentee list should have the voter's complete name and street identifier. If the officers of election can determine from the information given that the ballot is being received from someone on the absentee list who applied for it, then they should accept that ballot. If both Robert Smith III and Robert Smith IV live at the same address and only RSIII requested a ballot, then the ballot being returned by Bob Smith can be properly identified as his. If both voters requested ballots and only one has been returned, then it cannot be identified.</p> <p>Similarly with street name identifiers, if Robert Smith, whose voting address is 100 Main Street, has requested a ballot, then the ballot being returned by Bob Smith, 100 Main, is identifiable, unless, of course, Robert Smith from 100 Main Road also requested one.</p> <p>If the voter can be identified as someone on the absdntee list, the ballot should be accepted.</p>
83	Penny R. Limburg, General Registrar		Street identifier	<p>Street Identifier</p> <p>I agree with a previous comment that streets are often referred to by name only and not necessarily the identifier.</p>

	Bristol City			Another issue that occurs in Bristol, is that USPS doesn't always use the correct street identifier to coincide with how the record appears on the planning files. For example, USPS might list "estates" as "road" even though the road sign clearly has the abbreviation Est., therefore, residents often use the incorrect identifier, too.
84	Tammy L. Alexander- Electoral Board Secretary- City of Petersburg		Generational suffix; street identifier	<p>Generational Suffixes and Street Identifiers</p> <p>We have households with family members sharing identical names with the generational suffix being the only way we can determine who is who. The suffix requirement needs to be there for these type of households.</p> <p>As for street identifiers, we have a South Street, a South Boulevard, and a South Avenue. In Petersburg, we can identify them based on the house numbers, but other localities may not have different numbers on similarly named roadways making identification a bit more difficult.</p>
85	Leeman			<p>Absentee Omission</p> <p>How does the absentee omission process goes?</p> <p>venus factor</p>
86	Carolyn Sherayko, General Registrar, City of Lynchburg		Street identifier	<p>Omission of Street Identifiers</p> <p>In the city where I used to live it was common practice to refer to streets simply by the name (e.g., Quest: Where is the grocery located? Ans: On Longwood.) I don't know how many locales there are in Virginia where this might also be the practice. Disqualifying someone's vote because of the omission of Ave., Dr., Ln, etc. seems unjustified. Also, it's been my observation since becoming a Registrar, that <i>many</i> voters get the identifier wrong - St. instead of Dr., for example. This just doesn't seem to be something that should disqualify a vote.</p>
87	Sue Langley, Chair, Fairfax County Democratic Committee AND Donna Miller Rostant, Chair, Election Law Voter Protection			<p>On behalf of the Fairfax County Democratic Committee, we object to the Proposed Regulations for Material Omissions from Absentee Ballots requiring a voter's street identifier and a generational suffix. A voter's failure to include either of these two immaterial pieces of information will undoubtedly result in the rejection of many valid votes.</p> <p>An absentee ballot is mailed to a specific voter only after a voter correctly completes an application. The application carries certain requirements and a voter has received the absentee ballot because his or her application was approved. To require the voter receiving an absentee ballot to restate what has already been approved or risk disenfranchisement is absurd.</p> <p>Likewise, it is ludicrous to assert that a sufficient number of same-named voters live on the same street with the same house number to make this regulation even remotely necessary. The inevitable result is that large numbers of innocent voters will likely forget to add the street identifier resulting in wide-spread disenfranchisement. Finally, how often will the same person with the same name living at the same street address seek an absentee ballot such that absence of a generational suffix will invalidate an otherwise proper ballot? Won't the registrar have a record of those absentee ballot applications?</p> <p>These requirements are most certainly not material, are needless and unnecessary, and will result in</p>

				rejection of otherwise valid ballots. We ask that you serve the people of the Commonwealth by focusing on ways to include valid votes, rather than methods to exclude them.
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STATE BOARD OF ELECTIONS
2014 Absentee Material Omissions

1VAC20-45-40. Material omissions from Federal Write-In Absentee Ballots.

A. Pursuant to the requirements of §§ 24.2-467, 24.2-702.1 and 24.2-706 of the Code of Virginia, a timely received write-in absentee ballot on a Federal Write-In Absentee Ballot (FWAB) (Form SF-186A) should not be rendered invalid if it contains an error or omission not material to determining the eligibility of the applicant to vote in the election in which he offers to vote.

B. If the applicant is not registered, the FWAB may not be accepted as timely for registration unless the applicant has met the applicable registration deadline. Section 24.2-419 of the Code of Virginia extends the mail registration deadline for certain military applicants. All applications requesting mailed ballots are subject to the mail absentee application deadline in §§ 24.2-459 and 24.2-701 of the Code of Virginia.

C. The following omissions are always material and any FWAB containing such omissions should be rendered invalid if on the declaration/affirmation any of the following, or combination thereof, exists:

1. The applicant has omitted the signature of the voter or the notation of an assistant in the voter signature box that the voter is unable to sign;
2. The applicant has omitted the signature of the witness;
3. The applicant did not include the declaration/affirmation page; or
4. The applicant omitted from the declaration/affirmation information required by § 24.2-702.1 of the Code of Virginia needed to determine eligibility including, but not limited to, current military or overseas address.

D. The ballot should not be rendered invalid if on the FWAB any of the following, or combination thereof, exists:

1. The applicant has not listed the names specifically in the order of last, first, and middle name;
2. The applicant has listed a middle initial or maiden name, instead of the full middle name;
3. The applicant has omitted the street identifier, such as the term "road" or "street" when filling in the legal residence;
4. The applicant has omitted the county or city of registration if the county or city is clearly identifiable by the residence address information provided;
5. The applicant has omitted the zip code;
6. The applicant has omitted the date of the signature of the voter;
7. The applicant has omitted the address of the witness;
8. The applicant has omitted the date of signature of the witness;
9. The applicant did not seal the ballot within the security envelope, ~~provided there is substantial compliance with the requirement that the ballot be accompanied by the required voter statement~~ so long as the outside envelope containing the ballot and the voter's declaration/affirmation page arrived sealed; or
10. The applicant has submitted a ballot containing offices or issues for which he is not eligible.

1VAC20-70-20. Material omissions from absentee ballots.

A. Pursuant to the requirements of § 24.2-706 of the Code of Virginia, a timely received absentee ballot contained in an Envelope B shall not be rendered invalid if it contains an error or omission not material to its proper processing.

B. The following omissions are always material and any Envelope B containing such omissions shall be rendered invalid if any of the following exists:

1. Except as provided in subdivisions C 2 and 3 of this section, the voter did not include his full first name;
2. The voter did not provide his last name;
- ~~3. If the voter has a legal middle name, the voter did not provide at least a middle initial;~~
- ~~4.3.~~ 3. The voter did not provide his house number and street name or his rural route address;
- ~~54.~~ 4. The voter did not provide either his city or zip code;
- ~~65.~~ 5. The voter did not sign Envelope B; or
- ~~7. The voter did not provide the date on which he signed Envelope B; or~~
- ~~86.~~ 6. The voter's witness did not sign Envelope B.

C. The ballot shall not be rendered invalid if on the Envelope B:

1. The voter included his full name in an order other than "last, first, middle";
2. The voter used his first initial instead of his first full name, so long as the voter provided his full middle name;
3. The voter provided a derivative of his legal name as his first or middle name (e.g., "Bob" instead of "Robert");
4. If the voter provided his first name and last name, the voter did not provide a middle name or a middle initial;
- ~~45.~~ 5. The voter did not provide his generational suffix;
- ~~56.~~ 6. The voter did not provide his residential street identifier (Street, Drive, etc.);
- ~~67.~~ 7. The voter did not provide a zip code, so long as the voter provided his city;
- ~~78.~~ 8. The voter did not provide his city, so long as the voter provided his zip code;
- ~~89.~~ 9. The voter omitted the year in the date, or provided an incorrect or incomplete date on which he signed Envelope B; or
- ~~9. The voter provided the incorrect date on which he signed Envelope B; or~~
10. The ballot is imperfectly sealed within Envelope B, provided that ~~the ballot is contained within Envelope B, there is evidence that a good faith effort was made to seal the envelope, the outer envelope with Envelope B and the ballot arrived sealed, and the circumstances create no reason to suspect fraud.~~
11. The illegibility of a voter's or witness' signature on an Envelope B shall not be considered an omission or error.

D. For the purposes of this regulation, "city" may include the voter's locality, town, or any acceptable mailing name for the five-digit zip code of the voter's residence.

~~E. The illegibility of a voter's or witness' signature on an Envelope B shall not be considered an omission or error.~~

F. Whether an error or omission on an Envelope B not specifically addressed by this regulation is material and shall render the absentee ballot invalid shall be determined by a majority of the officers of the election present.



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Other Business & Public Comment

BOARD WORKING PAPERS



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Good of the Order

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Adjournment

BOARD WORKING PAPERS



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BOARD MEETING

Wednesday, August 27, 2014
General Assembly Building
Room C
10:00 AM

SBE Board Working Papers