

Chapter 60 Received Comments

Commenter	Comment
<p>David Bjerke, City of Falls Church Office of Voter Registration &amp; Elections</p>	<p><b>I favor these proposed changes.</b></p> <p>As a Director of Elections and General Registrar of Voters for the City of Falls Church, I am in favor of these proposed changes.</p>
<p>Eric Goldstein, Officer of Election, Arlington County</p>	<p><b>Needs some changes</b></p> <p>A find the changed 1VAC20-60-30 to confusing and contradictory. Section A is about observers (the term I'll use to refer to "representatives of candidates and political parties authorized to observe the election"), Section B is about voters, then it switches back to being about observers again in Section C, and then back to voters again in Section D. That makes it hard to follow. Additionally, it provides no guidance on voter use of cell phones. Section B refers to "cameras or audio or visual recording devices" and section D refers to all electronic devices. It isn't clear to me whether a policy barring all use of cell phones by all voters is allowed (as long as other electronic devices are allowed).</p> <p>Also, Section C and the second paragraph of Section A seem to be on essentially the same topic: just more detail in Section C as to the standards that should be used in Section A? Why are these in separate sections? Additionally, Section A prohibits observers from using the camera function on a phone, but the clause of Section C "regulate"ing the use of a camera (old clause iii) is being removed. This seems counterintuitive if not down right contradictory. The more I read it, the more Section C seems problematic. I recommend it just be removed; Section A's grant of discretion to the majority of the officers of the election seems sufficient.</p> <p>As to the substance of the policy, assuming I am reading it right, observers are allowed to use cell phones but not allowed to use cameras. Conversely, voters can use cameras, but it isn't perfectly clear if they can use cell phones. Seems unnecessarily inconsistent, but maybe there is a good rational behind it.</p> <p>Section B used to apply to all people other than observers, now it just applies to voters. This means there does not seem to be a policy applicable to anyone else in the polling place: media, officers of the election, people assisting voters, children of voters, etc. It would seem to me there should be a policy that applies to them, too.</p> <p>Lastly, regarding 1VAC20-60-50, I believe language "who may be members of the same party" would best be replaced with "who represent the same party" to better align with the first sentence and with §24.2-115.</p>
<p>Jody D. Brown</p>	<p><b>Vol 32, Issue 16</b></p> <p>"Any voter may be required to cease using the device, but no voter may be removed from the polling place for using a device until after the voter has cast his ballot." Consider changing the sexist language in this paragraph and any other places similar language occurs. The easiest way to avoid this problem is to use plural constructions. This sentence would become: Voters may be required to cease using such devices, but voters may not be removed from the polling place until after they have cast their ballots."</p> <p>C. has three subsections. Those subsections should use parallel construction to improve the readability of the section.</p> <p>Current C</p>

	<p>Grounds for regulating [or prohibiting the] use of electronic devices [by authorized representatives of candidates and political parties] include [but are not limited to ] (i) the making or receiving of calls that interfere with or become disruptive to the voting process; (ii) the making or receiving of calls in an attempt to solicit or influence any person in casting his vote; [or ] (iii) the [usage of the camera function to film within the polling place or beyond the 40-foot prohibited area; or (iv) the] person using the device is conducting himself in a noisy or riotous manner at or about the polls so as to disturb the election.</p> <p>More readable C</p> <p>Grounds for regulating [or prohibiting the] use of electronic devices [by authorized representatives of candidates and political parties] include [but are not limited to ] (i) making or receiving of calls that interfere with or become disruptive to the voting process; (ii) making or receiving of calls in an attempt to solicit or influence any person in casting his vote; <del>for</del>(iii) [using the camera function to film within the polling place or beyond the 40-foot prohibited area; or (iv) using the device in a noisy or riotous manner at or about the polls so as to disturb the election.</p> <p>D3 is different from 24.2-802 C although I suspect the intend was not to change it. In 24 2-802 C, "each candidate or petitioner and governing body or chief executive officer", recommends to the Court "an equal number of the officers of election to be recount officials." The proposed D3 contains the sentence, "Such list shall note recommended recount officials who the court may appoint if the officials and alternates recommended by the parties to the recount are not of sufficient number to conduct the recount within a reasonable period." The D3 language seems to me ambiguous about whether the parties could recommend recount officials to the Court who had not been election officials in the election. If my reading is a possible interpretation, then I think we could have chaos trying to incorporate people who have had no training as officers of elections.</p> <p>Section E seems to take away from the Court the possibility of asking for information directly from the localities. This assertion of control over the Court is easily remedied by adding a phrase to the last sentence in E. The electoral board of each county or city in which the recount is to be held shall provide the requested information to the <del>Secretary</del> Commissioner of the <del>State Board</del> Department of Elections or directly to the Court if so requested.</p> <p>Finally, in G, in every other location in this revision paper ballot is changed to printed ballot. I'm not entirely sure why printed is better than paper, but if it is, shouldn't it be changed here?</p>
Philip Schetrompf	<p><b>Good changes but needs some editing</b></p> <p>I support the changes proposed but Goldstein and Brown have made some good points that should be addressed concerning the new wording.</p>
Stephen Hunt, Fairfax County Electoral Board	<p><b>1VAC20-60-40. When ballot cast - Provisional ballots</b></p> <p>The change to paragraph B regarding the provisional ballot is not correct. The permanent record does not occur when a provisional ballot is submitted by the voter. It occurs when the electoral board accepts it and it is counted. If the electoral board rejects the provisional ballot, it is as though the voter never voted. Consequently it is as though there was never a permanent record. I recommend that the language be changed to include the acceptance by the local electoral board</p> <p>"or (iv) relinquishing possession of a completed provisional ballot envelope containing</p>

	the ballot to the possession of an officer of election <i>and the subsequent approval of that provisional ballot by the local electoral board.</i> "
G S Riddlemoser, Director of Elections and General Registrar, Stafford County	<b>1VAC20-60-40</b>  change para D to read:  "D. If any voter's ballot was not so cast by or at the direction of the voter, then the ballot cannot be cast by any officer of election or other person present. Notwithstanding the previous sentence, if a voter inserts a ballot into an optical scanner and departs prior to the ballot being returned by the scanner due to an undervote, <del>or</del> overvote <b>or equipment malfunction</b> , the officer of election <del>may</del> <b>MUST</b> cast the ballot for the absent voter."
G S Riddlemoser, Director of Elections and General Registrar, Stafford County	<b>1VAC20-60-50</b>  Change para 2 to read:  "2. Any such auxiliary ballot container used shall (A) meet the requirements of § 24.2-623 of the Code of Virginia, or (B) meet the requirements for the sealing and transportation of Envelope or Box 3 as contemplated in the PROCEDURES CONCERNING ELECTION RECORDS FOR CLERK OF CIRCUIT COURT issued by the Department immediately prior to each election." ... or something similar because...  <ul style="list-style-type: none"> <li>• There is no reason not to prepare ballots that were removed under this rule to be ready to be transported to the clerk at the close of polls. In other words, remove the ballots, box them up, seal them with tamper tape, and have all officers of election present sign the box label - just like they would do after 7pm except that they are doing so immediately after solving the overfull problem.</li> <li>• Localities can easily afford good cardboard boxes - they may or may not be able to afford lockable containers to be used once every four to eight years.</li> <li>• In addition to the cost issue is one of storage. Few localities have extra storage space and would find it hard to find a place to store something that is used so infrequently.</li> </ul>
Bruce Brown, Chair – City of Alexandria EB	<b>Use of cameras</b>  I do not think that cameras, other than by official media or designated public officials, should be allowed in a polling station.
Brenda Cabrera	<b>Clarification for Curbside Voter</b>  1VAC20-60-40. When ballot cast  Where does the curbside voter fit into this scenario related to “when the vote is cast”? In current practice, the vote is cast when the voter hands the ballot to the Election Officer at the curb. The procedure described in Part D has been the procedure with a curbside ballot, "if a voter inserts a ballot into an optical scanner and departs prior to the ballot being returned by the scanner due to an undervote or overvote, the officer of election <b>MUST</b> (I agree with Mr. Riddlemoser's recommended change) cast the ballot for the absent voter." The ballot is cast as-is, or placed in an emergency bin to be

	<p>hand counted. B(ii), states that a ballot is technically “cast” when it is inserted into a scanner and B(iv) speaks strictly to relinquishing a provisional ballot to the election officer. As written, this could mean that an officer would have to ask the curbside voter to remain until the ballot is inserted into the scanner and would then require the officer to return to the voter to either make a correction or advise the voter that the ballot was accepted by the scanner.</p> <p>Please clarify by either adopting the same procedure in Part D for the curbside voter or stating at what point the ballot of a curbside voter is considered cast.</p>
Patricia Brendel	<p><b>camera</b></p> <p>I worry that a voter will take a picture of the way they voted and then go out to sell their vote. I have no problem with media taking a picture as long as the vote is protected.</p>
Penny R. Limburg, General Registrar	<p><b>1 VAC 20-60-30 voter using cell phone</b></p> <p>In regard to the following, "Voters are permitted to use cameras or audio or visual recording devices inside the polling place. Officers of election may regulate or restrict the use of these devices by voters if the use hinders, delays, or disrupts the voting process, or the voter attempts to intimidate other voters through use of the device."</p> <p>I understand the culture of voters desiring to take a "selfie" with thier own ballot, however, I think it would be wise to include taking a picture of another person's ballot is prohibited without the other voter's expressed permission in order to protect the privacy of the ballot.</p>
Judy Flaig, Election Manager, Fairfax County	<p><b>Voters are permitted to use cameras or audio or visual recording devices inside the polling place. O</b></p>
Judy Flaig, Election Manager, Fairfax County	<p><b>Edit to previous comment (submitted to quickly) - Please add "or to intimidate officers of election"</b></p> <p>Voters are permitted to use cameras or audio or visual recording devices inside the polling place. Officers of election may regulate or restrict the use of these devices by voters if the use hinders, delays, or disrupts the voting process, or the voter attempts to intimidate other voters <u>or officers of election</u> through use of the device.</p>
David Plunkett	<p><b>Use of Cameras or other recording devices</b></p> <p>I do not like the use of cameras or other recording devices inside the polling place.</p> <p>I think they may intimidate voters, some feel it is a breach of privacy or Confidentiality.</p> <p>Having polling places that allow cameras or other recording devices just add to the work load of monitoring what is going on by the Officers of Election, and trying to keep the voting process moving and the polling place secure.</p>
Therese Martin	<p><b>Voters use of cell phones</b></p> <p>Elimination of "cellphones" -- as distinct from cameras and recording devices--in 1VAC20-60-30, Section B effectively eliminates cell phones as one of the devices to be monitored by the election officers or covered for voters by this regulation. Was this</p>

	<p>your intention? If so, what steps can be taken by an election officer when a voter is holding up the check-in line by engaging in a distracting phone conversation simultaneously with check-in? Could the voter be asked to step aside until their call is completed?</p>
<p>Michael Jukes</p>	<p><b>town hall</b></p> <p>Any voter may be required to cease using the device, but no voter may be removed from the polling place for using a device until after the voter has cast his ballot." Consider changing the sexist language in this paragraph and any other places similar language occurs. The easiest way to avoid this problem is to use plural constructions. This sentence would become: Voters may be required to cease using such devices, but voters may not be removed from the polling place until after they have cast their ballots."</p> <p>C. has three subsections. Those subsections should use parallel construction to improve the readability of the section.</p> <p>Current C</p> <p>Grounds for regulating [or prohibiting the] use of electronic devices [by authorized representatives of candidates and political parties] include [but are not limited to ] (i) the making or receiving of calls that interfere with or become disruptive to the voting process; (ii) the making or receiving of calls in an attempt to solicit or influence any person in casting his vote; [or ] (iii) the [usage of the camera function to film within the polling place or beyond the 40-foot prohibited area; or (iv) the] person using the device is conducting himself in a noisy or riotous manner at or about the polls so as to disturb the election.</p> <p>More readable C</p> <p>Grounds for regulating [or prohibiting the] use of electronic devices [by authorized representatives of candidates and political parties] include [but are not limited to ] (i) making or receiving of calls that interfere with or become disruptive to the voting process; (ii) making [or receiving of calls in an attempt to solicit or influence any person in casting his vote; <del>for</del>(iii) [using the camera function to film within the polling place or beyond the 40-foot prohibited area; or (iv) using the device in a noisy or riotous manner at or about the polls so as to disturb the election.</p> <p>D3 is different from 24.2-802 C although I suspect the intend was not to change it. In 24 2-802 C, "each candidate or petitioner and governing body or chief executive officer", recommends to the Court "an equal number of the officers of election to be recount officials." The proposed D3 contains the sentence, "Such list shall note recommended recount officials who the court may appoint if the officials and alternates recommended by the parties to the recount are not of sufficient number to conduct the recount within a reasonable period." The D3 language seems to me ambiguous about whether the parties could recommend recount officials to the Court who had not been election officials in the election. If my reading is a possible interpretation, then I think we could have chaos trying to incorporate people who have had no training as officers of elections.</p> <p>Section E seems to take away from the Court the possibility of asking for information directly from the localities. This assertion of control over the Court is easily remedied by adding a phrase to the last sentence in E. The electoral board of each county or city in which the recount is to be held shall provide the requested information to the <del>Secretary</del> Commissioner of the <del>State Board</del> Department of Elections or directly to the Court if so requested.</p> <p>town hall</p>

	<p>Finally, in G, in every other location in this revision paper ballot is changed to printed ballot. I'm not entirely sure why printed is better than paper, but if it is, shouldn't it be changed here?</p>
<p>Rick Miller, General Registrar, Frederick County</p>	<p><b>1VAC 20-60-30, 1VAC 20-60-40, 1VAC 20-60-50, 1VAC 20-80-20</b></p> <p>1VAC 20-60-30 in its new format is very confusing. The Officers of Election are extremely busy on Election Day trying to take care of their number one concern - qualifying the voters and having the voters vote. For the Officers to have to try and regulate whether the person in the polls taking pictures is a voter or an authorized representative is asking them to be distracted from their top priority again - qualifying and voting. I would ask that any electronic devices with a camera function, the camera function cannot be used in the polling place by anyone.</p> <p>1VAC 20-60-40 the proposed change are good.</p> <p>1VAC 20-60-50 the proposed changes are good.</p> <p>1VAC 20-80-20 the proposed changes are good.</p>
<p>Susan Jett, Lancaster County GR</p>	<p><b>Cameras in the polls</b></p> <p>The Officers of Election are extremely busy on Election Day trying to take care of their number one concern - qualifying the voters and having the voters vote. Officers should not have to try and regulate whether the person in the polls taking pictures is a voter or an authorized representative.</p> <p>I also worry that voters could be intimidated with cameras inside the polling place. No cameras in the polling place period.</p>
<p>Susan Jett, Lancaster Co. GR</p>	<p><b>NO to cameras in the polling place</b></p> <p>Officers of Election are extremely busy on Election Day trying to take care of their number one concern - qualifying the voters and having the voters vote. Officers should not have to try and regulate who is taking pictures of what. I think this is just creating chaos where it should not be. Plus what about voter intimidation? NO to cameras in the polling place period.</p>
<p>Susan Jett, Lancaster Co</p>	<p><b>sorry for the duplicate comments / 1st set didn't seem to post</b></p> <p>The first set did not seem to post and then suddenly i had 2!</p>
<p>Mike Ziegenfuss Chairman Norfolk Electoral Board</p>	<p><b>No to rule change</b></p> <p>We foresee potential lawsuits with accusations from voters regarding freedom of speech vs. the ability to vote without being intimidated. Additionally, the Electoral Board's hands are tied as, Under Section D, "No policy disallowing use of all electronic devices by all voters is allowed." Voters should be permitted to vote in peace with no fear of intimidation or reprisal and as little disruption as possible. The proposed loosening of the current policies in place under Chapter 60 will, effectively, be the first step in creating chaos in the voting place. People will be able to take the few minutes necessary to vote their ballot and update their Snapchat story, Instagram or Facebook status at another time or place. Additionally, no one should be recorded without express permission just to wind up on the local or national news, or worse yet, the</p>

	worldwide web.
Karen Alexander	<p><b>Cell Phone Usage</b></p> <p><b>1 VAC 20-60-30 voter using cell phone</b></p> <p>We can NOT begin to allow the use of cameras and cell phones in the voting precincts. Voters' freedom of confidentiality might as well be thrown out the window if this is permitted. If allowed, any authoritative figure can demand someone to vote a certain way and then insist that the voter take a picture of their vote to prove that their hierarchical will was done. The issue of buying votes, bullying, persuasion, etc... all become REAL problems if this sort of proof can legally exist now. No one needs a "selfie" holding their ballot. That is what their "I VOTED" sticker is for. Allowing for shenanigans like this will inevitably create chaos in the precincts, distracting other voters, limit the ability of Poll Workers to do their jobs, and will therefore slow down the process for everyone. I see absolutely no benefit to allowing for this change.</p>
Al Ablowich, Virginia Beach Electoral Board	<p><b>1VAC20-60-30</b></p> <p>Para. B. The disadvantages of permitting a voter to photograph anything in the polling location far exceed the benefits that might be gained from allowing it. The impact statement associated with this proposed regulation change does not state what problem is being solved by changing this policy. Voters as well as candidate representatives should be prohibited from using cameras inside the polling location as the current policy states. However, a prohibition against using cameras inside the polling location will not prevent individuals from taking pictures because there are no adverse consequences if they do..</p>
Al Ablowich, Virginia Beach Electoral Board	<p><b>1VAC20-60-40</b></p> <p>Para. B. Suggest a new (v) A curbside voter provides a permanent record when the voter relinquished possession of a ballot to the possession of an officer of election.</p>
Catherine D. Allport	<p><b>The use of electronic devices inside the polling precinct during an election.</b></p> <p>I am very concerned about any expansion of the use of electronic devices in the polling place. I am concerned about the time it takes for election officers to monitor this. Last election, new voters were taking selfies and pictures of each other in the voting booths. We offered a space near the exit, with a nice background. We suggested that they might want to get their "I voted" sticker on their shirts and then take the picture. This seemed to better suit everyone. Older voters seemed very hesitant when they observed this open use of cell phone cameras in the voting spaces. Several voters complained about an observer who was seated too closely to the check in table and was using a lap top. This becomes particularly challenging when there is a dual primary and everyone is a bit hesitant and suspicious. Our elections take place in a very nice, accessible building. However there is nothing to absorb all the expected level of noise on election day. No matter how much warning we give everyone about silencing their cell phone, noise making cell phones add to the level of noise and confusion for some voters. At our site there is a range of ages from college students to the very elderly. Frequently our observers are college students or young professionals. I understand that for the younger generation, any proposals limiting their use of electronic devices seems an infringement of their personal freedom. But given that the polling place is open to all ages, we may need a compromise that benefits all, including the election officers that are trying to make the</p>

	<p>voting experience accessible to all and in a timely fashion for the many working voters in our precinct. We will always need to educate voters on who the observers are, their roles, and what electronic devices they are using and why. Let us not add to this burden for the officers of election who in this year, 2016, have an unusually heavy workload.</p>
<p>Stephanie Iles, Norfolk Office of Elections</p>	<p><b>PLEASE DO NOT MODIFY THE EXISTING POLICIES &amp; PROCEDURES RE: ELECTRONIC DEVICES</b></p> <p>Good morning esteemed Members of the State Board of Elections and Virginia Department of Elections -</p> <p>We have reviewed your proposed changes to the existing policies and procedures currently in place with regards to the use of electronic devices in polling places under 1VAC20-60-30. We are deeply concerned with your proposed changes and are requesting that you strongly reconsider this decision.</p> <p>Permitting voters to use cameras and/or audio or visual recording devices inside the polling place will create disruption and disorder. <b>Voters, as well as, Officers of Election should not feel intimidated by others.</b> If this is permitted, persons may be secretly recorded or photographed -or- knowingly recorded or photographed <b>WITHOUT</b> consent. No one should be recorded without his/her express permission. Who knows what would happen with this information? Persons (both voters and Officers of Election) might feel threatened and their information may appear on local or national news, or worse yet, the worldwide web and the "Cloud" where it cannot be removed.</p> <p>Furthermore, how do you protect our Protected Voters? How can you guarantee their safety and privacy in the polling place from being compromised? These are members of Law Enforcement and Judges, those under Court or Protective Order who may be stalked or threatened. If this law is changed, then you cannot guarantee that one of these protected voters would not be photographed or recorded. This is a violation of their protected rights. We cannot guarantee their right to privacy if these policies are modified as indicated. Additionally, those protected members of Law Enforcement should have their identities protected given their profession. If photographs or recordings of these persons end up in the wrong hands, <b>they might be targeted.</b></p> <p>Officers of Election volunteer to serve at the polls as a matter of civic duty. They certainly do not do it for the compensation. They should be able to serve in this civic capacity without further complications in their life, accusations of impropriety or fear of reprisal. To enact these proposed changes would result in our Officers of Election essentially "policing" Authorized Observers and voters on Election Day. It is difficult enough to recruit volunteers to work without adding these additional duties and impositions to them.</p> <p>We foresee potential lawsuits with accusations from voters regarding freedom of speech versus the ability to vote without being intimidated. This is really opening Pandora's box for accusations of misconduct and lawsuits. Additionally, the Electoral Board's hands are tied as proposed, Under Section D, "No policy disallowing use of all electronic devices by all voters is allowed."</p> <p><b>Voters should be permitted to vote in peace without fear of intimidation or reprisal</b> and as little disruption as possible. The proposed loosening of the current policies in place under Chapter 60 will, effectively, be the first step in creating <b>chaos</b> in the voting place. People should be able to take the few minutes necessary to vote their ballot. For individuals who have a problem detaching from their electronic device(s), take the few minutes to vote in peace, without fear or intimidation. A person's Snap chat story, Instagram or Facebook status can always be</p>

	<p>updated after they leave the building.</p> <p>Thank you for your consideration.</p>
<p>Carol Gaunt, Director of Elections/General Registrar, Page County</p>	<p><b>1VAC20-60-30, 1VAC20-60-40</b></p> <p>(60-30) There is no valid reason for a cell phone and/or camera to be used in the polling place by a voter or observer; our Officers of Election have enough to do without policing the voters for violations of privacy, which will be a concern of others in the polling place. The media is indicated in 24.2-604(J) Code of Virginia, as approved with stipulations. This should be sufficient for a orderly, well conducted election process.</p> <p>(60-40) Not a permanent record until the canvass is complete, adjust the language accordingly.</p>
<p>Marlene Watson</p>	<p><b>electronic devices in polling place</b></p> <p>please do not modify the existing policies &amp; procedures ....thank u</p>
<p>W.T. Latham</p>	<p><b>overfull ballot containers</b></p> <p>1 VAC 20-60-50 needs to be revised to allow storage of ballots from an overfull ballot container in a sealed storage box instead of another ballot container, at least as "ballot container" is defined in the Code.</p> <p>Placing the ballots in a "ballot container" is less secure than placing the ballots in a sealed storage box. It is also less practical and less efficient.</p>
<p>Cameron Sasnett/ Fairfax County Office of Elections</p>	<p><b>1VAC20-60-40</b></p> <p>Seconding a comment made by Stephen Hunt:</p> <p>The change to paragraph B regarding the provisional ballot is not correct. The permanent record does not occur when a provisional ballot is submitted by the voter. It occurs when the electoral board accepts it and it is counted. If the electoral board rejects the provisional ballot, it is as though the voter never voted. Consequently it is as though there was never a permanent record. I recommend that the language be changed to include the acceptance by the local electoral board</p> <p>"or (iv) relinquishing possession of a completed provisional ballot envelope containing the ballot to the possession of an officer of election <i>and the subsequent approval of that provisional ballot by the local electoral board.</i>"</p>
<p>Cameron Sasnett/ Fairfax County Office of Elections</p>	<p><b>Cameras In the Polling Place</b></p> <p>I support the alterations to the regulations to allow voters to use electronic devices with imaging devices within the polling place. I believe that this provides voters with an opportunity to digitally capture and even share a memento of their voting experience; something which (other than a sticker) election administrators cannot provide. Additionally, should a voter choose to film an interaction within the precinct, it will provide election administrators access to evidence to support or refute claims of</p>

disenfranchisement or even a positive and efficient voting experience.

I would caution though, that the State Board incorporate identical guidelines as established for the media. These guidelines should include the prohibition of filming or photography of: A) other voters without their permission, B) the ballot of any other voter, and C) any voter lists.