

1           The State Board of Elections ("the Board") meeting was held Monday, June 24, 2019, in  
2 the DoubleTree by Hilton Hotel Richmond-Midlothian, Parlor G/H 1021 Koger Center Blvd,  
3 Richmond, VA 23235. In attendance: Robert Brink, Chairman, John O'Bannon, Vice Chairman  
4 and Jamilah LeCruise, Secretary, represented the State Board of Elections ("the Board").  
5 Christopher E. "Chris" Piper, Commissioner, and Jessica Bowman, Deputy Commissioner  
6 represented the Department of Elections ("ELECT"). Alex West represented the Office of the  
7 Attorney General ("OAG"). Chairman Brink called the meeting to order at 5:30 P.M.

8           The first order of business was for the Board to approve the May 14, 2019 Board meeting  
9 minutes, presented by Secretary LeCruise. The Vice Chair moved that the Board approve the  
10 minutes from the May 14, 2019 Board meeting. Chairman Brink seconded the motion, and the  
11 motion passed unanimously.

12           The next order of business was the Commissioner's report, presented by Commissioner  
13 Piper. The Commissioner informed the Board that the June Primary election was very successful.  
14 Commissioner Piper stated that one incident occurred in the City of Roanoke, but the issue was  
15 quickly fixed by 9:00 A.M. that morning. The Commissioner informed the Board that ELECT  
16 has posted the new positions that were authorized by the General Assembly. Commissioner Piper  
17 stated that ELECT has also contracted a consultant to help with risk-limiting audits. The  
18 Commissioner explained to the Board that it is a Virginia Code requirement that ELECT  
19 performs post-election audits and risk limiting audits. Commissioner Piper stated that the  
20 consultant has reached out to a few localities and will be sending risk-limiting audit pilots over  
21 the next few months.

22           The next order of business was the Stand by Your Ad hearing, hearing presented by  
23 Arielle A. Schneider, Policy Analyst. Ms. Schneider explained to the Board that she would be  
24 presenting one print media complaint against Joe Morrissey. She briefly informed the Board of  
25 the different definitions that pertained to the complaint being discussed, including *advertisement*,  
26 *candidate*, *express advocacy* and *expenditure*. She also reviewed the Schedule of Penalties to be  
27 assigned to print media advertisements in violation of § 24.2-955 et seq. before showing the  
28 three videos that were displayed via the eight Facebook ad promotions purchased by Mr.  
29 Morrissey between March 10, 2019 and April 24, 2019, when the complaint was submitted to the

30 Department of Elections for review. *This report is in the Working Papers for the June 24, 2019*  
31 *meeting.* Chairman Brink then provided an opportunity for Mr. Morrissey to address the Board.

32 After Mr. Morrissey's comments, Ms. Schneider addressed each of the eight Facebook  
33 promotions individually and noted for the Board that the disclosure automatically posted by  
34 Facebook "Paid for by Joe Morrissey" does not satisfy the disclosure requirements provided in  
35 the Code of Virginia § 24.2-956, which requires that "an advertisement sponsored by a candidate  
36 or a candidate campaign committee that makes reference to any other clearly identified candidate  
37 who is not sponsoring the advertisement, the sponsor shall state whether it is authorized by the  
38 candidate not sponsoring the advertisement. The visual legend in the advertisement shall state  
39 either "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized  
40 by any other candidate." Ms. Schneider recommended the Board find Joe Morrissey in violation  
41 of eight print media advertisements and assess an \$800 penalty or, in the event that the Board  
42 found that the first video did not constitute express advocacy, that the Board find Joe Morrissey  
43 in violation of six print media advertisements and assess a \$600 penalty.

44 The Board then considered whether the first of the three videos constituted express  
45 advocacy, and determined by consensus that the first video did not but that the remaining two did  
46 expressly advocate for the election of Joe Morrissey. Secretary LeCruise suggested the Board  
47 adopt the latter recommendation of Ms. Schneider, and *moved that the State Board of Elections*  
48 *find Joe Morrissey in violation of six print media advertisements and assess a \$600 penalty.*  
49 Vice Chair O'Bannon seconded the motion and the motion was approved unanimously.

50 Chairman Brink opened the floor to public comment. Jeff Mitchell and Jerry Kilgore  
51 spoke on behalf of Delegate Terry Kilgore. Jeff Mitchell spoke to the Board regarding the  
52 certification of Delegate Terry Kilgore as the Republican nominee in the 1<sup>st</sup> Delegate District, He  
53 presented to the Board several affidavits of individuals who participated in the nominating  
54 convention and asked the Board to certify Terry Kilgore as the Republican candidate for the 1st  
55 district. Commissioner Piper recommended that the Board seek legal advice from the Office of  
56 the Attorney General and inform the parties of OAG's guidance.

57 The next item on the agenda was the Revised Third Party Registration Guidelines,  
58 presented by Garry Ellis, NVRA/Voter Registration Coordinator. Mr. Ellis presented the Board

59 with a revision to the Third Party Voter Registration Drive Training, a requirement under the  
60 Code of Virginia §24.2-416.6. *This report is in the Working Papers for the June 24, 2019*  
61 *meeting.* Mr. Ellis advised that the revision would be on page 42 of the working papers, showing  
62 the amended Voter Registration Application. Vice Chair O'Bannon *moved to adopt the proposed*  
63 *201-2020 3rd Party Voter Drive Training.* Secretary LeCruise seconded the motion, and the  
64 motion passed unanimously.

65 The next item on the agenda was the Simultaneous Recount Instructions, presented by  
66 Samantha Buckley, Policy Analyst. *This report is in the Working Papers for the June 24, 2019*  
67 *meeting.* Ms. Buckley explained to the Board that a Simultaneous Recount occurs when a judge  
68 orders recounts of multiple races on a ballot. She stated that bill HB2625 required the Board to  
69 create instructions in the event of-a Simultaneous Recount-Secretary LeCruise *moved to adopt*  
70 *the instructions and documents for Simultaneous Recount.* Vice Chair O'Bannon seconded the  
71 motion, and the motion passed unanimously.

72 The next item on the agenda was the Revised Ballot Standards, presented by Samantha  
73 Buckley, Policy Analyst. *This report is in the Working Papers for the June 24, 2019 meeting.*  
74 Ms. Buckley explained to the Board that two bills passed during the 2019 Session SB1577 and  
75 HB2148 -- required a revision in the Ballot Standards. Vice Chair O'Bannon *moved to approve*  
76 *the amendments to the Ballot Standards.* Secretary LeCruise seconded the motion, and the  
77 motion passed unanimously.

78 The next item on the agenda was the Presidential Primary Candidate/Party Schedule,  
79 presented by David Nichols, Director of Elections Services. *This report is in the Working Papers*  
80 *for the June 24, 2019 meeting.* Mr. Nichols stated that the law requires the State Board to adopt  
81 deadlines, a schedule for notices, and filing deadlines for Presidential Primary Candidates. He  
82 informed the Board that during the updating of the 2015 approved schedule ELECT consulted  
83 with both political parties to ensure the deadlines were reasonable and the information  
84 accessible. Chairman Brink asked if the provision included the withdrawal of candidates. Mr.  
85 Nichols stated that the new version provides for the withdrawal of candidates, with a deadline set  
86 ~~for~~ as late as possible for candidates to withdraw from a ballot. He stated that petitions are filed  
87 by December 12 and a candidate can file a withdrawal by December 18th. Secretary LeCruise

88 *moved to adopt the 2020 Presidential Primary candidate and party bulletin titled How to Run for*  
89 *Office for Candidates and Party Representatives.* Vice Chair O'Bannon seconded the motion,  
90 and the motion passed unanimously.

91 The next item on the agenda was the Presidential Candidate Form, presented by David  
92 Nichols, Director of Elections Services. *This report is in the Working Papers for the June 24,*  
93 *2019 meeting.* Mr. Nichols informed the Board that Virginia Code section 24.2-545 requires  
94 candidates in a presidential primary to file petitions signed by at least 5,000 qualified voters with  
95 a minimum of 200 from each Congressional district in order to qualify to have their name printed  
96 on the ballot. [He explained that for the petitions, they would be discussing the Short and long  
97 Petition of Qualified Voters for Presidential Primary.] He then informed the Board that in the  
98 past the SBE-505/520 included a Consent of Presidential Candidate section that was not required  
99 by law. Mr. Nichols explained that the new form does not have this section. Mr. Nichols stated  
100 that the only change made to the Petition Forms was the dates. Chairman Brink asked whether, if  
101 a party had 25 candidates, it could submit additional forms. Mr. Nichols stated that the party  
102 representative would send an email with a list of all the candidates. Vice Chair O'Bannon *moved*  
103 *to adopt both the proposed short and long forms of the Petition of Qualified Voters for*  
104 *Presidential Primary and the proposed Declaration of Candidacy for President of the United*  
105 *States.* Secretary LeCruise seconded the motion, and the motion passed unanimously.

106 The next item on the agenda was the Certification of Elections – June 11, 2019 primary,  
107 presented by David Nichols, Director of Elections Services. Mr. Nichols provided a memo with  
108 the names and the winners for each primary. *This report is in the Working Papers for the June*  
109 *24, 2019 meeting.* Mr. Nichols informed the Board that they would be able to sign the abstract  
110 after the meeting. Secretary LeCruise moved that the Board certify the results of the June 11,  
111 2019, Democratic and Republican Primary Elections as presented and declare the winners of  
112 each primary to be that party's nominee for the November 5, 2019, General Election. Vice Chair  
113 O'Bannon seconded the motion, and the motion passed unanimously.

114 The next item on the agenda is the Party Ballot Order Drawing, presented by David  
115 Nichols, Director of Elections Services. Mr. Nichols explained to the Board that the ballot

116 drawing would only be for the order of the parties for the November election. This will only  
117 include the Republican and Democratic parties.

118 The position order on the ballot will be:

119 Republican

120 Democratic.

121 Chairman Brink *moved that the Board certify the determination by lot of the ballot order for the*  
122 *general and special elections being held November 5, 2019, and all other special elections*  
123 *between today and November 5, 2019.* Vice Chair O'Bannon seconded the motion, and the  
124 motion passed unanimously.

125 Chairman Brink announced that the Board would go into closed session. Vice Chair  
126 O'Bannon *moved that the Board go into closed session for the purpose of consultation with legal*  
127 *counsel and briefings by staff members or consultants for the purpose of consultation with legal*  
128 *counsel concerning the 1st and 97th House District nomination, as authorized by Section 2.2-*  
129 *3711(A)(8) of the Code of Virginia. In accordance with Virginia Code Section 2.2-3712(F), Alex*  
130 *West from the Office of the Attorney General, as well as Christopher Piper, Commissioner of*  
131 *Elections, and Jessica Bowman, Deputy Commissioner of Elections will attend the closed session*  
132 *because their presence will reasonably aid the Board in its consideration of the subject of the*  
133 *meeting.* Secretary LeCruise seconded the motion, and the motion passed unanimously.

134 At 7:29 P.M. Secretary LeCruise *moved to reconvene in open session, and take a roll call*  
135 *vote certifying that to the best of each member's knowledge (i) only such public business matters*  
136 *lawfully exempted from open meeting requirements under this chapter and (ii) only such public*  
137 *business matters as were identified in the motion by which the closed meeting was concerned*  
138 *were heard, discussed, or considered.* A roll call vote was taken:

139 Secretary LeCruise – aye

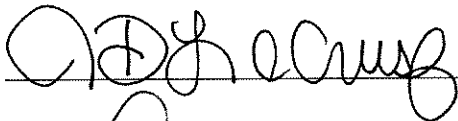
140 Vice Chair O'Bannon – aye


141 Chairman Brink – aye

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142 Chairman Brink stated that the Board is seeking the advice of counsel on the 1st district  
143 nomination, and a response should be provided by Friday, June 28, 2019. Vice Chair *moved to*  
144 *adjourn the meeting*. Secretary LeCruise seconded the motion, the motion passed unanimously.  
145 The meeting adjourned at approximately 7:31 P.M.

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147  \_\_\_\_\_

148 Secretary  \_\_\_\_\_

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150 Chairman

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152 Vice Chairman