

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

The State Board of Elections (“the Board”) meeting was held by electronic communication on Friday, September 18, 2020. Robert Brink, Chairman, John O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary, represented the State Board of Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner and Jessica Bowman, Deputy Commissioner, represented the Department of Elections (“ELECT”). Carol Lewis and Heather Hays Lockerman represented the Office of the Attorney General (“OAG”). Chairman Brink called the meeting to order at 1:01 P.M.

Chairman Brink informed the Board that on March 12, 2020, Governor Ralph S. Northam declared that a state of emergency exists in the Commonwealth as the result of the potential spread of COVID-19, a communicable disease presenting a threat to public health. On March 30, 2020, the Governor issued an executive order requiring all individuals in Virginia to remain at their place of residence, with certain enumerated exceptions.

This meeting was conducted consistent with the requirements for electronic meetings by public bodies set forth in Items 4-0.01 of House Bills 29 and 30, as passed by the General Assembly (“GA”) and signed by the Governor in April of this year. The purpose of the meeting is to transact the statutorily required business of the Board. Chairman Brink stated that the Board would receive public comments on agenda items prior to its action on that item, and an open public comment period would be offered prior to adjournment.

22 The first item of business was the approval of the minutes presented by Secretary
23 LeCruise. Vice Chair O’Bannon moved *that the Board approve the minutes from the*
24 *April 3, 2020 Board meeting*. Chairman Brink seconded the motion, and the motion
25 passed unanimously. A roll call vote was taken:

26 Chairman Brink – Aye

27 Vice Chair O’Bannon – Aye

28 Secretary LeCruise – Aye

29 Vice Chair O’Bannon moved *that the Board approve the minutes from the August 4,*
30 *2020 Board Meeting*. Chairman Brink seconded the motion, and the motion passed
31 unanimously. A roll call vote was taken:

32 Chairman Brink – Aye

33 Vice Chair O’Bannon – Aye

34 Secretary LeCruise – Aye

35 The next item of business was the Commissioner’s Report presented by
36 Commissioner Piper. Commissioner Piper informed the Board that today starts the “45-
37 day” early voting and the deadline for all 133 localities to mail out absentee ballots. The
38 Commissioner informed the Board that he accompanied Governor Northam to the
39 Richmond General Registrars (“GR”) office to vote. Commissioner Piper expressed his
40 appreciation to the 133 localities and the ELECT staff on preparing for early voting.

41 The Commissioner stated that the GA passed the no-excuse absentee early voting
42 period, allowing voters to vote in the November 2020 general election for 45 days prior
43 to November 3, 2020. Commissioner Piper informed the Board that as of September 17,

44 2020, there had been 840,000 absentee ballot requests. The Commissioner informed the
45 Board that during the special session, the bill passed to provide absentee voters prepaid
46 postage envelopes. Commissioner Piper stated that the absentee ballots mailed September
47 18 would contain a return prepaid postage envelope. The Commissioner stated that the
48 GA set aside two million dollars to reimburse the localities for the prepaid postage.

49 Commissioner Piper stated that the GA instituted a cure process for the ballot
50 envelopes. The Commissioner explained to the Board, that normally, if a voter failed to
51 provide certain information on the absentee ballot's internal envelope, it would be
52 rejected. The cure process allows the GR to contact the voter within three days via
53 phone, email, or letter, notifying them of the error and providing them an opportunity to
54 correct the ballot or request a new ballot to submit. Commissioner Piper stated that in
55 June ELECT entered into a consent decree from the Virginia League of Woman Voters
56 for the removal of the witness signature on the return absentee ballot envelope. The
57 Commissioner stated that the consent decree was put into law by the GA during the
58 August session. Commissioner Piper stated if a voter is unable to provide a witness
59 signature safely, they are not required to do so, and informed the Board that local
60 elections officials (general registrars) were informed not to reject an absentee ballot based
61 on a voter's inability to provide a witness signature.

62 The Commissioner stated that during the August 8th Board Meeting the Board
63 adopted two requirements for absentee ballots: the requirement for all localities to place
64 an intelligent mail barcode on the absentee ballot envelope to track the ballot through its
65 mailing process, and the requirement that all ballots and envelope contain the Elections

66 Mail Insignia. Commissioner Piper stated that the Elections Mail Insignia is an identifier
67 for the United States Postal Service (“USPS”) to recognize the envelope as official
68 Elections/(ELECT) mail and classify it as a high priority. The Commissioner informed
69 the Board that ELECT is in a partnership with the USPS regional team throughout this
70 Election. Commissioner Piper informed the Board that ELECT was also in a consent
71 decree to allow individuals with a print disability to safely and privately submit their
72 ballot to ELECT.

73 The Commissioner informed the Board that ELECT has started a *Democracy*
74 *Defended* media campaign and a *Free to be Absentee* promotional program.
75 Commissioner Piper stated that ELECT has provided these two PR campaigns to
76 highlight the elections security efforts provided by ELECT. The Commissioner informed
77 the Board that the PR campaigns and absentee program provides information to the
78 public on how to register to vote, early voting, how to safely cast a ballot, important
79 deadlines, etc. Commissioner Piper stated the elections security program called
80 *Democracy Defended* provides the public with an insight of what ELECT has been doing
81 to ensure the safety of the Election and remind voters that their votes are safe. The
82 Commissioner informed the Board that *Democracy Defended* also gives voters the
83 opportunity to sign up as an officer of election to serve at a local polling place.
84 Commissioner Piper added that Governor Northam’s Chief of Staff, the Secretary of
85 Education, the National Guard and others have sent out information encouraging
86 students, faculty, and staff to sign up to serve as officers of election at their local polling
87 places.

88 The Commissioner then showed the Board with the video created by ELECT for
89 the *Democracy Defended* campaign. Commissioner Piper expressed his appreciation to
90 the ELECT team for the hard work put into the campaign.

91 The next item of business was the DEMTECH Electronic Pollbook Certification
92 presented by James Heo, Confidential Policy Advisor. *This report is in the Working*
93 *Papers for the September 18, 2020 meeting.* Vice Chair O’Bannon moved *that the Board*
94 *certify the use of Centerpoint ePollTab 1.0 in elections in the Commonwealth of Virginia,*
95 *pursuant to the State Certification of Electronic Pollbook: Requirements and Procedures.*
96 Secretary LeCruise seconded the motions, and the motion passed unanimously. A roll call
97 vote was taken:

98 Chairman Brink – Aye

99 Vice Chair O’Bannon – Aye

100 Secretary LeCruise – Aye

101 Chairman Brink opened the floor to public comment.

102 The Chairman announced that the Board would go into Closed Session. At 1:30
103 P.M., Secretary LeCruise *moved that the Board go into closed session for the purpose of*
104 *consultation with legal counsel and briefings by staff members or consultants for the*
105 *purpose of receiving legal advice, as authorized by Section 2.2-3711(A)(7) of the Code of*
106 *Virginia concerning the following ongoing legal matters:*

107 a. *Wilson v. Virginia State Board of Elections*

108 b. *Washington v. Trump*

109 c. *Gary v. Virginia State Board of Elections*

110 *d. Democratic Congressional Campaign Committee v. Virginia State Board of*
111 *Elections*

112 *e. Constitution Party of Virginia v. Virginia State Board of Elections*

113 *f. Alliance Party v. Virginia State Board of Elections*

114 *g. Luciani v. Virginia State Board of Elections*

115 *h. League of Women Voters of Virginia v. Virginia State Board of Elections*

116 *i. Townes v. Virginia State Board of Elections*

117 *j. Beher v. Virginia State Board of Elections*

118 *k. Goldman v. Virginia State Board of Elections*

119 *l. Kim v. Virginia Department of Elections”*

120

121 *In accordance with Virginia Code Section 2.2-3712(F), Carol Lewis from the*
122 *Office of the Attorney General, as well as Christopher Piper, Commissioner of Elections,*
123 *Jessica Bowman, Deputy Commissioner of Elections, and Daniel Persico, Chief*
124 *Information Officer of Elections will attend the closed session because their presence will*
125 *reasonably aid the Board in its consideration of the subject of the meeting. Vice Chair*
126 *O’Bannon seconded the motion, and the motion passed unanimously. A roll call vote was*
127 *taken:*

128 Chairman Brink – Aye

129 Vice Chair O’Bannon – Aye

130 Secretary LeCruise – Aye

131 At 2:02 P.M, Vice Chair O’Bannon moved *to reconvene in open session, and take*
132 *a roll call vote certifying that to the best of each member’s knowledge (i) only such public*
133 *business matters lawfully exempted from open meeting requirements under this chapter*
134 *and (ii) only such public business matters as were identified in the motion by which the*
135 *closed meeting was concerned were heard, discussed, or considered.* A roll call vote was
136 taken:

137 Chairman Brink – Aye

138 Vice Chair O’Bannon – Aye

139 Secretary LeCruise – Aye

140 Vice Chair O’Bannon moved to adjourn the meeting. Secretary LeCruise seconded
141 the motion, and the motion passed unanimously. The meeting adjourned at approximately
142 2:04 P.M.

143

144 _____
145 Chairman

146 _____
147 _____
148 Vice Chairman

149 _____
150 _____
151 Secretary

152