

1 The State Board of Elections (“the Board”) meeting was held by electronic
2 communication on Tuesday, June 1, 2021. In attendance: Robert Brink, Chairman, John
3 O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary, represented the State Board of
4 Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner, represented the
5 Department of Elections (“ELECT”) and Carol Lewis represented the Office of the Attorney
6 General (“OAG”). Chairman Brink called the meeting to order at 1:00 P.M.

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

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

18 The only item on the agenda was the consideration of the alleged irregularities in the
19 operations of the City of Richmond Electoral Board. Chairman Brink stated that during the
20 April 20, 2021 board meeting, the Board directed the Chairman to request that the

21 Commonwealth Attorney for the City of Richmond investigate the allegations of violations
22 of Title 24.2 and Title 2.2, Freedom of Information Act (“FOIA”), under the Virginia Code.
23 The Chairman informed the Board that on April 26, 2021, he provided a letter to the
24 Commonwealth’s Attorney, Colette Wallace McEachin. *See Appendix: A.* Chairman Brink
25 stated that Ms. McEachin provided a response on April 30, 2021. *This response is in the June*
26 *1, 2021 Board Working Papers.*

27 Vice Chair O’Bannon stated after due consideration of the allegations raised
28 regarding members of the Richmond City Board of Elections including but not limited to,
29 opening sealed returns of certain precincts, improper conductions of a canvas on the morning
30 of November 4, 2020 without a proper meeting of the Electoral Board and without party
31 observers, and two abdicating responsibilities delegated under Articles 3 and 4 of Title 24.2
32 of the Virginia code; *I move that the Board delegate authority to Chairman Brink to draft a*
33 *letter requesting that the Office of Attorney General investigate alleged improper actions in*
34 *violation of 24.2 of the code.* The Vice Chair requested Chairman Brink to request an official
35 report back to the Board with their findings. Secretary LeCruise seconded the motion and the
36 motions passed unanimously.

37 Chairman Brink opened the floor to public comment. Elizabeth Butler of the
38 Richmond City Republican Committee addressed the Board. A roll call vote was taken:

39 Chairman Brink – Aye

40 Vice Chair O’Bannon – Aye

41 Secretary LeCruise – Aye

42 Vice Chair O’Bannon advised that there should be a specific timeframe for the OAG
43 to provide a timely response. Chairman Brink stated that the OAG would provide an
44 assessment at the June 22, 2021 State Board of Elections board meeting.

45 The Chairman opened the floor to public comment. Chairman Brink stated, “Tuesday,
46 June 8, 2021 at 7:00 P.M. is the deadline for candidates to file two forms that are required
47 under Title 24.2 of the Virginia Code. The Statement of Qualifications form 24.2-501 and
48 Statement of Economic Interest 24.2-502, section 504 of that requirement must be met for a
49 candidate to have their names printed on the ballot. It applies to all candidates for local office
50 not participating in a Primary or to be elected at the General Election on Tuesday, November
51 2, 2021. As the members of the public are aware section 503 of Title 24.2 authorizes the
52 Board to grant an extension of the deadline for filing either or both statements. In the past
53 due to the failure of multiple candidates to comply with the codes requirement, the State
54 Board of Elections has granted such extensions. However, as I made clear earlier this year,
55 there is no assurance that the Board will grant an extension of the deadline. In the future, a
56 candidate who has any questions about the filing of the forms should consult the candidate’s
57 bulletin on the Department of Elections website, www.elections.Virginia.gov.”

58 Vice Chair O’Bannon stated that in consistency with what was required of the
59 Nottoway Electoral Board regarding FOIA, *I move that the Richmond City Electoral Board*
60 *require additional consultation with the Department of Elections related to the Freedom of*
61 *Information Act, and the City of Richmond Electoral Board attain additional training and*

62 *provide proof of completion.* Secretary LeCruise seconded the motion and the motion passed
63 unanimously. A roll call vote was taken:

64 Chairman Brink – Aye

65 Vice Chair O’Bannon – Aye

66 Secretary LeCruise – Aye

67 Chairman Brink opened the floor to public comment. No public comment was given.

68 Vice Chair O’Bannon moved *to adjourn the meeting.* Secretary LeCruise seconded
69 the motion and the motion passed unanimously. A roll call vote was taken:

70 Chairman – Aye

71 Vice Chairman – Aye

72 Secretary LeCruise – Aye

73 Meeting adjourned at 1:19 P.M.

74

75

76 Chairman _____

77 Vice Chairman _____

78 Secretary _____

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APPENDIX: A

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Chairman Brink letter to Commonwealth's

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Attorney Colette Wallace McEachin



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

April 26, 2021

The Honorable Colette Wallace McEachin
Commonwealth's Attorney
City of Richmond
John Marshall Courts Building
400 N. 9th Street, Room 100
Richmond, Virginia 23219

Re: Allegations of unlawful conduct under Titles 24.2 and 2.2 of the Code of Virginia

Dear Ms. McEachin:

On behalf of the Virginia State Board of Elections, I am writing to request that you investigate allegations of election law offenses committed by members of the Richmond City Electoral Board. The allegations include, but are not limited to:

1. Allegations that Electoral Board members opened sealed elections returns and improperly conducted a canvass on November 4, 2020, without a properly noticed meeting of the Electoral Board and without party observers as required by Title 24.2;
2. Allegations that the Electoral Board abdicated responsibilities delegated under Articles 3 and 4 of Chapter 1 of Title 24.2 of the Code of Virginia relating to appointment and removal of a general registrar; and
3. Allegations that Electoral Board members violated the Virginia Freedom of Information Act by communicating regarding board business while not in a publicly noticed meeting.

Attached are the documents that were sent to the State Board of Elections and the Department of Elections regarding these allegations. We hope that your office will devote the appropriate resources to investigating these allegations and provide us with updates at reasonable intervals. If further information is required, the Commissioner of the Department of Elections, Christopher Piper, may be contacted at (804) 864-8901.

The Honorable Colette Wallace McEachin
April 26, 2021
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The members of the State Board of Elections appreciate your cooperation in assisting the Board in carrying out its responsibility to ensure “legality and purity in all elections” under Title 24.2 of the Code.

Sincerely,



Robert H. Brink
Chairman

cc: John O'Bannon, M.D., Vice-Chair
Jamilah D. LeCruise, Secretary
Christopher E. Piper, Commissioner, Virginia Department of Elections