

State Board of Elections
Tuesday, August 3, 2021
FINAL Meeting Minutes

1 The State Board of Elections (“the Board”) meeting was held on Tuesday, August 3,
2 2021 in the East Reading Room of the Patrick Henry Building. The meeting was also conducted
3 electronically so the public could view and hear the meeting. In attendance: Robert Brink,
4 Chairman, John O’Bannon, Vice Chairman, Jamilah LeCruise, Secretary, Angela Chiang, and
5 Delegate Donald Merricks, represented the State Board of Elections (“the Board”). Christopher
6 E. “Chris” Piper, Commissioner, represented the Department of Elections (“ELECT”) and Carol
7 Lewis represented the Office of the Attorney General (“OAG”). Chairman Brink called the
8 meeting to order at 1:00 P.M.

9 The first item of business was the approval of minutes presented by Secretary LeCruise.
10 Chairman Brink moved that the Board approve the minutes from the June 22, 2021 Board
11 Meeting. Vice Chair O’Bannon seconded the motion and the motion passed unanimously.
12 Chairman Brink moved that the Board approve the minutes from the June 30, 2021 Board
13 Meeting. Vice Chair O’Bannon seconded the motion and the motion passed unanimously.

14 The second item of business was the Commissioner’s Report presented by Commissioner
15 Piper. Commissioner Piper introduced the new Board members, the Honorable Donald Merricks
16 and Angela Chiang. The Commissioner introduced new employee to the Board Arielle
17 McCullum, External Affairs Assistant and interns Daniel Piper, Suzanne Lohr and Leo
18 Lombardi. Commissioner Piper informed the Board that on August 16, 2021, the Census Bureau
19 will be releasing information that would be used in the plan for implementing redistricting. The
20 Commissioner also informed the Board that ELECT has begun going through the demonstration
21 from vendors replacing VERIS, the Central Voter Registration database that is maintained by the
22 department.

23 Commissioner Piper stated that the second 2021 General Assembly Special Session has
24 begun. The Commissioner also informed the Board that there are two budget items being
25 considered for ELECT; 1.5 million dollars for voter education, and 3 million dollars to expand
26 early voting include Sunday voting. Commissioner Piper informed the Board that Chairman
27 Brink and ELECT staff performed tabletop exercises of how ELECT responds to various life-
28 threatening scenarios.

29 The next item of business was the hearings for violations of Stand By Your Ad, presented
30 by Tammy Alexander, Campaign Finance Compliance and Training Specialist. The first
31 complaint was against Dana Sally-Allen for Richmond School Board 8th District. Mrs.
32 Alexander informed the Board that one complaint was submitted: one flyer with no disclaimer.
33 She advised the Board that this is a first time violation and it did not occur within the 14-days
34 prior to the election. Mrs. Alexander stated that Ms. Sally-Allen provided a response stating that
35 the flyers were not produced by her campaign but they were handed out during the event.
36 Secretary LeCruise moved *subject to the Board's authority under the Code of Virginia §24.2-*
37 *955.3, to find Dana Sally-Allen in violation of §24.2-956 Stand By Your Ad print media*
38 *disclosure requirements with regard to one print media advertisement, and to assess a \$25 civil*
39 *penalty*. Ms. Chiang seconded the motion and the motion passed unanimously. A roll call vote
40 was taken:

41 Chairman Brink – Aye

42 Vice Chairman O'Bannon – Aye

43 Secretary LeCruise – Aye

44 Ms. Chiang – Aye

45 Delegate Merricks – Aye

46 The next complaint was against Gore for City Council. Mrs. Alexander informed the
47 Board that one complaint was submitted for one mailer and one yard sign with no disclosure. She
48 advised the Board that this a first time violation. Ms. Gore addressed the Board explaining the
49 mailer does show a disclaimer and the yard sign was from a year she previously ran for office.
50 Ms. Chiang moved *to dismiss the complaint*. Delegate Merricks seconded the motion and the
51 motion passed unanimously. A roll call vote was taken:

52 Chairman Brink – Aye

53 Vice Chairman O’Bannon – Aye

54 Secretary LeCruise – Aye

55 Ms. Chiang – Aye

56 Delegate Merricks – Aye

57 The next complaint was against Hampton Roads Black Caucus, Inc. Mrs. Alexander
58 informed the Board that one complaint was submitted for one piece of literature with no
59 disclosure. She advised the Board that the Hampton Roads Black Caucus provided a response
60 accepting responsibility and stating it would not happen again. Mrs. Alexander informed the
61 Board this is a first time violation that occurred within the 14-days prior to an election. Secretary
62 LeCruise moved *subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find*
63 *Hampton Roads Black Caucus in violation of §24.2-956 Stand By Your Ad print media*
64 *disclosure requirements with regard to one print media advertisement, and to assess a \$50 civil*
65 *penalty*. Ms. Chiang seconded the motion and the motion passed unanimously. A roll call vote
66 was taken:

67 Chairman Brink – Aye

68 Vice Chairman O’Bannon – Aye

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69 Secretary LeCruise – Aye

70 Ms. Chiang – Aye

71 Delegate Merricks – Aye

72 The next complaint was against Linnard K. Harris Sr. for House of Delegates. Mrs.

73 Alexander informed the Board that one complaint was submitted for two yard signs with no

74 disclosure. She advised the Board that this is a first time violation that occurred within the 14-

75 days prior to the election. Mr. Harris addressed the Board stating that a friend painted the signs

76 and was unaware of the guidelines. He informed the Board that he has taken the signs down and

77 it would not happen again. Vice Chair O'Bannon moved *subject to the Board's authority under*

78 *the Code of Virginia §24.2-955.3, to find Linnard K. Harris in violation of §24.2-956 Stand By*

79 *Your Ad print media disclosure requirements with regard to two print media advertisement, and*

80 *to assess a \$400 civil penalty.* Ms. Chiang seconded the motion and the motion passed

81 unanimously. A roll call vote was taken:

82 Chairman Brink – Aye

83 Vice Chairman O'Bannon – Aye

84 Secretary LeCruise – Aye

85 Ms. Chiang – Aye

86 Delegate Merricks – Aye

87 The next complaint was against Friends of Regie Ford 2020. Mrs. Alexander informed

88 the Board that two complaints were submitted for one door hanger and two yard signs with no

89 disclosure. She advised the Board that this is a first time violation not within 14-days of an

90 election. Mrs. Alexander stated that she has not received a response from Mr. Ford. Secretary

91 LeCruise moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find*

92 *Regie Ford in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with*
93 *regard to three advertisements, and assess a \$75 civil penalty. Vice Chair O’Bannon seconded*
94 *the motion and the motion passed unanimously. A roll call vote was taken:*

95 Chairman Brink – Aye

96 Vice Chairman O’Bannon – Aye

97 Secretary LeCruise – Aye

98 Ms. Chiang – Aye

99 Delegate Merricks – Aye

100 The next complaint was against Team Virginia Beach. Secretary LeCruise informed the
101 Board that she recused herself from this complaint. Mrs. Alexander informed the Board that one
102 complaint was submitted for two pieces of print media with an incorrect disclosure. She advised
103 the Board that ELECT cannot determine if the candidates on the print media are considered as a
104 PAC or represent individual candidates. Mrs. Alexander stated that she has contacted all five of
105 the candidates. Mr. Gary Byler with the Law Office of Gary Byler representing Jessica Abbott
106 for Virginia Beach City Council, Friends of Michael Berlucahi, Friends for Rosemary Wilson,
107 and Friends of Eric V. Wray addressed the Board. Delegate Merricks moved *to dismiss the*
108 *complaint. Vice Chair O’Bannon seconded the motion and the motion passed 4-0. A roll call*
109 *vote was taken:*

110 Chairman Brink – Aye

111 Vice Chair O’Bannon – Aye

112 Secretary LeCruise – Abstain

113 Ms. Chiang – Aye

114 Delegate Merricks – Aye

115 The last complaint was against Youngkin for Governor, Inc. Mrs. Alexander informed
116 the Board that one complaint was submitted for one T-shirt with no disclosure. Mrs. Alexander
117 stated that this is a first time violation not within the 14-days prior to the election. She advised
118 the Board that Mr. Youngkin provided a response stating that the shirts have been corrected.
119 Vice Chair O'Bannon moved *subject to the Board's authority under the Code of Virginia §24.2-*
120 *955.3, to find Youngkin for Governor in violation of §24.2-956 Stand By Your Ad print media*
121 *disclosure requirements with regard to one print media advertisement, and to assess a \$100 civil*
122 *penalty*. Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call
123 vote was taken:

- 124 Chairman Brink – Aye
- 125 Vice Chairman O'Bannon – Aye
- 126 Secretary LeCruise – Aye
- 127 Ms. Chiang – Aye
- 128 Delegate Merricks – Aye

129 The next item of business was the Amendment to 1VAC20-20-30 presented by Ashley
130 Coles, ELECT Policy Analyst. *This memo is in the Working Papers for the August 03, 2021*
131 *meeting*. Secretary LeCruise moved *that the Board adopt the Department's proposed amendment*
132 *to regulatory action 1VAC20-20-30*. Vice Chair O'Bannon seconded the motion and the motion
133 passed unanimously. A roll call vote was taken:

- 134 Chairman Brink – Aye
- 135 Vice Chairman O'Bannon – Aye
- 136 Secretary LeCruise – Aye
- 137 Ms. Chiang – Aye

138 Delegate Merricks – Aye

139 The next item of business was the Delegations of Authority presented by Ashley Coles,
140 ELECT Policy Analyst and Rachel Lawless, Confidential Policy Assistant. *This report is in the*
141 *Working Papers for the August 03, 2021 meeting.* Vice Chair O’Bannon moved *that the Board*
142 *approve the proposed Delegations of Authority 2021 from the State Board of Elections to the*
143 *Department of Elections, pursuant to the Virginia Administrative Process Act, and further move*
144 *that all prior Delegations of Authority be rescinded.* Secretary LeCruise seconded the motion
145 and the motion passed unanimously. A roll call vote was taken:

146 Chairman Brink – Aye

147 Vice Chairman O’Bannon – Aye

148 Secretary LeCruise – Aye

149 Ms. Chiang – Aye

150 Delegate Merricks – Aye

151 The next item of business was the Officer of Elections Training presented by Ashley
152 Coles, ELECT Policy Analyst. *This memo is in the Working Papers for the August 03, 2021*
153 *meeting.* Delegate Merricks moved *that the Board approve the Department’s proposed changes*
154 *to the training standards and training materials for officers of election.* Secretary LeCruise
155 seconded the motion and the motion passed unanimously. A roll call vote was taken:

156 Chairman Brink – Aye

157 Vice Chairman O’Bannon – Aye

158 Secretary LeCruise – Aye

159 Ms. Chiang – Aye

160 Delegate Merricks – Aye

161 The next item of business was the Electronic Meeting Policy presented by Ashley Coles,
162 ELECT Policy Analyst. *This memo is in the Working Papers for the August 03, 2021 meeting.*
163 Vice Chair O'Bannon moved *that the Board approve the proposed changes to allow members of*
164 *the State Board of Elections to continue to participate in meetings held through electronic*
165 *communication means effective immediately.* Secretary LeCruise seconded the motion and the
166 motion passed unanimously. A roll call vote was taken:

167 Chairman Brink – Aye

168 Vice Chairman O'Bannon – Aye

169 Secretary LeCruise – Aye

170 Ms. Chiang – Aye

171 Delegate Merricks – Aye

172 The next item of business was the Party Abbreviations presented by David Nichols,
173 Elections Administration Manager. *This memo is in the Working Papers for the August 03, 2021*
174 *meeting.* Secretary LeCruise moved *that the Board approve the party abbreviations as presented*
175 *by staff for general and special elections being held through April 30, 2022.* Vice Chair
176 O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was taken:

177 Chairman Brink – Aye

178 Vice Chairman O'Bannon – Aye

179 Secretary LeCruise – Aye

180 Ms. Chiang – Aye

181 Delegate Merricks – Aye

182 The next item of business was an update from the Advisory Review Workgroup
183 presented by Lisa Koteen Gerchick, Advisory Review Workgroup Chairwoman. *This*

184 *presentation is in the Working Papers for the August 03, 2021 meeting.* Chairman Brink
185 expressed his appreciation to the Workgroup. The Chairman stated that the Workgroup aims to
186 improve the objective measurements of what a well-run election is and the subjective element of
187 whether the voter was confident in the voting process.

188 Chairman Brink opened the floor for public comment. Mr. Damian addressed the Board.

189 Chairman Brink moved *that the Board go into closed session for the purpose of*
190 *consultation with legal counsel and briefings by staff members or consultants pertaining to*
191 *actual or probable litigation, where such consultation or briefing in open meeting would*
192 *adversely affect the negotiating or litigating posture of the public body, as authorized by Section*
193 *2.2-3711(A)(7) of the Code of Virginia. In accordance with Virginia Code Section 2.2-3712(F),*
194 *Carol Lewis from the Office of the Attorney General, Christopher Piper, Commissioner of*
195 *Elections and Daniel Persico will attend the closed session because their presence will*
196 *reasonably aid the Board in its consideration of a topic that is a subject of the meeting.* Vice
197 Chair O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was
198 taken:

199 Chairman Brink – Aye

200 Vice Chairman O'Bannon – Aye

201 Secretary LeCruise – Aye

202 Ms. Chiang – Aye

203 Delegate Merricks – Aye

204 At 3:20 P.M., Chairman Brink moved to *reconvene in open session, and take a roll call*
205 *vote certifying that to the best of each member's knowledge (i) only such public business matters*
206 *lawfully exempted from open meeting requirements under this chapter and (ii) only such public*

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207 *business matters as were identified in the motion by which the closed meeting was concerned*
208 *were heard, discussed, or considered.* Vice Chair O'Bannon seconded the motion and the motion
209 passed unanimously. A roll call vote was taken:

210 Chairman Brink – Aye

211 Vice Chairman O'Bannon – Aye


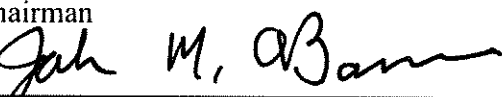
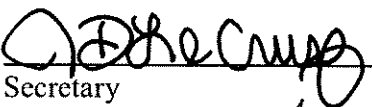

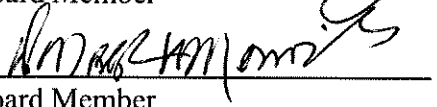
212 Secretary LeCruise – Aye

213 Ms. Chiang – Aye

214 Delegate Merricks – Aye

215 Vice Chair O'Bannon *moved to adjourn the meeting.* Delegate Merricks seconded the
216 motion and the motion passed unanimously.

217 The meeting adjourned at approximately 3:23 P.M.

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220 Chairman
221 
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223 Vice Chairman
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225 _____
226 Secretary
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228 _____
229 Board Member
230 
231 _____
232 Board Member