

1 The Wednesday, April 3, 2019 State Board of Elections meeting was held in the Martha
2 Brissette Conference Room of the Washington Building in Richmond, Virginia. In attendance:
3 Robert Brink, Chairman, John O’Bannon, Vice Chairman and Jamilah LeCruise, Secretary,
4 represented the State Board of Elections (“the Board”). Christopher E. “Chris” Piper,
5 Commissioner, and Jessica Bowman, Deputy Commissioner represented the Department of
6 Elections (“ELECT”). Alex West represented the Office of the Attorney General (“OAG”).
7 Chairman Brink called the meeting to order at 1:00 P.M.

8 Chairman Brink recognized Governor Ralph Northam and Secretary Keyanna Conner.
9 The first order of business was the approval of the minutes from the February 22, 2019 Board
10 meeting. The Chairman suggested an amendment to page 2, line 26, to change “*implanting*” to
11 “*implementing*”. *Chairman Brink moved to approve the amended minutes from the February*
12 *22, 2019 Board meeting. Secretary LeCruise seconded the motion, and the motion passed*
13 *unanimously.*

14 The next order of business was the Commissioner’s Report, presented by Commissioner
15 Piper. Commissioner Piper introduced the Board to the ELECT employees present at the
16 meeting. The Commissioner’s Report included a PowerPoint presentation that provided an
17 overview of the Department of Elections and State Board of Elections. *This report is in the*
18 *Working Papers for the April 3, 2019 meeting.*

19 The next order of business was Stand by Your Ad (SBYA), presented by Arielle A.
20 Schneider, Policy Analyst. *This report is in the Working Papers for the April 3, 2019 meeting.*
21 Vice Chair O’Bannon asked Ms. Schneider for how long the statute of limitations runs on a
22 complaint, and whether the statute of limitations period begins when the violation occurs or
23 when reported. Ms. Schneider replied that the statute of limitations is one year, tolling from
24 when the violation is reported. The Vice Chairman then asked who can send in a complaint and
25 who identifies if the complaint is valid. Ms. Schneider explained that any person can submit a
26 complaint by photo, email or mail anonymously and staff determines whether the complaint is
27 valid.

28 Deputy Commissioner Bowman asked Ms. Schneider to provide an example of express
29 advocacy and non-express advocacy. She explained that under the current definition of express
30 advocacy, a political advertisement that expressly and clearly supports or opposes a particular

31 electoral outcome. Express advocacy advertisements include “for” or “against” statements that
32 include one of the ‘magic words’ such as vote for, support, or elect. An example of Non-
33 Express Advocacy would be any political or personal advertisement that does not express how a
34 voter should vote. Vice Chair O’Bannon asked whether Facebook, Twitter, and text messages are
35 included in the Stand by Your Ad laws. Ms. Schneider explained that Facebook and Twitter are
36 considered to be Print Media advertisements but text messages are not. Secretary LeCruise asked
37 by what means SBYA complaints are submitted. Ms. Schneider explained that complaints come
38 through mail, completing a form on the Elections website, or sending an email to the
39 Department, which can all be done anonymously. Chairman Brink asked Ms. Schneider at what
40 point did the Board approve to accept anonymous complaints. Ms. Schneider explained that the
41 previous Board wanted to include it into the SBE 2018-001 policy.

42 The next order of business was the Administrative Procedure Act Exemptions
43 presentation, presented by Samantha Buckley, Policy Analyst. Ms. Buckley provided an
44 overview of the APA Regulatory Process for the Board. *This report is in the Working Papers for*
45 *the April 03, 2019 meeting.*

46 The next order of business was the drawing of ballot order in case of simultaneous
47 filings. Matthew Abell, Elections Administration, presented the Board with instructions on how
48 to draw the order of the names for the June 2019 primary election ballots. The names drawn were
49 names of candidates that filed simultaneously.

51
52 The first drawing was for the Senate of Virginia Republican Party 13th district race. The
53 order of the ballot will be:

- 54 1) Geary M. Higgin
- 55 2) Ronald A. Meyers

56
57 The next drawing was for the Senate of Virginia Republican Party 17th district race. The
58 order of the ballot will be:

- 59 1) Bryce E. Reeves
- 60 2) Richard N. Breeden

61

62 The next drawing was for the Senate of Virginia Democratic Party 31st district race. The
63 order of the ballot will be:

- 64 1) Nicole K. Merlene
- 65 2) Barbara A. Favola

66
67 The next drawing was for the Republican House of Delegates 23rd district race. The
68 order of the ballot will be:

- 69 1) Ronald Richard Berman
- 70 2) Wendell S. Walker
- 71 3) E.J. Turner Perrow, Jr.

72
73 The next drawing was for the Democratic House of Delegates 26th district race. The
74 order of the ballot will be:

- 75 1) Catherine Anne Copeland
- 76 2) Brent M. Finnegan

77
78 The next drawing was for the Republican House of Delegates 28th district. The order of
79 the ballot will be:

- 80 1) Robert M. "Bob" Thomas, Jr.
- 81 2) Paul V. Milde III

82
83 The next drawing was for the Democratic House of Delegates 38th district. The order of
84 the ballot will be:

- 85 1) L. Kaye Kory
- 86 2) Andros F. Jimenez

87
88 The next drawing was for the House of Delegates Republican Party 68th district race.
89 The order of the ballot will be:

- 90 1) Garrison R. Coward
- 91 2) Lori A. Losi

92 *Secretary LeCruise moved the Board certify the determination by lot for the order of*
93 *candidates on the ballot for primary elections to be held on June 11, 2019. Vice Chair O'Bannon*
94 *seconded the motion, and the motion passed unanimously.*

95 Chairman Brink asked if there was any public comment. Ms. Carol Noggle, representing
96 League of Women Voters of Virginia, welcomed the Board, and stating that the League has a
97 long history of attending the State Board of Elections meetings. Dr. Clara Belle Wheeler
98 welcomed the Board, and thanked the Commissioner for the presentations. Chairman Brink
99 asked that Alex West from the Office of the Attorney General to give a brief overview of FOIA.
100 Mr. West provided an overview of the Freedom of Information Act processes and laws that apply
101 to meetings and records of the Board.

102 Chairman Brink announced that the Board will now go into closed session. *Vice Chair*
103 *O'Bannon moved that the Board go into closed session for the purpose of consultation with legal*
104 *counsel and briefings by staff members or consultants pertaining to actual or probable litigation,*
105 *where such consultation or briefing in an open meeting would adversely affect the negotiating or*
106 *litigating posture of the public body, as well as receiving legal advice concerning the Freedom of*
107 *Information Act, as authorized by Section 2.2-3711(A) (7) and (8) of the Code of Virginia. In*
108 accordance with Virginia Code Section 2.2-3712(F), Alex West from the Office of the Attorney
109 General, as well as Christopher Piper, Commissioner of Elections, and Jessica Bowman, Deputy
110 Commissioner of Elections will attend the closed session because their presence will reasonably
111 aid the Board in its consideration of the subject of the meeting. *Secretary LeCruise seconded the*
112 *motion, and the motion passed unanimously.*

113 *Secretary LeCruise moved to reconvene in open session and take a roll call vote*
114 *certifying that the best of each member's knowledge (i) only such public business matters*
115 *lawfully exempted from open meeting requirements under this chapter and (ii) only such Public*
116 *business matters as were identified in the motion by which the closed meeting was concerned*
117 *were heard, discussed, or considered. A roll call vote was taken:*

118 Secretary LeCruise – aye

119 Vice Chair O'Bannon – aye

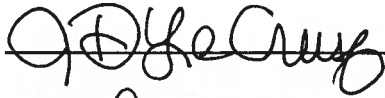
120 Chairman Brink – aye

State Board of Elections
FINAL Minutes
Wednesday, April 3, 2019

121 Chairman Brink moved to adjourn the Board. The meeting adjourned at approximately
122 4:20 P.M.

123

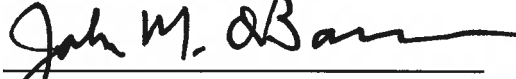
124

125  _____

126 Secretary

127  _____

128 Chair

129  _____

130 Vice Chair

131