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The State Board of Elections (“the Board”) meeting was held on Tuesday, July 7, 2020, in Conference Room C, D, and E of the James Monroe Building. The meeting was also conducted electronically so the public could view and hear the meeting. In attendance: 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 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

18 exceptions. Accordingly, the State Board of Elections is meeting by
19 electronic communication means through this video conference.

20 This meeting was conducted consistent with the requirements for
21 electronic meetings by public bodies set forth in Items 4-0.01 of House Bills
22 29 and 30, as passed by the General Assembly ("GA") and signed by the
23 Governor in April of this year. The purpose of the meeting is to transact the
24 statutorily required business of the Board. There will be an opportunity for
25 public comment following each item of the agenda.

26 The first item of business was the approval of minutes from previous
27 Board meetings, presented by Secretary LeCruise. Vice Chair O'Bannon
28 moved that the Board approve the minutes from the January 28, 2020
29 Board meeting. Chairman Brink seconded the motion, and the motion
30 passed unanimously. A roll call vote was taken:

31 Chairman Brink – Aye

32 Vice Chair O'Bannon – Aye

33 Secretary LeCruise – Aye

34 Chairman Brink moved that the Board approve the minutes from the March
35 17, 2020 Board meeting. Vice Chair O'Bannon seconded the motion, and
36 the motion passed unanimously. A roll call vote was taken:

37 Chairman Brink – Aye

38 Vice Chair O'Bannon – Aye

39 Secretary LeCruise – Aye

40 Chairman Brink moved that the Board approve the minutes from the April
41 3, 2020 Board meeting. Vice Chair O'Bannon seconded the motion, and the
42 motion passed unanimously. A roll call vote was taken:

43 Chairman Brink – Aye

44 Vice Chair O'Bannon – Aye

45 Secretary LeCruise – Aye

46 Vice Chair O'Bannon moved that the Board approve the minutes from the
47 April 13, 2020 Board meeting. Chairman Brink seconded the motion, and
48 the motion passed unanimously. A roll call vote was taken:

49 Chairman Brink – Aye

50 Vice Chair O'Bannon – Aye

51 Secretary LeCruise – Aye

52 Chairman Brink moved that the Board approve the minutes from the April
53 21, 2020 Board meeting. Vice Chair O’Bannon seconded the motion, and
54 the motion passed unanimously. A roll call vote was taken:

55 Chairman Brink – Aye

56 Vice Chair O’Bannon – Aye

57 Secretary LeCruise – Aye

58 Vice Chair O’Bannon moved that the Board approve the minutes from the
59 May 15, 2020 Board meeting. Chairman Brink seconded the motion, and
60 the motion passed unanimously. A roll call vote was taken:

61 Chairman Brink – Aye

62 Vice Chair O’Bannon – Aye

63 Secretary LeCruise – Aye

64 Chairman Brink moved that the Board approve the minutes from the May
65 26, 2020 Board meeting. Vice Chair O’Bannon seconded the motion, and
66 the motion passed unanimously. A roll call vote was taken:

67 Chairman Brink – Aye

68 Vice Chair O'Bannon – Aye

69 Secretary LeCruise – Aye.

70 The next item of business was the Commissioner's Report, presented
71 by Commissioner Piper. The Commissioner expressed his appreciation to
72 the ELECT staff for conducting multiple elections during the COVID-19
73 pandemic. Commissioner Piper explained to the Board that Virginia
74 operates primarily for in-person voting; therefore, a pandemic which
75 happens to require social distancing, requires extensive maneuvering.
76 Commissioner Piper explained that the ELECT team converted to
77 teleworking and have been able to provide the services that are expected
78 of ELECT even under the difficult circumstances.

79 The Commissioner advised the Board that ELECT has conducted three
80 elections during the pandemic, including the Special Election in Arlington,
81 VA, that was occurring the same day. Commissioner Piper commended the
82 General Registrars ("GR") and Electoral Boards ("EB") for a smooth and
83 successful March Presidential Primary Election. The Commissioner informed
84 the Board that the May Election occurred in 56 localities and over 100 cities

85 and towns. Commissioner Piper explained to the Board that the Governor
86 proposed changes to the May Election, but the GA declined to accept those
87 proposed changes so the Governor postponed the election from May 3 to
88 May 19. The Commissioner informed the Board that the May 19, 2020
89 Election went well without many incidents. Commissioner Piper stated that
90 some localities had over 90 percent of ballots cast via absentee ballots by
91 mail, and some localities had more than 60 percent of ballots cast via
92 absentee ballots by mail.

93 The Commissioner stated that ELECT has worked to secure personal
94 protective equipment (PPE) and safe conditions for the officers of election
95 by collaborating with the Department of Health and other entities to ensure
96 clean polling places. Commissioner Piper informed the Board that ELECT
97 has partnered with the Medical Reserve Corps, a group of volunteer
98 medical professionals, who volunteer at various polling places to ensure
99 sanitary practices were in place. The Commissioner informed the Board that
100 the Medical Reserve Corps assisted election officers by ensuring social

101 distancing was respected and allowing the election officers to concentrate
102 on conducting the election.

103 Commissioner Piper informed the Board that there was a massive
104 increase of absentee ballots for the June Primary. The Commissioner stated
105 that ELECT provided protective equipment such as facemasks, face shields,
106 disinfectant wipes, and single-use pens and folders. Commissioner Piper
107 informed the Board that before the May Election, the Chief of Staff for
108 Governor Northam sent a request to state employees to sign up to be
109 officers of election. The Commissioner stated that the Secretary of
110 Education sent letters to the Superintendents of various localities
111 requesting teachers and professors to sign up to be election officers. NASA
112 and the National Guard also sent out letters to their service members,
113 encouraging them to sign up to be election officers as off duty civilians.

114 Commissioner Piper stated that since the request was sent, 1,500
115 individuals have signed up to volunteer as election officers. The
116 Commissioner noted that many of the situations that have made the news
117 from other states were due to a shortage of election officers. Commissioner

118 Piper informed the Board that with the November Election approaching
119 ELECT is working on several fronts that would be presented in today's
120 meeting. The Commissioner stated that Tammy Patrick, with the United
121 States Postal Service, would be presenting on what ELECT will do about the
122 long-anticipated increase of absentee ballots.

123 Commissioner Piper informed the Board that the Congress in the
124 CAREs Act dedicated four hundred million dollars to the states specifically
125 for election preparation. The Commissioner advised the Board that ELECT
126 received about ten million dollars from the CAREs Act, and used a portion
127 of that to purchase personal protective equipment. Commissioner Piper
128 informed the Board that ELECT has also provided some of the funds to the
129 localities so that they can prepare their offices for the upcoming November
130 Election. The Commissioner informed the Board that ELECT has provided
131 guidance and information to the localities as to how the funds should be
132 spent.

133 Commissioner Piper stated that ELECT predicts a significant increase
134 in the number of absentee ballots that will be received by mail. The

135 Commissioner informed the Board that as of July 1, 2020, there is no excuse
136 required to vote absentee in Virginia. Commissioner Piper informed the
137 Board that ELECT anticipates an increase in absentee ballots by mail and in-
138 person due to the pandemic. The Commissioner explained that due to the
139 expected increase in absentee ballots, ELECT is making the necessary
140 adjustments to ensure all localities are prepared for the increase of
141 absentee ballots. Commissioner Piper stated that cybersecurity is still an
142 ELECT priority for the November Election.

143 The Commissioner informed the Board that the ELECT website had
144 been adjusted to reflect the no-excuse absentee ballot request for the
145 upcoming November election. Commissioner Piper informed the Board that
146 ELECT's website also provides you the option to request an annual absentee
147 ballot. The Commissioner informed the Board that starting next year,
148 registered voters can request to be placed on a permanent list to receive
149 absentee ballots. Chairman Brink expressed his appreciation to the ELECT
150 staff and the Election community for conducting the May and June
151 elections under extraordinary conditions.

152 The next item of business was the Discussion of Virginia Beach
153 Primary Election, presented by Chairman Brink. Chairman Brink requested
154 Commissioner Piper to explain the situation that occurred in Virginia Beach
155 during the June Primary Election. Commissioner Piper informed the Board
156 that ELECT received a report about 7:30 A.M. from Virginia Beach stating
157 that all polling places were unable to check voters in due to an issue with
158 their electronic pollbooks. The Commissioner explained to the Board that
159 the City of Virginia Beach did not have backup paper pollbooks.

160 Commissioner Piper informed the Board that due to Virginia Beach
161 not having paper pollbooks, they provided a provisional ballot to each
162 individual that arrived at the polling places. The Commissioner advised the
163 Board that a little after 8:00 A.M., the vendors ascertained the issue;
164 however, the editing had to be delivered to each polling place individually
165 and updated on the electronic pollbook. Commissioner informed the Board
166 that a little before 2:00 P.M., all polling places were back up and running.
167 The Commissioner stated that as of July 1, the law requires that every

168 primary and general election in all counties must have paper pollbook
169 backups available at each polling place.

170 Chairman Brink asked Commissioner Piper about delays during voter
171 check-in in case of a widespread failure requiring the transition to paper
172 pollbooks. Commissioner Piper informed the Chairman that although
173 slower, using a paper pollbook guarantees a voter can be checked in and
174 cast the regular ballot to which a properly registered voter is entitled,
175 without going through the provisional ballot process. Donna Patterson, the
176 GR for Virginia Beach, addressed the Board. Chairman Brink expressed his
177 appreciation for the efforts Ms. Patterson and her staff put into covering
178 the June 23 primary election.

179 The next item of business was the Post-Election Report, presented by
180 Commissioner Piper. Commissioner Piper informed the Board that the
181 report is from the November 5, 2019 Election. The Commissioner stated
182 that the election was a success with minimal problems. *This report is in the*
183 *Working Papers for the July 7, 2020 meeting.* Chairman Brink asked the
184 Commissioner whether absentee ballots are counted as a separate precinct,

185 and whether ELECT will inform voters that election night reporting may take
186 longer to complete as a result of an anticipated increase in absentee ballots
187 which require more time to process than a ballot voted in person and
188 immediately scanned. Commissioner Piper explained that when conducting
189 in-person voting, election officers can print out the unofficial results,
190 whereas absentee ballots must be verified before being opened and
191 scanned.

192 The Commissioner advised the Board that on July 1, Virginia law
193 provides that an absentee ballot must be accepted if postmarked by
194 Election day or received up to three days after the election in the GR's
195 office. Commissioner Piper stated that in 2018, 3000 ballots were sent in
196 three days after the election. The Commissioner stated that with the
197 upcoming November election, it is possible that counting the absentee
198 ballots may be constant throughout the week. Secretary LeCruise
199 referenced page 46 of the Post Election Report, and asked Commissioner
200 Piper whether the voter intimidation complaints are broken down into
201 different, more specific categories. Commissioner Piper stated that the

202 complaints are provided without being further divided into specific
203 categories.

204 The next order of business was the Certification of June 23 Primary
205 Results, presented by Paul Saunders, Elections Administration Supervisor.
206 *This report is in the Working Papers for the July 7, 2020 meeting.* Vice Chair
207 O'Bannon moved that the Board certify the results of the June 23, 2020
208 *Democratic and Republican Party Primaries as presented and declare the*
209 *winners of each primary to be that party's nominee for the November 3, 2020*
210 *election.* Secretary LeCruise seconded the motion, and the motion passed
211 unanimously. A roll call vote was taken:

212 Chairman Brink – Aye

213 Vice Chair O'Bannon – Aye

214 Secretary LeCruise – Aye

215 The next item of business was the Consideration of Filing Extension
216 under Va. Code §24.2-503, presented by Dave Nichols, Director of Elections
217 Services. Mr. Nichols advised the Board that candidates who failed to file
218 specific paperwork required for ballot access for the November 2020

219 General Election requested an extension of the deadline provided in the
220 Code of Virginia. *This report is in the Working Papers for the July 7, 2020*
221 *meeting*. Mr. Nichols explained that the filing deadline for the Certificate of
222 Candidate Qualification and Statement of Economic Interest for candidates
223 nominated other than by a primary was June 9, 2020, at 7:00 P.M.

224 Mr. Nichols informed the Board that the deadline would usually
225 coincide with the closing of polling places on primary election day;
226 however, due to the Governor's amended Executive Order 56, the primary
227 election was delayed from June 9, 2020, to June 23, 2020. He explained that
228 the Executive Order did not mention the June 9, 2020 filing deadline and
229 Va. Code §24.2-503 sets a specific date for 7 P.M. for the second Tuesday in
230 June. Mr. Nichols informed the Board that ELECT publishes a Candidate
231 Bulletin titled *How to Run for Office* that provides all this essential
232 information for candidates in one convenient document.

233 The bulletin provides guidance to candidates on what paperwork
234 needs to be filed, with whom to file and the deadlines for filing those
235 documents. He explained to the Board that due to the Executive Order,

236 ELECT revised the *How to Run for Office* guidance materials to include any
237 dates that were changed by the Executive Order. Mr. Nichols informed the
238 Board that the deadline for Certificate of Candidate Qualification and
239 Statement of Economic Interest did not change. He informed the Board that
240 after the June 9, 2020 deadline, ELECT received requests from candidates,
241 political parties, and general registrars for the Board to consider granting
242 an extension to file the documents under their authority in Va. Code §24.2-
243 502.

244 Chairman Brink asked Mr. Nichols if any candidate contact the Board
245 inquiring about the date of the deadlines. Mr. Nichols informed the Board
246 that ELECT had been contacted by candidates requesting the Board extend
247 the deadline to file petitions. The Chairman asked if the ELECT staff had
248 instructions on responding to inquiries about the deadlines. Mr. Nichols
249 informed the Board that the ELECT staff was prepared for questions
250 regarding deadlines.

251 Chairman Brink expressed his frustration due to this being the second
252 year that candidates have failed to file the required forms with ELECT by the

253 deadline specified in the code. The Chairman advised that he and the other
254 members of the Board understand the process requirements of filing
255 specific forms by specific deadlines. Chairman Brink explained that these
256 requirements give certainty to the elections calendar and confer legitimacy
257 on the process. The Chairman explained that after the deadline, candidates,
258 their opponents, the political parties, and the voters would know who the
259 candidates will be and can act based on that information.

260 Chairman Brink informed the Board opened the floor to public
261 comment. Tyler Adams, Harrisonburg, Nicholas Bates, Democratic
262 candidate for Virginia's 6th congressional district, Aria. Branch, Democratic
263 Congressional Campaign Committee, an individual who provided his
264 Virginia Bar #7139, Alan Harned, Chairman of Harrisonburg Democratic
265 Committee, Bob Good, Republican candidate for Virginia's 5th
266 congressional district, Andrea Epps, resident of New Kent, Matt Walden,
267 resident of Henrico County Tyler Perrin, Registered Voter, Clara Bell
268 Wheeler, a former member of the State Board of Elections, and Peter
269 Greenwald, 7th district US Congress candidate addressed the Board. Vice

270 Chair O'Bannon moved *that the Board grant an extension pursuant to*
271 *Virginia Code § 24.2-503 for candidates to file the Certificate of Candidate*
272 *Qualification or Statement of Economic Interest in relation to the November*
273 *General elections.* Chairman Brink seconded the motion, and the motion
274 passed 2-1. Secretary LeCruise having voted no. A roll call vote was taken:

275 Vice Chair O'Bannon – Aye

276 Secretary LeCruise – Nay

277 Chairman Brink – Aye

278 The next item of business was the Drawing for Party Ballot Order for
279 General and Special Elections from October 1, 2020, through April 21, 2021,
280 presented by Dave Nichols, Director of Elections Services. *This report is in*
281 *the Working Papers for the July 7, 2020 meeting.* Chairman Brink advised the
282 Board to defer the ballot drawing until the end of the meeting.

283 The last item of business was the United States Postal Service
284 ("USPS") Elections Mail Presentation, presented by James Heo, Confidential
285 Policy Advisor. Mr. Heo informed the Board that Lisa Adams, Capital Metro
286 Area Marketing Manager, would be presenting the steps USPS is taking to

287 prepare for the anticipated expansion of absentee by mail ballots. *This*
288 *report is in the Working Papers for the July 7, 2020 meeting.* Mr. Heo
289 informed the Board that Tammy Patrick, Senior Advisor to the Democracy
290 Fund, would be discussing what is happening across the country in
291 preparation for an increase in absentee volume for the November 2020
292 Election. *This report is in the Working Papers for the July 7, 2020 meeting.*

293 Mr. Heo expressed his appreciation to USPS representatives Daniel
294 Bentley, National Mail Program Manager, Ben Farmer, Richmond District
295 Marketing Manager, and Donald Parham, Northern Virginia District
296 Marketing Manager.

297 Chairman Brink asked Ms. Adams, in reference to Va. Code § 24.2-
298 709(b) what kind of additional indicia can the postal service provide. Ms.
299 Adams advised the Board that if the Post office receives a return ballot that
300 has a date contained within the postage stamp, it qualifies as a
301 postmark/cancelation. If it has a first-class stamp on the return ballot, the
302 cancelation machine will place the date and facility of where it was
303 processed. She explained that if, for any reason, a return ballot did not

304 process through the cancelation machine, it will be hand stamped before
305 being sent to ELECT. Vice Chair O'Bannon asked Ms. Patrick, how many
306 states have prepaid postage for absentee ballots. Ms. Patrick informed the
307 Board that 16 states have provided prepaid postage for return absentee
308 ballots.

309 Chairman Brink referred back to the Ballot Drawing Order for the
310 General and Special elections from October 1, 2020, to April 21, 2021.
311 Commissioner Piper facilitated the drawing of the political party order on
312 behalf of the Board through video conference. The ballot order is as
313 follows:

314 1. Democratic

315 2. Republican

316 Secretary LeCruise *moved that the Board certify the determination by lot of*
317 *the ballot order for all general and special elections being held October 1,*
318 *2020, through April 30, 2021.* Vice Chair O'Bannon seconded the motion,
319 and the motion passed unanimously. A roll call vote was taken:

320 Chairman Brink – Aye

321 Vice Chair O'Bannon – Aye

322 Secretary LeCruise – Aye

323 Chairman Brink opened the floor for public comment. Upon request

324 from the public, the Department of Elections provided the names of

325 candidates for House of Representatives that filed a Certificate of Candidate

326 Qualification after the deadline with ELECT includes Robert Good, Nick

327 Freitas, Nicholas Betts, Aliscia Andrews, Peter Greenwald, Andrew Knaggs,

328 Jason Roberge, and Robert Jones.

329 Vice Chair O'Bannon moved to adjourn the meeting. Secretary

330 LeCruise seconded the motion, and the motion passed unanimously. A roll

331 call vote was taken:

332 Chairman Brink – Aye

333 Vice Chair O'Bannon – Aye

334 Secretary LeCruise – Aye

335 The meeting adjourned at approximately 3:27 P.M.

336

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State Board of Elections
DRAFT Meeting Minutes
Tuesday, July 7, 2020

338 Chairman

339

340 _____

341 Vice Chairman

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343 _____

344 Secretary