

State Board of Elections
FINAL Meeting Minutes
Tuesday, August 4, 2020

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2 The State Board of Elections (“the Board”) meeting was held by electronic
3 communication on Tuesday, August 4, 2020. Robert Brink, Chairman, John
4 O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary, represented the State
5 Board of Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner and
6 Jessica Bowman, Deputy Commissioner, represented the Department of Elections
7 (“ELECT”). Carol Lewis and Heather Hays Lockerman represented the Office of the
8 Attorney General (“OAG”). Chairman Brink called the meeting to order at 1:01
9 P.M.

10 Chairman Brink informed the Board that due to circumstances of the
11 weather, the August 4, 2020 Board meeting was converted to electronic only.
12 Chairman Brink informed the Board that on March 12, 2020, Governor Ralph S.
13 Northam declared that a state of emergency exists in the Commonwealth as the
14 result of the potential spread of COVID-19, a communicable disease presenting a
15 threat to public health. On March 30, 2020, the Governor issued an executive
16 order requiring all individuals in Virginia to remain at their place of residence,
17 with certain enumerated exceptions.

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

25 The first item of business was the approval of the minutes presented by
26 Secretary LeCruise. Secretary LeCruise moved *that the Board approve the minutes*
27 *from the July 7, 2020 Board meeting.* Vice Chair O'Bannon seconded the motion,
28 and the motion passed unanimously. A roll call vote was taken:

29 Chairman Brink – Aye

30 Vice Chair O'Bannon – Aye

31 Secretary LeCruise – Aye

32 The next item of business was the Commissioner's Report presented by
33 Commissioner Piper. Commissioner Piper informed the Board of the timeline of
34 absentee balloting. The Commissioner stated that the deadline for independent

35 candidates to qualify to appear on the ballot for President of the United States is
36 August 21, 2020. The Commissioner stated that once the candidate names have
37 been approved, the localities would draft their ballot proofs and send each to
38 ELECT for review. Commissioner Piper informed the Board that the deadline for
39 mailing absentee ballots in response to applications already submitted and
40 approved is September 18th or September 19th, depending on the locality.

41 Commissioner Piper stated that Virginia is focused on voter education, and
42 that ELECT has provided many voting options for voters to cast their ballots.
43 Commissioner Piper explained that voters can vote on Election Day, vote
44 absentee in-person during the 45 days before the election, or vote by an
45 absentee ballot returned by mail. The Commissioner informed the Board that
46 Virginia anticipates an increased percentage of absentee ballots will be requested
47 for the November 2020 election.

48 Commissioner Piper advised the Board that ELECT has set aside CARES Act
49 funds for Personal Protective Equipment and provided a portion to localities to
50 prepare for the elections due to COVID-19. The Commissioner informed the
51 Board that many localities are utilizing the funds to increase staffing, open

52 additional satellite offices, and purchase additional mail processing equipment.

53 Commissioner Piper stated the highest percentage of voters in the

54 Commonwealth voting absentee by-mail was in November 2016, when 6% of the

55 4 million Virginians who voted did so by absentee returned by mail. The

56 Commissioner added that voting absentee would be a new experience for many

57 voters, due to COVID-19.

58 Commissioner Piper informed the Board that ELECT is preparing to provide

59 voter education on how to apply for, complete, and return absentee ballots, and

60 encouraging the early submission of ballots. The Commissioner informed the

61 Board that they would be receiving information on regulatory action today and

62 introduced a new employee Dreana Gilliam, Elections Administrator. Chairman

63 Brink asked Commissioner Piper if ELECT would assist localities in conducting

64 local voter education. Commissioner Piper informed the Board that ELECT will

65 help any locality wanting assistance with their voter education.

66 The next item of business was the Party Abbreviations, presented by Paul

67 Saunders, Elections Administration Supervisor. *This report is in the Working*

68 *Papers for the August 4, 2020 meeting.* Secretary LeCruise moved *that the Board*

69 *approve the party abbreviations as presented by staff for general and special*
70 *elections being held through April 30, 2021. Vice Chair O'Bannon seconded the*
71 *motion, and the motion passed unanimously. A roll call vote was taken:*

72 Chairman Brink – Aye

73 Vice Chair O'Bannon – Aye

74 Secretary LeCruise – Aye

75 The next item of business was the Regulatory Actions: Voter Registration
76 Repeal of 1VAC20-40-90 presented by Samantha Buckley, Policy Analyst. *This*
77 *report is in the Working Papers for the August 4, 2020 meeting. Secretary LeCruise*
78 *moved that the Board repeal 1VAC20-40-90. Vice Chair O'Bannon seconded the*
79 *motion, and the motion passed unanimously. A roll call vote was taken:*

80 Chairman Brink – Aye

81 Vice Chair O'Bannon – Aye

82 Secretary LeCruise – Aye

83 The next item of business was the Regulatory Action: Voter Registration
84 amendments to 1VAC20-40-10 presented by Samantha Buckley, Policy Analyst.
85 *This report is in the Working Papers for the August 4, 2020 meeting. Secretary*

86 LeCruise moved *that the Board approve the amendments to 1VAC20-40-10*. Vice

87 Chair O'Bannon seconded the motion, and the motion passed unanimously. A roll

88 call vote was taken:

89 Chairman Brink – Aye

90 Vice Chair O'Bannon – Aye

91 Secretary LeCruise – Aye

92 The next item of business was the Regulatory Actions: Intelligent Mail

93 Barcodes (IMBs) on Absentee Return Envelopes presented by Danny Davenport,

94 Policy Analyst. *This report is in the Working Papers for the August 4, 2020 meeting.*

95 Chairman Brink asked how many localities provide the IMB on the envelope. Mr.

96 Davenport stated that all localities have the IMB on the outside of the envelope,

97 but as of now, 48 localities have provided the IMB on the return envelope.

98 Secretary LeCruise moved *that the Board approve the Department's proposal for*

99 *regulatory action requiring intelligent mail barcodes on absentee ballot envelopes*

100 *and absentee ballot return envelopes*. Vice Chair O'Bannon seconded the motion,

101 and the motion passed unanimously. A roll call vote was taken:

102 Chairman Brink – Aye

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103 Vice Chairman –Aye

104 Secretary LeCruise – Aye

105 The next item of business was the Regulatory Actions: Processing

106 Absentee Ballots with Missing or no Postmark, presented by Danny Davenport,

107 Policy Analyst. *This report is in the Working Papers for the August 4, 2020 meeting.*

108 Chairman Brink stated that the window to put a ballot in the mail on a

109 Wednesday and received by Friday at Noon is narrow. Commissioner Piper

110 informed the Board that the Voting Education campaign clearly states that the

111 deadline to mail and return absentee ballot is postmarked by Tuesday, Election

112 Day.

113 Chairman Brink opened the floor to public comment. Clara Bell Wheeler, a

114 former member of the State Board of Elections, and Renee Andrews, Secretary of

115 the City of Falls Church Electoral Board, addressed the Board. Secretary LeCruise

116 moved *that the Board approve the Department's proposal for regulatory action*

117 *related to processing absentee ballots with missing or no postmark.* Chairman Brink

118 seconded the motion, and the motion passed 2-1. A Roll call vote was taken:

119 Chairman Brink – Aye

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120 Vice Chair O'Bannon – Nay

121 Secretary LeCruise – Aye

122 The next item of business was the Regulatory Actions: Mandatory Logic and
123 Accuracy Testing for Electronic Pollbooks, presented by Danny Davenport, Policy
124 Analyst. *This report is in the Working Papers for the August 4, 2020 meeting.* Vice
125 Chair O'Bannon moved *that the Board approve the Department's proposal for*
126 *regulatory action to require mandatory logic and accuracy testing for electronic*
127 *pollbooks.* Secretary LeCruise seconded the motion, and the motion passed
128 unanimously. A roll call vote was taken:

129 Chairman Brink – Aye

130 Vice Chairman O'Bannon – Aye

131 Secretary LeCruise – Aye

132 The next item of business was the Regulatory Action: (Amendments)
133 Overfull Optical Scan Ballot Container. *This report is in the Working Papers for the*
134 *August 4, 2020 meeting.* Chairman Brink opened the floor for public comment.
135 Jean Thoensen, of the public, and Walt Latham, of York County, and Clara Bell
136 Wheeler, former member of the State Board of Elections, addressed the Board.

137 Vice Chair O'Bannon moved *that the Board approve the Department's proposal for*
138 *regulatory action related to 1VAC20-60-50, Overfull Optical Scan Ballot*

139 *Containers*. Secretary LeCruise seconded the motion, and the motion passed
140 unanimously. A roll call vote was taken:

141 Chairman Brink – Aye

142 Vice Chairman – Aye

143 Secretary LeCruise – Aye

144 Chairman Brink opened the floor to public comment.

145 The Chairman stated that in February of 2020, the Chairman of Spotsylvania
146 County Republican Committee contacted him in regards to a member of the
147 Electoral Board. Chairman Brink announced that the Board would go into Closed
148 Session. At 2:04 P.M., Secretary LeCruise moved *that the Board go into closed*
149 *session for the purpose of consultation with legal counsel and briefings by staff*
150 *members or consultants for the purpose of receiving legal advice concerning the*
151 *request to remove a member of the Spotsylvania Electoral Board, as authorized by*
152 *Section 2.2-3711(A)(8) of the Code of Virginia. In accordance with Virginia Code*
153 *Section 2.2-3712(F), Carol Lewis and Heather Hays Lockerman from the Office of*

154 *the Attorney General, as well as Christopher Piper, Commissioner of Elections,*
155 *Jessica Bowman, Deputy Commissioner, Daniel Persico, Chief Information Officer,*
156 *and Arielle A. Schneider, Policy Analyst will attend the closed session because their*
157 *presence will reasonably aid the Board in its consideration of the subject of the*
158 *meeting. Vice Chair O'Bannon seconded the motion, and the motion passed*
159 *unanimously. A roll call vote was taken:*

160 Secretary LeCruise – Aye

161 Vice Chair O'Bannon – Aye

162 Chairman Brink – Aye

163 At 2:35 P.M., Vice Chair O'Bannon moved to reconvene in open session, and
164 take a roll call vote certifying that to the best of each member's knowledge (i) only
165 such public business matters lawfully exempted from open meeting requirements
166 under this chapter and (ii) only such public business matters as were identified in
167 the motion by which the closed meeting was concerned were heard, discussed, or
168 considered. A roll call vote was taken:

169 Chairman Brink – Aye

170 Vice Chair O'Bannon – Aye

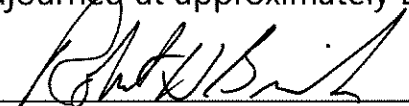
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171 Secretary LeCruise – Aye

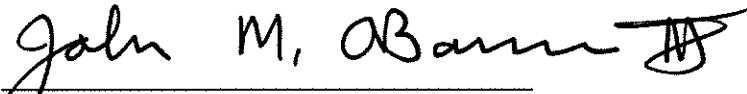
172 Vice Chair O'Bannon moved to adjourn the meeting. Secretary LeCruise

173 seconded the motion, and the motion passed unanimously. The meeting

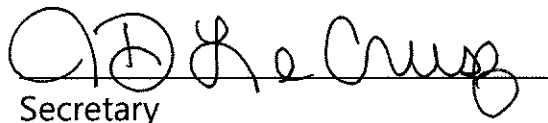
174 adjourned at approximately 2:40 P.M.

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176 Chairman

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179 Vice Chairman

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181 _____
182 Secretary