



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Monday, December 13, 2021  
Virginia State Capitol  
Senate Room 3

Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=mb3e4bf1a35bba997aa900cb9f25dd226>

Meeting password: sKUK2MrEm63

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 178 134 0643

Richmond, VA

1:00 P.M.

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**STATE BOARD OF ELECTIONS  
AGENDA**

**DATE: Monday, December 13, 2021**

**LOCATION: Virginia State Capitol – Senate Room 3  
1000 Bank St.**

**Richmond, VA 23218**

**TELECONFERENCE:**

**+1-517-466-2023 US Toll**

**+1-866-692-4530 US Toll Free**

**Access code: 178 134 0643**

**VIDEO CONFERENCE:**

**<https://covaconf.webex.com/covaconf/j.php?MTID=mb3e4bf1a35bba997aa900cb9f25dd226>**

**Password: sKuk2MrEm63**

**TIME: 1:00 P.M.**

**I. CALL TO ORDER**

*Robert Brink, Chairman*

**II. APPROVAL OF MINUTES**

*Jamilah LeCruise, Secretary*

**A. November 15, 2021**

**III. COMMISSIONER'S REPORT**

*Christopher E. Piper  
Commissioner*

**IV. OLD BUSINESS**

**A. 2021 PERIODIC REVIEW OF REGULATION 1VAC20-20**

*Ashley Coles  
ELECT Policy Analyst*

**V. NEW BUSINESS**

**B. RISK LIMITING AUDIT**

*Rachel Lawless  
Confidential Policy Advisor*

**C. HANOVER ELECTION RESULTS**

*David Nichols  
Election Administration Manager*

**VI. PUBLIC COMMENT**

**VII. CLOSED SESSION – LITIGATION UPDATE**

## VIII. ADJOURNMENT

**NOTE:** <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=31942>

### **Re. Entrance to the Virginia State Capitol**

All members of the public will be required to show his/her driver's license, passport or other government issued ID to enter the Capitol. Each person will go through the x-ray machine and follow the Expect the Check rules.

All State employees must have on his/her state ID badge on at all times while in the Capitol. Each employee will go through the x-ray machine and follow the Expect the Check rules.

### **Re. Face Mask**

A face mask is required to enter the building if you have NOT been fully vaccinated. A face mask is NOT required if you are fully vaccinated.

### **Re. public comment**

Public comment will first be heard from those persons participating in person as per the sign-up list. Next, we will hear from the persons who requested to speak via chat on the WebEx. Last, we will hear from persons who provided their name and phone number to [FOIA@elections.virginia.gov](mailto:FOIA@elections.virginia.gov).

### **Re. limitation on individual participation in public comment**

Due to the large number of persons who may wish to speak, we encourage you to be as brief as possible, with a maximum of THREE minutes per person. We also ask that you be prepared to approach the podium or unmute yourself if you hear your name announced as the next participant.

### **Re. How to Participate in Public Comment**

If you are a member of the public and wish to participate, you must sign up in order to be recognized to speak. Please note the following:

If you are attending in person, please ensure your name is on the sign-up list at the front door.

If you are participating virtually using WebEx, sign up using the chat feature, located on the bottom right part of the WebEx application, to add your participant name.

If you are participating virtually using a phone and cannot access WebEx's chat feature, please send an email with your name and your phone number to [FOIA@elections.virginia.gov](mailto:FOIA@elections.virginia.gov). You will need to provide your first and last name and the phone number you've used to call in.



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# Approval of Minutes

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BOARD WORKING PAPERS  
Secretary LeCruise

1           The State Board of Elections (“the Board”) meeting was held on Monday, November 15,  
2 2021, in Senate Room 3 of the Virginia State Capitol. The meeting also offered public  
3 participation through electronic communication so the remote public could view and hear the  
4 meeting. In attendance: Robert Brink, Chairman, John O’Bannon, Vice Chairman, Jamilah  
5 LeCruise, Secretary, Angela Chiang, and Delegate Donald Merricks, represented the State Board  
6 of Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner, represented the  
7 Department of Elections (“ELECT”) and Carol Lewis represented the Office of the Attorney  
8 General (“OAG”). Chairman Brink called the meeting to order at 1:00 P.M.

9           The first item of business was the approval of minutes presented by Secretary LeCruise.  
10 Vice Chair O’Bannon *moved that the Board approve the amended minutes from the September*  
11 *14, 2021 Board Meeting*. Delegate Merricks seconded the motion and the motion passed  
12 unanimously. A roll call vote was taken:

- 13           Chairman Brink – Aye
- 14           Vice Chair O’Bannon – Aye
- 15           Secretary LeCruise – Aye
- 16           Ms. Chiang – Aye
- 17           Delegate Merricks – Aye

18           Chairman Brink moved that the Board approve the minutes from the November 2, 2021  
19 Board Meeting. Vice Chair O’Bannon seconded the motion and the motion passed unanimously.

20 A roll call vote was taken:

- 21           Chairman Brink – Aye
- 22           Vice Chair O’Bannon – Aye
- 23           Secretary LeCruise – Aye

24 Ms. Chiang – Aye

25 Delegate Merricks – Aye

26 The next item of business was the Commissioner’s Report presented by Commissioner  
27 Piper. Commissioner Piper stated that the Board will be certifying the winners of the November  
28 2, 2021, General Election. The Commissioner stated that ELECT conducted a safe, secure, and  
29 smooth election with small, minor issues. Commissioner Piper stated that over the last several  
30 years Virginia has expanded access to the ballot by expanding no-excuse absentee voting,  
31 establishing drop boxes, and permitting automatic voter registration for individuals 16 years and  
32 older that pre-register beginning October 2022. The Commissioner informed the Board that there  
33 were more than 700,000 voters who participated in the 2021 General Election than in 2017  
34 during the gubernatorial election.

35 Commissioner Piper expressed his appreciation to the ELECT Staff, and Election  
36 Officials who assisted at the local level. The Commissioner expressed his appreciation to the  
37 Virginia Electoral Board Association, (“VEBA”), Barbara Tabb, President, and Voter Registrars  
38 Association of Virginia (“VRAV”) Brenda Cabrera, President. Commissioner Piper informed the  
39 Board that there were minor issues on Election Night. The Commissioner stated that the biggest  
40 issue on election night was the result of unprecedented turnout in some areas. Commissioner  
41 Piper advised the Board that a few localities had run out of ballots, but the localities adjusted  
42 quickly and more ballots were provided.

43 The Commissioner informed the Board that ELECT has received a recount notice from  
44 Prince George County. Commissioner Piper stated that the difference in the margin of a win is  
45 six votes. The Commissioner explained that ELECT will provide assistance to Prince George  
46 County in the recount. Commissioner Piper advised the Board that ELECT anticipates the

47 potential for a recount in a few House of Delegates races.

48           The next item of business was the Certification of the November 2, 2021, General  
49 Election presented by Paul Saunders, Elections Administration Supervisor. *This memo is in the*  
50 *Working Papers for the November 15, 2021 Meeting.* Vice Chair O’Bannon stated that after  
51 reviewing the Abstracts of Votes Cast in the 2021 November General Election, I move *that the*  
52 *Board certify the statements to be correct and sign the statements and certificates of election.*  
53 Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote  
54 was taken:

55           Chairman Brink – Aye

56           Vice Chair O’Bannon – Aye

57           Secretary LeCruise – Aye

58           Ms. Chiang – Aye

59           Delegate Merricks – Aye

60           The next item of business was the discussion of events surrounding the resignation of the  
61 Charles City County General Registrar presented by David Nichols, Elections Administration  
62 Manager. *This memo is in the Working Papers for the November 15, 2021 Meeting.* Chairman  
63 Brink informed the Board that in September of 2021, the Charles City General Registrar,  
64 Catrinia Barneycastle, resigned immediately before the opening of early voting for the  
65 November 2 election. The Chairman stated that to better understand the circumstances he invited  
66 the Charles City County Electoral Board members, as well as the Charles City County  
67 Administrator, Michelle Johnson. Kevin Sullivan, Vice Chair of Charles City County Electoral  
68 Board, addressed the Board. Michelle Johnson asked to have her statement put into the minutes.  
69 Her statement appears as APPENDIX: A.

70           The next item of business was the 2021 Periodic Review of Regulations presented by  
71 Ashley Coles, ELECT Policy Analyst. *This memo is in the Working Papers for the November 15,*  
72 *2021 Meeting.* Chairman Brink suggested deferring the consideration of regulation 1VAC 20-20  
73 until the next meeting. Secretary LeCruise moved *that the Board adopt the Department's*  
74 *proposed amendments to Administrative Codes 1VAC20-40; 1VAC20-45; and 1VAC20-70.* Vice  
75 Chair O'Bannon second the motion and the motion passed unanimously. A roll call vote was  
76 taken:

- 77           Chairman Brink – Aye
- 78           Vice Chair O'Bannon – Aye
- 79           Secretary LeCruise – Aye
- 80           Ms. Chiang – Aye
- 81           Delegate Merricks – Aye

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

83           The next item of business was the Annual Security Standards Review of VA. Code §  
84 24.2-410.2 presented by Karen Hoyt-Stewart, Locality Security Program Manager, and Daniel  
85 Persico, Chief Information Officer. *This presentation is in the Working Papers for the November*  
86 *15, 2021 Meeting.*

87           At 1:47 P.M., Secretary LeCruise stated pursuant to Virginia Code Section 2.2-  
88 3711(A)(34), I move *that the Board go into closed session for the purpose of discussing the*  
89 *Annual Security Standards Review under Section 24.2-410.2. In accordance with Section 2.2-*  
90 *3712(F), Christopher Piper, Commissioner of Elections, Daniel Persico, Chief Information*  
91 *Officer, Department of Elections, Karen Hoyt-Stewart, Locality Security Program Specialist and*  
92 *Carol Lewis of the Office of the Attorney General will attend the closed session because their*



93 *presence will reasonably aid the Board in its consideration of the subject of the meeting.* Vice

94 Chair O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was

95 taken:

96 Chairman Brink – Aye

97 Vice Chair O'Bannon – Aye

98 Secretary LeCruise – Aye

99 Ms. Chiang – Aye

100 Delegate Merricks – Aye

101 At 2:45 P.M., Vice Chair O'Bannon moved *to reconvene in open session, and take a roll*

102 *call vote certifying that to the best of each member's knowledge (i) only such public business*

103 *matters lawfully exempted from open meeting requirements under this chapter and (ii) only such*

104 *public business matters as were identified in the motion by which the closed meeting was*

105 *concerned were heard, discussed, or considered.* Delegate Merricks seconded the motion and the

106 motion passed unanimously. A roll call vote was taken:

107 Chairman Brink – Aye

108 Vice Chair O'Bannon – Aye

109 Secretary LeCruise – Aye

110 Ms. Chiang – Aye

111 Delegate Merricks – Aye

112 As it relates to the Annual Security Standards Review, Vice Chair O'Bannon moved *to*

113 *adopt the VRSS Advisory Group and the Department of Elections recommended changes to the*

114 *Locality Election Security Standards (LESS formerly MSS) for locality compliance in 2022.*

115 Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote

State Board of Elections  
Monday, November 15, 2021  
FINAL Meeting Minutes

116 was taken:

117 Chairman Brink – Aye

118 Vice Chair O’Bannon – Aye

119 Secretary LeCruise – Aye

120 Ms. Chiang – Aye

121 Delegate Merricks – Aye

122 Secretary LeCruise *moved to adjourn the meeting*. Delegate Merricks seconded the  
123 motion and the motion passed unanimously.

124 The meeting adjourned at 2:49 P.M.

125

126 \_\_\_\_\_  
127 Chairman

128 \_\_\_\_\_  
129 \_\_\_\_\_  
130 Vice Chairman

131 \_\_\_\_\_  
132 \_\_\_\_\_  
133 Secretary

134 \_\_\_\_\_  
135 \_\_\_\_\_  
136 Board Member

137 \_\_\_\_\_  
138 \_\_\_\_\_  
139 Board Member

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APPENDIX: A  
Michelle Johnson, Charles City County Administrator



COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY  
P.O. Box 128  
Charles City, Virginia 23030

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**BOARD OF SUPERVISORS**

GILBERT A. SMITH, CHAIRMAN  
WILLIAM G. COADA, VICE-CHAIRMAN  
BYRON A. ADKINS, SR., MEMBER

**COUNTY ADMINISTRATOR**

MICHELLE G. JOHNSON

*November 14, 2021*

*Robert H. Brink  
Chairman  
Virginia State Board of Elections  
1100 Bank Street  
Richmond, Virginia 23219*

Dr. Mr. Brink

Thank you for your October 15, 2021, correspondence providing an opportunity for Charles City County Government to provide feedback on the working relationship with the former Registrar, Catrinia Barneycastle.

Over the course of the years, there were several instances that the former Registrar interacted with county staff in a hostile manner. Almost on every occasion whenever there was a problem in her office, the situation would escalate and cause tension in the government administration building environment with other county staff and the communication would end in some sort of conflict.

For example, she was provided a memo along with all staff by the Director of Fire that smoking would need to be conducted 25 feet away from the building and the back door near her office would need to always remain locked, however her and her assistant April Truill continued to smoke at the rear entrance and used an object to keep the door unlocked. She was advised on several occasions that this was unacceptable behavior. She informed the county she was not going to follow the rules. I advised the Electoral Board of the behavior and was informed that they would speak to her, the behavior continued after that meeting.

Recently the government administration building received fiber upgrades to the building by Verizon. On November 13<sup>th</sup>, I witnessed Mrs. Barneycastles husband and grandson (both employed by her office for elections) digging a hole for a vote here sign in the area where fiber was installed. I requested the Public Works Director, Ricky Hicks to please go speak with them to advise that a hole should not be dug in the area. Mr. Hicks proceeded to follow his directive and went outside to advise them to cease digging. He was met with extreme opposition and was called out of his name several times. Instead of entering a combative conversation he proceeded to call the police to handle the situation. Mrs. Barneycastle proceeded outside when deputies arrived, and the situation escalated. The very next day she came into her office and packed the entire office and informed the Electoral Board that she quit.

The county was not involved in any activity of her exit. I did meet with Mrs. Barbara Hayes, an Electoral Board member after the incident. Mrs. Hayes and I respectfully disagreed on the behavior of Mrs. Barneycastles behavior and the response from several staff members over the years.

There is more that could be communicated in the letter; however, I will conclude, that when the Information Technology and Public Works departments worked with the former Registrar it was a stressful, hostile and unprofessional encounter on most occasions.

I look forward to speaking to you and the entire board on November 15, 2021. If there is any other information that is needed, please let me know.

Sincerely,

*Michelle Johnson*

Michelle Johnson  
County Administrator  
Charles City County



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# Commissioner's Report

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BOARD WORKING PAPERS  
Christopher Piper  
Commissioner



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# 2021 Periodic Review of Regulation – IVAC20-20

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BOARD WORKING PAPERS  
Ashley Coles  
ELECT Policy Analyst



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DEPARTMENT *of* ELECTIONS

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**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise, Delegate Merricks, and Ms. Chiang  
**From:** Ashley Coles, Policy Analyst  
**Date:** December 13, 2021  
**Re:** Periodic Review of Regulations

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**Suggested Motion**

“I move that the Board adopt the Department’s proposed amendments to Administrative Code 1VAC20-20.”

**Background:**

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Elections (SBE) is required to conduct a periodic review of all regulations every four years. Additionally, 1VAC20-10-120 requires the SBE to conduct a periodic review of its regulations following each presidential election.

The purpose of this review conducted in June, 2021, was to determine whether a regulation should be repealed, amended, or retained in its current form. Public comment was sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable. This review also included an examination by the Office of the Attorney General to ensure statutory authority.

During the November 15, 2021 State Board of Elections meeting, the Board moved to defer the amendment to 1VAC20-20 until the December 13, 2021 meeting. The amendments proposed to 1VAC20-20 have been updated since that meeting.

**Applicable Code Sections:** § 2.2-4007.1; § 2.2-4017

**Attachments**

- Proposed amendment to 1VAC20-20;

**Date before State Board of Elections:** December 13, 2021





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**Virginia Administrative Code (VAC) citation(s):** 1VAC20-20

**Regulation Title(s):** Chapter 20 General Administration

**Date before State Board of Elections:** November 15, 2021

**Brief Summary:** The amendments to this regulation reflect the structural changes after creation of the Department of Elections (ELECT). The Commissioner of ELECT handles administrative matters for the State Board of Elections, therefore, all references to the secretary, unless otherwise noted, are stricken.

**Regulation Text:**

1VAC20-20-10 Definitions

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Virginia State Board of Elections.

"Secretary" means the Secretary of the State Board of Elections.

"Commissioner" means the Commissioner of Elections. Unless the context requires otherwise, all references to the secretary in forms, regulations, and guidance documents prepared before July 1, 2014, shall refer to the commissioner.

1VAC20-20-30. Organization of State Board of Elections; seal.

A. The board shall have a chairman and a vice-chairman, as designated by the Governor annually pursuant to § 24.2-102 of the Code of Virginia, in addition to the ~~ex-officio~~ secretary and two at-large members. At the first meeting of the board each calendar year, after the Governor has designated the chairman and vice-chairman, the board shall appoint its secretary by majority vote. The chairman shall preside at all meetings and perform the usual functions of a presiding officer and such other duties as are imposed by these regulations or from time to time by the board. In the chairman's absence, the vice-chairman shall perform these functions and duties. Each member, ~~except the secretary~~, shall receive a ~~per diem and expenses reimbursement for mileage~~ for attendance. Expenses Reimbursement shall be reported on forms approved by the Department of Accounts. The secretary Commissioner, or the Commissioner's designee, is authorized to sign the vouchers for the payment of such expenses.

~~B. The secretary shall be authorized and it shall be the secretary's duty to employ such assistants and to purchase such equipment and supplies as are necessary from time to time, subject to the provisions of the law creating the board and the provisions of the laws and rules relating to the budgetary and personnel systems. The secretary or secretary's designee is authorized to execute necessary vouchers for the payment of the salaries of such assistants and for equipment and supplies so secured.~~

~~C. B.~~ The secretary Commissioner is authorized and directed to perform all duties of a routine and administrative character imposed upon the board by the law creating the same and other such duties delegated to the secretary Commissioner by the board.

~~D. C.~~ The secretary Commissioner is authorized to do all things necessary to the proper execution of the law creating and governing the board and in the performance of the duties imposed upon it insofar as the same are not from their nature such as can be performed only by the board in its corporate capacity, including any duty or authority that has not been delegated to the Commissioner by majority vote of the board.



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~~E. D.~~ The secretary In addition to the board's authority pursuant to §24.2-104(B) of the Code of Virginia, which authorizes the board to request the assistance of the Attorney General, the Commissioner is also authorized ~~and directed~~ to consult with and obtain the advice of the Attorney General, ~~on behalf of and in the name of the board~~, whenever in the ~~secretary's~~ Commissioner's judgment occasion arises.

~~F. E.~~ Routine and informal action ~~of the board or of the secretary~~ Commissioner within the scope of the ~~secretary's~~ Commissioner's authority may be evidenced merely by the signature of the ~~secretary~~ Commissioner.

~~G. F.~~ Three members of the board shall constitute a quorum for the transaction of business at any duly constituted meeting.

~~H. G.~~ Notice of each meeting of the board shall be given to all board members either by the secretary, or the chairman or vice-chairman (see subsection (A) of this section) ~~member~~ calling the meeting, at least three business days prior to the meeting, except in the case of an emergency as defined in § 2.2-3701 of the Code of Virginia. Notice shall be given to the public as required by § 2.2-3707 of the Code of Virginia. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia). All meetings shall be open to the public unless the board goes into a closed meeting pursuant to § 2.2-3711 of the Code of Virginia.

~~I. H.~~ A record of formal official and definitive actions of the board shall be ~~preserved in a record book which may be bound or loose leaf~~ maintained by the Commissioner.

~~J. I.~~ The secretary shall keep the seal of the board and affix the seal to evidence formal action of the board.

1VAC20-20-60. Delegations to ~~Secretary of State Board~~ Commissioner of Elections.

A. In addition to the authority described in 1VAC20-20-30, the ~~secretary~~ Commissioner has the Delegations of Authority ~~to the secretary detailed in the board's minutes of December 2, 2004, as amended September 14, 2010 as approved by a majority vote of the board which shall be reviewed annually.~~ Board staff (i) may update that listing to correct citations and (ii) shall post the list to the Internet in order that additional delegations or other modifications may be proposed to the board by any interested person.

~~B. The secretary is authorized to prescribe the paper ballot reconciliation form under § 24.2-666 of the Code of Virginia and to develop, maintain, and prepare instructions for the operation of poll equipment before, during, and after the closing of the polls and in preparation of the statements of results.~~

~~C. B.~~ The ~~secretary~~ Commissioner shall monitor and control the quality and cost of the copies of Title 24.2 of the Code of Virginia and other election materials that the board provides to electoral boards for use at each precinct.

~~D. C.~~ Subject to the board's policy oversight, the ~~secretary~~ Commissioner has authority to conduct the board's administrative and programmatic operations and to discharge the board's duties consistent with specific delegations of authority.

~~E. D.~~ The ~~secretary~~ Commissioner is authorized to establish and maintain a central repository of forms and instructions approved for use in conducting elections. The forms and instructions shall be organized following a standard naming convention consisting of name taken from the first descriptive line, a statutory or other authority identifier, and revision date.

[Security Requirements for Cryptographic Modules, FIPS PUB 140-2, issued May 25, 2001, including change notices through December 3, 2002, National Institute of Standards and Technology, U.S. Department of Commerce](#)

[Virginia State Plan - 2012, Help America Vote Act of 2002, adopted March 2012, Virginia State Board of Elections](#)

[Help America Vote Act of 2002 Performance Goals, Virginia State Board of Elections, June 19, 2006 \(Virginia State Board of Elections Policy 2006-004\)](#)

[State Board of Election Minutes of December 2, 2004, as amended September 14, 2010](#)

[Virginia State Board of Elections: Delegation of Authority, 2021](#)

### **Statutory Authority**

§§ [24.2-102](#), [24.2-103](#), [24.2-104](#) of the Code of Virginia.



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# Risk Limiting Audit

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BOARD WORKING PAPERS  
Rachel Lawless  
Confidential Policy Advisor



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STATE BOARD *of* ELECTIONS

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**Memorandum**

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**To:** Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise,  
Delegate Merricks, Ms. Chang

**From:** Rachel A. Lawless, Confidential Policy Advisor

**Date:** December 14th, 2022

**Re:** 2022 Risk Limiting Audit

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***Suggested Motion:***

“I move that the Board randomly draws two of the five House of Delegate races, selected by ELECT, to determine the participants of the 2022 Risk-Limiting Audit of the 2021 General Election.”

***Applicable Code Section:***

§24.2-671.1

***Overview:***

In 2017, the Virginia General Assembly passed legislation that amended the Code of Virginia to require yearly risk-limiting audits of ballot scanner machines in use in the Commonwealth to be conducted annually. Since then Virginia has held ten risk-limiting audit pilots in thirty-five localities. On Tuesday March 2<sup>nd</sup>, 2021 the Virginia Department of Elections (ELECT) announced the resounding success of their first statewide Risk-Limiting Audit (RLA). The audit confirmed the results of the 2020 Presidential Election and US Senate race with over 99% confidence. This year's General Election provides ELECT with an opportunity to conduct RLAs of smaller contests in nearly every locality in the Commonwealth. 2022's RLA of the 2021 General Elections will give Virginia an opportunity to take a deep-dive into House of Delegate races, bolstering confidence in Virginia's elections at all levels. The audit is scheduled to take place January 3-5<sup>th</sup>, 2022.

***Considerations:***

When evaluating which races to audit, ELECT staff analyzed contests that had both Democratic and Republican winners and that also represented various geographical regions in the Commonwealth. Races in localities that were not selected in the random sample of the 2021 Risk-Limiting Audit were prioritized in order to comply with §24.2-671.1 of the Code of Virginia. Contests with margins greater than 2% were also considered better candidates, since they require the least amount of ballots to be reviewed.

***Potential Races:***

After thorough analysis of all of the House races that took place in 2021, the Department has identified the following House Districts as potential RLA candidates for the 2022 Risk-Limiting Audit of the 2021 General Election: **House Districts 12, 13, 51, 75, and 94**. These Districts include the following localities:<sup>1</sup>

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<sup>1</sup> Virginia House of Delegates Members Listing,

[https://virginiageneralassembly.gov/house/members/members.php?name=&district=&district\\_address=&district\\_fax=&district\\_phone=&id=H0189](https://virginiageneralassembly.gov/house/members/members.php?name=&district=&district_address=&district_fax=&district_phone=&id=H0189)

Southampton County (HD 75)	Brunswick County (HD 75)	Greensville County (HD 75)	Sussex County (HD 75)	Franklin City (HD 75)	Emporia City (HD 75)	Lunenburg County (HD 75)	Montgomery County (HD 12)
Pulaski County (HD 12)	Radford City (12)	Manassas Park City (HD 13)	Giles County (HD12)	Prince William County (HD 13/HD 51)	Newport News City (HD 94)		

Pursuant to §24.2-671.1, the localities for the 2022 Risk Limiting Audit will be chosen at random by utilizing a live drawing at the December 14<sup>th</sup> State Board of Election meeting.

***Recommendation:***

ELECT staff recommends that the Board pass the motion and draw the two districts that will participate in the 2022 Risk Limiting Audit.



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# Hanover Election Results

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BOARD WORKING PAPERS  
David Nichols  
Elections Administration Manager



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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**Memorandum**

**To:** Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise, Del. Merricks, and Ms. Chiang

**From:** Dave Nichols, Elections Services Manager

**Date:** December 13, 2021

**Re:** Recertification of Contests from the November 2021 General Election

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**Suggested Motion:** “After reviewing the corrected Abstracts of Votes for Governor, Lieutenant Governor, Attorney General, and Members House of Delegates Districts 55 and 97, I move the Board certify and sign the corrected statements as presented by the Department of Elections.”

**Applicable Code Section:**

- Va. Code § 24.2-679

**Background:**

At the State Board of Elections (SBE) meeting held November 15, 2021, the SBE certified the final results of the November 2021 contests Governor, Lieutenant Governor, Attorney General, Member House of Delegates District 55, and Member House of Delegates District 97, among others.

On December 8, 2021, the Hanover General Registrar/Director of Elections, Teri Smithson, contacted ELECT regarding errors in the reporting and local certification of vote totals in the contests mentioned above. The Hanover County Electoral Board has provided new abstracts for these contests reflecting the accurate vote totals for each. General Registrar Smithson has provided a written explanation for the errors as well as a breakdown of the discrepancies in totals. The change in vote totals for each contest do not change the outcome of any race, nor does it put any race within the requirements of the Code of Virginia that would allow for a recount.

**Attachments:**

- State Abstracts for all races to be certified
- Letter from Hanover County General Registrar/Director of Elections, Teri Smithson
- Table showing discrepancies in vote totals for the contests identified



# ABSTRACT of VOTES

Cast in the 2021 November General Election held on 11/02/2021 for,

## Governor

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Glenn A. Youngkin - Republican	1663596
Terry R. McAuliffe - Democratic	1600116
Princess L. Blanding - Liberation	23125
Write-in	2593
Total Number of Overvotes for Office	713

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 11/02/2021, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Governor and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Governor.

**Glenn A. Youngkin - Republican**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

\_\_\_\_\_, Member

\_\_\_\_\_, Member

\_\_\_\_\_, Acting Secretary

# ABSTRACT of VOTES

Cast in the 2021 November General Election held on 11/02/2021 for,

## Lieutenant Governor

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Winsome E. Sears - Republican	1658767
Hala S. Ayala - Democratic	1608691
Write-in	3808
Total Number of Overvotes for Office	372

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 11/02/2021, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Lieutenant Governor and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Lieutenant Governor.

**Winsome E. Sears - Republican**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

\_\_\_\_\_, Member

\_\_\_\_\_, Member

\_\_\_\_\_, Acting Secretary

# ABSTRACT of VOTES

Cast in the 2021 November General Election held on 11/02/2021 for,

## Attorney General

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Jason S. Miyares - Republican	1647534
Mark R. Herring - Democratic	1621227
Write-in	2996
Total Number of Overvotes for Office	329

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 11/02/2021, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Attorney General and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Attorney General.

**Jason S. Miyares - Republican**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

\_\_\_\_\_, Member

\_\_\_\_\_, Member

\_\_\_\_\_, Acting Secretary

# ABSTRACT of VOTES

Cast in the 2021 November General Election held on 11/02/2021 for,

## Member House of Delegates

55th District

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

H. F. "Buddy" Fowler, Jr. - Republican	27246
Rachel A. Levy - Democratic	15400
Write-in	51
Total Number of Overvotes for Office	1

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 11/02/2021, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member House of Delegates and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member House of Delegates.

**H. F. "Buddy" Fowler, Jr. - Republican**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

\_\_\_\_\_, Member

\_\_\_\_\_, Member

\_\_\_\_\_, Acting Secretary

# ABSTRACT of VOTES

Cast in the 2021 November General Election held on 11/02/2021 for,

## Member House of Delegates

97th District

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Scott A. Wyatt - Republican	33994
R. Stanton "Stan" Scott - Democratic	12819
Write-in	147
Total Number of Overvotes for Office	2

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 11/02/2021, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member House of Delegates and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member House of Delegates.

**Scott A. Wyatt - Republican**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

\_\_\_\_\_, Member

\_\_\_\_\_, Member

\_\_\_\_\_, Acting Secretary

Governor	Preprocessing Results	Election Day Results	Total Results	Results Entered into VERIS	Discrepancy Duplication of the Election Day Results
Glenn A. Youngkin - R	1185	439	1624	2063	439
Terry R. McAuliffe - D	2031	646	2677	3323	646
Princess L. Blanding - LP	25	18	43	61	18
Write-in	3	1	4	5	1
Over Votes:	3	0	3	3	0
Under Votes:	3	1	4	5	1
<b>Total Votes:</b>	<b>3250</b>	<b>1105</b>	<b>4355</b>	<b>5460</b>	<b>1105</b>

**Lieutenant Governor**

Winsome E. Sears - R	1208	435	1643	2078	435
Hala S. Ayala - D	2019	661	2680	3341	661
Write-in	3	2	5	7	2
Over Votes:	3	0	3	3	0
Under Votes:	17	7	24	31	7
<b>Total Votes:</b>			<b>4355</b>	<b>5460</b>	<b>1105</b>

**Attorney General**

Jason S. Miyares - R	1231	434	1665	2099	434
Mark R. Herring - D	2003	663	2666	3329	663
Write-in	4	1	5	6	1
Over Votes:	1	0	1	1	0
Under Votes:	11	7	18	25	7
<b>Total Votes:</b>			<b>4355</b>	<b>5460</b>	<b>1105</b>

**House of Delegates 55th District**

"Buddy" Fowler, Jr. - R	659	237	896	1133	237
Rachel A. Levy - D	1114	377	1491	1868	377
Write-in	0	1	1	2	1
Over Votes:	0	0	0	0	0
Under Votes:	7	3	10	13	3
<b>Total Votes:</b>			<b>2398</b>	<b>3016</b>	<b>618</b>

**House of Delegates 97th District**

Scott A. Wyatt - R	620	212	832	1044	212
R. Stanton "Stan" Scott - D	823	266	1089	1355	266
Write-in	4	3	7	10	3
Over Votes:	0	0	0	2	2
Under Votes:	16	6	22	28	6
<b>Total Votes:</b>			<b>1950</b>	<b>2439</b>	<b>489</b>

**Town Council Town of Ashland**

Daniel W. McGraw	106	34	140	174	34
David J. Frisch	68	22	90	112	22
John H. Hodges	121	30	151	181	30
Write-in	12	5	12	13	1
Over Votes:	0	0	0	9	9
Under Votes:	107	35	142	177	35
<b>Total Votes:</b>			<b>535</b>	<b>666</b>	<b>131</b>

	Preprocessing Results	Election Day Results	Total Results	Results Entered into VERIS	Discrepancy
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## ***Voter Registration and Elections***

Teresa F. Smithson  
General Registrar/Director of Elections  
PO BOX 419  
HANOVER, VA 23069-0419

E-mail: [tfsmithson@hanovercounty.gov](mailto:tfsmithson@hanovercounty.gov)  
Website: [www.co.hanover.va.us/registrar](http://www.co.hanover.va.us/registrar)

Phone: 804-365-6080  
Fax: 804-365-6078

Virginia State Board of Elections  
Via email

December 9, 2021

Dear Members of the Board,

It was brought to my attention by Robert Nelson – the canvass Republican observer that our final result totals for all races in the Central Absentee Precinct (CAP) - Election Day were wrong based on a comparison of the results tapes from the digital scanner and the Department of Elections website. I requested a meeting with members of their party to review and find the error on Tuesday, December 7, 2021. Working together we were able to determine that I had calculated the preprocessing results and duplicated the results of the election day results tape.

Upon the discovery, I immediately contacted the Hanover County Electoral Board, the Department of Elections and the Chair of the Democratic Party.

Working with the Department of Elections, I have made the corrections within VERIS. The Hanover County Electoral Board had an emergency meeting this morning to sign the corrected abstracts.

To ensure that this does not happen in the future, our Electoral Board will discuss at their next meeting a time management change in the current way we canvass. The proposal to be discussed is we would start the canvass on Wednesday after the election at later time but no later than 5PM. The meeting would be adjourned to reconvene on the 6<sup>th</sup> day after the election. This would allow more time to review the final results to be certified. My sincerest apologies for this error.

Sincerely,  
Teresa F. Smithson  
Hanover County – General Registrar/Director of Elections



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Closed Session

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BOARD WORKING PAPERS